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HOUSE BILL NO. 1959

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Rules
on February 10, 2003)

(Patron Prior to Substitute—Delegate Hamilton)

A BILL to amend and reenact § 30-168 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 30-168.1 through 30-168.5, and to amend the Code of Virginia by repealing § 30-169, relating to the consolidation of the Joint Commission on Health Care and the Joint Commission on Behavioral Health Care.

Be it enacted by the General Assembly of Virginia:

1. That § 30-168 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding sections numbered 30-168.1 through 30-168.5 as follows:

§ 30-168. (Effective until July 1, 2007) Joint Commission on Health Care; purpose.

A. The Joint Commission on Health Care (the "Commission") is established in the legislative branch of state government. The purpose of the Commission is to study, report and make recommendations on all areas of health care provision, regulation, insurance, liability, licensing, and delivery of services. In so doing, the Commission shall endeavor to ensure that the Commonwealth as provider, *financier*, and regulator adopts the most cost-effective and efficacious means of delivery of health care services so that the greatest number of Virginians receive quality health care. Further, the Commission shall encourage the development of uniform policies and services to ensure the availability of quality, affordable and accessible health services and provide a forum for continuing the review and study of programs and services.

The Commission may make recommendations and coordinate the proposals and recommendations of all commissions and agencies as to legislation affecting the provision and delivery of health care.

B. The Commission shall consist of sixteen legislative members as follows: seven members of the Senate to be appointed by the Senate Committee on Privileges and Elections, and nine members of the House of Delegates, three of whom shall be members of the Committee on Health, Welfare and Institutionsto be appointed by the Speaker of the House of Delegates.

C. Members of the Commission shall serve for five-years terms. Whenever any legislative member fails to retain his membership in the house from which he was appointed, his membership shall be vacated, and the appointing authority who appointed such vacating member shall make an appointment from his respective house to fulfill the vacated term.

D. The members of the Commission shall elect a chairman and vice-chairman.

E. Members of the Commission shall receive compensation as provided in §-30-19.12 and shall reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825. However, all such expense payments shall come from existing appropriations to the Commission.

F. The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary, and determine their duties and fix their salaries or compensation within the amounts appropriated therefor. The Commission may also obtain such assistance as it deems necessary from other legislative and executive agencies and may employ experts who have special knowledge of the issues before it.

§ 30-169. (Effective until July 1, 2007) Powers and duties of Commission.

The Commission shall have the power and duty to study and to gather information and data to accomplish its purposes as set forth in §-30-168 and to report its recommendations to the Governor and the General Assembly.

The Chairman of the Commission shall have the authority to invite other interested parties to sit with the Commission and to participate in its deliberations.

The Commission shall study the operations, management, jurisdiction, powers and interrelationships of any department, board, bureau, commission, authority or other agency with any direct responsibility for the provision and delivery of health care in the Commonwealth.

The Commission shall examine matters relating to health services in other states and shall consult and exchange information with officers and agencies of other states with respect to health-service problems of mutual concern. The Commission may maintain offices and may hold meetings and functions at any place within the Commonwealth that it deems necessary.

The Commission shall make an annual report of its recommendations to the Governor and the General Assembly. The Commission shall make such further interim reports to the Governor and the General Assembly as it deems advisable or as required by the Governor or the General Assembly.

For the purposes of this chapter, "health care" shall include behavioral health care.

§ 30-168.1. Membership; terms; vacancies; chairman and vice chairman; quorum; meetings.

The Commission shall consist of 18 legislative members. Members shall be appointed as follows: 8 members of the Senate, to be appointed by the Senate Committee on Privileges and Elections; and 10 members of the House of Delegates, of whom 3 shall be members of the House Committee on Health, Welfare and Institutions, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates.

Members of the Commission shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

§ 30-168.2. Compensation; expenses.

Members of the Commission shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Joint Commission on Health Care.

§ 30-168.3. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. To study and gather information and data to accomplish its purposes as set forth in § 30-168;

2. To study the operations, management, jurisdiction, powers and interrelationships of any department, board, bureau, commission, authority or other agency with any direct responsibility for the provision and delivery of health care in the Commonwealth;

3. To examine matters relating to health care services in other states and to consult and exchange information with officers and agencies of other states with respect to health service problems of mutual concern;

4. To maintain offices and hold meetings and functions at any place within the Commonwealth that it deems necessary;

5. To invite other interested parties to sit with the Commission and participate in its deliberations;

6. To appoint a special task force from among the members of the Commission to study and make recommendations on issues related to behavioral health care to the full Commission; and

7. To report its recommendations to the General Assembly and the Governor annually and to make such interim reports as it deems advisable or as may be required by the General Assembly and the Governor.

§ 30-168.4. Staffing.

The Commission may appoint, employ, and remove an executive director and such other persons as it deems necessary, and determine their duties and fix their salaries or compensation within the amounts appropriated therefor. The Commission may also employ experts who have special knowledge of the issues before it. All agencies of the Commonwealth shall provide assistance to the Commission, upon request.

§ 30-168.5. Chairman's executive summary of activity and work of the Commission.

The chairman of the Commission shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

2. That § 30-169 is repealed.

3. That until July 1, 2007, the Senate Committee on Privileges and Elections and the Speaker of the House of Delegates shall each appoint one member to the Joint Commission on Health Care, as authorized by this act, from among the former members of the Joint Commission on Behavioral Health Care.

4. That whenever any reference is made in law or other provision approved by the General Assembly to the former Joint Commission on Behavioral Health Care, such reference shall be construed to apply mutatis mutandis to the Joint Commission on Health Care.