



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Bill J. Crouch
Cabinet Secretary

MEMORANDUM

DATE: June 4, 2020

TO: Mac Warner
Secretary of State

FROM: Bill J. Crouch *BJC*
Secretary of 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 AMENDED REQUEST

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. This suspension supersedes all previously filed guidance for this Legislative Rule.

W. Va. C.S.R. §78-3 establishes and sets forth the requirements for residential child care and treatment facilities for child 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. §78-3.5.4.1.h. – 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. CSR §§78-3.10.2.8. through 78-3.10.2.11. – requiring organizations to submit a request for a criminal history background check to the WV CARES unit of the Department.

W. Va. C.S.R. §§78-3.11.1. and 2. – requiring extensive training for all new employees and continuing training for current employees.

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.