

H. B. 4481

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

[Introduced February 9, 2012; referred to the
Committee on Health and Human Resources.]

A BILL 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, all relating to the Comprehensive Behavioral Health Commission, its membership and the membership of the Advisory Board to the Commission; and to repeal the termination 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That §16-42-7 of the Code of West Virginia, 1931, as amended, be repealed; and that §16-42-3 of said code be amended and reenacted, all to read as follows: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 Human
16 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 Executive Director of the West Virginia Chapter~~
23 ~~of the National Alliance on Mental Illness or a designee; An~~
24 individual who represents a behavioral health consumer's
25 organization appointed by the Governor from a list of three
26 recommendations submitted by the commission;

27 (8) The Chancellor for Higher Education or a designee,
28 who is a nonvoting member;

29 (9) One physician with a specialty in psychiatry
30 appointed by the Governor from a list provided by the West
31 Virginia Medical Association;

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

35 (11) One member of the advisory board, selected by the
36 advisory board, who shall serve as the vice chairperson of the
37 commission;

38 (12) The director of the Division of Rehabilitative
39 Services or his or her designee;

40 (13) The executive director of a behavioral health
41 consumer's organization or his or her designee;

42 (14) The director of the West Virginia Coalition Against
43 Domestic Violence or his or her designee

44 ~~(12)~~(15) One member of the House of Delegates, who is
45 a nonvoting member, appointed by the speaker; and

46 ~~(13)~~(16) One member of the Senate, who is a nonvoting
47 member, appointed by the president.

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

51 (d) The commission shall elect a chairperson from those
52 who are appointed. The chairperson's term shall be no

53 longer than two consecutive years whereupon the
54 chairperson is to be replaced by a vote of the membership.

55 (e) The commission shall add or delete additional
56 members of the advisory board at the time when it is
57 apparent that certain expertise is needed and the members of
58 the commission so decide.

59 ~~(e)~~(f) Effective ~~July 1, 2011,~~ July 1, 2012, the
60 Comprehensive Behavioral Health Commission Advisory
61 Board is reestablished to serve in a consulting role to the
62 commission with the following members appointed by the
63 Governor:

64 (1) One member from a list of three candidates provided
65 by the West Virginia Chapter of the National Association of
66 Social Workers;

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

69 (3) One member who is a psychologist from a list of
70 three candidates provided by the West Virginia
71 Psychological Association;

72 (4) One ~~citizen member~~ representative from each medical
73 school affiliated with some aspect of behavioral health from
74 a list of ~~two nominees from each medical school~~ three
75 candidates provided by the Dean of West Virginia University
76 School of Medicine, the Dean of Marshall University School
77 of Medicine and the Dean of the West Virginia School of
78 Osteopathic Medicine;

79 (5) ~~One member who is an~~ The executive director of a
80 ~~federally qualified health center in West Virginia~~ of the
81 Primary Care Association or his or her designee;

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

84 (7) Two members who are the chairperson or the chief
85 executive officer of a not-for-profit corporation with its
86 principal headquarters in West Virginia, that provides
87 residential or nonresidential care or treatment for children;
88 and

89 (8) One member from a list of three candidates provided
90 by the Council of Churches.

91 (9) A consumer of behavioral health services to be
92 selected by the commission.

93 (10) A child advocate to be selected by the commission
94 from suggestions by FAST (Family Advocacy, Support and
95 Training).

96 (11) A representative of the West Virginia Coalition
97 Against Domestic Violence to be selected by the commission.

98 (12) One representative of the county probation program
99 from a list of three candidates provided to the Governor by
100 the Supreme Court of Appeals;

101 ~~(f)~~(g) Those persons serving on the commission and the
102 advisory board on July 1, 2011, may continue serving on the
103 reestablished commission and advisory board and the person
104 so designated as chairperson of the commission shall remain
105 as chairperson until an election occurs as provided in this
106 section.

107 ~~(g)~~ (h) Each member of the commission and advisory
108 board is entitled to receive compensation and expense
109 reimbursement for attending official meetings or engaging in
110 official duties not to exceed the amount paid to members of
111 the Legislature for their interim duties as recommended by
112 the citizens legislative compensation commission and
113 authorized by law. A commission member may not receive
114 compensation for travel days that are not on the same day as
115 the official meeting or official duties.

NOTE: The purpose of this bill is amend the membership of the Comprehensive Behavioral Health Commission, and the membership of the Advisory Board to the Commission.

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