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CLERK OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



ENROLLED

COMMITTEE SUBSTITUTE
FOR

House Bill No. 3181

(By Delegates Ashley, Michael,
Mezzatesta, Williams and Stemple)



Passed March 9, 2002

In Effect Ninety Days from Passage

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FOR

H. B. 3181

(BY DELEGATES ASHLEY, MICHAEL,
MEZZATESTA, WILLIAMS AND STEMPLE)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact sections one and two, article five-q, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to further amend said article by adding thereto a new section, designated section three, all relating to the James "Tiger" Morton catastrophic illness fund; the composition, meetings, powers and duties of the catastrophic illness commission; executive director and staff; promulgation of rules; investigation of fraud and abuse; and continuation of the commission.

Be it enacted by the Legislature of West Virginia:

That sections one and two, article five-q, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that said article be further

amended by adding thereto a new section, designated section three, all to read as follows:

ARTICLE 5Q. THE JAMES “TIGER” MORTON CATASTROPHIC ILLNESS FUND.

§16-5Q-1. Creation of the James “Tiger” Morton catastrophic illness fund.

1 Moneys in the fund created in the state treasury, designated
2 the “James ‘Tiger’ Morton Catastrophic Illness Fund” shall be
3 distributed in accordance with the provisions of this article. The
4 purpose of this fund is to provide a source of economic assis-
5 tance to the citizens of this state facing catastrophic illness. In
6 addition to any funds appropriated by the Legislature, the Tiger
7 Morton Fund may receive donations of cash or property from
8 other sources, including gifts, grants, or donations from any
9 source whatsoever. After appropriation by the Legislature, the
10 catastrophic illness commission may make expenditures from
11 the fund as necessary to accomplish the purposes of this article.

**§16-5Q-2. Catastrophic illness commission; composition; meet-
ings.**

1 (a) The catastrophic illness commission shall consist of six
2 members appointed for terms of five years by the governor, by
3 and with the advice and consent of the Senate, and the ombuds-
4 man from the department of health and human resources, who
5 shall serve as a nonvoting ex officio member. One member
6 shall be a medical doctor licensed to practice medicine in this
7 state, one member shall be an attorney licensed to practice law
8 in this state, two members shall be from the public at large who
9 are active in community affairs, one member shall be a nurse
10 licensed to practice in this state, and one member shall be a
11 social worker licensed in this state. The terms of office of the
12 first appointments to the catastrophic illness commission shall
13 be as follows: The medical doctor and attorney shall be

14 appointed for an initial term of three years; the initial term of
15 the nurse appointee and the licensed social worker appointee
16 shall be four years; the initial term of the remaining members
17 of the commission appointed by the governor shall be five
18 years. No more than five of the members appointed by the
19 governor may be from the same political party. Members of the
20 catastrophic illness commission, other than the ex officio
21 member, may receive expenses only up to one hundred twenty-
22 five dollars per day, not to exceed fifteen thousand dollars in
23 the aggregate per year. The commission shall meet at least
24 quarterly and annually elect a chairperson. Meetings shall be
25 conducted in accordance with the provisions of article nine-a,
26 chapter six of this code. Special meetings may be called. Before
27 discharging any duties, members shall comply with the oath or
28 affirmation requirements of article one, chapter six of this code.
29 Members are subject to the ethical standards and financial
30 disclosure requirements of the West Virginia governmental
31 ethics act in chapter six-b of this code and serve at the will and
32 pleasure of the governor as provided in section four, article six,
33 chapter six of this code.

34 (b) The catastrophic illness commission shall make an
35 annual recommendation to the Legislature regarding appropria-
36 tions from the catastrophic illness fund. This recommendation
37 shall be made annually, in writing, to the Legislature no later
38 than the second Wednesday of January.

39 (c) The commission shall appoint an executive director
40 whose compensation shall be fixed by the commission within
41 its budgetary appropriation. The executive director shall be
42 classified exempt and may not be a member of the commission.
43 The executive director may attend all meetings of the commis-
44 sion, as well as its committees, but has no vote on decisions or
45 actions of the commission or its committees. The executive
46 director shall carry out the decisions and actions of the commis-
47 sion, administer all affairs of the commission in accordance

48 with its policies and discharge other duties as the commission
49 shall from time to time determine. The commission may
50 employ other officers, employees and clerical assistants as it
51 considers necessary and may fix their compensation within the
52 amounts made available by appropriation.

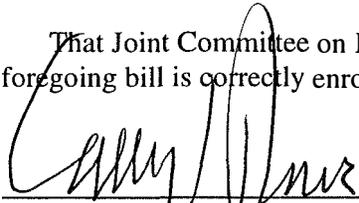
53 (d) The secretary of the department of health and human
54 resources shall propose legislative rules for promulgation in
55 accordance with article three, chapter twenty-nine-a of this code
56 to accomplish the purpose of the James "Tiger" Morton
57 catastrophic illness fund including, but not limited to, establish-
58 ing eligibility standards for the distribution of moneys from the
59 fund. The secretary may propose emergency rules to establish
60 the eligibility standards.

61 (e) The secretary shall assist the commission in the investi-
62 gation of any suspected fraud related to an application for
63 assistance through the catastrophic illness fund.

§16-5Q-3. Continuation of catastrophic illness commission.

1 The catastrophic illness commission shall continue to exist
2 until the first day of July, two thousand five, pursuant to the
3 provisions of article ten, chapter four of this code, unless sooner
4 terminated, continued or reestablished pursuant to the provi-
5 sions of that article.

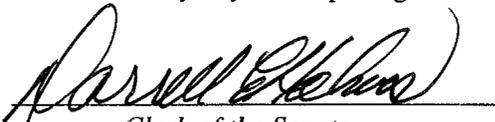
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

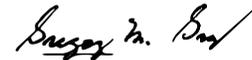

Chairman Senate Committee

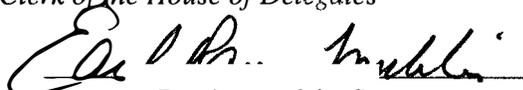

Chairman House Committee

Originating in the House.

In effect ninety days from passage.


Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 2nd
day of April, 2002.


Governor

PRESENTED TO THE

GOVERNMENT

Date

5/27/02

Time

10:00am