WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1981

ENROLLED

Com. Sub. for
HOUSE BILL No. 1729

(By Mr. Dameron, 13th Dist., Mr. Humphreys)

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 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 muni-
cipality a legally qualified physician, who shall be known as
the municipal health officer: Provided, That no municipality
organized and existing without a special charter from the
Legislature and located within a county which maintains a full-
time county health officer, shall appoint 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 thousand 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 re-
moved by the said county commission or by the West Virginia
director of health. Beginning on the first day of July, one thou-
sand 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, un-
less sooner removed by the said municipality or by the West
Virginia director of health. If the West Virginia director of
health fails to confirm the nomination of the person recom-
manded as county or municipal health officer, or if the West
Virginia director 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 nomi-
nating 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 ser-
vices and actual necessary traveling 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 department of health who may, if deemed expedient, act through the county and municipal boards. The county health officer or his designated representative shall determine when corrections have been made sufficient to warrant removal of any restriction or limitation placed by an employee under his supervision.

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 provisions 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 muni-
cipal 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 muni-
cipal 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 insti-
tution operated or maintained by any county commission or
municipality. The county health officer or his designated repre-
sentative shall determine when corrections have been made
sufficient to warrant removal of any restriction or limitation
placed by an employee under his supervision.

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 condi-
tions 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.

R. P. Baylee  
Chairman Senate Committee

Tony E. Whitlow  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Todd C. Mills  
Clerk of the Senate

G Blandenship  
Clerk of the House of Delegates


day of  
April  
1981.

The within is approved this the 28  

President of the Senate

Speaker House of Delegates

Governor