WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED
SENATE BILL NO. 350

(By Senators Boothy and Sharpe)

PASSED March 8, 1986
In Effect July 1, 1986
AN ACT to amend and reenact section six, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the state department of health; the board of health; and increasing the membership of the board by adding a chiropractor.

Be it enacted by the Legislature of West Virginia:

That section six, article one, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 1. STATE DEPARTMENT OF HEALTH.

§16-1-6. Board of health; membership; appointment and removal of members; compensation.

1 There shall be a state board of health, to be known as the West Virginia board of health. The state board of health shall consist of sixteen members, who shall be appointed by the governor, by and with the advice and consent of the Senate. Three members of the board shall be physicians or surgeons holding the degree of doctor of medicine, one shall be a dentist, one shall be an osteopathic physician, one shall be a registered nurse, one shall be a pharmacist, three shall be from mental health disciplines, one shall be an administrator of a licensed hospital, one shall be an optometrist, one shall be a chiropractor
and three shall be representative citizens, none of which representative citizens shall be an employee of, spouse of an employee of, or receive any other financial benefit from any health facility located in this state, and none of whom shall be a member of, or the spouse, child, or parent of, or connected in any way with, any of the professions named.

All persons appointed to membership on the state board of health shall be citizens of this state and shall have been such citizens and residents of the state for at least five years prior to the date of their appointment. Every professional member of the said board shall be duly licensed to practice such profession on the date of appointment and shall have been so licensed and in active practice of the profession for at least five years immediately preceding the date of such appointment. Before appointing any professional member, the governor shall request any professional society of the profession practiced by the proposed appointee to furnish to the governor a full and complete report concerning the qualifications and suitability of the proposed appointee. All members of the board shall be appointed for terms of five years each: Provided, That persons appointed prior to the effective date of this section shall continue until the completion of their terms of original appointment: Provided, however, That in the case of the initial appointments of the representative citizens, one shall be designated to serve for a term of one year, one for a term of two years and one for a term of four years; and in the case of the initial appointments of the members from mental health disciplines, one shall be designated to serve for a term of two years, one for a term of three years and one for a term of five years. Thereafter, the term of each new appointee shall be five years except in the case of any vacancy on the board which shall be filled by the governor by appointment for the unexpired term. No member shall be eligible for more than two terms.

No more than nine of the members of the board shall belong to the same political party. At least one member, but not more than four, shall be appointed from each
congressional district. No person shall be eligible for appointment to membership on the state board who is a member of any political party executive committee, or who holds any public office or employment under the federal government or under the government of this state or any of its political subdivisions.

No member may be removed from office by the governor except for official misconduct, incompetence, neglect of duty or gross immorality and then only in the manner prescribed by law for the removal by the governor of state elective officers: Provided, That the expiration, suspension or revocation of the professional license of any professional member of the board shall be cause for removal.

The members of the board shall be paid the sum of thirty-five dollars for each day actually served in attendance at official meetings of the board. Each member shall be reimbursed for travel at the rate of fifteen cents per mile if by private automobile and actual cost if travel is by common carrier. Each member shall also be reimbursed for other actual expenses incurred in the performance of the duties of his office; except that in the event the expenses are paid, or are to be paid, by a third party, the member shall not be reimbursed by the state.

The director of health shall serve as secretary to the board, but shall not be entitled to vote. He shall be in charge of the offices of the board and shall be responsible to the board for the preparation of reports and the collection and dissemination of data and other public information relating to the development of drafts and other materials concerning rules and regulations promulgated by the board.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1986.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within __________ approved this the __________ day of March, 1986.

[Signature]
Governor