

**H. B. 2500**

(By Delegate Rodighiero)

[Introduced January 29, 2015; referred to the

Committee on Health and Human Resources then the Judiciary.]

A BILL to amend and reenact §16-2-2 and §16-2-12 of the Code of West Virginia, 1931, as amended, all relating to local boards of health and local health officers; and allowing local boards of health to appoint physician assistants as local health officers.

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

That §16-2-2 and §16-2-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted, all to read as follows:

**ARTICLE 2. LOCAL BOARDS OF HEALTH.**

**§16-2-2. Definitions.**

Unless the context in which used clearly requires a different meaning, as used in this article:

(a) "Basic public health services" means those services that are necessary to protect the health of the public and that a local board of health must provide. The three areas of basic public health services are communicable and reportable disease prevention and control, community health promotion, and environmental health protection;

1 (b) "Bureau" means the Bureau for Public Health in the Department of Health and Human  
2 Resources;

3 (c) "Clinical and categorical programs" means those services provided to individuals of  
4 specified populations and usually focus on health promotion or disease prevention. These services  
5 are not considered comprehensive health care but focus on specific health issues such as breast and  
6 cervical cancer, prenatal and pediatric health services and home health services;

7 (d) "Combined local board of health" is one form of organization for a local board of health  
8 and means a board of health serving any two or more counties or any county or counties and one or  
9 more municipalities within or partially within the county or counties;

10 (e) "Commissioner" means the commissioner of the Bureau for Public Health, who is the  
11 state health officer;

12 (f) "Communicable and reportable disease prevention and control" is one of three areas of  
13 basic public health services each local board of health must offer. Services shall include disease  
14 surveillance, case investigation and follow-up, outbreak investigation, response to epidemics, and  
15 prevention and control of rabies, sexually transmitted diseases, vaccine preventable diseases,  
16 HIV/AIDS, tuberculosis and other communicable and reportable diseases;

17 (g) "Community health promotion" is one of three areas of basic public health services each  
18 local board of health must offer. Services shall include assessing and reporting community health  
19 needs to improve health status, facilitating community partnerships including identifying the  
20 community's priority health needs, mobilization of a community around identified priorities, and  
21 monitoring the progress of community health education services;

22 (h) "County board of health" is one form of organization for a local board of health and

1 means a local board of health serving a single county;

2 (i) "Department" means the West Virginia Department of Health and Human Resources;

3 (j) "Director" or "director of health" means the state health officer. Administratively within  
4 the department, the Bureau for Public Health through its commissioner carries out the public health  
5 function of the department, unless otherwise assigned by the secretary;

6 (k) "Environmental health protection" is one of three areas of basic public health services  
7 each local board of health must offer. Services shall include efforts to protect the community from  
8 environmental health risks including, inspection of housing, institutions, recreational facilities,  
9 sewage and wastewater facilities; inspection and sampling of drinking water facilities; and response  
10 to disease outbreaks or disasters;

11 (l) "Enhanced public health services" means services that focus on health promotion activities  
12 to address a major health problem in a community, are targeted to a particular population and assist  
13 individuals in this population to access the health care system, such as lead and radon abatement for  
14 indoor air quality and positive pregnancy tracking. Enhanced public health services are services a  
15 local health department may offer;

16 (m) "Local board of health," "local board" or "board" means a board of health serving one  
17 or more counties or one or more municipalities or a combination thereof;

18 (n) "Local health department" means the staff of the local board of health;

19 (o) "Local health officer" means the individual physician or physician's assistant with a  
20 current West Virginia license to practice ~~medicine~~ his or her profession who supervises and directs  
21 the activities of the local health department services, staff and facilities and is appointed by the local  
22 board of health with approval by the commissioner;

1 (p) "Municipal board of health" is one form of organization for a local board of health and  
2 means a board of health serving a single municipality;

3 (q) "Performance-based standards" means generally accepted, objective standards such as  
4 rules or guidelines against which a local health department's level of performance can be measured;

5 (r) "Primary care services" means health care services, including medical care, that emphasize  
6 first contact patient care and assume overall and ongoing responsibility for the patient in health  
7 maintenance and treatment of disease. Primary care services are services that local boards of health  
8 may offer if the board has determined that an unmet need for primary care services exists in its  
9 service area. Basic public health services funding may not be used to support these services;

10 (s) "Program plan" or "plan of operation" means the annual plan for each local board of  
11 health that must be submitted to the commissioner for approval;

12 (t) "Secretary" means the secretary of the State Department of Health and Human Resources;  
13 and

14 (u) "Service area" means the territorial jurisdiction of the local board of health.

15 **§16-2-12. Local health officer; term of appointment; qualifications; reappointment;**  
16 **compensation; and removal.**

17 A local board of health shall appoint a full-time or part-time local health officer with  
18 approval by the commissioner. The local health officer shall be a physician or physician's assistant  
19 currently licensed in this state and knowledgeable in the science of public health. A local health  
20 officer serves at the will and pleasure of the local board for a term of one year and is eligible for  
21 reappointment at compensation determined by the local board of health. The provisions of this  
22 section do not expand the scope of practice and do not alter the requirements for supervision of any

1 physician's assistant appointed to be a local health officer.

2           A local health officer may be removed from office by the commissioner if the local health  
3 officer fails or refuses to carry out the lawful orders or rules of the secretary in the event the  
4 commissioner determines a public health emergency exists or if the local health officer fails or  
5 refuses to enforce public health laws and rules necessary to prevent and control the spread of  
6 communicable or reportable diseases dangerous to the public health. Upon removal, a successor  
7 local health officer shall immediately be appointed by the board pursuant to the provisions of this  
8 article.

NOTE: The purpose of this bill is to permit physician assistants to serve as local health officers for local boards of health.

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