

DHHR – Additional Laws & Regulations for Privacy Requirements

West Virginia Code Sections			
Name	Citation	Description	Comment
Human Services	§9-2-5	Responsibility and powers of department; information and data to be supplied by other agencies.	Medicaid- data collected must be limited to dept's uses.
Human Services	§9-9-5	WV works program fund.	
Human Services	§9-6-8	Confidentiality of records.	Adult Protective Services held by variety of agencies must be confidential.
Human Services	§9-9-20	Confidentiality, fines and penalties.	WV Works records confidential but can be exchanged pursuant to inter-agency agreement.
	§11-10-5	General power; regulations and forms.	NOTED IN PRIVACY REQUIREMENTS DOCUMENT.
Public Health	§16-2-E-1 et seq.	Birthing Center Article	
Public Health	§16-3D-4	Report of cases, admissions, registration of patients.	TB test register is not a public document.
Public Health	§16-5B-1 et seq.	Health facilities and certain other facilities operated in connection therewith to obtain license; exemptions; meaning of hospital, etc.	16-5B-10 provides confidentiality for info received by Dept of Health.
Public Health	§16-5C-1 et seq.	Nursing Home	16-5C-16 provides confidentiality to patients' records.
Public Health	§16-5D-1 et seq.	Assisted Living Residences	16-5D-16 provides confidentiality to patients' records.
Public Health	§16-5E-1 et seq.	Registration and inspection of service providers in legally unlicensed health care homes.	
Public Health	§16-5I-1 et seq.	Hospice licensure	
Public Health	§16-5O-1 et seq.	Medication administration by unlicensed personnel.	Authorized medication administration by unlicensed personnel in certain settings.
Mentally Ill Persons	§27-9-1 et seq.	Licensing of hospitals.	Hospital licensure to treat mentally ill.
Mentally Ill Persons	§27-17-1 et seq.	Group residential facilities.	Mentally ill - group living.
Legislative Rules	§64-5	Authorization for department of health and human resources to promulgate legislative rules.	
Crimes and their Punishment	§61-12-10(c)(d)(e)	When autopsies made and by whom performed; reports; records of date investigated; copies of records and information.	Records handling for autopsies in questionable deaths section.
Crimes and their Punishment	§61-3C-1 through 21	WV computer crime and abuse act.	NOTED IN PRIVACY REQUIREMENTS DOCUMENT.
Domestic Relations	§48-18-121	Providing information to consumer reporting agencies; requesting consumer credit reports for child support purposes.	Bureau for Child Support (BCS) reporting to consumer reporting agency section.
Domestic Relations	§48-18-125	Employment and income reporting.	Mandatory employer reports to BCS section.

DHHR – Additional Laws & Regulations for Privacy Requirements

Domestic Relations	§48-18-111	Establishment of parent locator service.	Parent Locator Service (PLS) and use of data collected.
Domestic Relations	§48-18-122	Central state case registry.	NOTED IN PRIVACY REQUIREMENTS DOCUMENT.
Domestic Relations	§48-18-131	Access to records, confidentiality.	NOTED IN PRIVACY REQUIREMENTS DOCUMENT.
Domestic Relations	§48-18-118	Obtaining support from state income tax refunds.	BCS notifies tax commissioner to assist in collecting past due child support from tax refunds.
Domestic Relations	§48-18-123	Subpoenas.	BCS subpoena power.
Domestic Relations	§48-18-132	Access to information.	Parent locator activity by BCS and foreign BCS, agency must have safeguards in place for info.
Domestic Relations	§48-23-701	Prohibited Conduct	Adoption confidentiality.
Domestic Relations	§48-23-801	Nondisclosure of registry information.	Adoption registry not subject to FOIA.
Child Welfare	§49-5-17	Confidentiality of juvenile records.	Records of juvenile proceedings confidential except as statutorily authorized.
Child Welfare	§49-7-1	Confidentiality of records.	Div. of Juvenile Services records confidential.
West Virginia Code of State Regulations			
Bureau for Public Health Department of Health and Human Resources	64 CSR 7	Reportable diseases, events and conditions	Reportable diseases - numerous confidentiality rules attaching to Commissioner and Bureau for Public Health.
Legislative Rule Bureau for Public Health Department of Health and Human Resources	64 CSR 11	Behavioral Health Centers Licensure	This rule establishes general standards and procedures for the licensure of behavioral health services and program.
Bureau for Public Health Department of Health and Human Resources	64 CSR 12	Hospital Licensure Rule	This legislative rule establishes standards and procedures for the licensing of hospitals and extended care facilities operated in connection with a hospital.
Bureau for Public Health Department of Health and Human Resources	64 CSR 14	Assisted Living Rule	This legislative rule establishes specific standards and procedures to provide for the health, safety, and the protection of the rights and dignity of residents of assisted living residences. Includes the duty to keep patient records confidential. This rule should be read in conjunction with W. Va. Code §16-5D-1 et seq.
Bureau for Public Health Department of Health and Human Resources	64 CSR 13	Nursing Home Licensure Rule	This rule governs the licensing, operation, and standard of care in nursing homes.
Bureau for Public Health Department of Health and Human Resources	64 CSR 50	Legally Unlicensed Health Care Homes	This legislative rule prescribes specific standards and procedures to provide for the health, safety, and protection of the rights and dignity of residents of legally unlicensed health care homes administered by service providers.
Bureau for Public Health Department of Health and Human Resources	64 CSR 54	Licensure of Hospice Care Programs	This legislative rule establishes general standards and procedures for the licensure of hospice programs in West Virginia.
Bureau for Public Health Department of Health and Human Resources	64 CSR 59	Behavioral Health Patient Rights	This legislative rule establishes the rights of clients of State-operated behavioral health facilities - in-patient and out-patient.

DHHR – Additional Laws & Regulations for Privacy Requirements

Bureau for Public Health Department of Health and Human Resources	64 CSR 60	Medication Administration by Unlicensed Personnel	This legislative rule prescribes specific standards and procedures to provide for training, competency testing, and approval of unlicensed personnel for limited administration of medications in specified health care facilities. This rule must be read in conjunction with W. Va. Code § 16-5O-1 et seq.
Bureau for Public Health Department of Health and Human Resources	64 CSR 75	Residential Care Communities	This legislative rule prescribes specific standards and procedures to provide for the health, safety, and protection of the rights and dignity of residents of residential care communities. This rule must be read in conjunction with W. Va. Code §16-5N-1 et seq. to determine the complete requirements for licensing, regulation, and complaint investigations of residential care communities.
Bureau for Public Health Department of Health and Human Resources	64 CSR 84(18-23)	Medical Examiner Rule for Postmortem Inquiries	§64-84-18. Release of Information. §64-84-19. Autopsy Reports. §64-84-20. Human Remains and Personal Property. §64-84-21. Release of Biological Samples from OCME Custody. §64-84-22. Retention of Biological Samples. §64-84-23. Maintenance of Case Files.
Bureau for Public Health Department of Health and Human Resources	64 CSR 68	Cancer Registry	This legislative rule establishes standards and procedures for reporting cancer cases to the West Virginia Cancer Registry, maintaining the confidentiality of information in its cancer registry and disclosing information from the cancer registry.
Administration	148 CSR 12	General Administration of Records Management & Preservation	This Legislative Rule sets forth the Standards, Procedures and Techniques for effective management of records.
Administration	148 CSR 13	General Administration of Records Management & Preservation	This rule goes to retention & destruction of records.
U.S. Code Sections			
	42 USC 653(b)(c)(l)	Federal Parent Locator Service	Federal parent locator program - goes with 48-18-111 (PLS) above.
	42 USC 654(26)	Federal Parent Locator Service	Federal parent locator program - state agency handling child support efforts must have safeguards against unauthorized disclosure of data.
	42 USC 663	Federal Parent Locator Service	Federal parent locator program - use of service in connection with parental kidnapping.