



**STATE OF WEST VIRGINIA
BUREAU OF SENIOR SERVICES**
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Robert E. Roswall
Commissioner

August 13, 2018

Honorable Mark R. Maynard, Chair
Legislative Rule-Making Committee
West Virginia Senate
Room 206W, Building 1
State Capitol Complex
Charleston, West Virginia 25305

Dear Senator Maynard:

The Bureau of Senior Services, as per Governor's Executive Order 3-18 dated 1/10/18, has reviewed all Bureau of Senior Services Active Rules. The Bureau has only three Active Legislative Rules:

- 1) Appeal Process
- 2) In-Home Worker Registry
- 3) Long-Term Care Ombudsman Program

I submit the attached rule history, review and recommendations for your review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Robert E. Roswall".

Robert E. Roswall
Commissioner

Attachment

RULES

76-01 HEARING & APPEALS PROCEDURE PROCEDURAL RULE

Agency	Type/Status	Effective Date	Name of Rule
Aging	Historical	1/2/86	Funding Formula, Geographical Boundaries on Planning and Service Areas; COA Meetings.
Aging	Historical	7/31/86	Hearing & Appeals
Sr. Services	Historical	9/30/04	Hearings & Appeals
Sr. Services	Active	2/26/10	Hearings & Appeals

76-02 IN-HOME CARE WORKER REGISTRY LEGISLATIVE RULE

Agency	Type/Status	Effective Date:	Name of Rule
Sr. Services	Historical	8/11/13	In-Home Worker Registry
Sr. Services	Active	5/7/14	In-Home Worker Registry

**76-03 STATE PLAN ON AGING – TITLE V
INTERPRETIVE**

Agency	Type/Status	Effective Date	Name of Rule
Sr. Services	Historical	12/20/2014	West Virginia State Plan on Aging – Title V
Sr. Services	Active	5/4/2016	West Virginia State Plan on Aging – Title V
Sr. Services	In Progress	7/18/2018	West Virginia State Plan on Aging – Title V

76-04 (Formally 76-03)
STATE PLAN FOR AGING PROGRAMS
INTERPRETIVE

Agency	Type/Status	Effective Date	Name of Rule
Aging	Historical	1/12/89	State Plan for Aging Programs under 76-03
Aging	Historical	4/15/92	State Plan for Aging Programs under 76-03
Aging	Historical	11/26/93	State Plan for Aging Programs under 76-03
Aging	Historical	10/1/2004	State Plan for Aging Programs under 76-03
MOVED TO SENIOR SERVICES 1997			
Sr. Services	Historical	10/1/1998	WV State Plan for Aging Programs under 76-03
Sr. Services	Historical	11/24/2002	WV State Plan for Aging Programs under 76-03
Sr. Services	Historical	10/1/2006	WV State Plan for Aging Programs under 76-03
Sr. Services	Historical	1/2/2011	WV State Plan for Aging Programs under 76-03
SERIES NUMBER CHANGED FROM 76-03 TO 76-04 BECAUSE OF A MIXUP WITH THE WV STATE PLAN ON AGING – TITLE V ON MAY 29, 2018			
Sr. Services	In Progress	Effective Date: 8/1/18	WV State Plan on Aging under 76-04

**76-05 WEST VIRGINIA LONG TERM CARE OMBUDSMAN PROGRAM
LEGISLATIVE**

Agency	Type/Status	Effective Date	Name of Rule
Aging	Historical	7/1/1994	West Virginia Long Term Care Ombudsman Program – under Aging 76-04
Sr. Services	Active	7/31/1995	West Virginia Long Term Care Ombudsman Program – under Senior Services 76-05

West Virginia Bureau of Senior Services

Rule Name: Hearing and Appeals Procedure

Description of the rule to include the date of the first promulgation of the rule and any subsequent modifications:

76-01 Promulgation – 7/31/1986 – under WV Commission on Aging

This procedural rule governs hearings and appeals for Provider Agencies and Area Agencies on Aging concerning decisions to defund, deny grant, suspend, terminate contract decisions or non-renewal.

Modified June 26, 2010, allows Area Agencies on Aging to appeal directly to Assistant Secretary of the Administration on Aging (federally required change).

Determination of whether the rule should be continued without change, be modified or repealed:

This rule should be continued without change.

Reasoning for said determination:

Has been an effective working process for appeals administered by the Area Agencies on Aging and the Bureau of Senior Services regarding adverse action on grant funding decisions.

West Virginia Bureau of Senior Services

Rule Name: In-Home Care Worker Registry

Description of the rule to include the date of the first promulgation of the rule and any subsequent modifications:

76-2-1 Promulgation July 12, 2012, Effective August 11, 2013

No Modifications

This rule established an in-home worker registry of In-Home Workers that is part of the state-

funded Medicaid Personal Care and Title XIX Aged and Disabled Waiver Services. It allows consumers to verify that their in-home worker is trained, background checked and meets standards of the State Medicaid program.

This allows consumers to be more comfortable and safer in their homes.

The Registry also allows consumers to search for workers by county, service needed, pet friendly, days of week available and holiday services to find assistance for in-home care.

This is a voluntary Registry. It includes resources for in-home services consumers on issues such as how to advertise for workers, interview and negotiate services. The Rule is

administered by the Bureau of Senior Services.

Determination of whether the rule should be continued without change, be modified or repealed:

Since the Registry is voluntary, not all Providers

of State Medicaid Services will input their workers information into the Registry in fear of competitors' worker shopping.

Workers' names are listed with no contact information. All contact information is for the company

that employs the worker.

The Rule would be more useful to consumers if the Bureau for Medical Services (BMS)

“Worker Continuing Certification Registry” was linked to the In-Home Worker Registry.

The Bureau is contracted by BMS to administer the Continuing Certification Registry.

If the Continuing Certification Registry and the In-Home Registry were linked, then the

Registry would be a much more valuable service.

Reasoning for said determination:

The Registry is maintained by the Bureau of Senior Services Aging & Disability Resource

Network (ADRN).

The Aging & Disability Resource Network is a resource center to assist consumers through the processes of connecting to long term care services and support (state, Veterans, private service). It also is a resource to assist consumers with nursing home transition back to their homes.

Joining the Continuing Certification Registry and the In-Home Registry makes the In-Home Registry a valuable part of long term care services and support that walks a consumer through a very difficult process, that is often overwhelms elderly consumers.

Phase I is complete and operational. Phase II would give public providers and individuals

Access to the database to register their business and workers. This would require an


additional program added to the data system.

In-Home Care Worker Registry

<https://inhomecare.wv.gov>


Click the "Search for a Worker" button to search for providers in your area.

west virginia State Agency Directory | Online Services Change Text Size

 West Virginia
In-Home Care Worker Registry

Search this site


[About Us](#) | [For Providers](#) | [For Families](#) | [Search for a Worker](#) | [Resources](#) | [Contact Us](#)




In-Home Care Worker Registry

This registry is provided to assist individuals to locate qualified in-home care workers. The Registry also provides a website for individuals and service provider agencies to list their services, qualifications and availability to provide in-home care.


The Registry is part of an ongoing effort to assure that individuals providing in-home care services have been properly trained and are suitable to provide services to West Virginians in their home...[more](#)



 **For Providers**
In-Home Care Registry


- Sign Up
- Requirements
- Frequently Asked Questions

[See More >](#)

 **Assistance**
For Families

- What Type of Service do I Need?
- Tips for Hiring
- Search for a Worker

[See More >](#)

 **Helpful Links**
and Resources

- WV Bureau of Senior Services
- County Aging Providers
- WV Aging & Disability Resource Centers

[See More >](#)

Click the "I Agree" button to continue

Terms and Conditions

I understand the information provided by this registry is intended to help me find in-home care workers, but does not replace my normal hiring process.

When people contact the In-Home Care Worker Registry for registration, their names are added to a database if they meet registry guidelines. The information in this database was obtained directly from the person, and therefore its accuracy cannot be assured.

The people listed in this database have declared that they have been checked for criminal history and abuse registry check and meet the guidelines to register on the WV In-Home Care Worker Registry.


In-Home Care Agencies have certified their staff meet the required standards.

The listing of their information does not imply an endorsement from the WV Bureau of Senior Services

I understand that it is my responsibility to interview applicants or agencies and check all references before hiring an in-home care worker or agency, and continue to protect my safety after hiring.

I agree to hold the WV Bureau of Senior Services harmless from any and all claims of abuse or lack of performance or misfeasance or malfeasance from any party I meet from or through the In-Home Care Worker Registry. The Bureau of Senior Services shall not be liable to any party for any consequential, incidental, special or indirect damages of any kind, however caused, even if it has been advised of the possibility of such damages. The WV Bureau of Senior Services makes no warranty expressed or implied with respect to the information provided herein and disclaims all warranties with respect thereto, including, without limitation, any implied warranties of merchantability and fitness for a particular purpose.

This agreement shall be interpreted in accordance with the laws of the State of West Virginia.



You may search by name or by care needed. When searching by name, you may search for a specific person or agency.



Welcome to the West Virginia In-Home Care Worker Registry. (The Registry)



This registry is provided to assist individuals to locate qualified in-home care workers. The Registry also provides a website for individuals and service provider agencies to list their services, qualifications and availability to provide in-home care.

The Registry is part of an ongoing effort to assure that individuals providing in-home care services have been properly trained and are suitable to provide services to West Virginians in their homes.

This Registry is a result of the West Virginia Legislature's 2012 Legislative session and Governor Earl Ray Tomblin.

If you need additional assistance with this site or assistance finding in-home care services, you can contact the West Virginia Bureau's Aging and Disability Network at [1-877-987-3546](tel:1-877-987-3546) or the West Virginia Bureau of Senior Services, [1-304-558-3317](tel:1-304-558-3317).






When searching for a person, you must enter the person's first name, last name and county. You may use **Cynthia Adkins** in **Cabell** County as an example of someone to search for.

The screenshot shows a search interface with two main sections: "Person's Name" and "Agency Name". Under "Person's Name", there are two input fields: "First Name" with the value "CYNTHIA" and "Last Name" with the value "ADKINS". Below these is a "Choose a County" dropdown menu with "Cabell" selected. A blue "Search" button is located at the bottom center of the form.


Click on one of the search result boxes to view details about the worker.

The screenshot displays the search results for "CYNTHIA ADKINS" in "Cabell" County. At the top left, it says "Person: CYNTHIA ADKINS" and "County: Cabell". A "New Search" button is in the top right. The main heading is "Search Results" with "Results Found: 1" on the right. The search result is for "Cynthia Adkins" at "Cabell County Community Services Organization, Inc.", with address "724 10th Avenue, Huntington WV 25701", phone "(304) 529-4952", and counties served "Cabell, Lincoln, Mason, Wayne". A red arrow points to the organization name. A "New Search" button is at the bottom center.

Searching by care needed enables you to search for specific types of services and availability.



Search by Name



Search by Care Needed

^

Search by Care Needed

Choose a County Please Select a County ▼

Preferences

Gender Preference	No Preference	▼	Private Pay	No Preference	▼
Provider OK With Smoking	No Preference	▼	Private Insurance	No Preference	▼
Provider OK With Pets	No Preference	▼			

Services

Cooking	House Cleaning	Companionship	Money Management
Gardening/Yard Work	Laundry	Emptying a Foley Catheter Bag	Shopping/Errands
Transportation	Assist with Exercise such as range of motion	Emptying a Colostomy Bag	
Bathing	Dressing		
Grooming	Feeding		
Toileting	Assist with Walking		
Assist with Transfer			

Availability

Monday	Morning	Afternoon	Evening	Overnight
Tuesday	Morning	Afternoon	Evening	Overnight
Wednesday	Morning	Afternoon	Evening	Overnight
Thursday	Morning	Afternoon	Evening	Overnight
Friday	Morning	Afternoon	Evening	Overnight
Saturday	Morning	Afternoon	Evening	Overnight
Sunday	Morning	Afternoon	Evening	Overnight

Search

West Virginia Bureau of Senior Services

Rule Name: West Virginia Long-Term Care Ombudsman Program
W.Va. code of State Rules, tit. 76, ser.5 (WV CSR 76-05)

Description of the rule to include the date of the first promulgation of the rule and any subsequent modifications:

WV CSR 76-05 establishes the policies of the office of the West Virginia Long-Term Care Ombudsman Program as required by West Virginia Code chapter 16, article 5L (W.Va. Code

16-5L-1, *et seq.*) and the federal Older Americans Act (42 U.S.C. 3058g)

Determination of whether the rule should be continued without change, be modified or repealed:

WV CSR 76-05 should be modified.

Reasoning for said determination:

WV CSR 76-05 must be modified to reflect the requirements of the recently promulgated federal

state long-term care ombudsman regulation. (45-CFR 1324). Prior to modification of WV CSR 76-05, W. Va. State code 16-5L-1, *et seq.* must be amended to reflect the requirements of the

federal regulation. Current W. Va. State Code 16-5L-21 authorizes the promulgation of a state rule to effectuate the requirements of the state code. After the legislature amends W. Va. Code

16-5L-1, *et Seq.*, WV CSR 76-05 can be modified to reflect both the federal requirements and

any requirements related to the amendment of W. Va. Code 16-5L-1, *et seq.* Both the amendment of W. Va. Code 16-5L-1, *et seq.* and modification of WV CSR 76-05 will require

legislative action.