

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-10-80

Time 4:30 p.m.

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1980



ENROLLED

SENATE BILL NO. 507

(By Mr. Huffman)



PASSED March 4, 1980

In Effect July 1, 1980 ~~Passage~~

70: 507



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
2 Virginia department of health, upon the recommenda-
3 tion of the county commission of the county, to appoint
4 in each county of this state a legally qualified physician,
5 who shall be known as the county health officer. It
6 shall also be the duty of such director, upon the recom-
7 mendation of the municipal council or other governing
8 body of any municipality, to appoint in such municipi-

9 pality a legally qualified physician, who shall be known
10 as the municipal health officer: *Provided*, That no muni-
11 cipality organized and existing without a special charter
12 from the Legislature and located within a county which
13 maintains a full-time county health officer, shall ap-
14 point a part-time municipal health officer. The county
15 and municipal health officers in office on the date this
16 section becomes effective shall, unless sooner removed,
17 continue to serve until their respective terms expire,
18 and until their successors have been appointed and have
19 qualified. Beginning on the first day of July, one thou-
20 sand nine hundred thirty-three, and on the first day of
21 July of each fourth year thereafter, a county health
22 officer shall be appointed as aforesaid to serve for a
23 term of four years, unless sooner removed by the said
24 county commission or by the West Virginia director of
25 health. Beginning on the first day of July, one thousand
26 nine hundred thirty-one, and on the first day of July of
27 each alternate year thereafter, a municipal health officer
28 shall be appointed as aforesaid to serve for a term of
29 two years, unless sooner removed by the said muni-
30 cipality or by the West Virginia director of health. If
31 the West Virginia director of health fails to confirm
32 the nomination of the person recommended as county
33 or municipal health officer, or if the West Virginia di-
34 rector of health or the county or municipal authority
35 removes any such officer, another nomination shall at
36 once be made to the West Virginia director of health
37 by the nominating authority.

38 The county health officer shall receive an official
39 salary of not less than three hundred dollars per annum
40 and such other amount as the county commission may
41 add for additional services and actual necessary travel-
42 ing expenses, unless for work specially done under
43 orders of the state department of health. The salary
44 of the county health officer shall be paid out of the
45 treasury of the county. It shall be the duty of every
46 practicing physician to report to the municipal or county
47 health officer, where there is such official, immediately
48 on diagnosis, those diseases or conditions for which a
49 report is required by the state board of health and in

50 the manner specified by the state health director which
51 may arise or come under the physician's treatment. The
52 health officer receiving such reports shall make to the
53 state health department a weekly report in a manner
54 specified by the director of health.

55 The county health officer together with the president
56 of the county commission and the prosecuting attorney
57 shall constitute the county board of health, of which
58 the county health officer shall be the executive officer.
59 The county board of health shall exercise all the powers
60 and enforce all the rules and regulations of the West
61 Virginia board of health, so far as applicable to such
62 county. In a county which has a full-time county health
63 officer, the jurisdiction of the county board of health
64 and of the county health officer shall be coextensive
65 with the county and shall include every city, town and
66 village therein which does not have a full-time health
67 officer of its own, but shall not include any city, town
68 or village therein which has such full-time health
69 officer. In a county which has a part-time health officer
70 only, the jurisdiction of the county board of health and
71 of such part-time health officer shall not extend to any
72 city, town or village therein having a full-time or part-
73 time health officer of its own. All county and municipal
74 boards of health and health officers shall be secondary
75 to the West Virginia board of health and the director of
76 the West Virginia department of health and subject to
77 all orders of the director of the West Virginia depart-
78 ment of health who may, if deemed expedient, act
79 through the county and municipal boards.

80 Any failure to comply with any of the provisions of
81 this section is a misdemeanor, and, upon conviction
82 thereof, the offender shall be fined not more than one
83 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.**

1 The county or municipal health officer appointed by
2 any local board of health created pursuant to the provi-

3 sions of this article shall be the executive officer of
4 such board of health. Under the supervision of the board,
5 he shall administer the provisions of this article, all
6 other laws of this state relating to public health and
7 applicable to his county or municipality, and the rules,
8 regulations and orders of such county or municipal board
9 of health and of the state board of health, so far as
10 such rules, regulations and orders are applicable to his
11 county or municipality.

12 Such health officer shall attend, but not vote, at all
13 meetings of his county or municipal board of health.
14 He shall act as secretary of such board and shall be in
15 charge of its offices. He shall supervise and direct the
16 activities of county or municipal health services, em-
17 ployees and facilities, except that the duties of such
18 health officer shall not include the rendering of medical
19 or surgical services on an individual basis to wards of
20 the county or municipality or to inmates of any public
21 institution operated or maintained by any county com-
22 mission or municipality.

23 It shall be the duty of every practicing physician to
24 report to the municipal or county health officer, where
25 there is such official, immediately on diagnosis, those
26 diseases or conditions for which a report is required
27 by the state board of health and in the manner specified
28 by the state health director which may arise or come
29 under the physician's treatment. Any health officer
30 receiving such reports shall make to the state director
31 of health a weekly report in a manner specified by the
32 director of health.

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

James L. Davis
Chairman Senate Committee

Robert C. Christian
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1980.

Judd C. Welles
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. B. Boykin
President of the Senate

Clyde M. Seligson
Speaker House of Delegates

The within is approved this the 10
day of March, 1980.

John D. Rhyker
Governor



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