

# VIRGINIA ACTS OF ASSEMBLY -- 2003 SESSION

## CHAPTER 70

*An Act to amend and reenact §§ 32.1-122.10:001 and 32.1-122.10:002 of the Code of Virginia, and to amend and reenact the second enactment of Chapter 671 of the Acts of Assembly of 2001, relating to local health partnership authorities.*

[S 1068]

Approved March 16, 2003

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 32.1-122.10:001 and 32.1-122.10:002 of the Code of Virginia are amended and reenacted as follows:**

§ 32.1-122.10:001. Purpose; one or more localities may create authority; advertisement and notice of hearing.

A. Communities lack the ability to coordinate, across jurisdictions, health partnership efforts between local governments and private providers of health care services, which leads to duplicative and inefficient services. Such public/private partnerships could (i) encourage the use of service delivery that otherwise might have required government funding or programs; (ii) allow governments to fully participate in such partnerships; (iii) maximize the willingness of individuals, agencies and private organizations to lend their expertise to help satisfy community needs; (iv) allow innovative funding mechanisms to leverage public funds; (v) allow appropriate information sharing to ensure the adequacy and quality of services delivered; (vi) provide liability protection for volunteers providing services under programs sponsored or approved by the authority; (vii) provide a mechanism to ensure that services provided in the community are necessary, appropriate, and provided by trained and supervised persons; and (viii) allow volunteers and others to focus their energies to achieve community health improvement. Health care services include, but are not limited to, treatment of and education about acute and chronic diseases, wellness and prevention activities that promote the health of communities, and access to services and activities.

B. The governing body of a locality may by ordinance or resolution, or the governing bodies of two or more localities may by concurrent ordinances or resolutions or by agreement, create a local health partnership authority which shall have as its purpose developing partnerships between public and private providers. ~~The name of the authority shall contain the word "authority."~~ The ordinance, resolution or agreement creating the authority shall not be adopted or approved until a public hearing has been held on the question of its adoption or approval. The authority shall be a public body politic and corporate.

C. The governing body of each participating locality shall cause to be advertised at least one time in a newspaper of general circulation in such locality a copy of the ordinance, resolution or agreement creating the authority, or a descriptive summary of the ordinance, resolution or agreement and a reference to the place where a copy of such ordinance, resolution or agreement can be obtained, and notice of the day, not less than ~~thirty~~ 30 days after publication of the advertisement, on which a public hearing will be held on the ordinance, resolution or agreement.

~~D. To ensure that such authorities operate in an efficient manner and are accomplishing the goals set for them, a pilot project shall be instituted in Planning District 8 in a community health program that has been operating under the auspices of the Robert Wood Johnson and the Kellogg Foundations. The Joint Commission on Health Care shall monitor and provide technical advice to the authority and shall, by November 15, 2002, evaluate the program and make recommendations as to continuation of such an authority, the expansion to other areas of the state, and changes, if any, that are necessary to improve the program.~~

~~E. No authority created pursuant to this article shall be exempt from any of the provisions of the Certificate of Public Need laws and regulations of the Commonwealth.~~

~~F. E. No authority created pursuant to this article shall be allowed to issue bonds or other form of indebtedness.~~

~~F. Any authority created pursuant to this article shall report on programmatic initiatives on an annual basis to the Joint Commission on Health Care.~~

§ 32.1-122.10:002. Board of directors; expenses; officers; terms of office; quorum; annual report.

A. All powers, rights and duties conferred by this article, or other provisions of law, upon an authority shall be exercised by a board of directors. The participating localities in the local health partnership authority shall determine the composition of the membership of the board. At a minimum, the board shall be composed of one locally elected official, one representative of the health care industry, one representative of the business community, and one representative of the nongovernmental human services agencies from each participating locality *if such nongovernmental human services agencies exist*; and, sufficient citizen members to constitute the majority of the board, who shall not be

employed by, nor board members of, nor financially linked to the partnering agencies, groups and corporations involved.

B. Each member of a board shall serve for a term of four years and may serve no more than two consecutive full terms. The creation of a vacancy on the board shall be filled in the same manner by the appointing locality, such position being filled for the unexpired term.

C. Members of the board of directors shall be reimbursed for actual expenses incurred in the performance of their duties from funds available to the board and according to policy determined by the board.

D. Each board shall elect from its membership a chairman, vice chairman and secretary/treasurer. The board shall appoint an executive director who shall discharge such functions as may be directed by the board. The authority shall employ such staff as may be appropriate to coordinate the work of the participating organizations in support of programs and services approved by each board. The executive director and staff shall be paid from funds received by the authority.

E. Each board, promptly following the close of the fiscal year, shall submit an annual report of the authority's activities of the preceding year to the governing body of each member locality and to the Joint Commission on Health Care. Each such report shall set forth a complete operating and financial statement covering the operation of the authority during such year.

**2. That the second enactment of Chapter 671 of the Acts of Assembly of 2001 is amended and reenacted as follows:**

**2. That the provisions of this act shall expire on July 1, ~~2003~~ 2006.**