

No. 1175 ✓

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 1175

(By ~~Mr.~~ Del. Springston + Del. Starcher)



Passed March 21, 1985

In Effect From Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 1175**

(By DELEGATE SPRINGSTON and DELEGATE STARCHER)

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(Passed March 21, 1985; in effect from passage.)

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AN ACT to amend and reenact section one, article eight and section one, article eleven, both of chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact sections six, eight, seventeen and eighteen, article three, chapter twenty-eight of said code, all relating to changing the name of Fairmont Emergency Hospital to "Marion Health Care Hospital"; clarifying that the director of health is to manage, direct, and control that institution; and deleting the name Fairmont Emergency Hospital from parts of the code pertaining to state correctional and penal institutions.

*Be it enacted by the Legislature of West Virginia:*

That section one, article eight, and section one, article eleven, both of chapter twenty-six of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that sections six, eight, seventeen and eighteen, article three, chapter twenty-eight of said code, be amended and reenacted, all to read as follows:

**CHAPTER 26. STATE BENEVOLENT INSTITUTIONS.**

**ARTICLE 8. EMERGENCY HOSPITALS.**

**§26-8-1. Continuation; management; superintendent; qualifications of superintendent; division of fiscal, administrative and clinical duties; certain persons exempted from qualification requirements.**

1 (a) The hospitals heretofore established and known,  
2 respectively, as Welch Emergency Hospital and Fairmont  
3 Emergency Hospital shall be continued and shall be managed,  
4 directed and controlled as prescribed in article eleven, chapter  
5 twenty-six of this code: *Provided*, That the hospital heretofore  
6 known as Fairmont Emergency Hospital shall henceforth be  
7 known as the Marion Health Care Hospital and any reference  
8 in this code to the Fairmont Emergency Hospital shall mean  
9 the Marion Health Care Hospital. The chief executive officer  
10 of each of said hospitals shall be the superintendent, who shall  
11 be a college graduate and have a minimum of two years'  
12 experience in either hospital administration, health services  
13 administration or business administration with broad knowl-  
14 edge of accounting, purchasing and personnel practices as  
15 related to the rendition of health and health related services.

16 (b) A superintendent is the person having the fiscal  
17 responsibility of the hospital and the authority to manage and  
18 administer the financial, business and personnel affairs of the  
19 hospital.

20 (c) A clinical director is the person having the responsibility  
21 for decisions involving clinical and medical treatment of  
22 patients, and who shall be a duly qualified physician licensed  
23 to practice medicine in the state of West Virginia.

24 (d) The provisions of this section relating to the qualifica-  
25 tion of persons eligible to serve as superintendent shall not  
26 apply to any person serving in the capacity of business  
27 manager on the effective date hereof, and who has served in  
28 such capacity for at least six consecutive months next  
29 preceding such effective date.

**ARTICLE 11. STATE EXTENDED CARE AND EMERGENCY FACILITIES.**

**§26-11-1. Management by director of health.**

1 The director of health or his or her successor shall manage,  
2 direct, control and govern the Andrew S. Rowan Memorial  
3 Home, Denmar Hospital, heretofore established and known as  
4 Denmar State Hospital, Hopemont Hospital, heretofore  
5 known as Hopemont State Hospital, Pinecrest Hospital,  
6 Marion Health Care Hospital, heretofore known as Fairmont  
7 Emergency Hospital and Welch Emergency Hospital and such  
8 other state health care facilities as are or may hereafter be  
9 created by law.

10 The director shall designate the functions of each facility and  
11 prescribe guidelines for the admission of persons thereto,  
12 pursuant to rules and regulations promulgated by the board  
13 of health, and shall supervise the business, personnel and  
14 clinical responsibilities of each facility: *Provided*, That in  
15 prescribing admission guidelines, precedence shall be given to  
16 persons unable to pay therefor.

**CHAPTER 28. STATE CORRECTIONAL AND PENAL INSTITUTIONS.**

**ARTICLE 3. INDUSTRIAL HOME FOR YOUTH.**

**§28-3-6. Custody and conveyance of girls committed to institutions; expenses.**

1 Whenever a girl is committed to the industrial home by any  
2 of the courts hereinbefore named, it shall be the duty of the  
3 clerk of the court before whom the trial was held to prepare  
4 the commitment papers in the case and forward the same by  
5 mail without delay to the superintendent of the industrial  
6 home. On receipt of such commitment papers, the superintend-  
7 ent of the home, if the commitment is found by her to conform  
8 to the provisions of this article, and there is room in said  
9 home, shall promptly so advise the authority making the  
10 commitment, who shall at once send the girl so committed to  
11 the home, under escort of a discreet woman of mature age.  
12 Such escort shall be designated by the authority by whom the  
13 commitment was made, and her compensation, which shall be  
14 fixed by the same authority and shall not exceed three dollars  
15 per day of twenty-four hours, and her expenses, and the girl's

16 necessary traveling expenses, fully itemized and sworn to by  
17 the escort, shall be paid out of the treasury of the county from  
18 which the commitment was made, by the county commission  
19 thereof. No girl committed to said industrial home shall be  
20 lodged in any jail or lockup; but the authority committing her  
21 shall designate an officer or other proper person, preferably  
22 a woman, in whose custody she will be kept until she is  
23 delivered to the person duly authorized to conduct her to said  
24 home. The expense of keeping such girl shall be paid like any  
25 other expense of the hearing or trial.

**§28-3-8. Transfer of certain inmates to other institutions.**

1 The state commissioner of corrections shall have authority  
2 to transfer any girl who is an inmate of the industrial home,  
3 in accordance with the provisions of chapter twenty-seven of  
4 this code, who is mentally ill, mentally retarded, or addicted,  
5 to any state institution charged with the care and treatment  
6 of such persons; to transfer any girl in such home who is blind  
7 or deaf, or whose sight or hearing is so impaired as to make  
8 a transfer desirable, to the schools for the deaf and blind; to  
9 transfer to Welch Emergency Hospital, any girl infected with  
10 syphilis or gonorrhoea.

**§28-3-17. Same—Preparation of inmate lists for billing purposes;  
application of county funds in state treasury.**

1 The superintendent of the industrial home shall, before the  
2 tenth day of January of each year, prepare and certify to the  
3 auditor and the state commissioner of corrections each a list  
4 by counties of all such girls as are mentioned in the preceding  
5 section, who were kept in the home during the preceding year  
6 or any part of it, showing as to each girl what part of the  
7 year she was so kept in the home. On receiving such list the  
8 auditor shall charge to each county fifty dollars on account  
9 of each girl from such county who was kept in such home  
10 during the preceding year, and a proportionate amount on  
11 account of each girl kept in the home for any part of such  
12 year less than the whole. Any money in the treasury of the  
13 State to the credit of any such county, from whatever source  
14 arising, and not appropriated to pay any other debt of the  
15 county to the State, shall be applied, so far as necessary, to  
16 the payment of the sums so charged. If any sum in the treasury  
17 due the county shall not be sufficient to pay the whole amount

18 so charged against it, such sum shall be applied as a credit  
19 on the amount charged, and the balance shall remain a charge  
20 against the county.

**§28-3-18. Same—Determination of payments due; levy; compelling payment.**

1 Within ten days after receiving such list the auditor shall  
2 certify to the county commission of such county a list of the  
3 girls from the county in such home, stating the length of the  
4 term during the year each girl was in such home, as shown  
5 by the list certified by the superintendent, the amount due  
6 from the county on her account, and the total amount due  
7 on account of all. He shall credit on such statement whatever  
8 amount has been applied as a payment thereon from any funds  
9 of the county in the treasury. Such statement shall be a receipt  
10 to the county for any amount so credited, and shall be a bill  
11 for any amount still appearing to be due from the county.  
12 Unless the bill shall have been paid by the application of funds  
13 of the county in the state treasury, the county commission  
14 shall, at its next levy term, provide for the payment of the  
15 same, or such part as may not have been paid, and cause the  
16 amount to be paid into the state treasury. If the amount so  
17 due from any county be not paid in a reasonable time after  
18 such levy term, the auditor may in the name of the State, apply  
19 to the circuit court of the county for a mandamus to require  
20 the county commission to provide for and pay the same, or  
21 he may proceed in the name of the State by any other  
22 appropriate remedy to recover the same.

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

*Bruce O. Williams*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originating in the House.

Takes effect from passage.

*Jedd C. With*  
Clerk of the Senate

*Donald L. Kopp*  
Clerk of the House of Delegates

*Dan Tardiff*  
President of the Senate

*Joseph P. Albright*  
Speaker of the House of Delegates

The within *approved* this the *29th*  
day of *March*, 1985.

*Arch A. Shivers Jr.*  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/85

Time 9:41am.

RECEIVED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE