

SB 687

FILED

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WEST VIRGINIA LEGISLATURE

OFFICE OF WEST VIRGINIA  
LEGISLATIVE SERVICES  
STATE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009



ENROLLED

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 687**

(SENATORS PREZIOSO, STOLLINGS, FOSTER, PLYMALE,  
UNGER AND KESSLER, *original sponsors*)

[Passed April 10, 2009; in effect from passage.]

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SECRETARY OF STATE

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AN ACT to amend and reenact §16-42-3, §16-42-5, §16-42-6 and §16-42-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §27-17-1 of said code, all relating to health; defining terms; reestablishing the Comprehensive Behavioral Health Commission and Advisory Board; reporting requirements; and terminating the Comprehensive Behavioral Health Commission and Advisory Board.

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

That §16-42-3, §16-42-5, §16-42-6 and §16-42-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted; and that §27-17-1 of said code be amended and reenacted, all to read as follows:

**CHAPTER 16. PUBLIC HEALTH.**

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

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

1 (a) Effective May 1, 2009, the Comprehensive Behavioral  
2 Health Commission is reestablished within the Depart-  
3 ment of Health and Human Resources to continue the  
4 study of the current behavioral health system, including  
5 substance abuse and domestic violence when those condi-  
6 tions have an effect upon or are impacted by the system.

7 (b) The commission consists of:

8 (1) A representative of the circuit and family court  
9 system, appointed by the Chief Justice of the West Virginia  
10 Supreme Court of Appeals;

11 (2) A representative of the Commissioner of the Division  
12 of Corrections;

13 (3) The Commissioner of the Bureau of Senior Services  
14 or a designee;

15 (4) The Secretary of the Department of Health and  
16 Human Resources or a designee;

17 (5) The Commissioner of the Bureau for Behavioral  
18 Health and Health Facilities or a designee;

19 (6) The Commissioner of the Bureau for Children and  
20 Families or a designee;

21 (7) The Executive Director of the West Virginia Chapter  
22 of the National Alliance on Mental Illness or a designee;

23 (8) The Chancellor for Higher Education or a designee;

24 (9) One physician with a speciality in psychiatry ap-  
25 pointed by the Governor from a list provided by the West  
26 Virginia Medical Association;

27 (10) One member of the House of Delegates, who is a  
28 nonvoting member, appointed by the Speaker; and

29 (11) One member of the Senate, who is a nonvoting  
30 member, appointed by the President.

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

35 (d) Effective May 1, 2009, the advisory board is reestab-  
36 lished to serve in a consulting role to the commission with  
37 the following members appointed by the Governor:

38 (1) One member from a list provided by the West Vir-  
39 ginia Chapter of the National Association of Social  
40 Workers;

41 (2) One member from a list provided by the West Vir-  
42 ginia Hospital Association;

43 (3) One member who is a psychologist from a list pro-  
44 vided by the West Virginia Psychological Association;

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

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

49 (6) One member from a list provided by the West Vir-  
50 ginia Behavioral Healthcare Providers Association;

51 (7) One member from a list provided by the West Vir-  
52 ginia Child Care Association; and

53 (8) One member from a list provided by the Council of  
54 Churches.

55 (e) Those persons serving on the commission and the  
56 advisory board on January 1, 2009, may continue serving

Enr. Com. Sub. for S. B. No. 687] 4

57 on the reestablished commission and advisory board and  
58 the person so designated as chairperson of the commission  
59 shall remain as chairperson.

60 (f) Each member of the commission and advisory board  
61 is entitled to receive compensation and expense reim-  
62 bursement for attending official meetings or engaging in  
63 official duties not to exceed the amount paid to members  
64 of the Legislature for their interim duties as recommended  
65 by the Citizens Legislative Compensation Commission and  
66 authorized by law. A commission member may not receive  
67 compensation for travel days that are not on the same day  
68 as the official meeting or official duties.

**§16-42-5. Report.**

1 The commission shall submit a report on its study,  
2 including recommendations, to the Governor and the  
3 Legislature by January 1, 2011.

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

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

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

1 The commission and advisory board terminate on June  
2 30, 2011.

**CHAPTER 27. MENTALLY ILL PERSONS.**

**ARTICLE 17. GROUP RESIDENTIAL FACILITIES.**

**§27-17-1. Definitions.**

1 (a) "Developmental disability" means a chronic disabil-  
2 ity of a person which: (1) Is attributable to a mental or  
3 physical impairment or combination of mental and  
4 physical impairments; (2) is likely to continue indefinitely;  
5 (3) results in substantial functional limitations in self-  
6 direction, capacity for independent living or economic  
7 self-sufficiency; and (4) reflects the person's need for a  
8 combination and sequence of special, interdisciplinary or  
9 generic care, treatment or other services which are of  
10 lifelong or extended duration and are individually planned  
11 and coordinated.

12 (b) "Behavioral disability" means a disability of a person  
13 which: (1) Is attributable to severe or persistent mental  
14 illness, emotional disorder or chemical dependency; and  
15 (2) results in substantial functional limitations in self-  
16 direction, capacity for independent living or economic  
17 self-sufficiency.

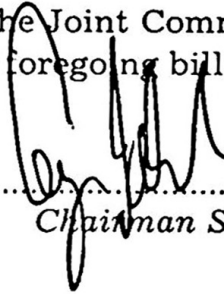
18 (c) "Group residential facility" means a facility which is  
19 owned, leased or operated by a behavioral health service  
20 provider and which: (1) Provides residential services and  
21 supervision for individuals who are developmentally  
22 disabled or behaviorally disabled; (2) is occupied as a  
23 residence by not more than eight individuals who are  
24 developmentally disabled and not more than three super-  
25 visors or is occupied as a residence by not more than  
26 twelve individuals who are behaviorally disabled and not  
27 more than three supervisors; (3) is licensed by the Depart-  
28 ment of Health and Human Resources; and (4) complies  
29 with the State Fire Commission for residential facilities.

30 (d) "Group residential home" means a building owned or  
31 leased by developmentally disabled or behaviorally  
32 disabled persons for purposes of establishing a personal  
33 residence. A behavioral health service provider may not  
34 lease a building to such persons if the provider is provid-

Enr. Com. Sub. for S. B. No. 687] 6

35 ing services to the persons without a license as provided  
36 for in this article.

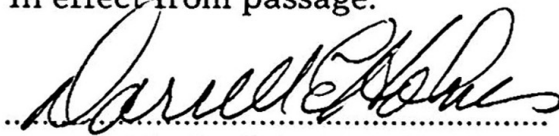
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
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Chairman Senate Committee

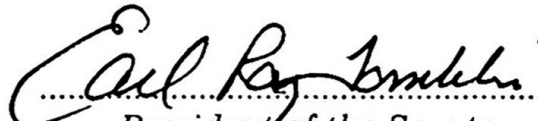
  
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Chairman House Committee

Originated in the Senate.

In effect from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
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President of the Senate

  
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Speaker House of Delegates

The within is approved this the 7th  
Day of May, 2009.

  
.....  
Governor



PRESENTED TO THE  
GOVERNOR

MAY 6 2009

Time 11:05 am