

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3430

By Delegate Summers

[Introduced February 13, 2023; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-1-6 of the code of West Virginia, 1931, as amended, relating to
2 prohibiting the Bureau for Public Health from assessing a fee on local health departments.

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

3 (1) 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 commissioner
7 by law and as directed by the secretary;

8 (2) To enforce all laws of this state concerning public health.

9 (3) To investigate the cause of disease, especially of epidemics and endemic conditions,
10 and the means of prevention, suppression, or control of those conditions; the source of sickness
11 and mortality, the effects of environment, employment, habits, and circumstances of life on the
12 public health.

13 (4) To inspect and examine food, drink, and drugs offered for sale or public consumption in
14 the manner the commissioner considers necessary to protect the public health and shall report all
15 violations of laws and rules relating to the law to the prosecuting attorney of the county in which the
16 violations occur;

17 (5) 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 (6) To promote the provision of essential public health services to citizens of this state;

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

25 (8) 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 (9) 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 (10) 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 (11) To transfer any patient or resident between hospitals and facilities and, by agreement
36 with the state Commissioner of Corrections and Rehabilitation and otherwise in accord with law,
37 accept a transfer of a resident of a facility under the jurisdiction of the state Commissioner of
38 Corrections and Rehabilitation;

39 (12) To make periodic reports to the Governor and to the Legislature relative to specific
40 subject areas of public health, or other matters affecting the public health of the people of the state;

41 (13) To accept and use for the benefit of the health of the people of this state, any gift or
42 devise of any property or thing which is lawfully given: *Provided*, That if any gift is for a specific
43 purpose shall be used as specified. Any profit which may arise from any gift or devise of any
44 property or thing shall be deposited in a special revenue fund with the State Treasurer and shall be
45 used only as specified by the donor or donors;

46 (14) To acquire by condemnation or otherwise any interest, right, privilege, land, or
47 improvement and hold title to the land or improvement, for the use or benefit of the state or a state

48 hospital or facility, to sell, exchange or otherwise convey any interest, right, privilege, land, or
49 improvement acquired or held by the state, state hospital, or state facility Any condemnation
50 proceedings shall be conducted pursuant to §54-1-1 *et seq.* of this code;

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

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

63 (17) To provide in accordance with this subdivision for a program for the care, treatment,
64 and rehabilitation of the parents of sudden infant death syndrome victims; for the training and
65 employment of personnel to provide the requisite rehabilitation of parents of sudden infant death
66 syndrome victims; for the education of the public concerning sudden infant death syndrome; for
67 the education of police, employees, and volunteers of all emergency services concerning sudden
68 infant death syndrome; and for requesting appropriation of funds in both federal and state budgets
69 to fund the sudden infant death syndrome program;

70 (18) To establish and maintain a state hygienic laboratory as an aid in performing the duties
71 imposed upon the commissioner, and to employ employees that may be necessary to properly
72 operate the laboratory. The commissioner may establish branches of the state laboratory within
73 the state that are necessary in the interest of the public health;

74 (19) To expend, for the purpose of performing the public health duties imposed on the
75 bureau, or authorized by law, any sums appropriated by the Legislature. The commissioner may
76 make advance payments to public and nonprofit health services providers when the commissioner
77 determines it is necessary for the initiation or continuation of public health services. The advance
78 payments, being in derogation of the principle of payment only after receipt of goods or services,
79 shall be authorized only after serious consideration by the commissioner of the necessity of the
80 advance payments and shall be for a period no greater than 90 days in advance of rendition of
81 service or receipt of goods and continuation of health services;

82 (20) To exercise all other powers delegated to the commissioner by the secretary or by this
83 chapter or otherwise in this code, to enforce all health laws, and to pursue all other activities
84 necessary and incident to the authority and area of concern entrusted to the bureau or the
85 commissioner.

86 (b) The commissioner shall establish within the Bureau for Public Health, a Center for
87 Local Public Health. The center shall:

88 (1) Enhance the quality and availability of essential public health services throughout the
89 state provided by local boards of health;

90 (2) Provide technical assistance and consultation to a local board of health agency;

91 (3) Allocate and distribute funding based upon performance based standards;

92 (4) Provide technical assistance to the local public health workforce;

93 (5) Facilitate bi-directional communication;

94 (6) Establish a uniform state-wide computer system for the reporting of public health data;

95 (7) Inventory the services provided by a local boards of health;

96 (8) Support sharing of services between local boards of health;

97 (9) Create a performance-based evaluation system based on standards established by
98 legislative rule;

- 99 (10) Provide a quarterly training to ensure consistency in the application of state laws,
100 legislative rules, and local health department rules; and
- 101 (11) Enforce compliance with performance standards.
- 102 (c) The department may not assess a fee from local health departments to operate a
103 Center for Local Public Health.

NOTE: The purpose of this bill is to prohibit the bureau from assessing a fee upon local health departments.

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