

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **Senate Bill 229**

BY SENATORS WELD, RUCKER, TAKUBO, AND PALUMBO

[Introduced January 9, 2020; referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended, relating  
 2 to powers and duties of the Commissioner of the Bureau for Public Health; and requiring  
 3 the commissioner to create a pilot program to provide reimbursement of dental care for  
 4 adults at free and charitable clinics.

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

**ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.**

**§16-1-6. Powers and duties of the commissioner.**

1 The commissioner is the chief executive, administrative and fiscal officer of the Bureau for  
 2 Public Health and has the following powers and duties:

3 (a) To supervise and direct the fiscal and administrative matters of the bureau, and in that  
 4 regard and in accordance with law, employ, fix the compensation of and discharge all persons  
 5 necessary for the proper execution of the public health laws of this state and the efficient and  
 6 proper discharge of the duties imposed upon, and execution of powers vested in the  
 7 commissioner by law and as directed by the secretary;

8 (b) To enforce all laws of this state concerning public health; to that end, the commissioner  
 9 shall make, or cause to be made, investigations and inquiries respecting the cause of disease,  
 10 especially of epidemics and endemic conditions, and the means of prevention, suppression or  
 11 control of those conditions; the source of sickness and mortality, and the effects of environment,  
 12 employment, habits and circumstances of life on the public health.

13 The commissioner shall further make, or cause to be made, inspections and examinations  
 14 of food, drink and drugs offered for sale or public consumption in the manner the commissioner  
 15 considers necessary to protect the public health and shall report all violations of laws and rules  
 16 relating to the law to the prosecuting attorney of the county in which the violations occur;

17 (c) To make complaint or cause proceedings to be instituted against any person,  
 18 corporation or other entity for the violation of any public health law before any court or agency,  
 19 without being required to give security for costs; the action may be taken without the sanction of

20 the prosecuting attorney of the county in which the proceedings are instituted or to which the  
21 proceedings relate;

22 (d) To promote the provision of essential public health services to citizens of this state;

23 (e) To monitor the administration, operation and coordination of the local boards of health  
24 and local health officers;

25 (f) To develop and maintain a state plan of operation that sets forth the needs of the state  
26 in the areas of public health; goals and objectives for meeting those needs; methods for achieving  
27 the stated goals and objectives; and needed personnel, funds and authority for achieving the  
28 goals and objectives;

29 (g) To collect data as may be required to foster knowledge on the citizenry's health status,  
30 the health system and costs of health care;

31 (h) To delegate to any appointee, assistant or employee any and all powers and duties  
32 vested in the commissioner, including, but not limited to, the power to execute contracts and  
33 agreements in the name of the bureau: *Provided*, That the commissioner is responsible for the  
34 acts of his or her appointees, assistants and employees;

35 (i) To transfer at the direction of the secretary, notwithstanding other provisions of this  
36 code, any patient or resident between hospitals and facilities under the control of the  
37 commissioner and, by agreement with the state Commissioner of Corrections and otherwise in  
38 accord with law, accept a transfer of a resident of a facility under the jurisdiction of the state  
39 Commissioner of Corrections;

40 (j) To make periodic reports to the Governor and to the Legislature relative to specific  
41 subject areas of public health, the state facilities under the supervision of the commissioner, or  
42 other matters affecting the public health of the people of the state, at the direction of the secretary;

43 (k) At the direction of the secretary, to accept and use for the benefit of the health of the  
44 people of this state, any gift or devise of any property or thing which is lawfully given: *Provided*,  
45 That if any gift is for a specific purpose or for a particular state hospital or facility it shall be used

46 as specified. Any profit which may arise from any gift or devise of any property or thing shall be  
47 deposited in a Special Revenue Fund with the State Treasurer and shall be used only as specified  
48 by the donor or donors;

49 (l) To acquire by condemnation or otherwise any interest, right, privilege, land or  
50 improvement and hold title to the land or improvement, for the use or benefit of the state or a state  
51 hospital or facility, and, by and with the consent of the Governor, and at the direction of the  
52 secretary, to sell, exchange or otherwise convey any interest, right, privilege, land or improvement  
53 acquired or held by the state, state hospital or state facility and deposit the proceeds from the  
54 sale, exchange or other conveyance into the hospital services revenue account. Any  
55 condemnation proceedings shall be conducted pursuant to chapter 54 of this code;

56 (m) To inspect and enforce rules to control the sanitary conditions of and license all  
57 institutions and health care facilities as set forth in this chapter, including, but not limited to,  
58 schools, whether public or private, public conveyances, dairies, slaughterhouses, workshops,  
59 factories, labor camps, places of entertainment, hotels, motels, tourist camps, all other places  
60 open to the general public and inviting public patronage or public assembly, or tendering to the  
61 public any item for human consumption and places where trades or industries are conducted;

62 (n) To make inspections, conduct hearings, and to enforce the legislative rules concerning  
63 occupational and industrial health hazards, the sanitary condition of streams, sources of water  
64 supply, sewerage facilities, and plumbing systems, and the qualifications of personnel connected  
65 with the supplies, facilities or systems without regard to whether they are publicly or privately  
66 owned; and to make inspections, conduct hearings and enforce the legislative rules concerning  
67 the design of chlorination and filtration facilities and swimming pools;

68 (o) To provide in accordance with this subdivision and the definitions and other provisions  
69 of §27-1a-1 *et seq.* of this code, and as directed by the secretary, for a comprehensive program  
70 for the care, treatment and rehabilitation of alcoholics and drug abusers; for research into the  
71 cause and prevention of alcoholism and drug abuse; for the training and employment of personnel

72 to provide the requisite rehabilitation of alcoholics and drug abusers; and for the education of the  
73 public concerning alcoholism and drug abuse;

74 (p) To provide in accordance with this subdivision for a program for the care, treatment  
75 and rehabilitation of the parents of sudden infant death syndrome victims; for the training and  
76 employment of personnel to provide the requisite rehabilitation of parents of sudden infant death  
77 syndrome victims; for the education of the public concerning sudden infant death syndrome; for  
78 the responsibility of reporting to the Legislature on a quarterly basis the incidence of sudden infant  
79 death syndrome cases occurring in West Virginia; for the education of police, employees and  
80 volunteers of all emergency services concerning sudden infant death syndrome; for the state  
81 sudden infant death syndrome advisory council to develop regional family support groups to  
82 provide peer support to families of sudden infant death syndrome victims; and for requesting  
83 appropriation of funds in both federal and state budgets to fund the sudden infant death syndrome  
84 program;

85 (q) To establish and maintain a state hygienic laboratory as an aid in performing the duties  
86 imposed upon the commissioner, and to employ chemists, bacteriologists, and other employees  
87 that may be necessary to properly operate the laboratory. The commissioner may establish  
88 branches of the state laboratory at any points within the state that are necessary in the interest of  
89 the public health;

90 (r) To establish and fund a uniform health professionals data system to collect and  
91 maintain uniform data on all health professionals in the state. This data shall include, but not be  
92 limited to, the following information about each health professional: His or her name, profession,  
93 the area of the state where he or she is practicing, his or her educational background, his or her  
94 employer's name, and number of years practicing within the profession. The boards provided for  
95 in §30-3-1 *et seq.*, articles three, §30-3-1 *et seq.*, §30-4-1 *et seq.*, §30-4a-1 *et seq.*, four-a, §30-  
96 5-1 *et seq.*, §30-7-1 *et seq.*, §30-7a-1 *et seq.*, §30-14-1 *et seq.*, §30-14a-1 *et seq.*, §30-15-1 *et*  
97 *seq.*, §30-16-1 *et seq.*, §30-20-1 *et seq.*, §30-21-1 *et seq.*, §30-23-1 *et seq.*, §30-28-1 *et seq.*,

98 §30-31-1 *et seq.*, §30-32-1 *et seq.*, §30-34-1 *et seq.* , §30-35-1 *et seq.*, §30-36-1 *et seq.* and  
99 §30-37-1 *et seq.* of this code shall annually collect the data on health professionals under their  
100 jurisdiction in the format prescribed by the commissioner. Each board shall pay to the bureau  
101 annually, an amount determined by the commissioner to be a pro rata portion, for anticipated  
102 expenses to establish and operate the uniform health professionals data system required by this  
103 section. The commissioner may standardize data collection methods if necessary to implement  
104 the provisions of this section. The commissioner shall publish annually and make available, upon  
105 request, a report setting forth the data which was collected the previous year; areas of the state  
106 which the collected data indicates have a shortage of health professionals; and projections, based  
107 upon the collected data, as to the need for more health professionals in certain areas;

108 (s) To create a pilot program, effective June 1, 2020, to provide reimbursement for dental  
109 care for adults in free and charitable clinics located in this state;

110 ~~(s)~~ (t) To expend, for the purpose of performing the public health duties imposed on the  
111 bureau, or authorized by law, any sums appropriated by the Legislature. The commissioner may  
112 make advance payments to public and nonprofit health services providers when the commissioner  
113 determines it is necessary for the initiation or continuation of public health services. The advance  
114 payments, being in derogation of the principle of payment only after receipt of goods or services,  
115 shall be authorized only after serious consideration by the commissioner of the necessity of the  
116 advance payments and shall be for a period no greater than 90 days in advance of rendition of  
117 service or receipt of goods and continuation of health services; and

118 ~~(t)~~ (u) To exercise all other powers delegated to the commissioner by the secretary or by  
119 this chapter or otherwise in this code, to enforce all health laws, and to pursue all other activities  
120 necessary and incident to the authority and area of concern entrusted to the bureau or the  
121 commissioner.

NOTE: The purpose of this bill is to require the Commissioner of the Bureau for Public

Health to create a pilot program, by June 1, 2020, to provide reimbursement for dental care for adults at free and charitable clinics.

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