

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4062**

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

6 (Originating in the Committee on Finance)

7 [January 27, 2012]

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10 A BILL 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 **§16-5P-15. Establishment of In-home Care Registry.**

22 (a) There is established within the Bureau of Senior Services  
23 an in-home care worker registry which is to be maintained by the  
24 bureau. The purpose of the registry is to provide the public a  
25 list of in-home care workers who voluntarily agree to be included  
26 and their qualifications, who have passed a criminal background

1 check.

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

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

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

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

15       (3) A fee schedule of proposed rates for those services and  
16 supports provided by the in-home care worker based upon  
17 qualifications of the in-home care workers such as educational  
18 attainment;

19       (4) Requirement of completion and passage of a criminal  
20 background check. Should an in-home care worker be included on the  
21 list with a criminal history indicated on his or her criminal back  
22 ground check, such information will be noted on the registry. A  
23 person may not be removed from the registry if the criminal  
24 background check reveals any negative information;

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

26       (6) Any other requirement necessary to implement the

1 provisions of this section.