WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 98

(By Mr. Eddy)

PASSED February 26, 1943

In Effect From Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.
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Senate Bill No. 98
(By Mr. Eddy)

[Passed February 26, 1943; in effect from Passage.]

A BILL to amend and reenact chapter one hundred sixty-four, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, relating to the authority of the county court of Monongalia county to establish, equip and maintain a general hospital in said county for the treatment and care of patients, charitable and otherwise, to use in part the county infirmary buildings for such purpose, and to appoint a board of trustees to control, manage and operate the said hospital.

Be it enacted by the Legislature of West Virginia:

That chapter one hundred sixty-four, acts of the Legislature of West Virginia, one thousand nine hundred twenty-nine, be amended and reenacted to read as follows:
Section 1. Establishment and Maintenance of Monongalia General Hospital. The county court of Monongalia county is hereby authorized and empowered to establish, equip and maintain a general hospital in said county, to be known as the Monongalia General Hospital, and for that purpose to use the present hospital and any buildings now utilized in connection therewith, including part of the county infirmary buildings, grounds and equipment, as well as any additions that may be built to the present hospital.

Sec. 2. Cost of Operating. The cost of operating the Monongalia County Hospital shall be provided for out of the revenues of the said hospital: Provided, That the county court of Monongalia county may in its discretion contribute to such expenditures out of any funds in the hands of the said court and not otherwise appropriated.

Sec. 3. County Court to Appoint Board of Trustees for Hospital; Duties of Hospital Board. The said county court of Monongalia county shall forthwith appoint a board of trustees, which board shall consist of nine members;
and said board of trustees is hereby authorized and em-
powered to control, manage, and operate the said Monon-
galia General Hospital. Said board shall also be known
as the hospital board of Monongalia county.

Sec. 4. Officers of Hospital Board; Committees; Mem-
bers of Board to Serve Without Compensation. The said
hospital board shall immediately organize with the usual
officers appropriate to such character of organization ini-
tially and annually thereafter; and it shall certify from
time to time the names of its officers to the county court
of Monongalia county.

The board may, by resolution or resolutions passed by
a majority of the whole board, designate one or more
committees, each committee to consist of two or more
of the board members, which, to the extent provided for
in any such resolution, shall have and may exercise the
powers of the board in the management of the hospital
business.

Members of the hospital board shall serve without
compensation.
Sec. 5. Qualifications of Members of Boards; Term of Office; Vacancies. All members of the hospital board shall be citizens of West Virginia and residents of Monongalia county; and none of such members shall be engaged in the practice of medicine or surgery. The term of office of the members of the hospital board shall be three years, except that the county court shall divide those originally appointed into three classes: the term of office of those of the first class shall expire on the first day of March next ensuing; of the second class one year thereafter; and of the third class two years thereafter; and at each annual appointment held after such classification, members shall be chosen for a full term, as the case may be, to succeed those whose terms expire.

All vacancies in the membership of the hospital board shall be promptly filled through such appointment by the said county court; but members in office may continue to serve until their successors have been appointed and have been qualified.

The county court of Monongalia county may at any time remove members of the hospital board.
Sec. 6. Hospital Board to Be a Corporation. Said hospital board shall be a corporation; and as such it may contract and be contracted with, sue and be sued, plead and be impleaded, and shall have and use a common seal.

Sec. 7. Specific Powers of Hospital Board. In addition to any other powers granted by this act, the said hospital board shall have specific authority over each of the following subjects:

1. The board shall be authorized to employ all agents, technicians, employees and others deemed proper or needful by it for the successful conduct of the affairs of the hospital, and to fix their compensation. Employment shall be given without any reference whatsoever to political opinions or party affiliation of the person concerned.

2. The board is empowered to make such rules and regulations in and concerning the management of the hospital as may seem necessary, needful or proper; and it may adopt such disciplinary measures as may appear expedient. The board may delegate to the superintendent
of the hospital and to such other directing personnel, as it may from time to time employ, ample and plenary power to make such rules and regulations effective.

3. The board may formulate appropriate rules and regulations relating to the use of the hospital and its facilities by members of the medical and surgical profession or hospital staff.

4. The board may fix and establish appropriate rates and charges for the use of the hospital and its facilities by any patients who may be admitted thereto for care, hospitalization or treatment.

5. The board shall have authority to utilize net income or surplus profits for equipment, equipment-maintenance and improvement of facilities; and the board is specifically authorized to make such expenditures for these purposes as may in the board’s discretion seem proper.

In general, the board shall possess complete authority to conduct the affairs of the Monongalia General Hospital with all appropriate facilities and services; and the enumeration of powers in this section shall not operate to exclude the exercise of other powers fairly incidental
thereto or reasonably implied and within the purposes of this act.

Sec. 8. Hospital Board to Keep Books of Account; Method of Making Disbursements. The hospital board shall cause accurate and proper books of account to be kept. All payrolls shall be approved by the president and secretary of the hospital board, or respective substitute officials, prior to the payment of any compensation whatsoever. The treasurer of the hospital board shall make disbursements upon the requisition of such president and secretary, and not otherwise.

Sec. 9. Requirement of Surety for Officers or Agents of Hospital Board. Any officers, agents or employees of the hospital board, appointed or authorized to receive moneys for services rendered at the hospital, shall be required to give bond in such sum and with such surety as may be deemed sufficient by the said hospital board.

Sec. 10. Monongalia General Hospital Fund; Accounts; Payment of Necessary Expenses; Surplus. All revenues derived from the operation of the hospital shall be deposited in a separate account designated as the Monon-
galia General Hospital Fund. The hospital board shall
at least once each month render an itemized statement
of its receipts and expenses to the county court and it
shall also submit to said court an annual statement of
its financial condition.
Out of the said hospital fund, there shall be trans-
ferred and paid the following amounts for the following
purposes, in the order that the same are hereinafter set
forth:

1. There shall be paid the reasonable expense of
operation, repair and maintenance of the hospital.

2. Out of the balance of the revenues remaining in the
hospital fund, after payment of the amount hereinabove
in the first subsection required to be paid, there shall
be paid into a separate account which is hereby created
and designated as the Operation and Maintenance Ac-
count, as a reserve for operation, repair and maintenance
an amount deemed sufficient for operation, repair and
maintenance of the hospital for an ensuing period of
not less than twelve months, and for depreciation.

3. The balance of the revenue remaining in the hos-
After payment of the amounts hereinabove provided, may be paid over by the said hospital board to the county court of Monongalia county, and may be used by the said county court for any other lawful purpose.

The county court of Monongalia county shall forthwith pay over into the Monongalia General Hospital Fund all existing funds now held by it or on deposit in any banking institution, to the credit of the said Monongalia General Hospital or for its current operations. The said county court shall also transfer, assign and set over to the hospital board all accounts receivable or bills owing in favor of the said Monongalia General Hospital.

Sec. 11. *Hospital Employees to Be Within Workmen's Compensation Act; Other Insurance.* All members of the hospital, eligible thereto, shall be deemed to be within the Workmen's Compensation Act of West Virginia, and premiums on their compensation shall be paid by the hospital board as required by law. Adequate insurance-coverage against hazards shall at all times be carried as prudence in good management indicates.
Sec. 12. **Wide Discretion to Be Vested in the Hospital Board.** It is the purpose of this act to provide for an efficient operation of the hospital, and to permit of the prudent and economical management of the hospital by the hospital board. Wide discretion and adequate authority are accordingly vested in the hospital board, in order to achieve that purpose expeditiously and with due safeguards.

Nevertheless, the said hospital board shall make no discrimination among the medical practitioners of said county or their patients, provided these comply with all reasonable rules and regulations made by the hospital board for the governance of the said hospital.

Sec. 13. **Title to Hospital Property to Be in County Court of Monongalia County.** Title to all property constituting or belonging to the Monongalia General Hospital, as comprised within this act, shall be vested as heretofore, in the county court of Monongalia county.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

Ray F. Johnston
Chairman Senate Committee

Stanley H. Pitts
Chairman House Committee

Originated in the Senate

Takes effect from passage

Alden Walker
Clerk of the Senate

Clerk of the House of Delegates

James Pusser
President of the Senate

John E. Amore
Speaker House of Delegates

The within approved this the 4th
day of March, 1943.

Matthew Neely
Governor.

Filed in the office of the Secretary of State
of West Virginia, MAR 4 - 1943

Win. S. O'Brien,
Secretary of State