

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4062**

5 (By Delegates Williams, D. Campbell, Cann, Moye, Perdue,
6 Pino, Stephens, Walker, Hamilton)

7 [Passed March 10, 2012; in effect ninety days from passage.]

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10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §16-5P-15, relating
12 to establishing an in-home care registry; defining terms;
13 requiring the Bureau of Senior Services to develop and
14 maintain the registry; providing legislative rule-making
15 authority to the bureau; and specifying certain requirements
16 to be provided in the legislative rule.

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

18 That the Code of West Virginia, 1931, as amended, be amended
19 by adding thereto a new section, designated §16-5P-15, to read as
20 follows:

21 **ARTICLE 5P. SENIOR SERVICES.**

22 **§16-5P-15. Establishment of In-home Care Registry.**

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

1 voluntarily agree to be included and who have passed 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 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;

20 (4) Requirement of completion and passage of a criminal
21 background check, consisting of checking the National Instant
22 Criminal Background Check System and the West Virginia criminal
23 history record responses. If an in-home care worker is included on
24 the list with a criminal history indicated on his or her criminal
25 back ground check, that information shall be noted on the registry.
26 The bureau may not remove a person from the registry if the

1 criminal background check reveals any negative information;

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

3 (6) Any other requirement necessary to implement the
4 provisions of this section.

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