

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

Senate Bill 260

FISCAL
NOTE

BY SENATORS BALDWIN, BEACH, CAPUTO, IHLENFELD,
JEFFRIES, LINDSAY, PLYMALE, ROMANO, STOLLINGS,
UNGER, AND WOELFEL

[Introduced February 12, 2021; referred
to the Committee on Health and Human Resources;
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new
2 sections, designated §16-1-16 and §16-1-16a, all relating to social determinants of
3 health; establishing the Minority Health Advisory Team, including its composition and
4 duties; authorizing a Community Health Equity Initiative Demonstration Project;
5 authorizing the Commissioner of the Bureau for Public Health to establish a Community
6 Health Equity Initiative Demonstration Project; establishing eligibility requirements;
7 providing for the administration of the demonstration project; establishing requirements
8 for a demonstration project plan and the selection of communities for participation;
9 establishing reporting requirements; and establishing the date on which the
10 demonstration project terminates.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. STATE PUBLIC HEALTH SYSTEM.

§16-1-16. Minority Health Advisory Team.

1 (a) Advisory Team. – The Minority Health Advisory Team (MYHAT) is hereby created as
2 an advisory body to the commissioner for the purpose of advising the commissioner as to the
3 provision of adequate public health services for the state’s minority population.

4 (1) The advisory team shall be composed of 20 members, appointed by the
5 commissioner, and comprised as follows:

6 (A) The Dean of the West Virginia University School of Public Health or his or her
7 designee;

8 (B) The Director of the Marshall University Graduate Program in Public Health or his or
9 her designee;

10 (C) The Dean of the West Virginia University School of Medicine or his or her designee;

11 (D) The Dean of the Marshall University School of Medicine or his or her designee;

12 (E) The Dean of the West Virginia School of Osteopathic Medicine or his or her
13 designee;

14 (F) The Commissioner of the Bureau for Behavioral Health and Health Facilities or his or
15 her designee;

16 (G) The Commissioner of the Bureau for Medical Services or his or her designee;

17 (H) The Commissioner of the Bureau for Children and Families or his or her designee;

18 (I) The State Superintendent of Schools or his or her designee;

19 (J) A representative of a local health department;

20 (K) A representative of a free health care clinic;

21 (L) A representative of a health insurance provider;

22 (M) A representative of a hospital;

23 (N) A representative of the Minority Health Advisory Group;

24 (O) An individual to represent community and technical colleges;

25 (P) A representative of a health care provider recruiting entity;

26 (Q) A representative of a federally qualified health center;

27 (R) Two persons to represent the general public; and

28 (S) The coordinator of the Office of Minority Health within the Bureau for Public Health
29 who shall serve as the chairperson.

30 (2) Pursuant to the provisions of this section, the commissioner shall appoint an advisory
31 team on or before August 1, 2021.

32 (3) The advisory team shall meet at the call of the commissioner at least twice a year.

33 (b) Advisory team's powers and duties. – The advisory team may:

34 (1) Provide technical assistance to communities, including assistance with research and
35 information on grant opportunities and other potential funding sources;

36 (2) Provide letters of support and recommendations for grant applications;

37 (3) By a majority vote, select communities to participate in the demonstration project
38 authorized by §16-1-16a of this code.

39 (4) Review, evaluate, make recommendations and approve or reject, by a majority vote,

40 a written plan or amendments to a written plan submitted by a community participating in the
41 demonstration project authorized by §16-1-16a of this code;

42 (5) Work with state executive departments and agencies to ensure that appropriate
43 consideration is given by such departments and agencies to the potential impact of their actions
44 on minority public health;

45 (6) Work to ensure that state government assets are targeted to the state vulnerable
46 populations and are effectively utilized on the highest impact programs;

47 (7) Engage in outreach and work closely with state and local officials, with nonprofit
48 organizations, and with the private sector, both in seeking input regarding the development of a
49 comprehensive minority public health policy and in ensuring that the implementation of state
50 programs advances the objectives of that policy;

51 (8) Consult with any state executive department or agency affected by the written plans
52 or the amendments to the written plans;

53 (9) Establish by guidelines criteria to evaluate the progress and results of implemented
54 plans;

55 (10) Require participating communities to submit such data and other information related
56 to the demonstration project authorized by §16-1-16a of this code;

57 (11) Coordinate with established or ad hoc committees, task forces, and interagency
58 groups; and

59 (12) Perform any other powers or duties necessary to effectuate the provisions of this
60 section.

§16-1-16a. Community Health Equity Initiative Demonstration Project.

1 (a) *Legislative Findings.* – The Legislature makes the following findings:

2 (1) In West Virginia, statewide, babies in African American families are born with lower
3 birth weights and higher rates of infant mortality than babies born in white families; and further,
4 black children under the age of five years live in poverty at higher rates than for children under

5 five years in white families; and African American families have household income and home
6 ownership rates much lower than for similarly situated white families;

7 (2) The unemployment rate of African Americans recently has been almost twice the
8 unemployment rate for Caucasians and significantly higher in some counties with a greater
9 concentration of African American population;

10 (3) Statistics provided by the state Equal Employment Opportunity Office indicate that
11 the percentage of minority employees among the full-time state government employees under
12 the control of the Department of Administration is approximately the same as the percentage of
13 African Americans in the state's population as a whole;

14 (4) The West Virginia Advisory Committee to the United States Commission on Civil
15 Rights has found continuing reports of racial discrimination in hiring, tension between law-
16 enforcement officers and African American citizens and hate crimes and violence against
17 minorities, including reported incidents of harassment of racial and ethnic minorities in schools;

18 (5) West Virginia enjoys both a low juvenile crime rate and one of the nation's lowest
19 juvenile detention rates, yet the percentage of minority youth in the West Virginia juvenile justice
20 system exceeds the national rate of minority youths in the juvenile justice system;

21 (6) In West Virginia, African Americans make up only 3.6 percent of the general
22 population, but account for one third of the adult prison population, one fifth of the juveniles
23 placed in detention and admitted to correctional facilities, and over one half of the juveniles
24 transferred to adult jurisdiction for major felonies; and

25 (7) There is a great and immediate need for comprehensive data collection and analysis
26 on a multiyear basis and for continuing examination and review of solutions with regard to racial
27 disparities in the areas of civil rights, health, education, housing, social issues, employment,
28 economic development, and criminal and juvenile justice systems.

29 (b) Policy. – Researchers have established that the social and physical environment, not
30 just genetic makeup and individual behavior, influences health and wellbeing outcomes.

31 Structural determinants of health such as socioeconomic status have serious health
32 consequences. Discrimination is a known risk factor for unhealthy behavior, psychological
33 distress, and high blood pressure. More proximate social determinants of health, such as living
34 conditions in the home and neighborhood, can affect exposure to both environmental and social
35 risk factors for poor health. There are compelling and timely reasons for government, nonprofits,
36 and their partners in the private sector to address social determinants of health through smarter
37 investments in community development by establishing and embedding systems of innovation
38 and establishing a state and local policy advocacy team. It is important that any system of
39 innovation developed to address social determinants of health:

40 (1) Identify community strengths and areas for improvement;

41 (2) Identify and understand the status of community health needs;

42 (3) Define improvement areas to guide the community toward implementing and
43 sustaining policy, systems, and environmental changes around healthy living strategies (e.g.,
44 increased physical activity, improved nutrition, reduced tobacco use and exposure, and chronic
45 disease management);

46 (4) Assist with prioritizing community needs and consider appropriate allocation of
47 available resources;

48 (5) Allows local stakeholders to work together in a collaborative process to survey their
49 community;

50 (6) Offers suggestions and examples of policy, systems, and environmental change
51 strategies; and

52 (7) Provides feedback to communities as they institute local-level change for healthy
53 living.

54 (c) *Authorizing participation.* – Effective July 1, 2021, the Commissioner of the Bureau
55 for Public Health shall establish a Community Health Equity Initiative Demonstration Project, to
56 be continued for a period of four years, to develop a model government program to promote

57 public health and general welfare through comprehensive community development for
58 communities across West Virginia.

59 (1) Purpose. The purpose of the demonstration project is the development of model
60 community programs which shall focus and use existing resources of government agencies and
61 community organizations, whose state or local missions include services for health and human
62 resources, public education and arts, higher education, mental health care, social and economic
63 diversity, housing development, economic and community development, urban renewal,
64 workforce development, and small business development, all intended generally to improve
65 community and individual public health and welfare, in and for communities identified as
66 needing special coordination and delivery of services from those agencies.

67 (2) Objective. The objective of the demonstration project is to improve public health by
68 addressing child and family poverty, educational limitations and other social determinants of
69 health and welfare through a comprehensive community development plan. The plan shall serve
70 as a model to improve public health and education through comprehensive community
71 development across the state.

72 (3) Eligibility. Communities are eligible to participate in a demonstration project which
73 have an area of approximately one square mile, and a population of at least 3,000 persons, of
74 whom: (A) 25 percent are minorities; (B) at least 55 percent live in rental housing; and (C) at
75 least 50 percent have an income under \$27,000.

76 (4) Administration. The demonstration project shall be developed and administered by
77 the Commissioner of the Bureau for Public Health's Minority Health Advisory Team established
78 pursuant to §16-1-16 of this code, and it shall encourage state and local agencies and
79 community groups to work together to coordinate government and community activities for
80 improvement of community and individual public health and welfare, and shall identify new and
81 existing funds, personnel and other existing resources available for the demonstration project.

82 (5) Resources. A demonstration project may receive funding and other committed

83 resources from government, nonprofit, private sector, and community organizations. The
84 demonstration project shall focus and leverage existing resources, including, but not limited to,
85 education services, planning and development services, social services, housing and urban
86 development services, youth and family services, and other public and private resources
87 intended to benefit the quality of life for the community and people living and working in the
88 target community.

89 (d) Plan. – Any community desiring to participate in the demonstration project shall
90 submit a plan to the advisory team that provides for the following elements:

91 (1) Community and government participation identifying the agencies of state and local
92 government and nonprofit and private sector organizations to participate in the activities of the
93 project whose resources would be focused and directed to best produce anticipated outcomes
94 for the project and community;

95 (2) Health impact assessment by local participants in collaboration with state and federal
96 health officials and organizations;

97 (3) Review of health impact assessment results;

98 (4) Development of a community action plan with measurable, achievable, realistic, time-
99 phased steps to achieving project objectives;

100 (5) Implementation of the community action plan; and

101 (6) Evaluation of measured outcomes.

102 (e) Selection. – By a majority vote, the advisory team may select one or more eligible
103 communities from those which submit plans for a demonstration project.

104 (f) Reporting requirements.-- Commencing November 1, 2021, and each year
105 thereafter, each participating community shall give a progress report to the advisory team and
106 commencing January 1, 2022, and each year thereafter, the advisory team shall give a
107 summary report of all the participating communities to the Legislative Oversight Commission of
108 Health and Human Resources Accountability as established in §16-29E-1 et seq. of this code

109 on progress made by a pilot demonstration project including any suggested legislation or
110 needed changes to a demonstration project and any suggested expansion of a demonstration
111 project.

112 (g) This section is not intended to, and does not, create any right or benefit, substantive
113 or procedural, enforceable at law or in equity by any party against the state, its departments,
114 agencies, or entities, its officers, employees, or agents, or any other person.

115 (h) Termination of the demonstration project. -- The demonstration project terminates on
116 July 1, 2026.

NOTE: The purpose of this bill is to authorize model Community Health Equity Initiative Demonstration Projects which use existing state and local resources to promote community health and wellbeing. The bill authorizes the Commissioner of the Bureau for Public Health to establish projects with eligibility requirements; and provides for the administration of projects. Additionally, the bill establishes the Minority Health Advisory Team including its composition and duties.

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