

COMMITTEE SUBSTITUTE

FOR

H. B. 3021

(BY DELEGATES HATFIELD, FLEISCHAUER, PERDUE, BROWN,
C. MILLER, HALL, MARSHALL, D. CAMPBELL, BUTCHER,
MORGAN AND BORDER)

(Originating in the Committee on Health and Human Resources)
[February 9, 2010]

A BILL to amend and reenact §16-42-3, §16-42-5 and §16-42-7 of the Code of West Virginia, 1931, as amended, all relating to ~~adding two new members to the Comprehensive Behavioral Health Commission;~~ the Comprehensive Behavioral Health Commission; adding two members to the Comprehensive Behavioral Health Commission; providing that if two specific members designate another person to serve in his or her place,

those designees are non-voting members; requiring a chairperson be selected by the commission members; permitting a chairperson to serve no more than two consecutive years; adding another member to the advisory board to the commission; permitting members who are on the board on July 1, 2011 to continue to serve; requiring yearly reports to the Governor and Legislature; and extending the life of the commission by another four years to 2015.

Be it enacted by the Legislature of West Virginia:

That §16-42-3, §16-42-5 and §16-42-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

ARTICLE 42. COMPREHENSIVE BEHAVIORAL HEALTH COMMISSION.

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

- 1 (a) Effective ~~May 1, 2009~~ July 1, 2011, the Comprehensive
- 2 Behavioral Health Commission is reestablished ~~within the~~
- 3 ~~Department of Health and Human Resources~~ to continue the
- 4 study of the current behavioral health system of care, including

5 services to adults and children, substance abuse and domestic
6 violence when those conditions have an effect upon or are
7 impacted by the system.

8 (b) The commission consists of:

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

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

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

16 (4) The Secretary of the Department of Health and
17 Human Resources, or a designee who is a nonvoting
18 member;

19 (5) The Commissioner of the Bureau for Behavioral
20 Health and Health Facilities, or a designee who is a
21 nonvoting member;

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

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

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

27 (9) One physician with a ~~speciality~~ specialty in
28 psychiatry appointed by the Governor from a list provided by
29 the West Virginia Medical Association;

30 (10) One physician with a specialty in child psychiatry
31 appointed by the Governor from a list of names provided by
32 the West Virginia Medical Association;

33 (11) The Chairperson of the Behavioral Health Systems
34 Board who shall, by virtue of that role, become the vice
35 chairperson of the commission.

36 ~~(10)~~ (12) One member of the House of Delegates, who is
37 a nonvoting member, appointed by the Speaker; and

38 ~~(11)~~ (13) One member of the Senate, who is a nonvoting
39 member, appointed by the President.

40 (c) The commission shall meet at times and places as it
41 finds necessary and shall be staffed by the Bureau for

42 Behavioral Health and Health Facilities. ~~and the Health Care~~
43 ~~Authority~~

44 (d) The commission shall elect a chairperson from those
45 who are appointed. The chairperson's term shall be no longer
46 than two consecutive years whereupon the chairperson is to
47 be replaced by a vote of the membership.

48 ~~(d)~~ (e) Effective ~~May 1, 2009~~ July 1, 2011, the advisory
49 board is reestablished to serve in a consulting role to the
50 commission with the following members appointed by the
51 Governor:

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

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

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

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

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

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

65 (7) One member from a list provided by the West
66 Virginia Child Care Association; ~~and~~

67 (8) One member from a list provided by the Council of
68 Churches; and

69 (9) One member from a list of names provided by the
70 Children's Alliance.

71 ~~(e)~~ (f) Those persons serving on the commission and the
72 advisory board on ~~January 1, 2009~~ July 1, 2011, may
73 continue serving on the reestablished commission and
74 advisory board and the person so designated as chairperson
75 of the commission shall remain as chairperson.

76 ~~(f)~~ (g) Each member of the commission and advisory
77 board is entitled to receive compensation and expense
78 reimbursement for attending official meetings or engaging in
79 official duties not to exceed the amount paid to members of

80 the Legislature for their interim duties as recommended by
81 the Citizens Legislative Compensation Commission and
82 authorized by law. A commission member may not receive
83 compensation for travel days that are not on the same day as
84 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~~ 2012 and each January 1
4 thereafter.

§16-42-7. Termination of commission.

1 The commission and advisory board terminate on June
2 30, ~~2011~~ 2015.

NOTE: The purpose of this bill is to add two new members to the Comprehensive Behavioral Health Commission. The bill provides that if two specific members designate another person to serve in his or her place, those designees are nonvoting members. The bill requires a chairperson be selected by the commission members and that person may serve no more than two consecutive years. The bill also adds another member to the advisory board to the commission. The bill permits members who are on the board on July 1, 2011 to continue to serve. Further, the bill requires yearly reports to the Governor and Legislature and extends the life of the commission by another four years to 2015.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.