WEST virginia legislature

2025 regular session

Committee Substitute

for

Senate Bill 820

By Senators Helton, Fuller, Roberts, and Rucker

[Reported March 25, 2025, from the Committee on Government Organization]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article, designated §16B-22-1, §16B-22-2, §16B-22-3, §16B-22-4, §16B-22-5, and §16B-22-6, relating to creating the Whistleblower Protection Fund Act; providing a short title; establishing findings and purpose; creating the Whistleblower Protection Fund as a special revenue fund; providing the fund’s sources of funding; requiring the Office of the Inspector General to administer the article and fund; and setting forth reporting requirements.

Be it enacted by the Legislature of West Virginia:

ARTICLE 22. WHISTLEBLOWER PROTECTION FUND ACT.

§16B-22-1. Short title.

This article shall be known as and may be cited as the Whistleblower Protection Act.

§16B-22-2. Findings and purpose.

(a) The Legislature recognizes the importance of ensuring ethical practices in clinical inpatient medical treatment centers; office-based, medication-assisted treatment programs; and opioid treatment programs, as defined in §16B-13-2 of this code.

(b) The Legislature further recognizes that whistleblowers play a crucial role in exposing misconduct in these facilities that jeopardizes patient care and safety.

(c) It is essential to create a system that encourages individuals to report unethical or illegal activities without fear of retaliation.

§16B-22-3. Establishment of the Whistleblower Protection Fund.

(a) There is created a special revenue fund within the State Treasury to be known as the Whistleblower Protection Fund, which shall be an interest-bearing account. As used in this article, “fund” means the Whistleblower Protection Fund. Any balance, including accrued interest and other returns, remaining in the fund at the end of each fiscal year does not revert to the General Revenue Fund but remains in the fund to be expended as provided by this article.

(b) The Inspector General, or his or her designee, shall use the fund to support advertising efforts that promote the reporting of unethical practices in the facilities named in §16B-13-2 of this code.

§16B-22-4. Sources of funding.

The fund shall consist of:

(1) Appropriations by the Legislature;

(2) Donations from individuals and organizations;

(3) Grants from federal and state programs that support public health initiatives; and

(4) Any other source of funding.

§16B-22-5. Fund administration.

(a) The Office of the Inspector General shall administer and maintain the Whistleblower Protection Fund.

(b) The Inspector General, or his or her designee, shall develop and implement a public awareness campaign to inform the public about the importance of whistleblowing and the protections available to whistleblowers.

(c) The public awareness campaign may include, but is not limited to:

(1) Advertisements;

(2) Informational materials;

(3) Social media outreach; and

(4) Promotions and outreach programs.

§16B-22-6. Reporting.

(a) Any whistleblower report of unethical or illegal activities pursuant to this article shall be made to the Office of the Inspector General in such form or manner as is established by the office.

(b) On or before June 30, 2026, and annually thereafter, the Office of the Inspector General shall provide a report to the Joint Standing Committee on Health detailing the following information for that fiscal year:

(1) The campaign activities funded by the Whistleblower Protection Fund;

(2) The number of whistleblower reports made; and

(3) The outcome of those reports.