

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945

ENROLLED

SENATE BILL No. 243

(By Mr. Winters)

PASSED March 8 1945

In Effect From Passage

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(BY MR. WINTERS)

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AN ACT to authorize and empower the county court of Cabell county, in conjunction with the city of Huntington, or alone, to construct, acquire, equip, operate and maintain a general hospital in said county for the treatment and care of patients, charitable and otherwise; to appoint a board of trustees to control, manage and operate the said hospital, and to use in connection therewith such existing facilities or property as may be available.

Be it enacted by the Legislature of West Virginia:

.Section 1. *Establishment and Maintenance of Cabell*

2 *County General Hospital.*—That the county court of Cab-

3 ell county, alone or in conjunction with the city of
4 Huntington in Cabell and Wayne counties, West Virginia,
5 is hereby authorized and empowered to construct, acquire,
6 equip, operate and maintain a general hospital in said
7 county to be known as the "Cabell County General Hos-
8 pital" or by other appropriate name, and for that purpose
9 to acquire and use, to the extent possible, all existing
10 public and private facilities and property as may be avail-
11 able for the care, hospitalization and treatment of the
12 indigent poor of said county, and the treatment and hos-
13 pitalization of such pay patients as are able and willing
14 to pay the reasonable costs thereof.

Sec. 2. *Cost of Operating.*—The cost of maintaining and
2 operating the said hospital shall be paid out of its reve-
3 nue: *Provided*, That said court and said city if it shall elect
4 to participate in the construction, acquisition, equipment,
5 operation and maintenance of said hospital may, in its
6 or their discretion as the case may be, contribute to the
7 cost of constructing, acquiring, equipping, operating and
8 maintaining such hospital out of any available funds
9 subject to the control of said court or said city as are not

10 otherwise appropriated. Until such time as sufficient funds
11 are available for the establishment of said hospital the
12 said court and city, or either or both of them, may set
13 aside out of any available funds not otherwise appro-
14 priated such sums annually as it or they may determine,
15 and the same shall until the establishment of said hospital
16 be kept in a separate account to be known as the "Cabell
17 County Hospital Fund," and upon the establishment of
18 said hospital the same shall be paid over to it. All funds
19 in said account shall be invested and kept invested as are
20 other public funds until such time as the same shall in
21 the judgment of said court and city or said court alone,
22 as the case may be, be sufficient to warrant the establish-
23 ment of said hospital. Said court and city or said court
24 alone, as the case may be, may receive gifts of money
25 or property to be used or held for the benefit of such hos-
26 pital and shall have the right to apply for and receive for
27 its use and benefits grants in aid from federal and state
28 governments and agencies thereof, and shall also have
29 the right and power to borrow from federal and state
30 governments and lending agencies of them or either of

31 them, and from private lending agencies such sums as
32 may from time to time be required upon the sole security
33 of such hospital and its revenues from all sources.

Sec. 3. *Construction, Etc., To Be Under Control of Board*
2 of *Trustees*.—The said court and city or said court alone,
3 as the case may be, shall forthwith appoint a Board of
4 Trustees consisting of nine persons, of whom one each
5 shall be a member of the following organizations, viz:
6 Huntington Ministerial Association, Cabell County Bar
7 Association, Chamber of Commerce of said city, Woman's
8 Club of said city, Council of Social Agencies and Com-
9 munity Chest. Two of such persons shall be members of
10 the two major labor organizations (A. F. of L. and C. I. O.)
11 in said city, and the remaining two shall be members in
12 good standing of the Cabell County Medical Society. Said
13 board is hereby authorized and empowered to construct,
14 acquire, equip, operate and maintain said Cabell County
15 General Hospital, and the term "board" when hereafter
16 used in this act shall be construed to mean the board of
17 trustees of the Cabell County General Hospital.

Sec. 4. *Officers and Members of Board to Serve Without Compensation; Committees.*—No officer or member of the board shall receive any compensation for his services as a member thereof; and no person who holds any other public office or public employment shall be eligible to membership on the board. The officers of the board shall be a president, vice-president, secretary, and treasurer, and such other officers as may be appropriate or necessary. Except as herein otherwise provided the board shall have the power to establish by-laws, rules and regulations for its own government and respecting the construction, maintenance and operation of said hospital, and it may by appropriate resolution or resolutions designate one or more committees consisting of two or more members of the board to have and exercise the powers of the board in the management, control and operation of the hospital to the extent provided for in any such resolution.

Sec. 5. *Qualifications of Members of Board; Term of Office; Vacancies.*—All members of the board shall be citizens of West Virginia and residents of Cabell county,

4 and no more than two of such members shall be engaged
5 in the practice of medicine or surgery. The term of office
6 of the members of the board shall be three years, except
7 that the court and city or the court alone, as the case may
8 be, shall divide those originally appointed in to three
9 classes; the term of office of those of the first class shall
10 expire on the first day of March next ensuing; of the
11 second class one year thereafter; and of the third class two
12 years thereafter; and at each annual appointment made
13 after such classification, members shall be chosen for a
14 full term of three years to succeed those whose terms
15 expire. All vacancies in the board shall be filled by the
16 appointment of a successor member for the unexpired
17 term by the court and city or the court alone, as the case
18 may be, and in every occasion appointment shall be made
19 and the terms of office shall continue until successors
20 have been appointed and qualified. Every appointee to
21 fill a vacancy, or upon the expiration of a term on the
22 board, shall be a member of the same organization as
23 the predecessor. The members of the board shall be
24 chosen with regard to their business and professional ex-

25 perience and their standing as citizens in the community
26 and without regard to their religious or political affilia-
27 tions. Members of the board may be removed for such
28 cause as other public officers may be removed from office.

Sec. 6. *Hospital Board to be a Corporation.*—Said board
2 of trustees shall be a corporation under the name of
3 “Cabell County General Hospital” and as such it may
4 contract and be contracted with, sue and be sued, plead
5 and be impleaded, and shall have and use a common seal.

Sec. 7. *Composition of Medical Staff and Specific Powers*
2 *of Staff and Board.*—The medical staff of the hospital shall
3 consist of such reputable licensed physicians and surgeons
4 as are members in good standing of the Cabell County
5 Medical Society. The medical staff shall promulgate
6 medical and surgical rules and regulations for the staff
7 and shall be amenable to such general rules and regula-
8 tions governing the operation of the hospital as may from
9 time to time be promulgated by the board. If said hos-
10 pital shall have an out-patient department, all members
11 of the staff shall render without charge or remuneration
12 such services to the indigent patients of said out-patient

13 department as may be prescribed by the staff, and the
14 refusal of any member of the staff to render services with-
15 out charge to any indigent out-patient or to perform any
16 services in connection with the operation of such out-
17 patient department as staff may prescribe shall be suf-
18 ficient cause for the summary removal of such offending
19 member from the staff.

20 In addition to any other powers granted by this act,
21 the said board shall have specific authority over each of
22 the following subjects:

23 1. Employment of all agents, technicians, nurses and
24 other employees deemed proper or needful by it and the
25 medical staff for the successful operation of the hospital
26 and fix the conditions of their employment and their com-
27 pensation. All employees shall be chosen upon the basis
28 of their administrative, technical or other particular quali-
29 fications for the office or position for which they are
30 employed and without regard to their religious or political
31 opinions or affiliations;

32 2. The making of such rules and regulations in and
33 concerning the management of the hospital as may seem

34 necessary, needful or proper; and the adoption of such
35 disciplinary measures as may appear expedient. The
36 board may delegate to the superintendent of the hospital
37 and to such others of the directing personnel, as it may
38 from time to time determine, ample and plenary power
39 to enforce its rules and regulations;

40 3. The formulation of appropriate rules and regulations
41 relating to the use of the hospital and its facilities by
42 members of the medical and surgical profession and mem-
43 bers of the medical staff;

44 4. The fixing and establishing of appropriate rates and
45 charges for the use of the hospital and its facilities by any
46 patients who may be admitted thereto for care, hospitali-
47 zation or treatment;

48 5. The utilization of net income or surplus for equip-
49 ment, equipment-maintenance and improvement of facili-
50 ties; and the board is specifically authorized to make such
51 expenditures for these purposes as may in its discretion
52 seem proper;

53 6. In general, the board shall possess complete authority
54 to conduct the affairs of the Cabell County General Hos-

55 pital with all appropriate facilities and services; and the
56 enumeration of powers in this section shall not operate to
57 exclude the exercise of other powers fairly incidental
58 thereto or reasonably implied and within the purposes
59 of this act.

Sec. 8. *Board to Keep Books of Account; Method of*
2 *Making Disbursements.*—The board shall cause accurate
3 and proper books of account to be kept and no money
4 shall be paid out of the board's treasury except upon an
5 order signed by the president and secretary of the board
6 and specifying the purposes for which the amount thereof
7 is to be paid with sufficient clearness to indicate the pur-
8 pose for which the order is issued. Checks shall be drawn
9 in the name of the hospital, signed by the treasurer and
10 countersigned either by the superintendent of the hos-
11 pital or some other officer or agent of the board desig-
12 nated so to do.

Sec. 9. *Requirement of Surety Bonds for Officers or*
2 *Agents of Board.*—All officers, agents or employees of
3 the hospital, appointed or authorized to receive moneys
4 for the hospital, shall be required to give bond in such

5 sum and with such surety as may be deemed sufficient
6 by the said board.

Sec. 10. *Cabell County General Hospital Fund; Ac-*
2 *counts; Payment of Necessary Expenses; Surplus.*—All
3 funds of the hospital, from whatever source received,
4 shall be deposited in such bank or banks in Cabell county
5 as a majority of the board may direct, and at least once
6 each month the board shall render an itemized statement
7 of the hospital's receipts and disbursements to the court
8 and city or the court alone, as the case may be, and an-
9 nually as of the first day of July in each year, it shall also
10 submit to the court and city or the court alone, as the
11 case may be, a completely itemized statement of the
12 hospital's financial condition. The board may provide for
13 such reserve accounts for operation, repair, insurance,
14 depletion, depreciation and building as it may deem
15 advisable and shall order paid into such reserve account
16 or accounts such part of the funds of the hospital under
17 such conditions as it may prescribe.

Sec. 11. *Hospital Employees to be Within Workmen's*
2 *Compensation Act; Other Insurance.*—All employees of

3 the hospital, eligible thereto, shall be deemed to be within
4 the Workmen's Compensation act of West Virginia, and
5 premiums on their compensation shall be paid by the
6 board as required by law. Adequate insurance-coverage
7 against hazards shall at all times be carried in such amount
8 as prudence and good management indicates.

Sec. 12. *Wide Discretion to be Vested in the Board.*—

2 It is the purpose of this act to provide for an efficient
3 operation of the hospital, and to permit of the prudent
4 and economical management of the hospital by said
5 board. Wide discretion and adequate authority are ac-
6 cordingly hereby vested in the said board of trustees in
7 order to accomplish such purposes expeditiously and with
8 due safeguards.

9 Nevertheless, the board shall make no discrimination
10 among the medical practitioners of said county or their
11 patients, provided these comply with all reasonable rules
12 and regulations made by the board for the governing of
13 the said hospital, and the regulations of the medical staff.

Sec. 13. *Title to Hospital Property.*—Title to all property

2 constituting or belonging to the Cabell County General

3 Hospital shall be vested in the county court of Cabell
4 county and the city of Huntington or in the county court
5 of Cabell county alone, as the case may be.

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

Charles C. Morris

Chairman Senate Committee

J. A. DeLoach, Jr.

Chairman House Committee

Originated in the

Senate

Takes effect

from

..... passage

J. Howard Myers

Clerk of the Senate

Frederick

Clerk of the House of Delegates

Donald M. Vickers

President of the Senate

John E. Amos

Speaker House of Delegates

The within

Approved

this the

12th

day of

March

, 1945.

Charles C. Morris

Governor.

Filed in the office of the Secretary of State

West Virginia

MAR 12 1945

Wm. S. O'BRIEN, Jr.
Secretary of State