

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2012



**ENROLLED**

**House Bill No. 4481**

(By Delegates Hatfield, Hall, Moore, Morgan,  
L. Phillips, D. Campbell and Butcher)



Passed March 6, 2012

To Take Effect Ninety Days from Passage

# ENROLLED

## H. B. 4481

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(BY DELEGATES HATFIELD, HALL, MOORE, MORGAN,  
L. PHILLIPS, D. CAMPBELL AND BUTCHER)

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[Passed March 6, 2012; to take effect ninety days from passage.]

AN ACT to repeal §16-42-7 of the Code of West Virginia, 1931, as amended; and to amend and reenact §16-42-3 of said code, relating to the Comprehensive Behavioral Health Commission; increasing the membership of the Commission and the membership of the Advisory Board to the Commission; reestablishing the Advisory Board; and repealing the termination date of the commission.

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

That §16-42-7 of the Code of West Virginia, 1931, as amended, be repealed; and that §16-42-3 of said code be amended and reenacted, all to read as follows: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 July 1, 2011, the Comprehensive Behavioral
- 2 Health Commission is reestablished to continue the study of

3 the current behavioral health system of care, including  
4 services to adults and children, substance abuse and domestic  
5 violence when those conditions have an effect upon or are  
6 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, who is a nonvoting member;

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

20 (6) The Commissioner of the Bureau for Children and  
21 Families or a designee, who is a nonvoting member;

22 (7) The Chancellor for Higher Education or a designee,  
23 who is a nonvoting member;

24 (8) One physician with a specialty in psychiatry  
25 appointed by the Governor from a list provided by the West  
26 Virginia Medical Association;

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

30 (10) One member of the advisory board, selected by the  
31 advisory board, who shall serve as the vice chairperson of the  
32 commission;

33 (11) The director of the Division of Rehabilitative  
34 Services or his or her designee;

35 (12) The executive director of a behavioral health  
36 consumer's organization or his or her designee;

37 (13) The director of the West Virginia Coalition Against  
38 Domestic Violence or his or her designee;

39 (14) One member of the House of Delegates, who is a  
40 nonvoting member, appointed by the speaker; and

41 (15) One member of the Senate, who is a nonvoting  
42 member, appointed by the president.

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

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

50 (e) The commission shall add or delete additional  
51 members of the advisory board at the time when it is apparent  
52 that certain expertise is needed and the members of the  
53 commission so decide.

54 (f) Effective July 1, 2012, the Comprehensive Behavioral  
55 Health Commission Advisory Board is reestablished to serve

56 in a consulting role to the commission with the following  
57 members appointed by the Governor:

58 (1) One member from a list of three candidates provided  
59 by the West Virginia Chapter of the National Association of  
60 Social Workers;

61 (2) One member from a list of three candidates provided  
62 by the West Virginia Hospital Association;

63 (3) One member who is a psychologist from a list of three  
64 candidates provided by the West Virginia Psychological  
65 Association;

66 (4) One representative from each medical school  
67 affiliated with some aspect of behavioral health from a list of  
68 three candidates provided by the Dean of West Virginia  
69 University School of Medicine, the Dean of Marshall  
70 University School of Medicine and the Dean of the West  
71 Virginia School of Osteopathic Medicine;

72 (5) The executive director of the Primary Care  
73 Association or his or her designee;

74 (6) One member who is the chief executive officer of a  
75 comprehensive behavioral health center;

76 (7) Two members who are the chairperson or the chief  
77 executive officer of a not-for-profit corporation, that provides  
78 residential or nonresidential care or treatment for children in  
79 West Virginia;

80 (8) One member from a list of three candidates provided  
81 by the Council of Churches;

82 (9) A consumer of behavioral health services to be  
83 selected by the commission;

84 (10) A child advocate to be selected by the commission  
85 from suggestions by FAST (Family Advocacy, Support and  
86 Training);

87 (11) A representative of the West Virginia Coalition  
88 Against Domestic Violence to be selected by the commission;  
89 and

90 (12) One representative of the county probation program  
91 from a list of three candidates provided to the Governor by  
92 the Supreme Court of Appeals.

93 (g) Those persons serving on the commission and the  
94 advisory board on July 1, 2011, may continue serving on the  
95 reestablished commission and advisory board and the person  
96 so designated as chairperson of the commission shall remain  
97 as chairperson until an election occurs as provided in this  
98 section.

99 (h) Each member of the commission and advisory board  
100 is entitled to receive compensation and expense  
101 reimbursement for attending official meetings or engaging in  
102 official duties not to exceed the amount paid to members of  
103 the Legislature for their interim duties as recommended by  
104 the Citizens Legislative Compensation Commission and  
105 authorized by law. A commission member may not receive  
106 compensation for travel days that are not on the same day as  
107 the official meeting or official duties.



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

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*