

STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
CHARLESTON

March 9, 2012

The Honorable Jeffrey V. Kessler
President, West Virginia Senate
State Capitol
Charleston, West Virginia

Dear President Kessler:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 379.

While I support the substance of this bill, I must object to the bill because its object is not adequately expressed in the title. The purpose of the bill is to authorize the West Virginia Board of Examiners for Registered Professional Nurses (the "Board") to designate nurse health programs for licensees and applicants for treatment and recovery for alcohol abuse, chemical dependency or major mental illness. The bill would also provide the following: Confidentiality of information; waiver of confidentiality under certain circumstances; disclosure of personal and confidential information; cooperation with and provision of information to licensing boards in other jurisdictions; certain reporting requirements; and immunity from civil liability and suits. The

title, however, fails to reference any of the aforementioned provisions. The specified provisions cannot be read to be encapsulated into the title's "all relating to" language. Accordingly, I find the title of the bill inconsistent with the substance of the bill, so as to render Enrolled Committee Substitute for Committee Substitute for Senate Bill No. 379 constitutionally defective.

For this reason, I must veto the legislation. However, I encourage the Legislature to reconsider this matter and return it to my desk for approval.

Very truly yours,

Earl Ray Tomblin,

Governor.