WEST VIRGINIA LEGISLATURE
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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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(SENATORS PREZIOSO, STOLLINGS, FOSTER, PLYMALE, UNGER AND KESSLER, original sponsors)

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

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.


(a) Effective May 1, 2009, the Comprehensive Behavioral Health Commission is reestablished within the Department of Health and Human Resources to continue the study of 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:

1. A representative of the circuit and family court system, appointed by the Chief Justice of the West Virginia Supreme Court of Appeals;

2. A representative of the Commissioner of the Division of Corrections;

3. The Commissioner of the Bureau of Senior Services or a designee;

4. The Secretary of the Department of Health and Human Resources or a designee;

5. The Commissioner of the Bureau for Behavioral Health and Health Facilities or a designee;

6. The Commissioner of the Bureau for Children and Families or a designee;

7. The Executive Director of the West Virginia Chapter of the National Alliance on Mental Illness or a designee;

8. The Chancellor for Higher Education or a designee;

9. One physician with a speciality in psychiatry appointed by the Governor from a list provided by the West Virginia Medical Association;
(10) One member of the House of Delegates, who is a nonvoting member, appointed by the Speaker; and

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

(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) Effective May 1, 2009, the advisory board is reestablished to serve in a consulting role to the commission with the following members appointed by the Governor:

(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) Those persons serving on the commission and the advisory board on January 1, 2009, may continue serving
(f) 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.


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


1 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 report relating to the certificate of need standards.


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

CHAPTER 27. MENTALLY ILL PERSONS.

ARTICLE 17. GROUP RESIDENTIAL FACILITIES.
§27-17-1. Definitions.

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

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

(c) "Group residential facility" means a facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities.

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

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the ___ Day of _______, 2009.

Governor