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HB 4488

FILED

2006 APR -3 P 4:18

C. D. WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



# ENROLLED

COMMITTEE SUBSTITUTE  
FOR

## House Bill No. 4488

(By Delegates Perdue, Hatfield, Brown, Webster, Wakim,  
Doyle, Longstreth, Marshall, Moore and Hrutkay)



Passed March 11, 2006

In Effect Ninety Days from Passage

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FOR

**H. B. 4488**

(BY DELEGATES PERDUE, HATFIELD, BROWN, WEBSTER, WAKIM,  
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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, §16-42-6 and §16-42-7, all relating to a study of the behavioral health system of West Virginia; creating a commission of public and private citizens; creating an advisory board; setting forth findings and the purpose; setting forth the requirements of the study; requiring the commission to submit periodic and final reports; requiring the department of health and human resources to submit periodic reports; providing for compensation of commission and advisory board members; and including a date certain for the conclusion of the commission's work.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new article, designated §16-42-1, §16-42-2, §16-42-3, §16-42-4, §16-42-5, §16-42-6 and §16-42-7, all to read as follows:

**ARTICLE 42. COMPREHENSIVE BEHAVIORAL HEALTH COMMISSION.**

**§16-42-1. Legislative findings.**

1       The Legislature finds as follows:

2       (1) That the behavioral health system in West Virginia is  
3 rapidly moving toward a state of crisis as a result of overcrowd-  
4 ing of the beds in state facilities and prisons, and inadequate  
5 community support services to prevent these problems;

6       (2) That untreated and inadequately treated behavioral  
7 illness and substance abuse and ongoing domestic violence  
8 have placed a significant impediment upon West Virginia  
9 businesses and have placed heavy fiscal pressures on many  
10 West Virginia government and non-profit agencies;

11       (3) That these untreated problems and lack of services are  
12 directly linked to increases in fatalities, penal incarcerations,  
13 suicides, utilization of public assistance, homelessness, in-  
14 creased school dropout rates, teenage pregnancy, excessive  
15 employee absenteeism, underemployment, unemployment,  
16 higher workers' compensation costs and many other health,  
17 criminal justice, social and personal problems which cost our  
18 state millions of dollars each year; and

19       (4) That the health and economic well-being of the state  
20 and its citizens requires the development of the Comprehensive  
21 Behavioral Health Commission to conduct a comprehensive  
22 study and review of the behavioral health care system of West  
23 Virginia and the total public and private dollars actually being  
24 spent on prevention, treatment, education and other services

25 related to mental illness, substance abuse and domestic violence  
26 in West Virginia.

**§16-42-2. Purpose.**

1 This article is enacted to provide a framework within which  
2 the departments and divisions of state government, working  
3 collaboratively with the applicable individuals and organiza-  
4 tions in the private sector that provide or are in need of behav-  
5 ioral health services, can study the current system of behavioral  
6 health services offered within West Virginia, the financing of  
7 those services, and proposed changes to both. It is the purpose  
8 of the Legislature to encourage the long-term, well-planned  
9 development of a comprehensive and cost-effective system of  
10 care.

**§16-42-3. Comprehensive Behavioral Health Commission.**

1 (a) There is created within the Department of Health and  
2 Human Resources the Comprehensive Behavioral Health  
3 Commission to study the current behavioral health system,  
4 including substance abuse and domestic violence when those  
5 conditions have an effect upon or are impacted by the system.

6 (b) The commission consists of a representative of the  
7 circuit and family court system, as appointed by the Chief  
8 Justice of the West Virginia Supreme Court of Appeals, a  
9 representative of the Commissioner of the Division of Correc-  
10 tions, the Commissioner of the Bureau of Senior Services, the  
11 Secretary of the Department of Health and Human Resources,  
12 the Commissioner of the Bureau for Behavioral Health and  
13 Health Facilities, the Commissioner of the Bureau for Children  
14 and Families; the Executive Director of the West Virginia  
15 Chapter of the National Alliance on Mental Illness; the Chan-  
16 cellor for Higher Education and one physician with a speciality  
17 in psychiatry appointed by the Governor from a list provided by

18 the West Virginia Medical Association. Each ex officio  
19 member may appoint a designee. One member of the House of  
20 Delegates, appointed by the Speaker and one member of the  
21 Senate, appointed by the President, serve as non-voting  
22 members. The Governor shall appoint a chairperson.

23 (c) The commission shall meet at times and places as it  
24 finds necessary and shall be staffed by the Bureau for Behav-  
25 ioral Health and Health Facilities and the Health Care Author-  
26 ity.

27 (d) An advisory board shall be created to serve in a consult-  
28 ing role to the commission members. The advisory board  
29 members shall be appointed by the Governor as follows:

30 (1) One member from a list provided by the West Virginia  
31 Chapter of the National Association of Social Workers;

32 (2) One member from a list provided by the West Virginia  
33 Hospital Association;

34 (3) One member who is a psychologist from a list provided  
35 by the West Virginia Psychological Association;

36 (4) One citizen member from a list of two nominees from  
37 each medical school;

38 (5) One member from a list of five nominees provided by  
39 the Primary Care Association;

40 (6) One member from a list provided by the West Virginia  
41 Behavioral Healthcare Providers Association;

42 (7) One member from a list provided by the West Virginia  
43 Child Care Association; and

44 (8) One member from a list provided by the Council of  
45 Churches.

46 (e) Each member of the Commission and advisory board is  
47 entitled to receive compensation and expense reimbursement  
48 for attending official meetings or engaging in official duties not  
49 to exceed the amount paid to members of the Legislature for  
50 their interim duties as recommended by the Citizens Legislative  
51 Compensation Commission and authorized by law. A commis-  
52 sion member may not receive compensation for travel days that  
53 are not on the same day as the official meeting or official  
54 duties.

**§16-42-4. Study.**

1 The commission shall study the current status of preven-  
2 tion, treatment, education, related services and appropriate  
3 workforce development for behavioral health, including  
4 substance abuse and domestic violence when those conditions  
5 have an effect upon the system. Each item studied shall be  
6 reported for children, adults and seniors. The report shall  
7 include recommendations on system changes needed to meet  
8 the needs of those served by the system and a determination of  
9 the total public and private dollars spent for each item listed in  
10 this section. The commission may coordinate its activities with  
11 those of the Department of Health and Human Resources and  
12 its consultants. The commission may appoint subcommittees  
13 and workgroups composed of consumers, providers and  
14 representative groups as it deems necessary to perform its  
15 duties and responsibilities pursuant to this article.

**§16-42-5. Report.**

1 The commission shall submit a preliminary report of its  
2 progress in its study to the Governor and the Legislature by the  
3 first day of January, two thousand seven and a final report  
4 including its recommendations by the first day of January, two  
5 thousand eight. The Department of Health and Human Re-  
6 sources shall submit a report to the Governor and the Legisla-

7 ture by the first day of July, two thousand eight regarding  
8 implementation of the recommendations of the commission.  
9 The department shall report no less than quarterly to the  
10 Legislative Oversight Commission on Health and Human  
11 Resources Accountability.

**§16-42-6. Certificate of need standards.**

1 Pursuant to the provisions of article two-d of this chapter,  
2 the West Virginia Health Care Authority shall provide the  
3 commission with information needed to complete the study  
4 required in this article. The staff of the authority shall work  
5 jointly with the staff of the Bureau for Behavioral Health and  
6 Health Facilities in providing services to the commission. The  
7 commission shall make recommendations in its final report  
8 relating to the certificate of need standards.

**§16-42-7. Expiration of commission.**

1 The commission ceases to exist on the thirty-first day of  
2 January, two thousand nine, or after the submission of the  
3 commission's final report, whichever occurs first.

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

*Chandy White*  
Chairman Senate Committee

*W. Brown*  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

*Russell Adams*  
Clerk of the Senate

*Bruce W. Soy*  
Clerk of the House of Delegates

*Carl Ray Tomblin*  
President of the Senate

*Robert A. Witt*  
Speaker of the House of Delegates

The within *is approved* this the *3rd*  
day of *April*, 2006.

*Paul S. Hancock*  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 29 2006

Time ~~10:00~~ 10:40 a.m.