

HB 4178

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



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WEST VIRGINIA LEGISLATURE  
MARTINSBURG, WV 26150

Com. Sub. For  
HOUSE BILL No. H198

(By Delegates Douglas, Compton, & Marlin,  
Fleschauer and Petersen)



Passed March 9, 1996

In Effect Ninety Days From Passage

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4198**

(By DELEGATES DOUGLAS, COMPTON, J. MARTIN,  
FLEISCHAUER AND PETERSEN)

RECEIVED  
LEGISLATIVE SERVICES  
DIVISION  
MAY 1 1996

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[Passed March 9, 1996; in effect ninety days from passage.]

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AN ACT to amend chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article five-m, relating to public health; creating the "Osteoporosis Prevention Education Act"; providing a short title; providing for the establishment of an osteoporosis prevention and treatment education program and the components thereof; requiring the bureau of public health to establish strategies to promote and maintain an osteoporosis prevention education program; establishing an interagency council on osteoporosis; appointing representatives; and establishing the duties of the council.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 5M. OSTEOPOROSIS PREVENTION EDUCATION ACT.**

**§16-5M-1. Short title.**

- 1 This article may be known and cited as the "West
- 2 Virginia Osteoporosis Prevention Education Act."

**§16-5M-2. Responsibilities of bureau of public health.**

1 (a) The bureau of public health shall establish  
2 strategies to promote and maintain an osteoporosis  
3 prevention education program in order to raise public  
4 awareness, to educate consumers and to educate and train  
5 health professionals, teachers and human service providers,  
6 to include the following components:

7 (1) The bureau shall develop strategies for raising  
8 public awareness of the causes and nature of osteoporosis,  
9 personal risk factors, the value of prevention and early  
10 detection and options for diagnosing and treating the  
11 disease that include, but are not limited to, the following:

12 (A) Community forums;

13 (B) Health information and risk factor assessment at  
14 public events;

15 (C) Targeting at-risk populations;

16 (D) Providing reliable information to policymakers;  
17 and

18 (E) Distributing information through county health  
19 departments, schools, area agencies on aging, employer  
20 wellness programs, physicians, hospitals, health mainte-  
21 nance organizations, women's groups, nonprofit organiza-  
22 tions, community-based organizations and departmental  
23 offices;

24 (2) The bureau shall develop strategies for educating  
25 consumers about risk factors, diet and exercise, diagnostic  
26 procedures and their indications for use, risks and benefits  
27 of drug therapies currently approved by the United States  
28 food and drug administration, environmental safety and  
29 injury prevention and the availability of self-help diagnos-  
30 tic, treatment and rehabilitation services;

31 (3) The bureau may develop strategies for educating  
32 physicians and health professionals and training commu-  
33 nity service providers on the most up-to-date, accurate  
34 scientific and medical information on osteoporosis pre-  
35 vention, diagnosis and treatment, therapeutic decision-  
36 making, including guidelines for detecting and treating

37 the disease in special populations, risks and benefits of  
38 medications and research advances;

39 (4) The bureau may conduct a needs assessment to  
40 identify:

41 (A) Research being conducted within the state;

42 (B) Available up-to-date technical assistance and  
43 educational materials and programs nationwide;

44 (C) The level of public and professional awareness  
45 about osteoporosis;

46 (D) The needs of osteoporosis patients, their families  
47 and caregivers;

48 (E) The needs of health care providers, including  
49 physicians, nurses, managed care organizations and other  
50 health care providers;

51 (F) The services available to the osteoporosis patient;

52 (G) The existence of osteoporosis treatment pro-  
53 grams;

54 (H) The existence of osteoporosis support groups;

55 (I) The existence of rehabilitation services; and

56 (J) The number and location of bone density testing  
57 equipment; and

58 (5) The bureau may replicate and use successful  
59 osteoporosis programs and enter into contracts and  
60 purchase materials or services from organizations with  
61 appropriate expertise and knowledge of osteoporosis.

62 (b) Based on the needs assessment conducted pursuant  
63 to this section, the bureau may develop and maintain a  
64 resource guide to include osteoporosis related services.  
65 This guide shall include a description of diagnostic testing  
66 procedures, appropriate indications for their use, drug  
67 therapies currently approved by the United States food  
68 and drug administration, and a cautionary statement about  
69 the current status of osteoporosis research, prevention and  
70 treatment. The statement shall also indicate that the bureau

71 does not license, certify, or in any way approve  
72 osteoporosis programs or centers in the state.

73 (c) The bureau may promulgate rules in accordance  
74 with the provisions of article three, chapter twenty-nine-a  
75 of this code necessary to implement the provisions of this  
76 article.

77 (d) Nothing in this article may be construed or  
78 interpreted to mean that osteoporosis treatment or  
79 osteoporosis education are required to be provided by the  
80 bureau or the council created in section three of this  
81 article. Nothing contained in this article may be construed  
82 to mandate funding for osteoporosis education or any of  
83 the programs contained in this article or to require any  
84 appropriation by the Legislature.

**§16-5M-3. Interagency council on osteoporosis.**

1 (a) There is hereby established the interagency council  
2 on osteoporosis. The director of public health shall chair  
3 the council. The council shall have representatives from  
4 appropriate state departments and agencies including, but  
5 not limited to, the entities with responsibility for aging,  
6 health care reform implementation, education, public  
7 welfare and women's programs.

8 (b) The council shall:

9 (1) Coordinate osteoporosis programs conducted by  
10 or through the bureau of public health;

11 (2) Establish a mechanism for sharing information on  
12 osteoporosis among all officials and employees involved  
13 in carrying out osteoporosis-related programs;

14 (3) Review and coordinate the most promising areas  
15 of education, prevention and treatment concerning  
16 osteoporosis;

17 (4) Assist the bureau of public health and other offices  
18 in developing and coordinating plans for education and  
19 health promotion on osteoporosis;

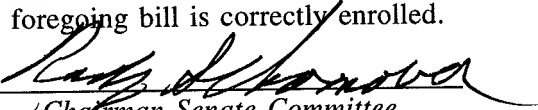
20 (5) Establish mechanisms to use the results of research  
21 concerning osteoporosis in the development of relevant

22 policies and programs; and

23 (6) Prepare a report that describes educational  
24 initiatives on osteoporosis and transmit the report to the  
25 Legislature and the governor and make the report  
26 available to the public.

27 (c) The council shall establish and coordinate the  
28 advisory panel on osteoporosis which will provide  
29 nongovernmental input regarding the program. Member-  
30 ship shall include, but is not limited to, persons with  
31 osteoporosis, public health educators, osteoporosis experts,  
32 providers of osteoporosis health care, persons knowledge-  
33 able in health promotion and education and representa-  
34 tives of national osteoporosis organizations or their state  
35 and regional affiliates.

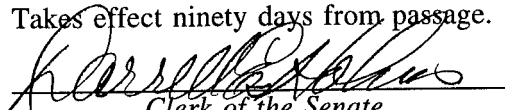
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 15<sup>th</sup>  
day of April, 1996.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/96

Time 4:12 pm