

APR 11 1976  
OFFICE OF  
SECRETARY OF STATE  
STATE OF WEST VIRGINIA

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1976**

— ● —

**ENROLLED**

**HOUSE BILL No. 829**

(By Mr. Peters.....)

— ● —

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

ENROLLED

H. B. 829

(By MR. TEETS)

[Passed March 13, 1976; in effect ninety days from passage.]

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.**

1     There shall be a state board of health, to be known as the  
2     West Virginia board of health, which shall be a corporation  
3     and as such may contract and be contracted with, plead  
4     and be impleaded, sue and be sued, and have and use a  
5     common seal. The state board of health shall consist of  
6     nine members, who shall be appointed by the governor,  
7     by and with the advice and consent of the Senate. Three  
8     members of the board shall be physicians or surgeons holding  
9     the degree of doctor of medicine, one shall be a dentist,  
10    one shall be an osteopathic physician, one shall be a registered  
11    nurse, one shall be a pharmacist, one shall be chosen as

12 the representative of the hospitals licensed in the state of  
13 West Virginia and one shall be a representative citizen, who  
14 shall not be an employee of, or connected in any way with, any  
15 hospital licensed in this state, and who shall not be a member  
16 of any of the professions named above. The registered nurse  
17 representative shall first be appointed at the next expiration  
18 of a term of a representative citizen, or, in the event of a  
19 vacancy in the term of a representative citizen, to fill his unex-  
20 pired term. Until a vacancy occurs, or until the expiration of  
21 the term of a representative citizen, whichever shall occur first,  
22 two representative citizens shall remain on the board.

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

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

50 No member may be removed from office by the governor  
51 except for official misconduct, incompetence, neglect of duty

52 or gross immorality and then only in the manner prescribed  
53 by law for the removal by the governor of state elective  
54 officers: *Provided*, That the expiration or revocation of the  
55 professional license of any professional member of the board  
56 shall be cause for his removal.

57 The members of the board shall be paid the sum of thirty-  
58 five dollars for each day actually served in attendance at  
59 official meetings of the board. Each member shall be reim-  
60 bursed for travel at the rate of fifteen cents per mile if by  
61 private automobile and actual cost if travel is by common  
62 carrier. Each member shall also be reimbursed for other actual  
63 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.

James L. Davis  
Chairman Senate Committee

Charles C. Chaudin Jr.  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. C. Dillon Jr.  
Clerk of the Senate

W. A. Blankenship  
Clerk of the House of Delegates

W. B. Roberts Jr.  
President of the Senate

Lewis F. H. Moore  
Speaker House of Delegates

The within approved this the 31<sup>st</sup>  
day of March, 1976.

Arthur A. Shaffer  
Governor



PRESENTED TO THE  
GOVERNOR

Date 3/25/76

Time 2:00 p.m.