

16 Persons representing the following agencies or organiza-
17 tions:

18 (1) The West Virginia Prosecuting Attorney's Association;

19 (2) The West Virginia Association of Counties;

20 (3) Bureau of Public Health;

21 (4) The State Police Crime Laboratory;

22 (5) The West Virginia Child Advocacy Network;

23 (6) The West Virginia Hospital Association;

24 (7) The West Virginia Foundation for Rape and Information

25 Services; and

26 (8) The West Virginia Child Advocacy Network.

27 If any of the representative organizations listed do not
28 continue to exist, the Director may select a person from a similar
29 organization.

30 The Director is further authorized to appoint the following
31 additional members of the commission, as follows:

32 (1) An emergency room physician;

33 (2) A victim advocate from a rape crisis center;

34 (3) A sexual assault nurse examiner;

35 (4) A law enforcement officer with experience with sexual
36 assault investigations; and

37 (5) A healthcare provider with pediatric and child abuse
38 expertise.

39 (b) Members of the commission shall be paid the same
40 expense reimbursement paid to members of the Legislature for
41 their interim duties, as recommended by the Citizens Legislative
42 Compensation Commission and authorized by law, for each day
43 or portion of a day engaged in the discharge of official duties.

§15-9B-2. Powers and duties of the commission.

1 (a) The commission shall authorize the creation and oversee
2 local boards established pursuant to section three of this article
3 and shall approve local plans for each area of the state on a
4 county or regional basis. If the commission deems necessary, it
5 may add or remove a county or portion thereof from a region to
6 assure that all areas of the state are included in an appropriate
7 local plan. Upon the failure of any county or local region to
8 propose a plan, the commission may implement a plan for that
9 county or region.

10 (b) The commission may authorize minimum training
11 requirements for providers conducting exams and establish a
12 basic standard of care for victims of sexual assault. The

13 commission shall facilitate the recruitment and retention of
14 qualified health care providers, that are properly qualified to
15 conduct forensic examinations. The commission shall work with
16 county and regional boards to identify areas of greatest need and
17 develop and implement recruitment and retention programs to
18 help facilitate the effective collection of evidence.

19 (c) The commission may adopt necessary and reasonable
20 requirements relating to establishment of a state-wide training
21 and forensic examination system, including, but not limited to,
22 assisting exam providers receive training and support services;
23 advocating the fair and reasonable reimbursement to exam
24 providers, and to facilitate transportation services for victims to
25 get to and from designated exam locations.

26 (d) Once a plan is approved by the commission, it can only
27 be amended or otherwise altered as provided by rules of the
28 commission. Designated facilities and organizations providing
29 services in the plan may not withdraw from participation without
30 commission authorization. If there is a change of circumstances,
31 that would require a change in a county or regional plan, the
32 members of the local board and the state commission shall be

33 notified. The local board shall meet as soon as possible to
34 implement an alternative plan to ensure continuity of services in
35 the county or region. The local board shall submit a revised plan
36 for approval by the commission as soon as is practicable.

37 (e) The commission may propose rules for legislative
38 approval, in accordance with article three, chapter twenty-nine-a
39 of this code, necessary to implement this article.

§15-9B-3. Local Sexual Assault Forensic Examination Boards.

1 Each county prosecutor, or his or her designee, shall convene
2 a Sexual Assault Forensic Examination Board, or may as an
3 alternative, convene and chair the sexual assault response team
4 in the county to act as the Sexual Assault Forensic Examination
5 Board. If a regional board is authorized, all county prosecutors
6 from the designated area shall be members of the board. The
7 prosecutors shall assure that each board be proportionally
8 representative of the designated region. Each board may vary in
9 membership, but should include representatives from local
10 health care facilities, local law enforcement, multi-disciplinary
11 investigative team, county and municipal governments and
12 victims advocates. Each county or regional board shall develop

13 a local plan and protocols for the area, which will address, at a
14 minimum, the following:

15 (1) Identify facilities that are appropriate for receipt and
16 treatment of sexual assault victims;

17 (2) Assess and designate physicians or nurses, or both, in the
18 area qualified to conduct forensic examinations;

19 (3) Evaluate the needs and available resources of the area to
20 facilitate and encourage twenty-four hour, seven day a week
21 coverage; and

22 (4) If availability of services are limited, or the remoteness
23 of the region causes lack of adequate examination facilities or
24 personnel, the local boards may designate local government or
25 other resources to provide appropriate transport of victims to
26 facilities where the victim can receive a timely and appropriate
27 forensic examination.

28 (5) Develop an alternative plan in case there is a change in
29 circumstances to ensure continuity of service.