

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 3021**

5 (By Delegates Hatfield, Fleischauer, Perdue, Brown, C. Miller,
6 Hall, Marshall, D. Campbell, Butcher, Morgan and Border)

7
8 [Passed March 12, 2011; in effect ninety days from passage.]

9
10 AN ACT to amend and reenact §16-42-3, §16-42-5 and §16-42-7 of the
11 Code of West Virginia, 1931, as amended, all relating to the
12 Comprehensive Behavioral Health Commission; adding two members
13 to the Commission; designating non-voting members; requiring
14 a chairperson be selected by the appointed commission members;
15 prohibiting a chairperson from serving more than two
16 consecutive years; changing the membership of the advisory
17 board; authorizing commission and advisory board members to
18 continue to serve; requiring yearly reports to the Governor
19 and Legislature; and extending the commission three years.

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

21 That §16-42-3, §16-42-5 and §16-42-7 of the Code of West
22 Virginia, 1931, as amended, be amended and reenacted, all to read
23 as follows:

24 **ARTICLE 42. COMPREHENSIVE BEHAVIORAL HEALTH COMMISSION.**

1 **§16-42-3. Comprehensive Behavioral Health Commission.**

2 (a) Effective July 1, 2011, the Comprehensive Behavioral
3 Health Commission is reestablished to continue the study of the
4 current behavioral health system of care, including services to
5 adults and children, substance abuse and domestic violence when
6 those conditions have an effect upon or are impacted by the system.

7 (b) The commission consists of:

8 (1) A representative of the circuit and family court system,
9 appointed by the Chief Justice of the West Virginia Supreme Court
10 of Appeals;

11 (2) A representative of the Commissioner of the Division of
12 Corrections;

13 (3) The Commissioner of the Bureau of Senior Services or a
14 designee;

15 (4) The Secretary of the Department of Health and Human
16 Resources or a designee, who is a nonvoting member;

17 (5) The Commissioner of the Bureau for Behavioral Health and
18 Health Facilities or a designee, who is a nonvoting member;

19 (6) The Commissioner of the Bureau for Children and Families
20 or a designee, who is a nonvoting member;

21 (7) The Executive Director of the West Virginia Chapter of the
22 National Alliance on Mental Illness or a designee;

23 (8) The Chancellor for Higher Education or a designee, who is
24 a nonvoting member;

25 (9) One physician with a specialty in psychiatry appointed by

1 the Governor from a list provided by the West Virginia Medical
2 Association;

3 (10) One physician with a specialty in child psychiatry,
4 appointed by the Governor from a list of names provided by the West
5 Virginia Medical Association;

6 (11) One member of the Advisory Board, selected by the
7 Advisory Board, who shall serve as the vice chairperson of the
8 Commission;

9 (12) One member of the House of Delegates, who is a nonvoting
10 member, appointed by the Speaker; and

11 (13) One member of the Senate, who is a nonvoting member,
12 appointed by the President.

13 (c) The commission shall meet at times and places as it finds
14 necessary and shall be staffed by the Bureau for Behavioral Health
15 and Health Facilities.

16 (d) The commission shall elect a chairperson from those who
17 are appointed. The chairperson's term shall be no longer than two
18 consecutive years whereupon the chairperson is to be replaced by a
19 vote of the membership.

20 (e) Effective July 1, 2011, the Comprehensive Behavioral
21 Health Commission Advisory Board is reestablished to serve in a
22 consulting role to the Commission with the following members
23 appointed by the Governor:

24 (1) One member from a list provided by the West Virginia
25 Chapter of the National Association of Social Workers;

1 (2) One member from a list provided by the West Virginia
2 Hospital Association;

3 (3) One member who is a psychologist from a list provided by
4 the West Virginia Psychological Association;

5 (4) One citizen member from a list of two nominees from each
6 medical school;

7 (5) One member who is an executive director of a federally
8 qualified health center in West Virginia;

9 (6) One member who is the chief executive officer of a
10 comprehensive behavioral health center;

11 (7) Two members who are the chairperson or the chief executive
12 officer of a not-for-profit corporation with its principal
13 headquarters in West Virginia, that provides residential or non-
14 residential care or treatment for children; and

15 (8) One member from a list provided by the Council of
16 Churches.

17 (f) Those persons serving on the commission and the advisory
18 board on July 1, 2011, may continue serving on the reestablished
19 commission and advisory board and the person so designated as
20 chairperson of the commission shall remain as chairperson until an
21 election occurs as provided in this section.

22 (g) Each member of the commission and advisory board is
23 entitled to receive compensation and expense reimbursement for
24 attending official meetings or engaging in official duties not to
25 exceed the amount paid to members of the Legislature for their

1 interim duties as recommended by the Citizens Legislative
2 Compensation Commission and authorized by law. A commission member
3 may not receive compensation for travel days that are not on the
4 same day as the official meeting or official duties.

5 **§16-42-5. Report.**

6 The commission shall submit a report on its study, including
7 recommendations, to the Governor and the Legislature by January 1,
8 2012, and each January 1 thereafter.

9 **§16-42-7. Termination of commission.**

10 The commission and advisory board terminate on June 30, 2014.