



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch  
Cabinet Secretary

MEMORANDUM

FILED  
2020 MAR 23 P 12:45  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**DATE:** March 23, 2020

**TO:** Mac Warner  
Secretary of State

**FROM:** Bill J. Crouch, Cabinet Secretary *BJC*  
Department of Health and Human Resources

**RE:** **Minimum Licensing Requirements for Residential Child Care and Treatment Facilities for Children and Transitioning Adults in West Virginia**  
**W. Va. C.S.R. §78-3**

The Bureau for Children and Families of the Department of Health and Human Resources requests that W. Va. C.S.R. §78-3 be temporarily suspended in part effective immediately pursuant to W. Va. Code §15-5-6(c)(7) and the State of Emergency declared by Governor Justice on March 16, 2020.

W. Va. C.S.R. §78-3 establishes and sets forth the requirements for residential child care and treatment facilities for children and transitioning adults. Strict compliance with the following sections will hinder and delay necessary action in coping with the emergency declared by the Governor:

**W. Va. C.S.R. §78-3.5.4.a.8.** – requiring facilities to accommodate face-to-face visitation between children and family or significant individuals as specified in the plan of care, the child’s case plan, or both.

**W. Va. C.S.R. §78-3.11.1. and §78-3.11.2.** – requiring extensive training for all new employees and continuing training for current employees.

**W. Va. C.S.R. §78-3.12.2.b.** – requiring nutritionist-approved menus.

**W. Va. C.S.R. §78-3.14.17.b. and §78-3.21.4.d.** – requiring all children upon admission to receive medical screenings by qualified medical practitioners.

**W. Va. C.S.R. §78-3.14.17.c.** – requiring all children upon admission receive appropriate dental assessments.

If granted, the Bureau for Children and Families further requests that the rule be suspended until such time as the State of Emergency is lifted.