WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

ENROLLED

Com. Sub. for
HOUSE BILL No. 1175

(By Mr. Del. Springston & Del. Marlham)

Passed March 21, 1985

In Effect from Passage
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.

(a) The hospitals heretofore established and known, respectively, as Welch Emergency Hospital and Fairmont Emergency Hospital shall be continued and shall be managed, directed and controlled as prescribed in article eleven, chapter twenty-six of this code: Provided, That the hospital heretofore known as Fairmont Emergency Hospital shall henceforth be known as the Marion Health Care Hospital and any reference in this code to the Fairmont Emergency Hospital shall mean the Marion Health Care Hospital. The chief executive officer of each of said hospitals shall be the superintendent, who shall be a college graduate and have a minimum of two years’ experience in either hospital administration, health services administration or business administration with broad knowledge of accounting, purchasing and personnel practices as related to the rendition of health and health related services.

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

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

(d) The provisions of this section relating to the qualification of persons eligible to serve as superintendent shall not apply to any person serving in the capacity of business manager on the effective date hereof, and who has served in such capacity for at least six consecutive months next 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, direct, control and govern the Andrew S. Rowan Memorial Home, Denmar Hospital, heretofore established and known as Denmar State Hospital, Hopemont Hospital, heretofore known as Hopemont State Hospital, Pinecrest Hospital, Marion Health Care Hospital, heretofore known as Fairmont Emergency Hospital and Welch Emergency Hospital and such other state health care facilities as are or may hereafter be created by law.

2 The director shall designate the functions of each facility and prescribe guidelines for the admission of persons thereto, pursuant to rules and regulations promulgated by the board of health, and shall supervise the business, personnel and clinical responsibilities of each facility: Provided, That in prescribing admission guidelines, precedence shall be given to 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 of the courts hereinbefore named, it shall be the duty of the clerk of the court before whom the trial was held to prepare the commitment papers in the case and forward the same by mail without delay to the superintendent of the industrial home. On receipt of such commitment papers, the superintendent of the home, if the commitment is found by her to conform to the provisions of this article, and there is room in said home, shall promptly so advise the authority making the commitment, who shall at once send the girl so committed to the home, under escort of a discreet woman of mature age. Such escort shall be designated by the authority by whom the commitment was made, and her compensation, which shall be fixed by the same authority and shall not exceed three dollars per day of twenty-four hours, and her expenses, and the girl's
necessary traveling expenses, fully itemized and sworn to by
the escort, shall be paid out of the treasury of the county from
which the commitment was made, by the county commission
thereof. No girl committed to said industrial home shall be
lodged in any jail or lockup; but the authority committing her
shall designate an officer or other proper person, preferably
a woman, in whose custody she will be kept until she is
delivered to the person duly authorized to conduct her to said
home. The expense of keeping such girl shall be paid like any
other expense of the hearing or trial.

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

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

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

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

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

Within ten days after receiving such list the auditor shall
certify to the county commission of such county a list of the
girls from the county in such home, stating the length of the
term during the year each girl was in such home, as shown
by the list certified by the superintendent, the amount due
from the county on her account, and the total amount due
on account of all. He shall credit on such statement whatever
amount has been applied as a payment thereon from any funds
of the county in the treasury. Such statement shall be a receipt
to the county for any amount so credited, and shall be a bill
for any amount still appearing to be due from the county.
Unless the bill shall have been paid by the application of funds
of the county in the state treasury, the county commission
shall, at its next levy term, provide for the payment of the
same, or such part as may not have been paid, and cause the
amount to be paid into the state treasury. If the amount so
due from any county be not paid in a reasonable time after
such levy term, the auditor may in the name of the State, apply
to the circuit court of the county for a mandamus to require
the county commission to provide for and pay the same, or
he may proceed in the name of the State by any other
appropriate remedy to recover the same.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR

Date  3/26/85
Time  9:41 AM