

Preliminary Performance Review

ADVISORY COUNCIL ON PUBLIC HEALTH

**Legislative Auditor Foresees no
Discernable Adverse Effects if
the Advisory Council on
Public Health Is Terminated**



JOINT COMMITTEE ON GOVERNMENT OPERATIONS

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John Sylvia
Director

August 18, 2002

The Honorable Edwin J. Bowman
State Senate
129 West Circle Drive
Weirton, West Virginia 26062

The Honorable Vicki V. Douglas
House of Delegates
Building 1, Room E-213
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0470

Dear Chairs:

Pursuant to the West Virginia Sunset Law, we are transmitting a Preliminary Performance Review of the Advisory Council on Public Health, which will be presented to the Joint Committee on Government Operations on Sunday, August 18, 2002. The issue covered herein is "The Legislative Auditor Foresees no Discernable Adverse Effects if the Advisory Council on Public Health were Terminated."

We transmitted a draft copy of the report to the Advisory Council on Public Health on July 30, 2002. The Advisory Council opted not to have an Exit Conference. We received the agency response on July 31, 2002.

Let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/wsc

Joint Committee on Government and Finance

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Executive Summary

The West Virginia Advisory Council on Public Health was created as an advisory body for the Commissioner of the Bureau of Public Health. The Council was created by West Virginia Code §16-1-16 in 2000 by the Legislature, but no members have been appointed since its creation. The Council is to consist of 15 members from various public health related associations appointed by the Governor with the advice and consent of the Senate. According to DHHR, the associations did submit nominations, but the Division did not forward them to the Governor for nomination. Part of the reason for lack of interest could be due to the fact that the Council was created under a different gubernatorial administration, and also a different Secretary of the Division of Health and Human Resources. Thus, evidently interest in providing nominations and appointing the Council did not continue with the new administration. The Legislative Auditor has determined that the Advisory Council on Public Health is not necessary for the efficient operation of state government. If the associations feel they need to inform the Commissioner of any public health related issues, the Legislative Auditor is of the opinion that they can still lobby or communicate with the Commissioner regarding any problems or concerns rather than having an official body to speak to the Commissioner.

Recommendation

- 1. The Legislative Auditor recommends the sunset of the Advisory Council on Public Health.**

Review Objective, Scope and Methodology

This Preliminary Performance Review of the Advisory Council on Public Health is required and authorized by the West Virginia Sunset Law, Chapter 4, Article 10 of the West Virginia *Code*, as amended. The Council was created by West Virginia Code §16-1-16 in 2000 by the Legislature as an advisory body for the Commissioner of the Bureau of Public Health.

Objective

As stated in the Code, a performance evaluation is to determine for an agency whether or not the agency is operating in an efficient and effective manner and to determine whether or not there is a demonstrable need for the continuation of the agency.

Scope

The performance evaluation covers from the Council's creation by the Legislature in 2000 through July 2002.

Methodology

Information compiled in this evaluation was acquired from the West Virginia Code, and interviews with Bureau of Public Health Staff, DHHR, and the Governor's Office. Every aspect of this review is in compliance with the Generally Accepted Government Standards (GAGAS).

Issue 1

The Legislative Auditor foresees no discernable adverse effects if the Advisory Council on Public Health is terminated.

The West Virginia Advisory Council on Public Health was created as an advisory body for the Commissioner of the Bureau of Public Health. The Council was created by West Virginia Code §16-1-16 in 2000 by the Legislature, but no members have been appointed since its creation. No activity has occurred with the Council since its creation. Statutorily, the Council was intended to only serve in an advisory capacity. Since the Council has not been appointed, and since the Division of Health and Human Resources has limited interest in the Council, the Legislative Auditor has determined that the Council should be terminated.

Council Membership

The Council is to consist of 15 members appointed by the Governor with the advice and consent of the Senate. The membership includes:

- State Insurance Commissioner or his or her designee (ex-officio);
- A member from the association of local health boards;
- A member from the association of local health officers;
- A member the Association of County Commissioners;
- A member from WV Association of Sanitarians;
- A member from the WV Hospital Association;
- A member from the WV Medical Association;
- A member from the WV Emergency Medical Services Coalition;
- A member from the WV Primary Care Association;
- A member from the nursing section of the WV public health association;
- A representative from the state college and university system;
- A member from the State Health Education Council;
- and, a member from the State Chamber of Commerce.

In addition, the Governor shall appoint two people to represent the general public. The Code states that each of these above organizations shall nominate three members from their respective associations for the Governor to select the membership. According to DHHR, the associations did submit nominations, but the Division did not forward them to the Governor for nomination. Part of the reason for lack of interest could be due to the fact that the Council was created under a different gubernatorial administration, and also a different Secretary of the Division of Health and Human Resources. Thus, evidently interest in providing nominations and appointing the Council did not continue with the new administration.

Council Responsibilities

The Council is intended to act as an advisory body for the Commissioner of the Bureau of Public Health. According to the WVC §16-1-16, the Council may:

- Advise the commissioner in all matters pertaining to the commissioner's duties and functions concerning public health and the provisions of §16-1-16.
- Review all state public health rules and advise the commissioner on necessary revisions.
- Advise the commissioner on the need for additional or special advisory committees to assist the council in matters concerning public health in relation to any business.

The Code states that the Council is to meet at the call of the Commissioner of Public Health at least twice a year. Members of the Council are to receive the same compensation and expense reimbursement equivalent to what is paid to members of the Legislature.

Lack of Need for Council

The Legislative Auditor has determined that the Advisory Council on Public Health is not necessary for the efficient operation of state government. Since the creation of the Council in 2000, there seems to be little interest by the Bureau of Public Health in which it is to serve. DHHR did not forward the nominations to the Governor's Office from the associations that were to nominate members, which suggests that there is mini-

mal interest or need for the Council. The Legislative Auditor foresees no discernable adverse effects if the Council were terminated. The Council as written in statute, has no power and only serves in an advisory role. If the associations feel they need to inform the Commissioner of any public health related issues, the Legislative Auditor is of the opinion that they can still lobby or communicate with the Commissioner regarding any problems or concerns rather than having an official body to speak to the Commissioner.

While the cost of the Council, if appointed, would be fairly minimal, the Legislative Auditor has made a conservative estimate of the potential costs. If the Council as required meets at least twice yearly, and assuming all fourteen non-ex-officio members are in attendance, the Council would cost a minimum of \$4,200 per year not including expense reimbursements. The following table displays minimal costs for five years of the Council's operations. As estimated, the Council would cost a minimum of \$21,000 in five years assuming all members attended the meetings, and not including expense reimbursements.

Table 1			
Five year minimum estimation of expenses for Council			
	Meeting 1	Meeting 2	Total
Year 1	\$2,100	\$2,100	\$4,200
Year 2	\$2,100	\$2,100	\$4,200
Year 3	\$2,100	\$2,100	\$4,200
Year 4	\$2,100	\$2,100	\$4,200
Year 5	\$2,100	\$2,100	\$4,200
		Totals	\$21,000

Conclusion

The Advisory Council on Public Health was created to advise the Commissioner of the Bureau of Public Health on state public health issues. The Council was created by the Legislature in 2000, but no members have been appointed by the Governor's Office. DHHR did receive nominations from the associations that were to have representative mem-

bers, but never forwarded them to the Governor. DHHR and the Bureau of Public Health seem to have limited interest in the Council.

Recommendation

- 1. The Legislative Auditor recommends the sunset of the Advisory Council on Public Health.**

Appendix A: Transmittal Letter To Agency

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John Sylvia
Director

July 30, 2002

Paul L. Nusbaum, Cabinet Secretary
Department of Health and Human Resources
Building 3, Room 206
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305

Dear Cabinet Secretary Nusbaum:

This is to transmit a draft copy of the Preliminary Performance Review of the Advisory Council on Public Health. This report is scheduled to be presented at the Sunday, August 18, 2002 interim meeting of the Joint Committee on Government Operations to be held in Wheeling. It is expected that a representative from your agency be present at the meeting to orally respond to the report and answer any questions the committee may have. If you would like to schedule an exit conference to discuss any concerns you may have with the report on August 1, 2002, please notify us. We need your written response by noon on August 7, 2002 in order for it to be included in the final report.

We request that your personnel treat the draft report as confidential and request that it not be disclosed to anyone except those agency employees who will prepare the response to the report or who will participate in the exit conference. Thank you for your cooperation.

Sincerely,

A handwritten signature in cursive script that reads "John Sylvia".

John Sylvia

JS/wsc

c: Henry G. Taylor, M.D., M.P.H., Bureau of Public Health
John D. Law, Director of Communications, Department of Health and Human Resources

Joint Committee on Government and Finance

Appendix B: Agency Response



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Office of the Secretary

State Capitol Complex, Building 3, Room 206

Charleston, West Virginia 25305

Telephone: (304) 558-0684 Fax: (304) 558-1130

Bob Wise
Governor

Paul L. Nusbaum
Secretary

July 25, 2002

Denny Rhodes, Senior Research Analyst
West Virginia Performance Evaluation and
Research Division
State Capitol Building, Room 314-W
Charleston, West Virginia 25305

RECEIVED
JUL 31 2002

PERFORMANCE EVALUATION AND
RESEARCH DIVISION

Dear Mr. Rhodes:

After much consideration and consultation within DHHR, we have come to the conclusion that the best course of action at this point in time is to allow the Public Health Advisory Council to sunset. Public input is important in shaping public health policy and procedures. We believe that such input can be and is gathered through a variety of existing advisory bodies. Should the need arise to establish a new advisory, board or committee, there is nothing in Code that would prohibit us from doing that should it be indicated.

We appreciate the work of PERD and would be happy to respond to any questions or concerns you might have.

Sincerely,

A handwritten signature in black ink that reads "Paul L. Nusbaum".

Paul L. Nusbaum
Secretary

PLN/djw