

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 431

BY SENATORS BOSO, ROBERTS, SWOPE, AND CLINE

[Introduced January 25, 2019; Referred
to the Committee on Health and Human Resources]

1 A BILL 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 ~~by telephone~~ to the
 3 department's ~~local~~ adult protective services agency by a method established by the department
 4 and shall be followed by a written report by the complainant or the receiving agency within 48
 5 hours. The department shall, upon receiving any such report, take such action as may be
 6 appropriate and shall maintain a record thereof. The department shall receive ~~such~~ telephonic
 7 reports on its 24-hour, seven-day-a-week, toll-free number established to receive calls reporting
 8 cases of suspected or known adult abuse or neglect.

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

- 11 (1) The Department of Health and Human Resources;
- 12 (2) The appropriate law-enforcement agency and the prosecuting attorney, if necessary;
- 13 or
- 14 (3) In case of a death, to the appropriate medical examiner or coroner's office.

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

18 (d) The department shall omit from such report in the first instance, the name of the person

19 making a report, when requested by such person.

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

25 (f) Upon receipt of a written complaint, the department shall coordinate an investigation
26 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 ~~by telephone~~ to the ~~local~~ department of child protective service agency by a method established
3 by the department and shall be followed by a written report within 48 hours if so requested by the
4 receiving agency. The state department shall establish and maintain a 24-hour, seven-day-a-
5 week telephone number to receive ~~these~~ calls reporting suspected or known child abuse or
6 neglect.

7 (b) A copy of any report of serious physical abuse, sexual abuse, or assault shall be
8 forwarded by the department to the appropriate law-enforcement agency, the prosecuting
9 attorney, or the coroner or medical examiner's office. All reports under this article are confidential.

10 Reports of known or suspected institutional child abuse or neglect shall be made and received as
11 all other reports made pursuant to this article.

NOTE: The purpose of this bill is to direct all reports of abuse and neglect to the central office of DHHR via communications method established by the department.

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