

HB 4651 S

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2006



ENROLLED

House Bill No. 4651

(By Mr. Speaker, Mr. Kiss)



Passed March 11, 2006

In Effect Ninety Days from Passage

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

E N R O L L E D

H. B. 4651

(BY MR. SPEAKER, MR. KISS)

[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 §18B-11B-1, §18B-11B-2, §18B-11B-3, §18B-11B-4, §18B-11B-5 and §18B-11B-6, all relating to continuing the statewide poison center generally; setting forth legislative findings; providing for the continuation of the poison center as the West Virginia Poison Control Center; requiring certification; establishing an advisory board; providing for an annual report; setting forth certain responsibilities of the West Virginia Poison Control Center; setting forth certain powers and responsibilities of the director of the center; and providing for general immunity for the center and its employees for actions taken in good faith.

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 §18B-11B-1, §18B-11B-2, §18B-11B-3, §18B-11B-4, §18B-11B-5 and §18B-11B-6, all to read as follows:

ARTICLE 11B. WEST VIRGINIA POISON CENTER.

§18B-11B-1. Intent.

1 The Legislature hereby finds that the current level of
2 scientific information regarding the chemicals, hazardous and
3 noxious substances, biochemical agents, toxic household
4 products and various combinations of them that lead to human
5 poisoning with the added risks associated with criminal activity
6 and clandestine terrorism involving toxic materials and agents
7 requires the immediate availability of accurate information,
8 resources and services to assess toxic threats to the public,
9 prevent human poisoning and assist the general public, the
10 police, firefighters, public health officials, emergency service
11 workers, health care providers and other first responding
12 emergency personnel.

13 It is the intent of the Legislature that poison control services
14 be provided throughout the state on a consistent and prompt
15 basis by any and all electronic means as well as by a toll free
16 telephone network in order that illness or death that may result
17 from the exposure of an individual to poisonous substances may
18 be avoided. The Legislature also finds that the West Virginia
19 Poison Center located at the Robert C. Byrd Health Sciences
20 Center, West Virginia University, Charleston Division and
21 operated by West Virginia University meets these criteria and
22 is hereby continued as the West Virginia Poison Center.

23 The Legislature further finds that effective poison control,
24 not only saves lives and protects the public welfare but also
25 reduces emergency medical costs and is considered an essential
26 emergency service.

§18B-11B-2. West Virginia poison center continued; certification.

1 (a) The West Virginia Poison Center (hereinafter referred
2 to as “the Center”) currently a part of and located at the Robert
3 C. Byrd Health Sciences Center, West Virginia University,

4 Charleston Division and operated by West Virginia University,
5 is hereby continued as a special service under West Virginia
6 University.

7 (b) The center shall be certified by the American Associa-
8 tion of Poison Centers or other similar organization with the
9 same or higher certification standards, and shall have a director
10 who is a board certified toxicologist.

11 (c) The West Virginia Poison Center is exempt from
12 temporary budget hiring freezes that may apply to colleges and
13 universities under the Higher Education Policy Commission.

§18B-11B-3. Advisory Board.

1 There is hereby created the West Virginia Poison Center
2 Advisory Board (hereinafter referred to as the board). The
3 board shall be composed of eight members. The members
4 include: The Chancellor of the West Virginia Higher Education
5 Policy Commission or his or her designee; the Secretary of the
6 Department of Military Affairs and Public Safety or his or her
7 designee; the Commissioner of the Bureau for Public Health or
8 his or her designee; the Associate Vice President of West
9 Virginia University, Health Sciences Center, West Virginia
10 University, Charleston, West Virginia, who shall be chairman
11 of the board; the president of the West Virginia Hospital
12 Association or his or her designee; two members appointed by
13 the Director of the Poison Center who shall represent profes-
14 sional health care organizations in this state with extensive
15 experience in public health education, research or administra-
16 tion; and one member appointed by the Director of the Poison
17 Center to represent the general public. All appointed members
18 shall serve terms of four years and may be reappointed.
19 Appointed members of the advisory board shall serve without
20 compensation, but may be reimbursed for any necessary and
21 reasonable expenses incurred in attending meetings on the same

22 basis as members of the Legislature are reimbursed for ex-
23 penses.

24 The board shall provide advice and assistance to the
25 director of the center in providing services as set out in this
26 article. The board shall meet not less than two times each year
27 on the call of the chair. Not later than the first day of July of
28 each year, the board shall prepare an annual report for the
29 calendar year for submission to the Governor and the Legisla-
30 ture. The report shall include an analysis of the activities of the
31 center and any recommendations for improvement the board
32 may deem necessary or appropriate.

§18B-11B-4. Center responsibilities.

1 The center shall provide:

2 (1) Twenty-four hour, seven days a week emergency
3 telephone management and treatment referral of victims of
4 poisoning to include determining whether treatment can be
5 accomplished at the scene of the incident or transport to an
6 emergency treatment or other facility is required and carrying
7 out telephone follow-up to families and other individuals to
8 assure that adequate care is provided;

9 (2) Emergency telephone treatment recommendations for
10 all types of poisonings, chemical exposures, drug overdoses and
11 exposure to weapons of mass destruction. This information
12 shall be provided to medical and nonmedical providers;

13 (3) Telephone follow-up for hospitalized and nonhospital-
14 ized patients to assess progress and recommend additional
15 treatment as necessary;

16 (4) Surveillance of human poison exposures. This includes
17 those related chemicals, drugs, biologicals and weapons of mass
18 destruction;

19 (5) Community education in poison prevention; and

20 (6) Education in the recognition and management of
21 poisonings for health care providers.

§18B-11B-5. Powers and responsibilities of the director.

1 The Director of the West Virginia Poison Center:

2 (1) Shall ensure that the center is certified by the American
3 Association of Poison Control Centers and remains in good
4 standing with that organization;

5 (2) Is authorized to enter into agreements with other state
6 agencies or departments, with public or private colleges or
7 universities, schools of medicine or hospitals for the use of
8 laboratories, personnel, equipment and other fixtures, facilities
9 or services;

10 (3) May accept federal funds granted by the United States
11 Congress or by executive order of the President of the United
12 States as well as gifts, grants, endowments and donations from
13 individuals and private organizations or foundations for all or
14 any of the functions of the center;

15 (4) Develop and advocate for an annual budget for the
16 center;

17 (5) Maintain a central office at the current location of the
18 center; and

19 (6) Employ adequate professional and technical employees
20 to meet the requirements of this article.

§18B-11B-6. Immunity of center and staff.

1 Neither the director nor any employee of the center staff
2 shall be considered a member of any patient treatment team, or

3 acting in concert with any responsible treating entity, including
4 emergency personnel, hospital or clinic employees, or private
5 medical practitioners of any health care treatment team.

6 The center and its employees are immune from any and all
7 liability arising from the good faith provision of services
8 provided under the provisions of this article. The immunity
9 granted by this section is in addition to any other immunity now
10 existing or granted under any other provision of this code or by
11 common law.

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

Randy White

Chairman Senate Committee

Burr

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

David E. Rhodes

Clerk of the Senate

Gregg D. Sawyer

Clerk of the House of Delegates

Carl Ray Tomblin

President of the Senate

Robert L. Taylor

Speaker of the House of Delegates

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

[Signature]

Governor

PRESENTED TO THE
GOVERNOR

MAR 29 2006

Time 4:05p