1	Senate Bill No. 435
2	(By Senators Chafin, Yost and Wills)
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4	[Introduced January 26, 2012; referred to the Committee on the
5	Judiciary.]
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10	A BILL to amend and reenact $\$16-5C-18$ of the Code of West Virginia,
11	1931, as amended, relating to the conveyance of personal funds
12	upon death of nursing home residents.
13	Be it enacted by the Legislature of West Virginia:
14	That §16-5C-18 of the Code of West Virginia, 1931, as amended,
15	be amended and reenacted to read as follows:
16	ARTICLE 5C. NURSING HOMES.
17	<pre>§16-5C-18. Separate accounts for residents' personal funds;</pre>
18	consent for use; records; penalties.
19	(a) Each nursing home subject to the provisions of this
20	article shall hold in a separate account and in trust each
21	resident's personal funds deposited with the nursing home.
22	(b) No person may use or cause to be used for any purpose the
23	personal funds of any resident admitted to any such nursing home

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1 unless consent for the use thereof has been obtained from the 2 resident or from a committee or guardian or relative.

3 (c) Each nursing home shall maintain a true and complete 4 record of all receipts for any disbursements from the personal 5 funds account of each resident in the nursing home, including the 6 purpose and payee of each disbursement, and shall render a true 7 account of such record to the resident or his or her representative 8 upon demand and upon termination of the resident's stay in the 9 nursing home.

10 (d) Any person or corporation who violates any subsection of 11 this section is guilty of a misdemeanor and, upon conviction 12 thereof, shall be fined not more than \$1,000, or imprisoned in jail 13 not more than one year, or both fined and imprisoned.

(e) Reports provided to review organizations are confidential 15 unless inaccessibility of information interferes with the 16 director's ability to perform his or her oversight function as 17 mandated by federal regulations and this section.

(f) Notwithstanding subsection (b) of this section or any other provision of law, upon the death of a resident, any funds remaining in his or her personal account shall be made payable by to the executor of the estate of said resident. If no executor or estate exists, the facility shall make the remaining funds payable to a funeral home for the burial expenses incurred by the resident.

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NOTE: The purpose of this bill to ensure that the funds remaining in a resident's personal account after their death goes to paying for a decent burial, rather than reverting to the state as unclaimed property.

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