

**H. B. 4062**

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

[Introduced January 13, 2012; referred to the  
Committee on Senior Citizen Issues.]



A BILL to amend and reenact §16-5P-6 of the Code of West Virginia, 1931, as amended, relating to clarifying the duties of the Commissioner of the Bureau of Senior Services as executive and administrative head of the Bureau of Senior Services; requiring the Bureau for Senior Services to develop and maintain an in-home direct care worker registry.

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

That §16-5P-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 5P. SENIOR SERVICES.**

**§16-5P-6. Powers and duties generally.**

The commissioner ~~shall be~~ is the executive and administrative head of the bureau and ~~shall have~~ has the power and duty to:

- (a) Exercise general supervision of the bureau;
- (b) Propose legislative rules for the effective and

1 expeditious performance and discharge of the duties and  
2 responsibilities placed upon the commissioner by law;

3 (c) Conduct and coordinate studies of the problems of the  
4 state's older people;

5 (d) Encourage and promote the establishment of local programs  
6 and services for the aging;

7 (e) Conduct programs of public education on the problems of  
8 the aging;

9 (f) Review state programs for the aging and annually make  
10 recommendations to the Governor and the Legislature;

11 (g) Encourage and assist governmental and private agencies to  
12 coordinate effective efforts on behalf of the aging;

13 (h) Coordinate statewide local and voluntary efforts to serve  
14 the aging and develop programs at the local level;

15 (i) Supervise fiscal management and responsibilities of the  
16 bureau;

17 (j) Keep an accurate and complete record of all bureau  
18 proceedings, record and file all bonds and contracts and assume  
19 responsibility for the custody and preservation of all papers and  
20 documents of the bureau;

21 (k) Submit an annual report to the Governor on the condition,  
22 operation and functioning of the bureau;

23 (l) Invoke any legal or special remedy for the enforcement of  
24 orders or the provisions of this chapter;

1 (m) Standardize administration, expedite bureau business,  
2 revise rules and promote the efficiency of the service;

3 (n) Provide a program of continuing professional, technical  
4 and specialized instruction for the personnel of the bureau and  
5 local service providers; and

6 (o) Receive on behalf of the state any grant or gift and  
7 accept the same, so that the title shall pass to the state. All  
8 moneys from grants or gifts shall be deposited with the State  
9 Treasurer in a special fund and shall be used for the purposes set  
10 forth in the grant or gift.

11 (p) Create and maintain a registry of certified in-home direct  
12 care workers that details qualifications and experience of in-home  
13 direct care workers in West Virginia. The bureau shall propose  
14 rules for legislative approval in accordance with the provisions of  
15 article three, chapter twenty-nine-a of this code, to establish  
16 eligibility criteria for inclusion in this registry, including  
17 educational and certification requirements and the completion of a  
18 criminal background check.

NOTE: The purpose of this bill is to create an in-home direct care workforce registry to detail qualifications and experience of in-home direct care workers in West Virginia.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.