

COMMITTEE SUBSTITUTE

FOR

# **H. B. 2395**

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(BY DELEGATE(S) WILLIAMS, D CAMPBELL, MOYE,  
PERDUE, PINO AND ELLINGTON)

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[Originating in the Committee on Government Organization.]

(March 21, 2013)

A BILL to amend and reenact §16-5P-15 of the Code of West Virginia, 1931, as amended, relating to senior services in-home care registry; providing for 60 day waiver of initial registration fee; and clarifying rulemaking authority for the Bureau of Senior Services to require an applicant to obtain a state or federal criminal background check.

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

That §16-5P-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5P. SENIOR SERVICES.**

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

1 (a) There is ~~established~~ continued within the Bureau of  
2 Senior Services an in-home care worker registry which is to be  
3 maintained by the bureau. The purpose of the registry is to  
4 provide the public a list of in-home care workers, along with  
5 their qualifications, who voluntarily agree to be included and  
6 who have ~~passed~~ obtained a criminal background check.

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

14 (c) The bureau shall propose rules for legislative approval in  
15 accordance with the provisions of article three, chapter  
16 twenty-nine-a of this code, to establish the following:

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

18 (2) The requirements for inclusion on the registry as an  
19 “in-home care worker”, including educational attainment;

20 (3) A fee schedule: ~~of proposed rates for those services and~~  
21 ~~supports provided by the in-home care worker based upon~~  
22 ~~qualifications of the in-home care workers, such as educational~~  
23 ~~attainment~~ Provided, That the Commissioner of the Bureau of  
24 Senior Services shall waive the initial registration fee for the first  
25 60 days the registration is active;

26 (4) ~~Requirement of completion and passage~~ Requiring an  
27 applicant to obtain ~~of a state or federal~~ criminal background  
28 check, as determined in legislative rule by the bureau; ~~consisting~~  
29 ~~of checking the National Instant Criminal Background Check~~  
30 ~~System and the West Virginia criminal history record responses.~~  
31 ~~If an in-home care worker is included on the list with a criminal~~  
32 ~~history indicated on his or her criminal back ground check, that~~  
33 ~~information shall be noted on the registry. The bureau may not~~  
34 ~~remove a person from the registry if the criminal background~~  
35 ~~check reveals any negative information;~~

36 ~~(5)~~ (4) How a person obtains information from the registry;  
37 and

38 ~~(6)~~ (5) Any other requirement necessary to implement the  
39 provisions of this section.

