

1 (a) To supervise and direct the fiscal and administrative
2 matters of the bureau, and in that regard and in accordance with
3 law, employ, fix the compensation of and discharge all persons
4 necessary for the proper execution of the public health laws of
5 this state and the efficient and proper discharge of the duties
6 imposed upon, and execution of powers vested in the commissioner by
7 law and as directed by the secretary;

8 (b) To enforce all laws of this state concerning public
9 health; to that end, the commissioner shall make, or cause to be
10 made, investigations and inquiries respecting the cause of disease,
11 especially of epidemics and endemic conditions, and the means of
12 prevention, suppression or control of those conditions; the source
13 of sickness and mortality, and the effects of environment,
14 employment, habits and circumstances of life on the public health.

15 The commissioner shall further make, or cause to be made,
16 inspections and examinations of food, drink and drugs offered for
17 sale or public consumption in the manner the commissioner considers
18 necessary to protect the public health and shall report all
19 violations of laws and rules relating to the law to the prosecuting
20 attorney of the county in which the violations occur;

21 (c) To make complaint or cause proceedings to be instituted
22 against any person, corporation or other entity for the violation
23 of any public health law before any court or agency, without being
24 required to give security for costs; the action may be taken

1 without the sanction of the prosecuting attorney of the county in
2 which the proceedings are instituted or to which the proceedings
3 relate;

4 (d) To promote ~~the provision of~~ essential public health
5 services to citizens of this state;

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

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

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

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

22 (i) To transfer at the direction of the secretary,
23 notwithstanding other provisions of this code, any patient or
24 resident between hospitals and facilities under the control of the

1 commissioner and, by agreement with the state Commissioner of
2 Corrections and otherwise in accord with law, accept a transfer of
3 a resident of a facility under the jurisdiction of the state
4 Commissioner of Corrections;

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

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

19 (l) To acquire by condemnation or otherwise any interest,
20 right, privilege, land or improvement and hold title to the land or
21 improvement, for the use or benefit of the state or a state
22 hospital or facility, and, by and with the consent of the Governor,
23 and at the direction of the secretary, to sell, exchange or
24 otherwise convey any interest, right, privilege, land or

1 improvement acquired or held by the state, state hospital or state
2 facility and deposit the proceeds from the sale, exchange or other
3 conveyance into the hospital services revenue account. Any
4 condemnation proceedings shall be conducted pursuant to chapter
5 fifty-four of this code;

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

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

24 (o) To provide in accordance with this subdivision and the

1 definitions and other provisions of article one-a, chapter twenty-
2 seven of this code, and as directed by the secretary, for a
3 comprehensive program for the care, treatment and rehabilitation of
4 alcoholics and drug abusers; for research into the cause and
5 prevention of alcoholism and drug abuse; for the training and
6 employment of personnel to provide the requisite rehabilitation of
7 alcoholics and drug abusers; and for the education of the public
8 concerning alcoholism and drug abuse. Effective July 1, 2011, to
9 prohibit the establishment of any new methadone treatment program
10 or facility in this state pursuant to 21 CFR §291.505 (1970) and,
11 after that date allow only a comprehensive community mental health
12 center operated and controlled by the Department of Health and
13 Human Resources or local nonprofit organizations, as provided in
14 article two-a, chapter twenty-seven of this code to establish and
15 operate a new methadone treatment program; and effective July 1,
16 2011, to require all private and community mental health center
17 methadone treatment programs to monitor a patient's pharmacy
18 registry each month in order to detect and deter the practice of
19 doctor-shopping;

20 (p) To provide in accordance with this subdivision for a
21 program for the care, treatment and rehabilitation of the parents
22 of sudden infant death syndrome victims; for the training and
23 employment of personnel to provide the requisite rehabilitation of
24 parents of sudden infant death syndrome victims; for the education

1 of the public concerning sudden infant death syndrome; for the
2 responsibility of reporting to the Legislature on a quarterly basis
3 the incidence of sudden infant death syndrome cases occurring in
4 West Virginia; for the education of police, employees and
5 volunteers of all emergency services concerning sudden infant death
6 syndrome; for the state sudden infant death syndrome advisory
7 council to develop regional family support groups to provide peer
8 support to families of sudden infant death syndrome victims; and
9 for requesting appropriation of funds in both federal and state
10 budgets to fund the sudden infant death syndrome program;

11 (q) To establish and maintain a state hygienic laboratory as
12 an aid in performing the duties imposed upon the commissioner, and
13 to employ chemists, bacteriologists, and other employees that may
14 be necessary to properly operate the laboratory. The commissioner
15 may establish branches of the state laboratory at any points within
16 the state that are necessary in the interest of the public health;

17 (r) To establish and fund a uniform health professionals data
18 system to collect and maintain uniform data on all health
19 professionals in the state. This data shall include, but not be
20 limited to, the following information about each health
21 professional: His or her name, profession, the area of the state
22 where he or she is practicing, his or her educational background,
23 his or her employer's name, and number of years practicing within
24 the profession. The boards provided for in articles three, four,

1 four-a, five, seven, seven-a, fourteen, fourteen-a, fifteen,
2 sixteen, twenty, twenty-one, twenty-three, twenty-eight, thirty-
3 one, thirty-two, thirty-four, thirty-five, thirty-six and thirty-
4 seven, chapter thirty of this code shall annually collect the data
5 on health professionals under their jurisdiction in the format
6 prescribed by the commissioner. Each board shall pay to the bureau
7 annually, an amount determined by the commissioner to be a pro rata
8 portion, for anticipated expenses to establish and operate the
9 uniform health professionals data system required by this section.
10 The commissioner may standardize data collection methods if
11 necessary to implement the provisions of this section. The
12 commissioner shall publish annually and make available, upon
13 request, a report setting forth the data which was collected the
14 previous year; areas of the state which the collected data
15 indicates have a shortage of health professionals; and projections,
16 based upon the collected data, as to the need for more health
17 professionals in certain areas;

18 (s) To expend, for the purpose of performing the public health
19 duties imposed on the bureau, or authorized by law, any sums
20 appropriated by the Legislature. The commissioner may make advance
21 payments to public and nonprofit health services providers when the
22 commissioner determines it is necessary for the initiation or
23 continuation of public health services. The advance payments,
24 being in derogation of the principle of payment only after receipt

1 of goods or services, shall be authorized only after serious
2 consideration by the commissioner of the necessity of the advance
3 payments and shall be for a period no greater than ninety days in
4 advance of rendition of service or receipt of goods and
5 continuation of health services; and

6 (t) To exercise all other powers delegated to the commissioner
7 by the secretary or by this chapter or otherwise in this code, to
8 enforce all health laws, and to pursue all other activities
9 necessary and incident to the authority and area of concern
10 entrusted to the bureau or the commissioner.

NOTE: The purpose of this bill is to prohibit the establishment of new methadone treatment programs and clinics in this state except for programs and clinics operated as comprehensive community mental health centers and to require all private and community mental health center methadone treatment programs to monitor each patient's pharmacy registry each month in an effort to prevent the practice of doctor-shopping.

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