

# Legislative Summary: National Association of Social Workers, West Virginia Chapter 2011 West Virginia Legislature



## One for the Historians...

The 80th Legislature completed its regular session on March 12, 2010. It was an historic year that included a Supreme Court decision requiring a special election for Governor that must occur before November of 2011, the creation of the role of Acting President of the Senate, as well as other fundamental constitutional clashes amongst the three branches of government. Adding to the drama was the fact that since leaders of both houses of the legislature, as well as the acting governor, were all seeking to become the next elected governor of West Virginia, the final days of the session were mired in gamesmanship and posturing. NASW legislative initiatives that fell victim to the dramatic session's conclusion include the failure to pass the Herbert Henderson Office of Minority Affairs bill (for the second year in a row), as well as the early demise of the proposed increase in the cigarette tax to fund drug and alcohol addiction treatment programs.

Below is a summary of legislation of interest to NASW members. Click on the bill number to view the final version of the language (known as the Enrolled Bill). The current posture of the bill (as of 3/31) is listed at the end of each bill summary. Please note that "awaiting Governor's signature" does not mean the bill is in jeopardy. The Governor has 15 days after the Legislature adjourns to sign or veto bills. Bills that are not signed or vetoed by the Governor in that time-frame become law automatically without a signature. (Several bills that were enrolled by the Clerks of each house on 3/31 are expected to be signed on 4/1 by the Governor, including the autism coverage legislation.)

### **Social Work Profession:**

[HB 2525](#) - Passed...twice. Due to a technical matter relating to the bill title, the bill was vetoed by the Governor after passing both Houses, but was quickly fixed and passed by both Houses during the budget week. The bill, complete with title modifications, is awaiting the Governor's signature.

The bill establishes scope of practice language defining the functions of each specific social work license and changes a "temporary license" to become a "provisional license" requiring academic coursework as part of the continuing education necessary to maintain the license. The provisional license would be available to DHHR and private employers, and the licensing board could consider critical workforce shortage factors as part of the application process.

Now, the drafting of legislative rules necessary to clarify the specific processes for the new law begins. *The bill is awaiting the Governor's signature.*

## **Child Welfare & Juvenile Justice:**

[SB 61](#) - A bill allowing the West Virginia Supreme Court of Appeals to appoint current or senior-status circuit court or family court judges as hearing officers to preside over juvenile drug courts. *Approved by the Governor on 3/18.*

[SB 186](#) - A bill authorizing the West Virginia State Police to obtain administrative subpoenas issued by a judicial officer compelling internet service providers to provide certain information in cases of suspected child pornography. *Awaiting Governor's signature.*

[SB 216](#) - A bill modifying the definition of "imminent danger" to the physical well-being of a child in abuse and neglect cases to include alcohol and substance abuse by the parent, guardian or custodian of the child. *Awaiting Governor's signature.*

[SB 228](#) - A bill creating a statewide program to prevent high school dropouts called the Local Solution Dropout Prevention Pilot Program. The program will be developed and implemented by the State Department of Education and includes identifying early warning indicators for at-risk students. *Awaiting Governor's signature.*

[SB 256](#) - A bill expanding the scope of information registered sex-offenders are required to provide to the West Virginia State Police to include e-mail addresses and online identities in addition to other identifying information such as address and telephone number. *Approved by the Governor on 3/18.*

[SB 461](#) - A bill creating a criminal penalty for a violation of a restraining order that was granted based upon a conviction of stalking or harassment. *Approved by the Governor on 3/30.*

[HB 2475](#) - A bill that exempts certain Division of Juvenile Services records from Freedom of Information Act requests. The records exempted include, but are not limited to, the design of correction facilities and certain operational procedures relating to the management of inmates. *Approved by the Governor on 3/2.*

[HB 2505](#) - A bill adding synthetic cannabinoids, hallucinogens and stimulants to the Schedule I list of controlled substances. *Awaiting Governor's signature.*

[HB 2520](#) - A bill that modifies the age requirement for an offender to be eligible for consideration for commitment as a youthful offender within the Division of Corrections to include someone who has not reached their twenty-third birthday at the time of the indictment or information resulting in their sentence. *Awaiting Governor's signature.*

[HB 2750](#) - A bill requiring the act of sexual assault or abuse become an additional consideration when a court issues an order to temporarily or permanently remove a child from the home in an abuse or neglect case. *Approved by the Governor on 3/18.*

[HB 2860](#) - A bill requiring law enforcement to establish specific rules and procedures for child abuse and neglect investigations and creates an advisory committee to participate in the review of those rules. *Approved by the Governor on 3/24.*

[HB 2864](#) - A bill known as "Celena's Law" creates the criminal offense of a unlawful restraint to include the restraint of another person against their will through either overt acts or threats of violence. *Approved by the Governor on 3/24.*

[HB 3134](#) - A bill requiring employers to notify the Bureau of Child Support Enforcement prior to issuing a bonus to its employees. *Awaiting Governor's signature.*

[HB 3225](#) - A bill that expands existing school bullying bill to include harassment, intimidation and bullying administered through the use of a telephone, wireless phone, computer, pager or any electronic or wireless device. *Awaiting Governor's signature.*

## **Healthcare, Mental Health, CHIP & Medicaid:**

[HB 2522](#) - A bill creating an independent informal dispute resolution process for nursing homes cited by the Office of Health Facility Licensure and Certification (OHFLAC). *Approved by the Governor on 3/18.*

[HB 3028](#) - A bill expanding the responsibilities of the Maternal Mortality Review Team to include the investigation of

infant deaths. *Awaiting Governor's signature.*

**[SB 408](#)** - A bill creating the West Virginia Health Benefit Exchange Act. As mandated by federal health care reform, each state has the opportunity to create a state-run insurance plan by 2014. In the event a state does not develop its own plan, the federal government will operate the plan. West Virginia joins Utah and Massachusetts as one of the first states to create a state plan. *Awaiting Governor's signature.*

**[SB 488](#)** - A bill revising HIV testing procedures to conform to the most recent recommendations from Center for Disease Control. *Awaiting Governor's signature.*

**[SB 492](#)** - A bill maximizing federal funding for Medicaid by establishing a hospital Medicaid upper-level payment program for a two-year period which permits a draw-down of additional funds for certain eligible hospitals. *Awaiting Governor's signature.*

**[SB 532](#)** - A bill designed to address fraud and abuse in the Medicaid program by expanding the powers and duties of the Medicaid Fraud Unit. *Awaiting Governor's signature.*

**[HB 2693](#)** - A bill mandating insurance coverage for autism spectrum disorders by PEIA, CHIP and health insurance plans for certain qualifying employers who have 25 or more employees. *Governor announced bill signing for 4/1.*

**[HB 2885](#)** - A bill permitting a guardian or conservator to provide care to a person with disabilities to be employed or in an employment contract with a behavioral health provider. *Approved by Governor 3/24.*

### **Economic Security, Equality, Diversity & Social Justice:**

**[HB 2464](#)** - A revision of the state's existing ethics act to include more detailed financial reporting for those subject to the act as well as their spouse. Additionally, the new law prohibits elected officials and other select influential appointed government officials from registering as a lobbyist for a period of one year after completing government service. *Awaiting Governor's signature.*

**[HB 2879](#)** - A bill allowing a one-time salary increase for all eligible state employees including judicial officers. *Approved by Governor on 3/24.*

**[HB 2971](#)** - A bill reducing the sales tax on food from 3% to 2%. (The food tax cut was put into the provisions of this bill which originally dealt only with the definition of "durable medical equipment.") *Approved by the Governor on 3/21.*

**[SB 243](#)** - Neighborhood Investment Recovery Act. A bill that encourages donations to non-profits by increasing the amount of total aggregate tax credit certified and allowed annually. *Awaiting Governor's signature.*

**[SB 35](#)** - An increase in the non-family adoption tax credit from \$2,000 to \$4,000. *Awaiting Governor's signature.*

**[HB 2876](#)** - A bill expanding the financial aid eligibility to enrollees in the model health plan for uninsurable individuals to include those with an annual average household income at or below 400% of the federal poverty level. *Awaiting Governor's signature.*

**[HB 3021](#)** - A bill adding two new members to the Behavioral Health Commission and extending the commission until 2015. *Approved by Governor on 3/30.*



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