

WV 79th Legislature
Bills That May Impact Older West Virginians
As Of Wednesday, March 03, 2010

NOTE: The last day of the 79th Regular Legislative Session will end at midnight on Saturday, March 13th.

HOUSE BILLS

HB 4176	Relating to credentialing of health care practitioners
Purpose	This bill creates the above legislation or the purposes of reducing credentialing costs relating to each health care profession. The bill adds new sections and amends state code.
Sponsors	Perdue, Border, Hatfield, Staggers, Moore, Moye, Rodighiero
Status	>Amended >To Senate HHR then Banking/Insurance >Interim committee bill >Similar to SB 346 >02-17

HB 4186	Relating to the practice of nursing home administration
Purpose	This bill updates laws pertaining to licensure of nursing home administrators and outlines the roles and responsibilities of the board governing nursing home administrators. The bill amends current code and adds several new sections.
Sponsors	Perdue, Border, Hatfield, Staggers, Moore, Moye, Rodighiero
Status	>Committee Substitute >Senate HHR then Government Organization >03-01

HB 4281	Replacing references to “mental retardation” with “intellectual disability”
Purpose	This bill replaces the words “mental retardation” with the phrase “Intellectual disability” (or similar phrasing) in all healthcare related legislation in state code. The bill amends current code.
Sponsors	Ellem, Miley, Wooton, Hamilton, D Poling, C Miller, Williams, border, Hunt, Ashley, Lane
Status	>Committee Substitute >Senate Judiciary >02-16

HB 4374	Caregivers Consent Act
Purpose	This bill permits a caregiver to consent to health care for a minor through an affidavit in those instances where a parent or legal guardian is not available. The bill adds a new article to state code.
Sponsors	Moore, C Miller, Staggers, Lawrence, Phillips, T Walker, Hatfield, Manypenny, Hamilton, Moye, Perry
Status	>Committee Substitute >Passed House >Similar to HB 2039 & SB 373 >03-03

HB 4387	Flexible Leave Act
Purpose	This bill creates the Flexible Leave Act to allow an employee, who receives earned leave, to use that leave to take care of an ill child, spouse or parent. The bill adds a new article to state code.
Sponsors	Caputo, Boggs, Fragale, Hatfield, Martin, Moye, Stephens
Status	>Committee Substitute >Senate Judiciary then Finance >03-03

HB 4425	Authorizing pilot program for nursing home medication administration
Purpose	This bill authorizes the Board of Practical Nurses and the WV Health Care Association to implement a pilot program for unlicensed personnel to administer medication in a nursing home. The bill adds a new section to state code.
Sponsors	Perdue, Hatfield, Border, Hartman, Marshall, Michael, Moore, Phillips, Rodighiero, Staggers, Wooton
Status	>Committee Substitute >Passed House >Similar to SB 524 >03-03

HB 4457	Relating to access and protection of cemeteries
Purpose	This bill provides that an individual's wishing to visit, maintain or bury someone at a grave site on private property has the right to do so, provided adequate notice is given to the property owner. The bill further specifics that graves are protected from harm and vandalism. The bill amends current code.
Sponsors	Brown, Talbott, Fragale, Caputo, Hatfield, Wells, Fleischauer, Marshall, Perdue
Status	>Committee Substitute >Amended >Senate Energy/Industry/Mining then Judiciary >02-25

SENATE BILLS

SB 290 SB 286	Authorizing DHHR to promulgate legislative rule relating to nurse aid abuse registry
Purpose	This is a rule bill. You must access the Secretary of State's Office to review this rule. As part of the rule making process this bill has been amended into SB 286.
Sponsors	Minard, Snyder, Prezioso, Unger, Boley, K Facemyer
Status	>Amended >Passed Senate >Similar to HB 4102 >03-03

SB 294 SB 407	Authorizing the Insurance Commissioner to promulgate legislative rules relating to mental health parity.
Purpose	This is a rule bill. You must access the Secretary of State's Office to review this rule. This bill has been amended into SB 407
Sponsors	Minard, Snyder, Prezioso, Unger, Boley, K Facemyer
Status	>Amended >Passed Senate >Similar to HB 4106 >03-03

SB 296 SB 407	Authorizing the Insurance Commissioner to promulgate legislative rule relating to the use of senior-specific certifications and professional designations in sale of life insurance and annuities
Purpose	This is a rule bill. You must access the Secretary of State's Office to review this rule. This bill has been amended into SB 407
Sponsors	Minard, Snyder, Prezioso, Unger, Boley, K Facemyer
Status	>Amended >Passed Senate >Similar to HB 4107 >03-03

SB 320 SB 407	Authorizing the State Tax Department to promulgate legislative rules relating to consumers Sales and Service Tax and Use Tax – drugs, durable medical goods, mobility enhancing equipment and prosthetic devices per se exemption; and motor vehicles per se exemption.
Purpose	This is a rule bill. You must access the Secretary of State's Office to review this rule. This bill has been amended into SB 407
Sponsors	Minard, Snyder, Prezioso, Unger, Boley, K Facemyer
Status	>Amended >Passed Senate >03-03

SB 373	Creating the Caregivers Consent Act
Purpose	This bill permits a caregiver to consent to health care for a minor through an affidavit in those instances where a parent or legal guardian is not available. The bill adds a new article to state code.
Sponsors	Prezioso, Minard, Foster
Status	>Committee Substitute >Passed Senate >Similar to HB 4374 >03-03

SB 422	Limiting liability for non-health care provider defibrillator users
Purpose	This bill limits liability for a non-health care provider when using an automatic external defibrillator, excluding those instances of gross negligence. The bill amends current code.
Sponsors	Foster
Status	>Committee Substitute >House HHR then Judiciary >02-23

SB 441	Relating to residential solar energy systems tax credit
Purpose	This bill permits up to \$2,000 in tax credits for installing a solar energy system in a home provided certain applications are completed by the applicant with the tax department. The bill adds new sections to state code.
Sponsors	Helmick, McCabe
Status	>Committee Substitute >House Energy/Industry/Labor/Economic Development/Small Business then Finance >Effective from passage >Fiscal note >Similar to HB 4315 >02-25

SB 483	Authorizing HMOs offer point of service option
Purpose	This bill permits a HMO to offer a point of service option to their members. The bill amends current code.
Sponsors	Minard
Status	>Committee Substitute >House Judiciary >Similar to HB 4197 >03-01

SB 494	Providing fiduciary commissioner oversight
Purpose	This bill increases oversight of fiduciary commissioner responsibility in settling the accounts by requiring increased reporting to both the county clerk and county commissioner. This bill amends current code.
Sponsors	Kessler
Status	>Committee Substitute >Passed Senate >03-01

SB 498	Amending the civil definition of “neglect”
Purpose	This bill changes the definition to state, “failure to provide care necessary to assure the physical safety or health of an incapacitated adult.” The bill amends current code.
Sponsors	Kessler
Status	>Committee Substitute >Passed Senate >03-03

SB 577	Clarifying definition of charitable raffle
Purpose	This bill clarifies that raffles must be conducted to paper products without the use of electronic or mechanical ticket dispensers, readers or other electronic/mechanical devices. The bill imposes civil and criminal penalties for failure to comply with the law. The bill amends current code.
Sponsors	Kessler
Status	>Committee Substitute >Passed Senate >then Finance >03-03

SB 584	Relating to Center for Nursing’s data collection policy
Purpose	This bill requires the center to collect data regarding nursing in WV for the purpose of determining long range needs and issues relating to the nursing field. The bill requires that all data be held in a confidential manner. The bill amends current code.
Sponsors	Bowman
Status	>Passed Senate >03-01

SB 657	Creating the WV Traumatic Brain Injury Act
Purpose	This bill uses a portion of funds from statewide uniform fees for reports generated by sheriff’s office to be utilized for providing programs to people suffering from traumatic brain injury. The bill amends current code and adds new sections.
Sponsors	Prezioso
Status	>Committee Substitute >Passed Senate >Similar to HB 4610 >03-03

SB 664	Relating to duties of protected person’s guardian
Purpose	This bill requires a guardian to address the social needs of the person they oversee. The bill requires the guardian to visit the protected person at least every six months and direct Mental Hygiene Commissioner to intervene when necessary. The bill amends current code.
Sponsors	Palumbo
Status	>House Judiciary >03-03

SB 665	Transferring certain Health Care Authority's duties to Insurance Commissioner
Purpose	This bill transfers from the Health Care Authority to the Insurance Commissioner those duties regarding the creation of uniform health care forms and to develop an all-payer database. The bill further directs the Insurance Commissioner to work with the Secretary of DHHR to assist the Insurance Commissioner in managing and analyzing health care data. The bill amends current code.
Sponsors	Prezioso
Status	>Committee Substitute >Passed Senate >Similar to HB 4649 >03-03

HOUSE RESOLUTIONS

HCR 19	Requesting the joint committee on government and finance study what the appropriate amount for income tax exemptions for retirees in the state should be.
Purpose	Self explanatory
Sponsors	Spencer, Guthrie, Campbell, Morgan, M Poling, Miley, Martin, Perdue, White, Boggs
Status	>02-01

HJR 101	Property tax limitation and homestead exemption amendment
Purpose	This resolution allows homeowners whose income is equal to or below 200% of poverty then their exemption is \$30,000 or 50% of the average home sale price in the county based on a five year review.
Sponsors	Thompson, Armstead (Governor resolution)
Status	>Adopted >02-17

HCR 61	Requesting the Joint Committee on government and finance authorize the study of West Virginia's cemetery industry to determine whether oversight and regulation are needed to protect the public
Purpose	Self-explanatory
Sponsors	Williams, Ennis, Butcher, Hatfield, Longstreth, Manchin, Manypenny, Marshall, Moye, Pethtel, D Poling, Ross, Spencer, Stephens, Susman, Rowan, Azinger, Evans, Duke, Hamilton, Shott, Sumner
Status	>To Rules >02-19

HCR 62	Requesting the Joint Committee on government and finance authorize the study of the costs and benefits of the creation of an exemption for social security benefits regarding personal income taxes
Purpose	Self-explanatory
Sponsors	Williams, Ennis, Butcher, Hatfield, Longstreth, Manchin, Manypenny, Marshall, Moye, Pethtel, D Poling, Ross, Spencer, Stephens, Susman, Rowan, Azinger, Evans, Duke, Hamilton, Shott, Sumner
Status	>To Rules >02-19

HCR 69	Requesting the Joint Committee on Government and Finance to study the establishment of a codified WV Food council that is structured to develop a sustainable WV food system that supports the production, processing, aggregation, distribution and consumption of WV foods.
Purpose	Self-explanatory
Sponsors	Manypenny, Guthrie, Poore, Hatfield, Swartzmiller
Status	>02-22

HCR 74	Requesting the Joint Committee on Government and Finance authorize the study of the use of independent third party peer review in the informal dispute resolution process for nursing homes.
Purpose	Self-explanatory
Sponsors	Williams, Ennis, butcher, Hatfield, Longstreth, Manchin, Manypenny, Marshall, Moore, Moye, Perdue, Pethtel, D Poling, Ross, Spencer, Stephens, Susman, Rowan, Evans, Duke, Hamilton, Shott
Status	>To Rules >02-24

SENATE RESOLUTIONS

SCR 27	Amending the joint rules of the Senate and House of Delegates to establish the Joint Committee on Scope of Medical Practice
Purpose	This resolution appears to partner with SB 524 in an effort to provide oversight on all legislation that proposes to change the scope of practice for all medical fields. This resolution creates the joint committee to operate during legislative interims.
Sponsors	79 th WV Senate
Status	>Lies over one day >02-10

SCR 32	Requesting the Joint Committee on Government and Finance study non-narcotic pain treatment
Purpose	Self-explanatory
Sponsors	Unger, Snyder
Status	<To HHR then Rules >02-22