WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980

ENROLLED
SENATE BILL NO. 507

(By Mr. Huffman)

PASSED March 4, 1980
In Effect July 1, 1980
AN ACT to amend and reenact section one, article two, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section five, article two-a of said chapter, all relating to requiring physicians to report to public health authorities only those diseases or conditions for which the state board of health requires a report and in the manner specified by the state health director; and eliminating the requirement that physicians report all communicable and infectious diseases regardless of type.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 2. LOCAL HEALTH OFFICERS.
§16-2-1. County and municipal health officers; reports by physicians; county board of health; penalty for noncompliance.

1 It shall be the duty of the director of the West Virginia department of health, upon the recommendation of the county commission of the county, to appoint in each county of this state a legally qualified physician, who shall be known as the county health officer. It shall also be the duty of such director, upon the recommendation of the municipal council or other governing body of any municipality, to appoint in such munici-
9 · pality a legally qualified physician, who shall be known
as the municipal health officer; Provided, That no muni-
cipality organized and existing without a special charter
from the Legislature and located within a county which
maintains a full-time county health officer, shall ap-
point a part-time municipal health officer. The county
and municipal health officers in office on the date this
section becomes effective shall, unless sooner removed,
continue to serve until their respective terms expire,
and until their successors have been appointed and have
qualified. Beginning on the first day of July, one thou-
sand nine hundred thirty-three, and on the first day of
July of each fourth year thereafter, a county health
officer shall be appointed as aforesaid to serve for a
term of four years, unless sooner removed by the said
county commission or by the West Virginia director of
health. Beginning on the first day of July, one thousand
nine hundred thirty-one, and on the first day of July of
each alternate year thereafter, a municipal health officer
shall be appointed as aforesaid to serve for a term of
two years, unless sooner removed by the said munici-
pality or by the West Virginia director of health. If
the West Virginia director of health fails to confirm
the nomination of the person recommended as county
or municipal health officer, or if the West Virginia di-
rector of health or the county or municipal authority
removes any such officer, another nomination shall at
once be made to the West Virginia director of health
by the nominating authority.

The county health officer shall receive an official
salary of not less than three hundred dollars per annum
and such other amount as the county commission may
add for additional services and actual necessary travel-
ing expenses, unless for work specially done under
orders of the state department of health. The salary
of the county health officer shall be paid out of the
treasury of the county. It shall be the duty of every
practicing physician to report to the municipal or county
health officer, where there is such official, immediately
on diagnosis, those diseases or conditions for which a
report is required by the state board of health and in
the manner specified by the state health director which
may arise or come under the physician's treatment. The
health officer receiving such reports shall make to the
state health department a weekly report in a manner
specified by the director of health.

The county health officer together with the president
of the county commission and the prosecuting attorney
shall constitute the county board of health, of which
the county health officer shall be the executive officer.
The county board of health shall exercise all the powers
and enforce all the rules and regulations of the West
Virginia board of health, so far as applicable to such
county. In a county which has a full-time county health
officer, the jurisdiction of the county board of health
and of the county health officer shall be coextensive
with the county and shall include every city, town and
village therein which does not have a full-time health
officer of its own, but shall not include any city, town
or village therein which has such full-time health
officer. In a county which has a part-time health officer
only, the jurisdiction of the county board of health and
of such part-time health officer shall not extend to any
city, town or village therein having a full-time or part-
time health officer of its own. All county and municipal
boards of health and health officers shall be secondary
to the West Virginia board of health and the director of
the West Virginia department of health and subject to
all orders of the director of the West Virginia depart-
ment of health who may, if deemed expedient, act
through the county and municipal boards.

Any failure to comply with any of the provisions of
this section is a misdemeanor, and, upon conviction
thereof, the offender shall be fined not more than one
hundred dollars.

ARTICLE 2A. ALTERNATIVE METHOD OF ORGANIZING LOCAL
HEALTH AGENCIES.

§16-2A-5. Powers and duties of county or municipal health
officers; required reporting of diseases.

The county or municipal health officer appointed by
any local board of health created pursuant to the provi-
Sections of this article shall be the executive officer of such board of health. Under the supervision of the board, he shall administer the provisions of this article, all other laws of this state relating to public health and applicable to his county or municipality, and the rules, regulations and orders of such county or municipal board of health and of the state board of health, so far as such rules, regulations and orders are applicable to his county or municipality.

Such health officer shall attend, but not vote, at all meetings of his county or municipal board of health. He shall act as secretary of such board and shall be in charge of its offices. He shall supervise and direct the activities of county or municipal health services, employees and facilities, except that the duties of such health officer shall not include the rendering of medical or surgical services on an individual basis to wards of the county or municipality or to inmates of any public institution operated or maintained by any county commission or municipality.

It shall be the duty of every practicing physician to report to the municipal or county health officer, where there is such official, immediately on diagnosis, those diseases or conditions for which a report is required by the state board of health and in the manner specified by the state health director which may arise or come under the physician's treatment. Any health officer receiving such reports shall make to the state director of health a weekly report in a manner specified by the director of health.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect July 1, 1980.

Judd P. Wille  
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______________ this the _______________ day of ______________________, 1980.  

Governor