

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Introduced**

**House Bill 3458**

By Delegates Young and Pushkin

[Introduced ; Referred

to Committee on ]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §27-18-1, §27-18-2, §27-18-3, §27-18-4, §27-18-5, and §27-18-6, all relating  
 3 to establishing the behavioral health reform and innovation council; declaring the title of the  
 4 act; creating the council; describing the scope of the council; detailing the composition of  
 5 the council; requiring meetings and setting certain rules for the meetings; stating powers  
 6 and duties of the council; and defining subcommittees of the council.

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

**ARTICLE 18. BEHAVIORAL HEALTH REFORM AND INNOVATION COUNCIL.**

**§27-18-1. Title.**

1 This Article shall be known as the Behavioral Health Reform and Innovation Act.

**§27-18-2. Creating Behavioral Health Reform and Innovation Council.**

1 There is hereby created the West Virginia Behavioral Health Reform and Innovation  
 2 Council for the purpose of conducting a comprehensive review of the behavioral health system in  
 3 West Virginia. Such review shall include the behavioral health services and facilities available in  
 4 this state, the identification of behavioral health issues in children, adolescents, and adults, the  
 5 impact of the behavioral health system on public safety and emergency services personnel, the  
 6 impact of the behavioral health system on the court system and correctional system, the barriers  
 7 and challenges of the mental hygiene process and transitions in and out of involuntary  
 8 commitment, the legal and systemic barriers to treatment of mental illnesses, workforce shortages  
 9 that impact the delivery of care, whether there is sufficient access to behavioral health services  
 10 and supports and the role of payers in such access, the impact on how untreated behavioral illness  
 11 can impact children into adulthood, the impact of behavioral health on the state's substance use  
 12 problem; and the impact of behavioral illness on the state's homeless population.

13 As used in this article, the term "council" means the West Virginia Behavioral Health  
 14 Reform and Innovation Council.

**§27-18-3. Composition of council and administration.**

- 1       (a) The council shall be composed of 25 members as follows:
- 2       (1) The following members appointed by the Governor:
- 3       (A) A psychiatrist who specializes in children and adolescents;
- 4       (B) A psychiatrist who specializes in adults;
- 5       (C) A health care provider with expertise in traumatic brain injuries;
- 6       (D) A chief medical officer of a mental health facility;
- 7       (E) A school psychologist or school counselor;
- 8       (F) A forensic psychologist;
- 9       (G) A faith-based community leader;
- 10       (H) A homeless service provider;
- 11       (I) A professional who specializes in substance abuse and addiction; and
- 12       (J) A representative of a local board of public health;
- 13       (2) The following members appointed by the President of the Senate:
- 14       (A) Two members of the Senate;
- 15       (B) A county official that is not a county commissioner;
- 16       (C) A licensed clinical behavioral health professional;
- 17       (D) A behavioral health advocate; and
- 18       (E) A mayor of a municipality;
- 19       (3) The following members appointed by the Speaker of the House of Delegates:
- 20       (A) Two members of the House of Delegates;
- 21       (B) A county commissioner;
- 22       (C) A licensed clinical behavioral health professional;
- 23       (D) A behavioral health advocate; and
- 24       (E) A municipal official that is not a mayor; and
- 25       (4) The following members appointed by the Chief Justice of the West Virginia Supreme
- 26       Court of Appeals:

27 (A) Two circuit court judges, at least one of whom has experience in operating a specialty  
28 court; and

29 (B) A mental hygiene commissioner.

30 (b) Each nonlegislative member of the council shall be appointed to serve for a term of two  
31 years or until his or her successor is duly appointed. Legislative members of the council shall serve  
32 until completion of their current terms of office. Any member may be appointed to succeed himself  
33 or herself on the council. If a member of the council is an elected or appointed official, such  
34 member, or his or her designee, shall be removed from the council if such member no longer  
35 serves as such elected or appointed official.

36 (c) The following members shall serve as nonvoting ex officio members of the council:

37 (1) Commissioner of the Bureau for Behavioral Health, within the Department of Health  
38 and Human Resources, or his or her designee;

39 (2) Director of the Division of Juvenile Justice, within the West Virginia Department of  
40 Military Affairs and Public Safety, or his or her designee;

41 (3) Director of the Division of Corrections and Rehabilitation, within the West Virginia  
42 Department of Military Affairs and Public Safety, or his or her designee;

43 (4) Commissioner of the Bureau for Public Health, within the Department of Health and  
44 Human Resources, or his or her designee;

45 (5) Director of the Division of Probation Services, within the West Virginia Supreme Court  
46 of Appeals, or his or her designee;

47 (6) Superintendent of the West Virginia State Police, or his or her designee; and

48 (7) Director of the Bureau of Children and Families, within the Department of Health and  
49 Human Resources, or his or her designee.

50 (d) The council shall elect a chairperson and may elect other officers, as it deems  
51 necessary.

52 (e) The council shall be attached for administrative purposes only to the West Virginia

53 Legislature's Joint Committee on Government & Finance. The Joint Committee on Government &  
54 Finance shall provide staff support for the council. The Joint Committee on Government & Finance  
55 shall use any funds specifically appropriated to it to support the work of the council.

**§27-18-4. Meetings.**

1 (a) The council may conduct meetings at such places and times as it deems necessary or  
2 convenient to enable it to fully and effectively exercise its powers, perform its duties, and  
3 accomplish the objectives and purposes of this article. The council shall hold meetings at the call  
4 of the chairperson. The council shall meet not less than twice every year.

5 (b) A quorum for transacting business shall be a majority of the members of the council.

6 (c) Members of the council shall receive no compensation for their services on the council,  
7 but may be reimbursed for expenses incurred by them in the performance of their duties as  
8 members of the council. The funds necessary for the reimbursement of the expenses of state  
9 officials and state employees shall come from funds appropriated to or otherwise available to their  
10 respective departments. All other funds necessary to carry out the provisions of this article shall  
11 come from funds appropriated to the Joint Committee on Government & Finance.

**§27-18-5. Council powers and duties.**

1 (a) The council shall have the following duties:

2 (1) To review the conditions, needs, issues, and problems related to behavioral health  
3 issues in this state and to recommend any action, including proposed changes to rules,  
4 regulations, policies, and programs, and proposed legislation which the council deems necessary  
5 or appropriate, but with a specific focus on the areas set forth in section two of this article;

6 (2) To evaluate and consider the best practices, experiences, and results of legislation in  
7 other states with regard to the behavioral health system with respect to both children and adults;  
8 and

9 (3) To annually report on the work of the council to the Governor, President of the Senate,  
10 and Speaker of the House of Delegates.

11 (b) The council shall have the following powers:

12 (1) To evaluate how the laws, rules, regulations, policies, and programs affecting the  
13 behavioral health system in this state are working;

14 (2) To request and receive data from and review the records of appropriate state agencies  
15 and courts to the greatest extent allowed by state and federal law;

16 (3) To accept public or private grants, devises, and bequests;

17 (4) To authorize entering into contracts or agreements through the council's chairperson  
18 necessary or incidental to the performance of its duties;

19 (5) To establish rules and procedures for conducting the business of the council; and

20 (6) To conduct studies, hold public meetings, collect data, or take any other action the  
21 council deems necessary to fulfill its responsibilities.

22 (c) The council shall be authorized to retain the services of attorneys, consultants, subject  
23 matter experts, economists, budget analysts, data analysts, statisticians, and other individuals or  
24 organizations as determined appropriate by the council.

**§27-18-6. Subcommittees.**

1 (a) The chairperson of the council shall appoint the following subcommittees from among  
2 the membership of the council and may also appoint up to two other noncouncil-member persons  
3 to each subcommittee as he or she may determine to be necessary as relevant to and consistent  
4 with this article:

5 (1) Children and Adolescent Behavioral Health;

6 (2) Involuntary Commitment;

7 (3) Hospital and Short-Term Care Facilities;

8 (4) Mental Health Courts and Corrections; and

9 (5) Workforce and System Development.

10 (b) The chairperson, at his or her discretion, may designate and appoint other  
11 subcommittees from among the membership of the council and may also appoint up to two other

- 12 persons not on the council to each subcommittee as he or she may determine to be necessary as  
13 relevant to and consistent with this article.

NOTE: The purpose of this bill is to create the Behavioral Health Reform and Innovation Council.

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