WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2006

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ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4488

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

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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, DOYLE, LONGSTRETH, MARSHALL, MOORE AND HRUTKAY)

[Passed March 11, 2006; in effect ninety days from passage.]

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.

The Legislature finds as follows:

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

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

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

(4) That the health and economic well-being of the state and its citizens requires the development of the Comprehensive Behavioral Health Commission to conduct a comprehensive study and review of the behavioral health care system of West Virginia and the total public and private dollars actually being spent on prevention, treatment, education and other services
related to mental illness, substance abuse and domestic violence in West Virginia.

§16-42-2. Purpose.

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


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

(b) The commission consists of a representative of the circuit and family court system, as appointed by the Chief Justice of the West Virginia Supreme Court of Appeals, a representative of the Commissioner of the Division of Corrections, the Commissioner of the Bureau of Senior Services, the Secretary of the Department of Health and Human Resources, the Commissioner of the Bureau for Behavioral Health and Health Facilities, the Commissioner of the Bureau for Children and Families; the Executive Director of the West Virginia Chapter of the National Alliance on Mental Illness; the Chancellor for Higher Education and one physician with a speciality in psychiatry appointed by the Governor from a list provided by
the West Virginia Medical Association. Each ex officio member may appoint a designee. One member of the House of Delegates, appointed by the Speaker and one member of the Senate, appointed by the President, serve as non-voting members. The Governor shall appoint a chairperson.

(c) The commission shall meet at times and places as it finds necessary and shall be staffed by the Bureau for Behavioral Health and Health Facilities and the Health Care Authority.

(d) An advisory board shall be created to serve in a consulting role to the commission members. The advisory board members shall be appointed by the Governor as follows:

1. One member from a list provided by the West Virginia Chapter of the National Association of Social Workers;
2. One member from a list provided by the West Virginia Hospital Association;
3. One member who is a psychologist from a list provided by the West Virginia Psychological Association;
4. One citizen member from a list of two nominees from each medical school;
5. One member from a list of five nominees provided by the Primary Care Association;
6. One member from a list provided by the West Virginia Behavioral Healthcare Providers Association;
7. One member from a list provided by the West Virginia Child Care Association; and
8. One member from a list provided by the Council of Churches.
(e) Each member of the Commission and advisory board is entitled to receive compensation and expense reimbursement for attending official meetings or engaging in official duties not to exceed the amount paid to members of the Legislature for their interim duties as recommended by the Citizens Legislative Compensation Commission and authorized by law. A commission member may not receive compensation for travel days that are not on the same day as the official meeting or official duties.

§ 16-42-4. Study.

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


The commission shall submit a preliminary report of its progress in its study to the Governor and the Legislature by the first day of January, two thousand seven and a final report including its recommendations by the first day of January, two thousand eight. The Department of Health and Human Resources shall submit a report to the Governor and the Legisla-
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ture by the first day of July, two thousand eight regarding
implementation of the recommendations of the commission.
The department shall report no less than quarterly to the
Legislative Oversight Commission on Health and Human
Resources Accountability.


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


The commission ceases to exist on the thirty-first day of
January, two thousand nine, or after the submission of the
commission's final report, whichever occurs first.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy White  
Chairman Senate Committee

W. Brown  
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Rasheedilah  
Clerk of the Senate

Clerk of the House of Delegates

Earl Ray Tomblin  
President of the Senate

Speaker of the House of Delegates

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

Governor