

1 necessary for the proper execution of the public health laws of
2 this state and the efficient and proper discharge of the duties
3 imposed upon, and execution of powers vested in the commissioner by
4 law and as directed by the secretary;

5 (b) To enforce all laws of this state concerning public
6 health; to that end, the commissioner shall make, or cause to be
7 made, investigations and inquiries respecting the cause of disease,
8 especially of epidemics and endemic conditions, and the means of
9 prevention, suppression or control of those conditions; the source
10 of sickness and mortality, and the effects of environment,
11 employment, habits and circumstances of life on the public health.
12 The commissioner shall further make, or cause to be made,
13 inspections and examinations of food, drink and drugs offered for
14 sale or public consumption in the manner the commissioner considers
15 necessary to protect the public health and shall report all
16 violations of laws and rules relating to the law to the prosecuting
17 attorney of the county in which the violations occur;

18 (c) To make complaint or cause proceedings to be instituted
19 against any person, corporation or other entity for the violation
20 of any public health law before any court or agency, without being
21 required to give security for costs; the action may be taken
22 without the sanction of the prosecuting attorney of the county in
23 which the proceedings are instituted or to which the proceedings
24 relate;

1 (d) To promote the provision of essential public health
2 services to citizens of this state;

3 (e) To monitor the administration, operation and coordination
4 of the local boards of health and local health officers;

5 (f) To develop and maintain a state plan of operation that
6 sets forth the needs of the state in the areas of public health;
7 goals and objectives for meeting those needs; methods for achieving
8 the stated goals and objectives; and needed personnel, funds and
9 authority for achieving the goals and objectives;

10 (g) To collect data as may be required to foster knowledge on
11 the citizenry's health status, the health system and costs of
12 health care;

13 (h) To delegate to any appointee, assistant or employee any
14 and all powers and duties vested in the commissioner, including,
15 but not limited to, the power to execute contracts and agreements
16 in the name of the bureau: *Provided*, That the commissioner is
17 responsible for the acts of his or her appointees, assistants and
18 employees;

19 (i) To transfer at the direction of the secretary,
20 notwithstanding other provisions of this code, any patient or
21 resident between hospitals and facilities under the control of the
22 commissioner and, by agreement with the state Commissioner of
23 Corrections and otherwise in accord with law, accept a transfer of
24 a resident of a facility under the jurisdiction of the state

1 Commissioner of Corrections;

2 (j) To make periodic reports to the Governor and to the
3 Legislature relative to specific subject areas of public health,
4 the state facilities under the supervision of the commissioner, or
5 other matters affecting the public health of the people of the
6 state, at the direction of the secretary;

7 (k) At the direction of the secretary, to accept and use for
8 the benefit of the health of the people of this state, any gift or
9 devise of any property or thing which is lawfully given: *Provided,*
10 That if any gift is for a specific purpose or for a particular
11 state hospital or facility it ~~shall be~~ is used as specified. Any
12 profit which may arise from any gift or devise of any property or
13 thing shall be deposited in a Special Revenue Fund with the State
14 Treasurer and ~~shall be~~ is used only as specified by the donor or
15 donors;

16 (l) To acquire by condemnation or otherwise any interest,
17 right, privilege, land or improvement and hold title to the land or
18 improvement, for the use or benefit of the state or a state
19 hospital or facility, and, by and with the consent of the Governor,
20 and at the direction of the secretary, to sell, exchange or
21 otherwise convey any interest, right, privilege, land or
22 improvement acquired or held by the state, state hospital or state
23 facility and deposit the proceeds from the sale, exchange or other
24 conveyance into the hospital services revenue account. Any

1 condemnation proceedings shall be conducted pursuant to chapter
2 fifty-four of this code;

3 (m) To inspect and enforce rules to control the sanitary
4 conditions of and license all institutions and health care
5 facilities as set forth in this chapter, including, but not limited
6 to, schools, whether public or private, public conveyances,
7 dairies, slaughterhouses, workshops, factories, labor camps, places
8 of entertainment, hotels, motels, tourist camps, all other places
9 open to the general public and inviting public patronage or public
10 assembly, or tendering to the public any item for human consumption
11 and places where trades or industries are conducted;

12 (n) To make inspections, conduct hearings, and to enforce the
13 legislative rules concerning occupational and industrial health
14 hazards, the sanitary condition of streams, sources of water
15 supply, sewerage facilities, and plumbing systems, and the
16 qualifications of personnel connected with the supplies, facilities
17 or systems without regard to whether they are publicly or privately
18 owned; and to make inspections, conduct hearings and enforce the
19 legislative rules concerning the design of chlorination and
20 filtration facilities and swimming pools;

21 (o) To provide in accordance with this subdivision and the
22 definitions and other provisions of article one-a, chapter twenty-
23 seven of this code, and as directed by the secretary, for a
24 comprehensive program for the care, treatment and rehabilitation of

1 alcoholics and drug abusers; for research into the cause and
2 prevention of alcoholism and drug abuse; for the training and
3 employment of personnel to provide the requisite rehabilitation of
4 alcoholics and drug abusers; and for the education of the public
5 concerning alcoholism and drug abuse. Effective July 1, 2011, the
6 commissioner shall prohibit the establishment of any new methadone
7 treatment program or facility in this state and pursuant to 21 CFR
8 §291.505 (1970) and, after that date may allow only a comprehensive
9 community mental health center as provided in article two-a,
10 chapter twenty-seven of this code to establish and operate a new
11 methadone treatment program;

12 (p) To provide in accordance with this subdivision for a
13 program for the care, treatment and rehabilitation of the parents
14 of sudden infant death syndrome victims; for the training and
15 employment of personnel to provide the requisite rehabilitation of
16 parents of sudden infant death syndrome victims; for the education
17 of the public concerning sudden infant death syndrome; for the
18 responsibility of reporting to the Legislature on a quarterly basis
19 the incidence of sudden infant death syndrome cases occurring in
20 West Virginia; for the education of police, employees and
21 volunteers of all emergency services concerning sudden infant death
22 syndrome; for the state sudden infant death syndrome advisory
23 council to develop regional family support groups to provide peer
24 support to families of sudden infant death syndrome victims; and

1 for requesting appropriation of funds in both federal and state
2 budgets to fund the sudden infant death syndrome program;

3 (q) To establish and maintain a state hygienic laboratory as
4 an aid in performing the duties imposed upon the commissioner, and
5 to employ chemists, bacteriologists, and other employees that may
6 be necessary to properly operate the laboratory. The commissioner
7 may establish branches of the state laboratory at any points within
8 the state that are necessary in the interest of the public health;

9 (r) To establish and fund a uniform health professionals data
10 system to collect and maintain uniform data on all health
11 professionals in the state. This data shall include, but not be
12 limited to, the following information about each health
13 professional: His or her name, profession, the area of the state
14 where he or she is practicing, his or her educational background,
15 his or her employer's name, and number of years practicing within
16 the profession. The boards provided for in articles three, four,
17 four-a, five, seven, seven-a, fourteen, fourteen-a, fifteen,
18 sixteen, twenty, twenty-one, twenty-three, twenty-eight, thirty-
19 one, thirty-two, thirty-four, thirty-five, thirty-six and thirty-
20 seven, chapter thirty of this code shall annually collect the data
21 on health professionals under their jurisdiction in the format
22 prescribed by the commissioner. Each board shall pay to the bureau
23 annually, an amount determined by the commissioner to be a pro rata
24 portion, for anticipated expenses to establish and operate the

1 uniform health professionals data system required by this section.
2 The commissioner may standardize data collection methods if
3 necessary to implement the provisions of this section. The
4 commissioner shall publish annually and make available, upon
5 request, a report setting forth the data which was collected the
6 previous year; areas of the state which the collected data
7 indicates have a shortage of health professionals; and projections,
8 based upon the collected data, as to the need for more health
9 professionals in certain areas;

10 (s) To expend, for the purpose of performing the public health
11 duties imposed on the bureau, or authorized by law, any sums
12 appropriated by the Legislature. The commissioner may make advance
13 payments to public and nonprofit health services providers when the
14 commissioner determines it is necessary for the initiation or
15 continuation of public health services. The advance payments,
16 being in derogation of the principle of payment only after receipt
17 of goods or services, ~~shall be~~ is authorized only after serious
18 consideration by the commissioner of the necessity of the advance
19 payments and shall be for a period no greater than ninety days in
20 advance of rendition of service or receipt of goods and
21 continuation of health services; and

22 (t) To exercise all other powers delegated to the commissioner
23 by the secretary or by this chapter or otherwise in this code, to
24 enforce all health laws, and to pursue all other activities

1 necessary and incident to the authority and area of concern
2 entrusted to the bureau or the commissioner.

NOTE: The purpose of this bill is to provide that the Commissioner of Health shall prohibit the establishment of a new methadone treatment program or facility after July 1, 2011, except those established at comprehensive mental health centers.

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