

# WEST VIRGINIA CODE: §26-1-3

## §26-1-3. Secretary of Department of Health Facilities; powers and duties.

(a) In addition to the authority provided in §5F-2-2 of this code, the secretary shall:

(1) Coordinate efforts with the Secretary of Human Services and the Secretary of Health, including authority to share the expense of administrative services through a memorandum of understanding established by agreement of the secretaries as required under §5F-2-1a of this code;

(2) Manage, direct, control, and govern state owned health facilities;

(3) Operate state health facilities and adopt rules pertaining to their operation;

(4) Protect the rights of clients served by state health facilities;

(5) Develop and implement critical performance indicators to be used to hold state hospitals accountable. The performance system indicators shall be implemented no later than January 1, 2025; and

(6) Cooperate with the Office of the Inspector General and take action on its findings.

(b) The Secretary may:

(1) Acquire by condemnation or otherwise any interest, right, privilege, land, or improvement and hold title to the land or improvement, for the use or benefit of the state or a state hospital or facility, to sell, exchange or otherwise convey any interest, right, privilege, land, or improvement acquired or held by the state, state hospital, or state facility. Any condemnation proceedings shall be conducted pursuant to §54-1-1 *et seq.* of this code;

(2) Receive donations;

(3) Accept, allocate, and spend any federal funds that may be made available to the state by the federal government; and

(4) Transfer residents between the facilities. The clinical director may accept transfer of residents from correctional institutions, subject to the provisions of §28-1-1 *et seq.* of this code.

(c) Any contract, agreement or memorandum of understanding between the secretary and West Virginia University, West Virginia School of Osteopathic Medicine or Marshall University for services is exempt from the provisions of §5A-3-1 *et seq.*, of this code.