

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

Senate Bill 229

SENATORS WELD, RUCKER, TAKUBO, AND PALUMBO,

original sponsors

[Originating in the Committee on Health and Human

Resources; reported on February 12, 2020]

1 A BILL to amend and reenact §16-1-6 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new article, designated §16-59-1, all relating to
3 powers and duties of the Commissioner of the Bureau for Public Health; requiring the
4 commissioner to create a grant pilot program to provide reimbursement of dental care for
5 adults at free and charitable clinics; requiring establishment of fund; requiring rulemaking;
6 and requiring reporting.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-6. Powers and duties of the commissioner.

1 The commissioner is the chief executive, administrative and fiscal officer of the Bureau for
2 Public Health and has the following powers and duties:

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

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

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

17 (c) To make complaint or cause proceedings to be instituted against any person,

18 corporation, or other entity for the violation of any public health law before any court or agency,
19 without being required to give security for costs; the action may be taken without the sanction of
20 the prosecuting attorney of the county in which the proceedings are instituted or to which the
21 proceedings relate;

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

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

25 (f) To develop and maintain a state plan of operation, that sets forth the needs of the state
26 in the areas of public health; goals and objectives for meeting those needs; methods for achieving
27 the stated goals and objectives; and needed personnel, funds, and authority for achieving the
28 goals and objectives;

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

31 (h) To delegate to any appointee, assistant or employee any and all powers and duties
32 vested in the commissioner, including, but not limited to, the power to execute contracts and
33 agreements in the name of the bureau: *Provided*, That the commissioner is responsible for the
34 acts of his or her appointees, assistants, and employees;

35 (i) To transfer at the direction of the secretary, notwithstanding other provisions of this
36 code, any patient or resident between hospitals and facilities under the control of the
37 commissioner and, by agreement with the state Commissioner of Corrections and otherwise in
38 accord with law, accept a transfer of a resident of a facility under the jurisdiction of the state
39 Commissioner of Corrections;

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

43 (k) At the direction of the secretary, to accept and use for the benefit of the health of the

44 people of this state, any gift or devise of any property or thing which is lawfully given: *Provided,*
45 That if any gift is for a specific purpose or for a particular state hospital or facility it shall be used
46 as specified. Any profit which may arise from any gift or devise of any property or thing shall be
47 deposited in a Special Revenue Fund with the State Treasurer and shall be used only as specified
48 by the donor or donors;

49 (l) To acquire by condemnation or otherwise any interest, right, privilege, land, or
50 improvement and hold title to the land or improvement, for the use or benefit of the state or a state
51 hospital or facility, and, by and with the consent of the Governor, and at the direction of the
52 secretary, to sell, exchange, or otherwise convey any interest, right, privilege, land, or
53 improvement acquired or held by the state, state hospital, or state facility and deposit the proceeds
54 from the sale, exchange, or other conveyance into the hospital services revenue account. Any
55 condemnation proceedings shall be conducted pursuant to chapter 54 of this code;

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

62 (n) To make inspections, conduct hearings, and to enforce the legislative rules concerning
63 occupational and industrial health hazards, the sanitary condition of streams, sources of water
64 supply, sewerage facilities, and plumbing systems, and the qualifications of personnel connected
65 with the supplies, facilities, or systems without regard to whether they are publicly or privately
66 owned; and to make inspections, conduct hearings, and enforce the legislative rules concerning
67 the design of chlorination and filtration facilities and swimming pools;

68 (o) To provide in accordance with this subdivision and the definitions and other provisions
69 of §27-1a-1 *et seq.* of this code, and as directed by the secretary, for a comprehensive program

70 for the care, treatment, and rehabilitation of alcoholics and drug abusers; for research into the
71 cause and prevention of alcoholism and drug abuse; for the training and employment of personnel
72 to provide the requisite rehabilitation of alcoholics and drug abusers; and for the education of the
73 public concerning alcoholism and drug abuse;

74 (p) To provide in accordance with this subdivision for a program for the care, treatment,
75 and rehabilitation of the parents of sudden infant death syndrome victims; for the training and
76 employment of personnel to provide the requisite rehabilitation of parents of sudden infant death
77 syndrome victims; for the education of the public concerning sudden infant death syndrome; for
78 the responsibility of reporting to the Legislature on a quarterly basis the incidence of sudden infant
79 death syndrome cases occurring in West Virginia; for the education of police, employees, and
80 volunteers of all emergency services concerning sudden infant death syndrome; for the state
81 Sudden Infant Death Syndrome Advisory Council to develop regional family support groups to
82 provide peer support to families of sudden infant death syndrome victims; and for requesting
83 appropriation of funds in both federal and state budgets to fund the sudden infant death syndrome
84 program;

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

90 (r) To establish and fund a uniform health professionals data system to collect and
91 maintain uniform data on all health professionals in the state. This data shall include, but not be
92 limited to, the following information about each health professional: His or her name, profession,
93 the area of the state where he or she is practicing, his or her educational background, his or her
94 employer's name, and number of years practicing within the profession. The boards provided for
95 in §30-3-1 *et seq.* of this code, §30-4-1 *et seq.* of this code, §30-4a-1 *et seq.* of this code, §30-5-

96 1 *et seq.* of this code, §30-7-1 *et seq.* of this code, §30-7a-1 *et seq.* of this code, §30-14-1 *et seq.*
97 of this code, §30-14a-1 *et seq.* of this code, §30-15-1 *et seq.* of this code, §30-16-1 *et seq.* of this
98 code, §30-20-1 *et seq.* of this code, §30-21-1 *et seq.* of this code, §30-23-1 *et seq.* of this code,
99 §30-28-1 *et seq.* of this code, §30-31-1 *et seq.* of this code, §30-32-1 *et seq.*, §30-34-1 *et seq.* of
100 this code, §30-35-1 *et seq.* of this code, §30-36-1 *et seq.* of this code, and §30-37-1 *et seq.* of
101 this code shall annually collect the data on health professionals under their jurisdiction in the
102 format prescribed by the commissioner. Each board shall pay to the bureau annually, an amount
103 determined by the commissioner to be a pro rata portion, for anticipated expenses to establish
104 and operate the uniform health professionals data system required by this section. The
105 commissioner may standardize data collection methods if necessary to implement the provisions
106 of this section. The commissioner shall publish annually and make available, upon request, a
107 report setting forth the data which was collected the previous year; areas of the state which the
108 collected data indicates have a shortage of health professionals; and projections, based upon the
109 collected data, as to the need for more health professionals in certain areas;

110 (s) To create a pilot program, effective July 1, 2021, to provide reimbursement for dental
111 care for adults in free and charitable clinics located in this state;

112 ~~(s)~~ (t) To expend, for the purpose of performing the public health duties imposed on the
113 bureau, or authorized by law, any sums appropriated by the Legislature. The commissioner may
114 make advance payments to public and nonprofit health services providers when the commissioner
115 determines it is necessary for the initiation or continuation of public health services. The advance
116 payments, being in derogation of the principle of payment only after receipt of goods or services,
117 shall be authorized only after serious consideration by the commissioner of the necessity of the
118 advance payments and shall be for a period no greater than 90 days in advance of rendition of
119 service or receipt of goods and continuation of health services; and

120 ~~(t)~~ (u) To exercise all other powers delegated to the commissioner by the secretary or by
121 this chapter or otherwise in this code, to enforce all health laws, and to pursue all other activities

122 necessary and incident to the authority and area of concern entrusted to the bureau or the
123 commissioner.

16-59-1 Adult dental care grant pilot program.

1 (a) As used in this section:

2 (1) "Adult" means a patient who is 18 years or older;

3 (2) "Clinic" means a free and charitable health care facility providing primary health care
4 and dental health care services to uninsured patients without regard for the ability to pay and who
5 earn no more than 250% of the federal poverty level;

6 (3) "Dental Care" means dental services that maintain good oral health care, including, but
7 not limited to, prophylactic cleanings, radiography, and tooth repair. The tooth repair shall include,
8 but not be limited, to fillings, bonding, bridges, implants, dentures, and other dental services as
9 deemed necessary for patient health and well-being by the health care provider;

10 (4) "Department" means the West Virginia Department of Health and Human Resources,
11 Bureau for Public Health;

12 (5) "Fund" means the West Virginia Fund for Adult Dental Health and Well-being;

13 (6) "Grant application" means the process by which a clinic may request reimbursement
14 from the West Virginia Fund for the Adult Dental Health and Well-being for dental care services;

15 (7) "Health care provider" means a dentist licensed pursuant to §30-4-1 et seq. of this
16 code; and

17 (8) "Secretary" means the Cabinet Secretary of the Department of Health and Human
18 Resources or his or her designee.

19 (b) On or before July 1, 2021, the department shall create the West Virginia Fund for Adult
20 Dental Health and Well-being and commence a two-year pilot program to provide grant funding
21 to the clinics for adult dental care: *Provided*, That payment from this fund to the clinics is
22 discretionary, based upon fund availability and based upon the clinics' ability to satisfy the criteria
23 set forth in the legislative rule developed by the department;

24 (c) On or before July 1, 2020, the department shall draft proposed rules for legislative
25 approval in accordance with the provisions of §29A-3-1 et seq. of this code to implement the
26 provisions of this article, including but not limited to, a proposed implementation timeframe and
27 grant funding availability beginning in fiscal year 2022;

28 (d)The department shall report to the Legislative Oversight Commission on Health and
29 Human Resources Accountability as established in §16-29E-1 et seq. of this code on its progress
30 creating and implementing the pilot program by January 31, 2020, with grant applications
31 available July 1, 2021.

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NOTE: The purpose of this bill is to require the Commissioner of the Bureau for Public Health to create a pilot program, by June 1, 2020, to provide reimbursement for dental care for adults at free and charitable clinics.

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