

1 **ENROLLED**

2 **H. B. 4481**

3  
4 (By Delegates Hatfield, Hall, Moore, Morgan,  
5 L. Phillips, D. Campbell and Butcher)

6 [Passed March 6, 2012; in effect ninety days from passage.]  
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10 AN ACT to repeal §16-42-7 of the Code of West Virginia, 1931, as  
11 amended; and to amend and reenact §16-42-3 of said code,  
12 relating to the Comprehensive Behavioral Health Commission;  
13 increasing the membership of the Commission and the membership  
14 of the Advisory Board to the Commission; reestablishing the  
15 Advisory Board; and repealing the termination date of the  
16 commission.

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

18 That §16-42-7 of the Code of West Virginia, 1931, as amended,  
19 be repealed; and that §16-42-3 of said code be amended and  
20 reenacted, all to read as follows:

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

22 **§16-42-3. Comprehensive Behavioral Health Commission.**

23 (a) Effective July 1, 2011, the Comprehensive Behavioral  
24 Health Commission is reestablished to continue the study of the

1 current behavioral health system of care, including services to  
2 adults and children, substance abuse and domestic violence when  
3 those conditions have an effect upon or are impacted by the system.

4 (b) The commission consists of:

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

8 (2) A representative of the Commissioner of the Division of  
9 Corrections;

10 (3) The Commissioner of the Bureau of Senior Services or a  
11 designee;

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

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

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

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19 (7) The Chancellor for Higher Education or a designee, who is  
20 a nonvoting member;

21 (8) One physician with a specialty in psychiatry appointed by  
22 the Governor from a list provided by the West Virginia Medical  
23 Association;

24 (9) One physician with a specialty in child psychiatry,

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

3 (10) One member of the advisory board, selected by the  
4 advisory board, who shall serve as the vice chairperson of the  
5 commission;

6 (11) The director of the Division of Rehabilitative Services  
7 or his or her designee;

8 (12) The executive director of a behavioral health consumer's  
9 organization or his or her designee;

10 (13) The director of the West Virginia Coalition Against  
11 Domestic Violence or his or her designee;

12 (14) One member of the House of Delegates, who is a nonvoting  
13 member, appointed by the speaker; and

14 (15) 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.

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 (e) The commission shall add or delete additional members of  
24 the advisory board at the time when it is apparent that certain

1 expertise is needed and the members of the commission so decide.

2 (f) Effective July 1, 2012, the Comprehensive Behavioral  
3 Health Commission Advisory Board is reestablished to serve in a  
4 consulting role to the commission with the following members  
5 appointed by the Governor:

6 (1) One member from a list of three candidates provided by the  
7 West Virginia Chapter of the National Association of Social  
8 Workers;

9 (2) One member from a list of three candidates provided by the  
10 West Virginia Hospital Association;

11 (3) One member who is a psychologist from a list of three  
12 candidates provided by the West Virginia Psychological Association;

13 (4) One representative from each medical school affiliated  
14 with some aspect of behavioral health from a list of three  
15 candidates provided by the Dean of West Virginia University School  
16 of Medicine, the Dean of Marshall University School of Medicine and  
17 the Dean of the West Virginia School of Osteopathic Medicine;

18 (5) The executive director of the Primary Care Association or  
19 his or her designee;

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

22 (7) Two members who are the chairperson or the chief executive  
23 officer of a not-for-profit corporation, that provides residential  
24 or nonresidential care or treatment for children in West Virginia;

1           (8) One member from a list of three candidates provided by the  
2 Council of Churches;

3           (9) A consumer of behavioral health services to be selected by  
4 the commission;

5           (10) A child advocate to be selected by the commission from  
6 suggestions by FAST (Family Advocacy, Support and Training);

7           (11) A representative of the West Virginia Coalition Against  
8 Domestic Violence to be selected by the commission; and

9           (12) One representative of the county probation program from  
10 a list of three candidates provided to the Governor by the Supreme  
11 Court of Appeals.

12           (g) Those persons serving on the commission and the advisory  
13 board on July 1, 2011, may continue serving on the reestablished  
14 commission and advisory board and the person so designated as  
15 chairperson of the commission shall remain as chairperson until an  
16 election occurs as provided in this section.

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