WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED

HOUSE BILL No. 829

(By Mr. )

PASSED March 13, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 4/1/76
AN ACT to amend and reenact section two, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to the state board of health; its membership, appointment, removal and qualifications of members; per diem compensation of members, and reimbursement for travel expenses.

Be it enacted by the Legislature of West Virginia:

That section two, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. STATE DEPARTMENT OF HEALTH.

§16-1-2. Board of health—Body corporate, etc.; membership; appointment and removal of members; compensation.

There shall be a state board of health, to be known as the West Virginia board of health, which shall be a corporation and as such may contract and be contracted with, plead and be impleaded, sue and be sued, and have and use a common seal. The state board of health shall consist of nine members, who shall be appointed by the governor, by and with the advice and consent of the Senate. Three members of the board shall be physicians or surgeons holding the degree of doctor of medicine, one shall be a dentist, one shall be an osteopathic physician, one shall be a registered nurse, one shall be a pharmacist, one shall be chosen as
the representative of the hospitals licensed in the state of
West Virginia and one shall be a representative citizen, who
shall not be an employee of, or connected in any way with, any
hospital licensed in this state, and who shall not be a member
of any of the professions named above. The registered nurse
representative shall first be appointed at the next expiration
of a term of a representative citizen, or, in the event of a
vacancy in the term of a representative citizen, to fill his unex-
pired term. Until a vacancy occurs, or until the expiration of
the term of a representative citizen, whichever shall occur first,
two representative citizens shall remain on the board.

All persons appointed to membership on the state board
of health shall be citizens of this state and shall have
been such citizens and residents of the state for at least
five years prior to the date of their appointment. Every
professional member of the said board shall be duly licensed
to practice the profession of such person in this state on
the date of appointment and shall have been so licensed
and have been actively practicing his profession for at least
five years immediately preceding the date of such appointment.
Before appointing any professional member, the governor shall
request the state professional society of the profession practiced
by any proposed appointee to furnish to the governor a full
and complete report concerning the qualifications and suit-
ability of the proposed appointee. All members of the board
shall be appointed for terms of nine years each. Any vacancy
on the board shall be filled by the governor by appointment for
the unexpired term.

No more than five of the members of the board shall belong
to the same political party. Not less than one nor more
than three members shall be appointed from the same con-
gressional district. No person shall be eligible for appoint-
ment to membership on the state board who is a member of
any political party executive committee, or who holds any
public office or public employment under the federal govern-
ment or under the government of this state or any of its
political subdivisions, or who is an appointee or employee of
the board. All members shall be eligible for reappointment.

No member may be removed from office by the governor
except for official misconduct, incompetence, neglect of duty
or gross immorality and then only in the manner prescribed by law for the removal by the governor of state elective officers: Provided, That the expiration or revocation of the professional license of any professional member of the board shall be cause for his removal.

The members of the board shall be paid the sum of thirty-five dollars for each day actually served in attendance at official meetings of the board. Each member shall be reimbursed for travel at the rate of fifteen cents per mile if by private automobile and actual cost if travel is by common carrier. Each member shall also be reimbursed for other actual expenses incurred in the performance of the duties of his office.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 31st day of March, 1976.

Governor
PRESENTED TO THE GOVERNOR

Date 3/25/76
Time 2:00 p.m.