

1 qualifications, who voluntarily agree to be included and who have
2 ~~passed~~ obtained a criminal 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 in
11 accordance with the provisions of article three, chapter
12 twenty-nine-a of this code, to establish the following:

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

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

16 (3) A fee schedule: ~~of proposed rates for those services and~~
17 ~~supports provided by the in-home care worker based upon~~
18 ~~qualifications of the in-home care workers, such as educational~~
19 ~~attainment~~ Provided, That the Commissioner of the Bureau of Senior
20 Services shall waive the initial registration fee for the first 60
21 days the registration is active;

22 (4) ~~Requirement of completion and passage~~ Requiring an
23 applicant to obtain ~~of~~ a state or federal criminal background
24 check, as determined in legislative rule by the bureau; ~~consisting~~

1 ~~of checking the National Instant Criminal Background Check System~~
2 ~~and the West Virginia criminal history record responses. If an~~
3 ~~in-home care worker is included on the list with a criminal history~~
4 ~~indicated on his or her criminal back ground check, that~~
5 ~~information shall be noted on the registry. The bureau may not~~
6 ~~remove a person from the registry if the criminal background check~~
7 ~~reveals any negative information;~~

8 ~~(5)~~ (4) How a person obtains information from the registry;
9 and

10 ~~(6)~~ (5) Any other requirement necessary to implement the
11 provisions of this section.