

H. B. 3021

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

[Introduced February 7, 2011; referred to the Committee on Health and Human Resources then Government Organization.]

FISCAL NOTE

A BILL to amend and reenact §16-42-3, §16-42-5 and §16-42-7 of the Code of West Virginia, 1931, as amended, all relating to adding two new members to the Comprehensive Behavioral Health Commission; providing that if two specific members designate another person to serve in his or her place, those designees are non-voting members; requiring a chairperson be selected by the commission members; permitting a chairperson to serve no more than two consecutive years; adding another member to the advisory board to the commission; permitting members who are on the board on July 1, 2011 to continue to serve; requiring yearly reports to the Governor and Legislature; and extending the life of the commission by another four years to 2015.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 42. COMPREHENSIVE BEHAVIORAL HEALTH COMMISSION.

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

(a) Effective ~~May 1, 2009~~ July 1, 2011, the Comprehensive

1 Behavioral Health Commission is reestablished ~~within the Department~~
2 ~~of Health and Human Resources~~ to continue the study of the current
3 behavioral health system of care, including services to adults and
4 children, substance abuse and domestic violence when those
5 conditions have an effect upon or are impacted by the system.

6 (b) The commission consists of:

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

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

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

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

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

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

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

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

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

26 (10) One physician with a specialty in child psychiatry
27 appointed by the Governor from a list of names provided by the West

1 Virginia Medical Association;

2 (11) The Chairperson of the Behavioral Health Systems Board
3 shall, by virtue of that role, become the vice chairperson of the
4 commission.

5 ~~(10)~~ (12) One member of the House of Delegates, who is a
6 nonvoting member, appointed by the Speaker; and

7 ~~(11)~~ (13) One member of the Senate, who is a nonvoting member,
8 appointed by the President.

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

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

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

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

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

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

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

27 (5) One member from a list of five nominees provided by the

1 Primary Care Association;

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

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

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

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

10 ~~(e)~~ (f) Those persons serving on the commission and the
11 advisory board on ~~January 1, 2009~~ July 1, 2011, may continue
12 serving on the reestablished commission and advisory board and the
13 person so designated as chairperson of the commission shall remain
14 as chairperson.

15 ~~(f)~~ (g) Each member of the commission and advisory board is
16 entitled to receive compensation and expense reimbursement for
17 attending official meetings or engaging in official duties not to
18 exceed the amount paid to members of the Legislature for their
19 interim duties as recommended by the Citizens Legislative
20 Compensation Commission and authorized by law. A commission member
21 may not receive compensation for travel days that are not on the
22 same day as the official meeting or official duties.

23 **§16-42-5. Report.**

24 The commission shall submit a report on its study, including
25 recommendations, to the Governor and the Legislature by January 1,
26 ~~2011~~ 2012 and each January 1 thereafter.

27 **§16-42-7. Termination of commission.**

1 The commission and advisory board terminate on June 30, ~~2011~~
2 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.