

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-28-81

Time _____

No: 1729

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981

— ● —

ENROLLED

Com. Sub. for
HOUSE BILL No. 1729

(By Mr. Dameron, 13th Dist., + Mr. Simpkins)

— ● —

Passed April 11, 1981

In Effect Ninety Days From Passage



ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 1729

(MR. DAMRON, 13th Dist. and MR. SIMPKINS)

[Passed April 11, 1981; in effect ninety days from passage.]

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, relating to granting county health officers the authority to determine when corrections have been made sufficient to warrant removal of any limitation or restriction placed by an employee under his supervision.

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 section five, article two-a, of said chapter be amended and reenacted 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
- 2 department of health, upon the recommendation of the county
- 3 commission of the county, to appoint in each county of this

4 state a legally qualified physician, who shall be known as the
5 county health officer. It shall also be the duty of such director,
6 upon the recommendation of the municipal council or other
7 governing body of any municipality, to appoint in such muni-
8 cipality a legally qualified physician, who shall be known as
9 the municipal health officer: *Provided*, That no municipality
10 organized and existing without a special charter from the
11 Legislature and located within a county which maintains a full-
12 time county health officer, shall appoint a part-time municipal
13 health officer. The county and municipal health officers in
14 office on the date this section becomes effective shall, unless
15 sooner removed, continue to serve until their respective terms
16 expire, and until their successors have been appointed and have
17 qualified. Beginning on the first day of July, one thousand nine
18 hundred thirty-three, and on the first day of July of each fourth
19 year thereafter, a county health officer shall be appointed as
20 aforesaid to serve for a term of four years, unless sooner re-
21 moved by the said county commission or by the West Virginia
22 director of health. Beginning on the first day of July, one thou-
23 sand nine hundred thirty-one, and on the first day of July of
24 each alternate year thereafter, a municipal health officer shall
25 be appointed as aforesaid to serve for a term of two years, un-
26 less sooner removed by the said municipality or by the West
27 Virginia director of health. If the West Virginia director of
28 health fails to confirm the nomination of the person recom-
29 mended as county or municipal health officer, or if the West
30 Virginia director of health or the county or municipal authority
31 removes any such officer, another nomination shall at once
32 be made to the West Virginia director of health by the nomi-
33 nating authority.

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

44 state board of health and in the manner specified by the state
 45 health director which may arise or come under the physician's
 46 treatment. The health officer receiving such reports shall make
 47 to the state health department a weekly report in a manner
 48 specified by the director of health.

49 The county health officer together with the president of the
 50 county commission and the prosecuting attorney shall consti-
 51 tute the county board of health, of which the county health
 52 officer shall be the executive officer. The county board of
 53 health shall exercise all the powers and enforce all the rules
 54 and regulations of the West Virginia board of health, so far
 55 as applicable to such county. In a county which has a full-
 56 time county health officer, the jurisdiction of the county board
 57 of health and of the county health officer shall be coextensive
 58 with the county and shall include every city, town and village
 59 therein which does not have a full-time health officer of its
 60 own, but shall not include any city, town or village therein
 61 which has such full-time health officer. In a county which has
 62 a part-time health officer only, the jurisdiction of the county
 63 board of health and of such part-time health officer shall not
 64 extend to any city, town or village therein having a full-time or
 65 part-time health officer of its own. All county and municipal
 66 boards of health and health officers shall be secondary to the
 67 West Virginia board of health and the director of the West
 68 Virginia department of health and subject to all orders of the
 69 director of the West Virginia department of health who may, if
 70 deemed expedient, act through the county and municipal
 71 boards. The county health officer or his designated representa-
 72 tive shall determine when corrections have been made suffi-
 73 cient to warrant removal of any restriction or limitation placed
 74 by an employee under his supervision.

75 Any failure to comply with any of the provisions of this
 76 section is a misdemeanor, and, upon conviction thereof, the
 77 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 offi-
 cers; required reporting of diseases.**

1 The county or municipal health officer appointed by any

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

11 Such health officer shall attend, but not vote, at all meetings
12 of his county or municipal board of health. He shall act as
13 secretary of such board and shall be in charge of its offices.
14 He shall supervise and direct the activities of county or muni-
15 cipal health services, employees and facilities, except that the
16 duties of such health officer shall not include the rendering of
17 medical or surgical services on an individual basis to wards of
18 the county or municipality or to inmates of any public insti-
19 tution operated or maintained by any county commission or
20 municipality. The county health officer or his designated repre-
21 sentative shall determine when corrections have been made
22 sufficient to warrant removal of any restriction or limitation
23 placed by an employee under his supervision.

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

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

R. P. Bayler
Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Willis
Clerk of the Senate

Blankenship
Clerk of the House of Delegates

Wm. R. Roan
President of the Senate

Walter H. Steele Jr.
Speaker House of Delegates

The within is approved this the 28
day of April, 1981.

John D. Rhyne
Governor

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