

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2395**

5
6 (By Delegates Williams, D Campbell, Moye,
7 Perdue, Pino and Ellington)

8 [Passed April 10, 2013; in effect ninety days from passage.]
9

10 AN ACT to amend and reenact §16-5P-15 of the Code of West Virginia,
11 1931, as amended, relating to senior services in-home care
12 registry; providing for sixty-day waiver of initial
13 registration fee; clarifying rule-making authority for the
14 Bureau of Senior Services to require an applicant to obtain a
15 state or federal criminal background check; and requiring
16 legislative rules to be proposed for legislative approval
17 during the 2014 legislative session.

18 *Be it enacted by the Legislature of West Virginia:*

19 **ARTICLE 5P. SENIOR SERVICES.**

20 **§16-5P-15. Establishment of In-home Care Registry.**

21 (a) There is continued within the Bureau of Senior Services an
22 in-home care worker registry which is to be maintained by the
23 bureau. The purpose of the registry is to provide the public a
24 list of in-home care workers, along with their qualifications, who

1 voluntarily agree to be included and who have obtained a criminal
2 background check.

3 (b) "In-home care worker" means an unlicensed person who
4 provides personal care or other services and supports to persons
5 with disabilities or to the elderly in order to enhance their
6 well-being and which involves face-to-face direct contact with the
7 person. Functions performed may include, but are not limited to,
8 assistance and training in activities of daily living, personal
9 care services, and job-related supports.

10 (c) The bureau shall propose rules for legislative approval
11 during the 2014 legislative session in accordance with the
12 provisions of article three, chapter twenty-nine-a of this code to
13 establish the following:

14 (1) The registry of in-home care workers;

15 (2) The requirements for inclusion on the registry as an
16 "in-home care worker", including educational attainment;

17 (3) A fee schedule: *Provided*, That the Commissioner of the
18 Bureau of Senior Services shall waive the initial registration fee
19 for the first sixty days the registration is active;

20 (4) Requiring an applicant to obtain a state or federal
21 criminal background check, as determined in legislative rule by the
22 bureau;

23 (5) How a person obtains information from the registry; and

24 (6) Any other requirement necessary to implement the

1 provisions of this section.