

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 36

(By Mr. Paul M. President)

PASSED March 12 1943

In Effect Twenty days from Passage

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26

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Senate Bill No. 36

(By MR. PAULL, MR. PRESIDENT)

(By request of the Legislative Interim Committee)

[Passed March 12, 1943; in effect ninety days from passage.]

AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article five-a, relating to the treatment and control of cancer and to the establishment in the department of health of a division of cancer control.

Be it enacted by the Legislature of West Virginia:

That chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article five-a, to read as follows:

Article 5-a. Cancer Control.

Section 1. *Division of Cancer Control.* There is hereby
2 created a division of cancer control in the state depart-
3 ment of health. The division, under the supervision of
4 the state commissioner of health, shall execute and ad-
5 minister the provisions of this article relating to the
6 diagnosis, treatment and care of persons suffering from
7 cancer. The division shall have authority to direct,
8 control, govern and provide for the management of any
9 state institution for the care and treatment of cancer
10 patients which may hereafter be created by law.

11 The head of the division shall be appointed in the same
12 manner as the heads of other divisions in the depart-
13 ment. He must meet the requirements and possess the
14 qualifications fixed by the merit system council in con-
15 sultation with the public health council. The commis-
16 sioner may also appoint such assistants and employees in
17 the division of cancer control as may be necessary for
18 the proper administration of the provisions of this article,
19 such appointments also to be made in accordance with
20 the rules and regulations of the merit system council.

Sec. 2. *Educational Program.* The division shall formulate and put into effect throughout the state an educational program for the purpose of preventing cancer and of aiding in its early diagnosis, and for the purpose of giving information to hospitals and cancer patients concerning the proper treatment. In furtherance of its own program, the division may assist and cooperate with any state or national organization conducting an educational program for the prevention of cancer.

Sec. 3. *Establishment of Clinics.* The division shall have authority to prescribe standard minimum requirements for the organization, equipment and conduct of cancer units or clinics in general hospitals of the state. The division shall establish and maintain, or aid in the establishment and maintenance of, a sufficient number of cancer diagnostic and treatment clinics meeting such requirements, so located that they are within reasonable traveling distance of any citizen of the state in need of treatment. In the establishment and operation of such clinics and in the fixing of such minimum requirements, the division shall consult and cooperate with the West

13 Virginia State Medical Association.

14 In order to determine the progress of the disease and
15 the success of the treatment being used, the division
16 shall in so far as practicable provide a method for follow-
17 ing up each case and bringing the patient back to the
18 clinic at frequent intervals.

Sec. 4. *Tissue Diagnostic Service.* The division shall
2 furnish, within the limits of available funds, free tissue
3 diagnostic service to all needy patients. In providing this
4 service the division may use either the state owned lab-
5 oratory in the department of health, or privately owned
6 laboratories approved by the department.

Sec. 5. *Care of Needy Patients.* The division shall
2 prescribe rules and regulations specifying to what extent
3 and on what terms and conditions needy cancer patients
4 may receive financial aid for the diagnosis and treatment
5 of cancer in any approved hospital in this state. The
6 division is authorized to furnish aid, within the limits
7 of available funds, to such patients and shall have the
8 power to administer such aid in any manner which in its

9 judgment will afford the greatest benefit to cancer pa-
10 tients throughout the state.

11 In determining whether a particular patient is en-
12 titled to such assistance the division may call upon the
13 county departments of public assistance for such investi-
14 gation as may be required. In order to receive such aid,
15 however, the patient need not qualify for public assistance
16 or general relief as administered by the department of
17 public assistance.

The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Ray H. J. J. J.
Chairman Senate Committee

Lucas L. Potroff
Chairman House Committee

Originated in the Senate

Takes effect From passage

Fred B. Watkins
Clerk of the Senate

John A. Claff
Clerk of the House of Delegates

James Paul
President of the Senate

Sam E. Jones
Speaker House of Delegates

The within approved this the 19th
day of March, 1943.

Matthew M. Neely
Governor.

Filed in the office of the Secretary of State
of West Virginia MAR 19 1943

Wm. S. O'BRIEN,
Secretary of State