| 1 | COMMITTEE SUBSTITUTE |
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| 2 | FOR |
| 3 | H. B. 2395 |
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| 5 | (By Delegates Williams, D Campbell, Moye, |
| 6 | Perdue, Pino and Ellington) |
| 7 | [Originating in the Committee on Government Organization.] |
| 8 | (March 21, 2013) |
| 9 | |
| 10 | A BILL 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 60 day waiver of initial registration |
| 13 | fee; and clarifying rule-making authority for the Bureau of |
| 14 | Senior Services to require an applicant to obtain a state or |
| 15 | federal criminal background check. |
| 16 | Be it enacted by the Legislature of West Virginia: |
| 17 | That §16-5P-15 of the Code of West Virginia, 1931, as amended, |
| 18 | be amended and reenacted to read as follows: |
| 19 | ARTICLE 5P. SENIOR SERVICES. |
| 20 | §16-5P-15. Establishment of In-home Care Registry. |
| 21 | (a) There is established <u>continued</u> within the Bureau of Senior |
| 22 | Services an in-home care worker registry which is to be maintained |
| 23 | by the bureau. The purpose of the registry is to provide the |
| 24 | public a list of in-home care workers, along with their |

1 qualifications, who voluntarily agree to be included and who have 2 passed <u>obtained</u> 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;

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

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

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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.