

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

House Bill 2492

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2019 FEB 28 P 4:41

FILED

BY DELEGATES ELLINGTON, HILL, SUMMERS, PACK,

ATKINSON, WILSON, WORRELL, D. JEFFRIES, HOLLEN AND

BUTLER

[Passed February 19, 2019; in effect ninety days from passage.]

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[Passed February 19, 2019; in effect ninety days from passage.]

1 AN ACT to amend and reenact §9-6-11 of the Code of West Virginia, 1931, as amended; and to
2 amend and reenact §49-2-809 of said code, all relating to mandatory reporting procedures
3 of abuse and neglect of adults and children.

Be it enacted by the Legislature of West Virginia:

CHAPTER 9. HUMAN SERVICES.

ARTICLE 6. SOCIAL SERVICES FOR ADULTS.

§9-6-11. Reporting procedures.

1 (a) A report of neglect or abuse of an incapacitated adult or facility resident or of an
2 emergency situation involving such an adult shall be made immediately to the department's adult
3 protective services agency by a method established by the department: *Provided*, That if the
4 method for reporting is web-based, the Department of Health and Human Resources shall
5 maintain a system for addressing emergency situations that require immediate attention and shall
6 be followed by a written report by the complainant or the receiving agency within 48 hours. The
7 department shall, upon receiving any such report, take such action as may be appropriate and
8 shall maintain a record thereof. The department shall receive telephonic reports on its 24-hour,
9 seven-day-a-week, toll-free number established to receive calls reporting cases of suspected or
10 known adult abuse or neglect.

11 (b) A copy of any report of abuse, neglect, or emergency situation shall be immediately
12 filed with the following agencies:

13 (1) The Department of Health and Human Resources;

14 (2) The appropriate law-enforcement agency and the prosecuting attorney, if necessary;

15 or

16 (3) In case of a death, to the appropriate medical examiner or coroner's office.

17 (c) If the person who is alleged to be abused or neglected is a resident of a nursing home
18 or other residential facility, a copy of the report shall also be filed with the state or regional
19 ombudsman and the administrator of the nursing home or facility.

20 (d) The department shall omit from such report in the first instance, the name of the person
21 making a report, when requested by such person.

22 (e) Reports of known or suspected institutional abuse or neglect of an incapacitated adult
23 or facility resident or the existence of an emergency situation in an institution, nursing home, or
24 other residential facility shall be made, received, and investigated in the same manner as other
25 reports provided for in this article. In the case of a report regarding an institution, nursing home,
26 or residential facility, the department shall immediately cause an investigation to be conducted.

27 (f) Upon receipt of a written complaint, the department shall coordinate an investigation
28 pursuant to §9-6-3 of this code and applicable state or federal laws, rules, or regulations.

CHAPTER 49. CHILD WELFARE.

ARTICLE 2. STATE RESPONSIBILITIES FOR CHILDREN.

§49-2-809. Reporting procedures.

1 (a) Reports of child abuse and neglect pursuant to this article shall be made immediately
2 to the department of child protective services by a method established by the department:
3 *Provided*, That if the method for reporting is web-based, the Department of Health and Human
4 Resources shall maintain a system for addressing emergency situations that require immediate
5 attention and shall be followed by a written report within 48 hours if so requested by the receiving
6 agency. The state department shall establish and maintain a 24-hour, seven-day-a-week
7 telephone number to receive calls reporting suspected or known child abuse or neglect.

8 (b) A copy of any report of serious physical abuse, sexual abuse, or assault shall be
9 forwarded by the department to the appropriate law-enforcement agency, the prosecuting
10 attorney, or the coroner or medical examiner's office. All reports under this article are confidential.
11 Reports of known or suspected institutional child abuse or neglect shall be made and received as
12 all other reports made pursuant to this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Steve Capito
.....
Chairman, House Committee

Mark Warner
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Stephen J. Harris
.....
Clerk of the House of Delegates

Joel L. ...
.....
Clerk of the Senate

Lesly Herndon
.....
Speaker of the House of Delegates

Walter B. ...
.....
President of the Senate

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *28th*
day of *February* 2019.

James ...
.....
Governor

PRESENTED TO THE GOVERNOR

FEB 22 2019

Time

9:28am