

# **WEST VIRGINIA LEGISLATURE**

## **2021 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2981**

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[Originating in the Committee on Health and Human

Resources; reported on March 22, 2021]



1 A BILL to amend and reenact §9A-1-9 and §9A-1-10 of the Code of West Virginia, 1931, as  
2 amended; and to amend and reenact §16-5-19 of said code, all relating to establishing  
3 suicide prevention assistance to veterans in this state; requiring the Department of  
4 Veterans' Assistance to create program; requiring the medical examiner to share  
5 information; and providing an internal effective date.

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

**CHAPTER 9A. VETERANS' AFFAIRS.**

**ARTICLE 1. DIVISION OF VETERANS' AFFAIRS.**

**§9A-1-9. Duties of department.**

1 The Department of Veterans' Assistance shall:

2 (1) Assist veterans, their widows, widowers, dependents, and orphans within the state, in  
3 properly presenting their claims before the United States Veterans' Administration, its  
4 administrator, or any federal agency, the State of West Virginia, or any of the several states of  
5 the United States, when the claims arise out of service with the armed forces of the United States  
6 as defined in section one of this article;

7 (2) Contact all veterans' organizations in this state through their duly elected or appointive  
8 officers to effectuate the purposes of this article and aid in the efficiency of the operations of the  
9 department;

10 (3) Render all possible and proper advice, assistance and counsel to veterans, their  
11 families, and their widows, dependents and orphans, within the state, and furnish them  
12 information on compensation, allowances, pensions, insurance, rehabilitation, hospitalization,  
13 education, vocational training, or refresher or retraining courses in education or training,  
14 employment, loans or aid for the purchase, acquisition or construction of homes, farms, farm  
15 equipment and business property, preference in the purchase of property and preference in

16 employment, as provided or may be provided by any federal act, any federal agency, this state or  
17 other states;

18 (4) Make careful inquiry into all claims presented for payment out of the State Treasury  
19 from any appropriation made for the benefit of veterans, their widows, widowers, dependents, and  
20 orphans; and.

21 (5) Provide veterans within the state with suicide prevention assistance by developing a  
22 suicide prevention assistance program. The Department's suicide prevention assistance program  
23 shall be annually reviewed and revised as necessary in accordance with statistical data on  
24 veteran suicide within the state of West Virginia to be provided to the Department of Veterans'  
25 Assistance from the section of Vital Statistics.

**§9A-1-10. Powers and duties of secretary.**

1 The secretary is the executive and administrative head of the department and has the  
2 power and duty, subject to ~~the provisions of~~ §9A-1-4 of this code, to:

3 (a) Supervise and put into effect the purposes and provisions of this article and the rules  
4 for the government of the department;

5 (b) Prescribe methods pertaining to investigations and reinvestigations of all claims and  
6 to the rights and interests of all veterans, their widows, widowers, dependents, and orphans:

7 (c) Prescribe uniform methods of keeping all records and case records of the veterans,  
8 their widows, widowers, dependents, and orphans;

9 (d) Sign and execute, in the name of the state by West Virginia Department of Veterans'  
10 Assistance, any contract or agreement with the federal government or its agencies, other states,  
11 subdivisions of this state, corporations, associations, partnerships or individuals;

12 (e) Supervise the fiscal affairs and responsibilities of the department;

13 (f) Organize the department to comply with the requirements of this article and with the  
14 standards required by any federal act or any federal agency;

15 (g) Establish any regional or area offices throughout the state that are necessary to  
16 promote efficiency and economy in administration;

17 (h) Make reports that comply with the requirements of any federal act or federal agency  
18 and the provisions of this article;

19 (i) Cooperate with the federal and state governments for the more effective attainment of  
20 the purposes of this article;

21 (j) Keep a complete and accurate record of all proceedings; record and file all contracts  
22 and agreements and assume responsibility for the custody and preservation of all papers and  
23 documents pertaining to his or her office and the department;

24 (k) Prepare for the Veterans' Council the annual reports to the Governor of the condition,  
25 operation and functioning of the department;

26 (l) Exercise any other powers necessary and proper to standardize the work; to expedite  
27 the service and business; to assure fair consideration of the rights and interests and claims of  
28 veterans, their widows, widowers, dependents, and orphans; to provide resources for a program  
29 which will promote a greater outreach to veterans, and which will advise them of the benefits and  
30 services that are available; and to promote the efficiency of the department;

31 (m) Invoke any legal, equitable or special remedies for the enforcement of his or her orders  
32 or the provisions of this article;

33 (n) Appoint the officers and heads of divisions of the department, and of regional or area  
34 offices, and employ assistants and employees, including case managers and counselors, that are  
35 necessary for the efficient operation of the department;

36 (o) Provide resources and assistance in the development of an Internet website which is  
37 to be used to inform veterans of programs and services available to them through the department  
38 and the state and federal governments;

39 (p) Delegate to all or any of his or her appointees, assistants, or employees all powers  
40 and duties vested in the secretary, except the power to sign and execute contracts and

41 agreements: *Provided*, That the secretary shall be responsible for the acts of his or her  
42 appointees, assistants, and employees; ~~and~~

43 (q) Award grants, in his or her discretion, subject to available appropriations, to provide  
44 for the transportation of veterans to veterans' hospitals from the veteran's home or local Veterans'  
45 Assistance offices;

46 (r) Enter into an agreement with the Commissioner of the Department of Agriculture to  
47 transfer without consideration all or part of the approximately seventeen acres of the Department  
48 of Agriculture property in Beckley, West Virginia, located adjacent to the Jackie Withrow Hospital,  
49 which was formerly known as Pinecrest Hospital, for construction of a veterans skilled nursing  
50 facility; and

51 (s) Shall establish a program of suicide prevention assistance, as set forth in §9A-1-9(5),  
52 of this code for veterans within the state, no later than July 1, 2021. The Secretary may initiate  
53 the suicide prevention assistance program as soon as authorized, even if statistical data on  
54 veteran suicide within this state to be provided to the department from the section of Vital Statistics  
55 is not immediately available.

## CHAPTER 16. PUBLIC HEALTH

### ARTICLE 5. VITAL STATISTICS.

#### §16-5-19. Death registration.

1 (a) A certificate of death for each death which occurs in this state shall be filed with the  
2 section of vital statistics, or as otherwise directed by the State Registrar, within five days after  
3 death, and prior to final disposition, and shall be registered if it has been completed and filed in  
4 accordance with this section.

5 (1) If the place of death is unknown, but the dead body is found in this state, the place  
6 where the body was found shall be shown as the place of death.

7 (2) If the date of death is unknown, it shall be approximated. If the date cannot be  
8 approximated, the date found shall be shown as the date of death.

9 (3) If death occurs in a moving conveyance in the United States and the body is first  
10 removed from the conveyance in this state, the death shall be registered in this state and the  
11 place where it is first removed shall be considered the place of death.

12 (4) If death occurs in a moving conveyance while in international waters or air space or in  
13 a foreign country or its air space and the body is first removed from the conveyance in this state,  
14 the death shall be registered in this state but the certificate shall show the actual place of death  
15 insofar as can be determined.

16 (5) In all other cases, the place where death is pronounced shall be considered the place  
17 where death occurred.

18 (b) The funeral director or other person who assumes custody of the dead body shall:

19 (1) Obtain the personal data from the next of kin or the best qualified person or source  
20 available including the deceased person's social security number or numbers, which shall be  
21 placed in the records relating to the death and recorded on the certificate of death;

22 (2) Within forty-eight hours after death, provide the certificate of death containing sufficient  
23 information to identify the decedent to the physician nurse responsible for completing the medical  
24 certification as provided in subsection (c) of this section; and

25 (3) Upon receipt of the medical certification, file the certificate of death: *Provided*, That for  
26 implementation of electronic filing of death certificates, the person who certifies to cause of death  
27 will be responsible for filing the electronic certification of cause of death as directed by the State  
28 Registrar and in accordance with legislative rule.

29 (c) The medical certification shall be completed and signed within twenty-four hours after  
30 receipt of the certificate of death by the physician, physician assistant or advanced practice  
31 registered nurse in charge of the patient's care for the illness or condition which resulted in death  
32 except when inquiry is required pursuant to chapter sixty-one, article twelve or other applicable  
33 provisions of this code.

34 (1) In the absence of the physician, physician assistant or advanced practice registered  
35 nurse or with his or her approval, the certificate may be completed by his or her associate  
36 physician, any physician who has been placed in a position of responsibility for any medical  
37 coverage of the decedent, the chief medical officer of the institution in which death occurred, or  
38 the physician who performed an autopsy upon the decedent, provided inquiry is not required  
39 pursuant to chapter sixty-one, article twelve of this code.

40 (2) The person completing the cause of death shall attest to its accuracy either by  
41 signature or by an approved electronic process.

42 (3) The State Registrar shall provide all veteran suicide and suspected veteran suicide  
43 statistics compiled annually by the section of Vital Statistics to the Secretary of the Department of  
44 Veterans' Assistance in accordance with §9A-1-9(5) and §9A-1-10(b) of the Code of West  
45 Virginia.

46 (d) When inquiry is required pursuant to article twelve, chapter sixty-one or other  
47 applicable provisions of this code, the state Medical Examiner or designee or county medical  
48 examiner or county coroner in the jurisdiction where the death occurred or where the body was  
49 found shall determine the cause of death and shall complete the medical certification within forty-  
50 eight hours after taking charge of the case.

51 (1) If the cause of death cannot be determined within forty-eight hours after taking charge  
52 of the case, the medical examiner shall complete the medical certification with a "Pending" cause  
53 of death to be amended upon completion of medical investigation.

54 (2) After investigation of a report of death for which inquiry is required, if the state Medical  
55 Examiner or designee or county medical examiner or county coroner decline jurisdiction, the state  
56 Medical Examiner or designee or county medical examiner or county coroner may direct the  
57 decedent's family physician or the physician who pronounces death to complete the certification  
58 of death: *Provided*, That the physician is not civilly liable for inaccuracy or other incorrect



59 statement of death unless the physician willfully and knowingly provides information he or she  
60 knows to be false.

61 (e) When death occurs in an institution and the person responsible for the completion of  
62 the medical certification is not available to pronounce death, another physician may pronounce  
63 death. If there is no physician available to pronounce death, then a designated licensed health  
64 professional who views the body may pronounce death, attest to the pronouncement by signature  
65 or an approved electronic process and, with the permission of the person responsible for the  
66 medical certification, release the body to the funeral director or other person for final disposition:  
67 *Provided*, That if the death occurs in an institution during court-ordered hospitalization, in a  
68 correctional facility or under custody of law-enforcement authorities, the death shall be reported  
69 directly to a medical examiner or coroner for investigation, pronouncement and certification.

70 (f) If the cause of death cannot be determined within the time prescribed, the medical  
71 certification shall be completed as provided by legislative rule. The attending physician or medical  
72 examiner, upon request, shall give the funeral director or other person assuming custody of the  
73 body notice of the reason for the delay, and final disposition of the body may not be made until  
74 authorized by the attending physician, medical examiner or other persons authorized by this  
75 article to certify the cause of death.

76 (g) Upon receipt of autopsy results, additional scientific study, or where further inquiry or  
77 investigation provides additional information that would change the information on the certificate  
78 of death from that originally reported, the certifier or any State Medical Examiner who provides  
79 such inquiry under authority of article twelve, chapter sixty-one of this code shall immediately file  
80 a supplemental report of cause of death or other information with the section of vital statistics to  
81 amend the record, but only for purposes of accuracy.

82 (h) When death is presumed to have occurred within this state but the body cannot be  
83 located, a certificate of death may be prepared by the State Registrar only upon receipt of an  
84 order of a court of competent jurisdiction which shall include the finding of facts required to

85 complete the certificate of death. The certificate of death will be marked "Presumptive" and will  
86 show on its face the date of death as determined by the court and the date of registration, and  
87 shall identify the court and the date of the order.

88 (i) The local registrar shall transmit each month to the county clerk of his or her county a  
89 copy of the certificates of all deaths occurring in the county, and if any person dies in a county  
90 other than the county within the state in which the person last resided prior to death, then the  
91 state Registrar shall furnish a copy of the death certificate to the clerk of the county commission  
92 of the county where the person last resided, from which copies the clerk shall compile a register  
93 of deaths, in a form prescribed by the State Registrar. The register shall be a public record.

## **CHAPTER 61. CRIMES AND THEIR PUNISHMENT.**

### **ARTICLE 12. POSTMORTEM EXAMINATIONS.**

#### **§61-12-8. Certain deaths to be reported to medical examiners; failure to report deaths; investigations and reports; authority of medical examiners to administer oaths, etc., fees.**

1 (a) When any person dies in this state from violence, or by apparent suicide, or suddenly  
2 when in apparent good health, or when unattended by a physician, or when an inmate of a public  
3 institution, or from some disease which might constitute a threat to public health, or in any  
4 suspicious, unusual or unnatural manner, the chief medical examiner, or his or her designee or  
5 the county medical examiner, or the coroner of the county in which death occurs shall be  
6 immediately notified by the physician in attendance, or if no physician is in attendance, by any  
7 law-enforcement officer having knowledge of the death, or by the funeral director, or by any other  
8 person present or having knowledge. Any physician or law-enforcement officer, funeral director  
9 or embalmer who willfully fails to comply with this notification requirement is guilty of a  
10 misdemeanor and, upon conviction, shall be fined not less than \$100 nor more than \$500. Upon  
11 notice of a death under this section, the chief medical examiner, or his or her designee or the

12 county medical examiner, shall take charge of the body and any objects or articles which, in his  
13 or her opinion, may be useful in establishing the cause or manner of death, and deliver them to  
14 the law-enforcement agency having jurisdiction in the case. In the course of an investigation of a  
15 death required to be reported by this section, the chief medical examiner shall, upon written  
16 request to any law-enforcement agency or any state or regional correctional facility, be provided  
17 with all records of the investigation of decedent's death and all records of decedent's  
18 incarceration. Where a decedent received therapeutic, corrective or medical treatment prior to  
19 death, the chief medical examiner may request in writing that any person or other entity which  
20 rendered the treatment promptly provide all records within its possession or control pertaining to  
21 the decedent and the treatment rendered: *Provided*, That nothing contained in this section may  
22 be construed as precluding the chief medical examiner from directly inspecting or obtaining  
23 investigation records, incarceration records or medical records related to the case. Where records  
24 of a decedent become part of the chief medical examiner's file, they are not subject to subpoena  
25 or a request for production directed to the chief medical examiner.

26 (b) A county medical examiner, or his or her assistant, shall make inquiries regarding the  
27 cause and manner of death, reduce his or her findings to writing, and promptly make a full report  
28 thereof to the chief medical examiner on forms prescribed by the chief medical examiner, retaining  
29 one copy of the report for his or her own office records and providing one copy to the prosecuting  
30 attorney of the county in which the death occurred.

31 (c) A county medical examiner or assistant medical examiner shall receive a fee for each  
32 investigation performed under the provisions of this article, including the making of required  
33 reports, which fee shall be determined by the chief medical examiner and paid out of funds  
34 appropriated therefor.

35 (d) The State Medical Examiner's Office shall notify one of the four local VA Medical  
36 Centers of the suicide death of a veteran upon finalization of the investigation and determination  
37 of cause and manner of death in the case.

NOTE: The purpose of this bill is to provide suicide prevention assistance to veterans in this state veterans within the state.

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