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STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1973**

**ENROLLED**

HOUSE BILL No. 792

(By Mrs. Smirl)

PASSED April 13, 1973

In Effect Ninety days from Passage



C 641

FILED IN THE OFFICE  
EDGAR F. WEISKELL III  
SECRETARY OF STATE  
THIS DATE 5/3/73

Veto - 792

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**House Bill No. 792**  
**(By MRS. SMIRL)**

[Originating in the House Committee on the Judiciary]

[Passed April 13, 1973; in effect ninety days from passage.]

AN ACT to amend chapter twenty-nine of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article eighteen, creating a comprehensive health planning agency; providing a short title; setting forth certain legislative findings; defining terms; relating to powers, responsibilities and duties of such agency; creating the West Virginia comprehensive health planning advisory council; relating to such council generally; relating to the expenses of the members of such council; authorizing the council to promulgate rules and regulations; requiring cooperation of others with agency; and specifying that the creation of such agency does not replace other planning bodies.

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

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

**ARTICLE 18. COMPREHENSIVE HEALTH PLANNING AGENCY.**

**§29-18-1. Title.**

- 1 This article may be cited as the Comprehensive Health
- 2 Planning Act of 1973.

**§29-18-2. Legislative findings.**

- 1 The Legislature hereby finds and declares that this article
- 2 recognizes a stated purpose of Public Law 89-749 of the 89th
- 3 Congress which is to provide federal financial assistance to
- 4 support the marshaling of all health resources, national, state
- 5 and local, to assure a comprehensive health service of high
- 6 quality for every person, but without interference with existing
- 7 patterns of private professional practice of medicine, dentistry
- 8 and related healing arts.

- 9 In order that West Virginia may comply fully with Public
- 10 Law 89-749 of the 89th Congress and its amendments, the
- 11 state comprehensive health planning agency, hereinafter pro-
- 12 vided for, is hereby designated the state agency for administer-
- 13 ing the state's comprehensive health planning functions. The
- 14 purpose of this article is to promote comprehensive health
- 15 planning as a means of assisting in providing the highest quality
- 16 of health care at the lowest reasonable cost.

**§29-18-3. Definitions.**

- 1 As used in this article:

- 2 "State comprehensive health planning agency" means that
- 3 health planning agency established to meet the requirements
- 4 of the Partnership for Health Act, Public Law 89-749, para-
- 5 graph 314(a), as amended.

- 6 "Consumer" refers to a person who uses, or potentially will
- 7 use, existing and programmed health services and whose major
- 8 career or occupation is neither the organizing, financing, or
- 9 delivery of health services, teaching health sciences, nor
- 10 engaging in health research.

- 11 "Public Law 89-749 and its amendments" means Public
- 12 Law 749 of the 89th Congress as amended by Public Law 174
- 13 of the 90th Congress and again by Public Law 595 of the 91st
- 14 Congress.

**§29-18-4. Creation of comprehensive health planning agency; duties.**

- 1 There is hereby created an administrative division in the

2 office of the governor, to be known as the comprehensive health  
3 planning agency. The governor is authorized to appoint a  
4 director of the agency. The agency shall encourage co-  
5 operative efforts among governmental and nongovernmental  
6 agencies, organizations and groups concerned with health  
7 services, facilities, financing, and manpower.

**§29-18-5. Creation of health planning advisory council; membership, expenses for members.**

1 There is hereby created the West Virginia comprehensive  
2 health planning advisory council, which shall be composed of  
3 not less than fifteen members, nor more than thirty-nine mem-  
4 bers, to be appointed by the governor. The council shall advise  
5 the agency in carrying out its functions. The members of the  
6 council shall be residents of the state. Membership of the  
7 council shall include representatives of state and local agencies  
8 and nongovernmental organizations and groups concerned with  
9 health and consumers of health services. A majority of the  
10 membership of such council shall consist of consumers of  
11 health services. The term of office of each member of the  
12 council shall be three years, excepting that of the members  
13 first appointed to the council, one third shall be appointed for  
14 one year, one third for two years, and one third for three  
15 years. A council member shall serve until his successor has  
16 been duly appointed, and any vacancy in the office of a mem-  
17 ber shall be filled by appointment for the unexpired term of  
18 such member. Any council member shall be eligible for re-  
19 appointment. The council shall annually, at its meeting first  
20 succeeding July one, elect from its own membership a chair-  
21 man and vice chairman.

22 Members of the advisory council shall be reimbursed for all  
23 reasonable and necessary expenses actually incurred in at-  
24 tending meetings of such council.

**§29-18-6. Rules and regulations.**

1 The advisory council shall adopt reasonable rules and  
2 regulations concerning the operation of the council, the func-  
3 tions and responsibilities of its officers and members and such  
4 other matters as may be necessary to carry out the purpose  
5 of this article, which said rules and regulations shall be

6 promulgated in accordance with the applicable provisions of  
7 chapter twenty-nine-a of this code as if the same were set  
8 forth herein in extenso.

**§29-18-7. Cooperation by other departments, etc.**

1 All officers, employees and agents of the state of West  
2 Virginia and all divisions, departments, bureaus, commissions,  
3 subdivisions and agencies of the state government shall confer,  
4 plan and cooperate with the comprehensive health planning  
5 agency. Any department of the state of West Virginia which  
6 has statutory or legally designated authority and responsibility  
7 to administer state or state-federal programs which involve  
8 related health functions shall cooperate with the compre-  
9 hensive health planning agency so that these programs shall  
10 be properly considered in the overall health program.

**§29-18-8. Health planning agency responsibilities.**

1 The state comprehensive health planning agency's respon-  
2 sibilities shall include, but not be limited to, the following:  
3 (a) Developing comprehensive health plans, including  
4 personal health services, manpower, facilities, and environ-  
5 mental health as well as health care financing from which  
6 recommendations for priorities which have a statewide focus  
7 can be selected;  
8 (b) Developing guidelines as recommendations for govern-  
9 ment health planning;  
10 (c) Providing assistance to regional comprehensive health  
11 planning agencies in their organization and functional activit-  
12 ies including development of regional comprehensive health  
13 plans;  
14 (d) Coordinating comprehensive health planning activities  
15 with other health planning agencies throughout the state and  
16 in those states adjoining this state.

**§29-18-9. No effect on legal status of other agencies, committees,  
etc.**

1 The creation of the state health planning agency is in no  
2 way intended to replace any existing planning bodies such

5 [Enr. Com. Sub: for H. B. No. 792

3 as hospital advisory committees, officially designated health  
4 planning agencies, or study committees associated with official  
5 and nonofficial health agencies.

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

H. Darrel Darby  
Chairman Senate Committee

Frederic C. Churston Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Harold McCaison  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

H. D. Brotherton  
President of the Senate

Lewis F. McManus  
Speaker House of Delegates

The within disapproved this the 24th  
day of April, 1973.  
Arch A. Shaver Jr.  
Governor



PRESENTED TO THE  
GOVERNOR

Date 4/24/73

Time 2:34 p.m.