

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 3021**

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

6
7 (Originating in the Committee on Health and Human Resources)

8 [February 9, 2010]

9
10 A BILL 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
12 ~~adding two new members to the Comprehensive Behavioral Health~~
13 ~~Commission;~~ the Comprehensive Behavioral Health Commission;
14 adding two members to the Comprehensive Behavioral Health
15 Commission; providing that if two specific members designate
16 another person to serve in his or her place, those designees
17 are non-voting members; requiring a chairperson be selected by
18 the commission members; permitting a chairperson to serve no
19 more than two consecutive years; adding another member to the
20 advisory board to the commission; permitting members who are
21 on the board on July 1, 2011 to continue to serve; requiring
22 yearly reports to the Governor and Legislature; and extending
23 the life of the commission by another four years to 2015.

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

25 That §16-42-3, §16-42-5 and §16-42-7 of the Code of West

1 Virginia, 1931, as amended, be amended and reenacted, all to read
2 as follows:

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

4 **§16-42-3. Comprehensive Behavioral Health Commission.**

5 (a) Effective ~~May 1, 2009~~ July 1, 2011, the Comprehensive
6 Behavioral Health Commission is reestablished ~~within the Department~~
7 ~~of Health and Human Resources~~ to continue the study of the current
8 behavioral health system of care, including services to adults and
9 children, substance abuse and domestic violence when those
10 conditions have an effect upon or are impacted by the system.

11 (b) The commission consists of:

12 (1) A representative of the circuit and family court system,
13 appointed by the Chief Justice of the West Virginia Supreme Court
14 of Appeals;

15 (2) A representative of the Commissioner of the Division of
16 Corrections;

17 (3) The Commissioner of the Bureau of Senior Services or a
18 designee;

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

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

23 (6) The Commissioner of the Bureau for Children and Families
24 or a designee;

25 (7) The Executive Director of the West Virginia Chapter of the

1 National Alliance on Mental Illness or a designee;

2 (8) The Chancellor for Higher Education or a designee;

3 (9) One physician with a ~~speciality~~ specialty in psychiatry
4 appointed by the Governor from a list provided by the West Virginia
5 Medical Association;

6 (10) One physician with a specialty in child psychiatry
7 appointed by the Governor from a list of names provided by the West
8 Virginia Medical Association;

9 (11) The Chairperson of the Behavioral Health Systems Board
10 who shall, by virtue of that role, become the vice chairperson of
11 the commission.

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

14 ~~(11)~~ (13) One member of the Senate, who is a nonvoting member,
15 appointed by the President.

16 (c) The commission shall meet at times and places as it finds
17 necessary and shall be staffed by the Bureau for Behavioral Health
18 and Health Facilities. ~~and the Health Care Authority~~

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

23 ~~(d)~~ (e) Effective ~~May 1, 2009~~ July 1, 2011, the advisory board
24 is reestablished to serve in a consulting role to the commission
25 with the following members appointed by the Governor:

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

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

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

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

9 (5) One member from a list of five nominees provided by the
10 Primary Care Association;

11 (6) One member from a list provided by the West Virginia
12 Behavioral Healthcare Providers Association;

13 (7) One member from a list provided by the West Virginia Child
14 Care Association; ~~and~~

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

17 (9) One member from a list of names provided by the Children's
18 Alliance.

19 ~~(e)~~ (f) Those persons serving on the commission and the
20 advisory board on ~~January 1, 2009~~ July 1, 2011, may continue
21 serving on the reestablished commission and advisory board and the
22 person so designated as chairperson of the commission shall remain
23 as chairperson.

24 ~~(f)~~ (g) Each member of the commission and advisory board is
25 entitled to receive compensation and expense reimbursement for

1 attending official meetings or engaging in official duties not to
2 exceed the amount paid to members of the Legislature for their
3 interim duties as recommended by the Citizens Legislative
4 Compensation Commission and authorized by law. A commission member
5 may not receive compensation for travel days that are not on the
6 same day as the official meeting or official duties.

7 **§16-42-5. Report.**

8 The commission shall submit a report on its study, including
9 recommendations, to the Governor and the Legislature by January 1,
10 ~~2011~~ 2012 and each January 1 thereafter.

11 **§16-42-7. Termination of commission.**

12 The commission and advisory board terminate on June 30, ~~2011~~
13 2015.

NOTE: The purpose of this bill is to add two new members to the Comprehensive Behavioral Health Commission. The bill provides that if two specific members designate another person to serve in his or her place, those designees are nonvoting members. The bill requires a chairperson be selected by the commission members and that person may serve no more than two consecutive years. The bill also adds another member to the advisory board to the commission. The bill permits members who are on the board on July 1, 2011 to continue to serve. Further, the bill requires yearly reports to the Governor and Legislature and extends the life of the commission by another four years to 2015.

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