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SENATE BILL NO. 549

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on Finance
on February 9, 2010)

(Patron Prior to Substitute—Senator Barker)

A BILL to amend and reenact § 2.2-2905 of the Code of Virginia and to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 17, consisting of sections numbered 32.1-370 through 32.1-379, relating to the creation of the Virginia Network for Geospatial Health Research Authority.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2905 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 17, consisting of sections numbered 32.1-370 through 32.1-379, as follows:

§ 2.2-2905. Certain officers and employees exempt from chapter.

The provisions of this chapter shall not apply to:

1. Officers and employees for whom the Constitution specifically directs the manner of selection;
2. Officers and employees of the Supreme Court and the Court of Appeals;
3. Officers appointed by the Governor, whether confirmation by the General Assembly or by either house thereof is required or not;
4. Officers elected by popular vote or by the General Assembly or either house thereof;
5. Members of boards and commissions however selected;
6. Judges, referees, receivers, arbiters, masters and commissioners in chancery, commissioners of accounts, and any other persons appointed by any court to exercise judicial functions, and jurors and notaries public;
7. Officers and employees of the General Assembly and persons employed to conduct temporary or special inquiries, investigations, or examinations on its behalf;
8. The presidents, and teaching and research staffs of state educational institutions;
9. Commissioned officers and enlisted personnel of the National Guard and the naval militia;
10. Student employees in institutions of learning, and patient or inmate help in other state institutions;
11. Upon general or special authorization of the Governor, laborers, temporary employees and employees compensated on an hourly or daily basis;
12. County, city, town and district officers, deputies, assistants and employees;
13. The employees of the Virginia Workers' Compensation Commission;
14. The officers and employees of the Virginia Retirement System;
15. Employees whose positions are identified by the State Council of Higher Education and the boards of the Virginia Museum of Fine Arts, The Science Museum of Virginia, the Jamestown-Yorktown Foundation, the Frontier Culture Museum of Virginia, the Virginia Museum of Natural History, the New College Institute, the Southern Virginia Higher Education Center, and The Library of Virginia, and approved by the Director of the Department of Human Resource Management as requiring specialized and professional training;
16. Employees of the State Lottery Department;
17. Production workers for the Virginia Industries for the Blind Sheltered Workshop programs;
18. Employees of the Virginia Commonwealth University Health System Authority;
19. Employees of the University of Virginia Medical Center. Any changes in compensation plans for such employees shall be subject to the review and approval of the Board of Visitors of the University of Virginia. The University of Virginia shall ensure that its procedures for hiring University of Virginia Medical Center personnel are based on merit and fitness. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
20. In executive branch agencies the employee who has accepted serving in the capacity of chief deputy, or equivalent, and the employee who has accepted serving in the capacity of a confidential assistant for policy or administration. An employee serving in either one of these two positions shall be deemed to serve on an employment-at-will basis. An agency may not exceed two employees who serve in this exempt capacity;
21. Employees of Virginia Correctional Enterprises. Such employees shall remain subject to the provisions of the State Grievance Procedure (§ 2.2-3000 et seq.);
22. Officers and employees of the Virginia Port Authority;
23. Employees of the Virginia College Savings Plan;
24. Directors of state facilities operated by the Department of Behavioral Health and Developmental Services employed or reemployed by the Commissioner after July 1, 1999, under a contract pursuant to

60 § 37.2-707. Such employees shall remain subject to the provisions of the State Grievance Procedure
61 (§ 2.2-3000 et seq.);

62 25. The Director of the Virginia Office for Protection and Advocacy;

63 26. Employees of the Virginia Foundation for Healthy Youth. Such employees shall be treated as
64 state employees for purposes of participation in the Virginia Retirement System, health insurance, and
65 all other employee benefits offered by the Commonwealth to its classified employees;

66 27. Employees of the Virginia Indigent Defense Commission; ~~and~~

67 28. Any chief of a campus police department that has been designated by the governing body of a
68 public institution of higher education as exempt, pursuant to § 23-232; and

69 29. *Members of the Virginia Network for Geospatial Health Research Authority.*

70 *CHAPTER 17.*

71 *VIRGINIA NETWORK FOR GEOSPATIAL HEALTH RESEARCH AUTHORITY.*

72 § 32.1-370. *Virginia Network for Geospatial Health Research Authority; purpose.*

73 *The Virginia Network for Geospatial Health Research Authority (the Authority) is created as a body*
74 *politic and corporate, a political subdivision of the Commonwealth. The Authority shall have the powers*
75 *and duties hereinafter conferred in this chapter.*

76 *The Authority is established to (i) provide for the continuity and expansion of research within both*
77 *the public and private sectors using geospatial analysis of health and health care relevant data, (ii)*
78 *develop economies of scale within state health agencies and within public health programs within the*
79 *Commonwealth's universities, (iii) provide geospatial analytical support to other political subdivisions*
80 *concerned with cost-effective targeting of public health initiatives, and (iv) engage in such other lawful*
81 *activities as the Board of Directors of the Authority deems reasonable and appropriate.*

82 § 32.1-371. *Powers and duties of the Authority.*

83 A. *The Authority is vested with all the rights, powers, and privileges conferred upon political*
84 *subdivisions of the Commonwealth and such additional rights, powers, and privileges conferred under*
85 *this chapter and those conferred upon corporations under the laws of the Commonwealth, including,*
86 *without limitation, all the corporate powers given to nonstock corporations by the provisions of Chapter*
87 *10 (§ 13.1-801 et seq.) of Title 13.1. The Authority shall also have the power to take, hold, receive, and*
88 *enjoy any gift, grant, devise, or bequest to the Authority. The Authority shall control and expend the*
89 *funds appropriated to it by the Commonwealth.*

90 B. *The Authority shall:*

91 1. *Establish relationships with academic programs throughout the Commonwealth that use geospatial*
92 *analysis to understand and assess environmental health, public health, and health care issues to*
93 *strengthen programs through technical assistance, to provide support for graduate research, and to*
94 *facilitate sharing of educational opportunities across institutions. The Authority is specifically authorized*
95 *to serve public health research stakeholders within the Commonwealth by (i) developing a network of*
96 *experts and a system of peer review that does not limit individual institutions' academic freedom, (ii)*
97 *supporting educational advancement, (iii) providing a conduit for seeking grant funding for research*
98 *and practice, (iv) supplying technical geographic information system infrastructure support, and (v)*
99 *assisting state health agencies, policy makers and health administrators in understanding optimal*
100 *targeting and utilization of resources;*

101 2. *Support and coordinate academic, state agency, and private sector expertise in geospatial*
102 *analysis, health policy, health planning, environmental health analysis, and epidemiology and facilitate*
103 *the development of new approaches and methodologies to sustain effective public health and health care*
104 *interventions across all health-related state agencies throughout the Commonwealth;*

105 3. *Coordinate with the Virginia Geographic Information Network Division on a clearinghouse for*
106 *geospatially referenced health and health systems' relevant data through a web-based geospatial*
107 *data-sharing system;*

108 4. *Seek to expand research opportunities and increase potential funding opportunities for relevant*
109 *public health research in Virginia by seeking private sector grants and other funding to the benefit of*
110 *health and health care stakeholders throughout the Commonwealth;*

111 5. *Provide a broad array of private and public entities with the requisite data to develop appropriate*
112 *environmental health analysis, health care delivery models, and assessment within the health and health*
113 *care system in Virginia and provide technical assistance in analyzing such data;*

114 6. *Function as a service organization to cost-effectively leverage existing hardware, software, data,*
115 *applications, and personnel to support new research projects within its partner organizations; and*

116 7. *Make geospatial services and data available to faculty and students from educational institutions,*
117 *as well as to the Department of Health, public health officials and researchers, and others determined*
118 *by the Authority to be appropriate, with the goal of improving existing public health programs,*
119 *developing new evidence-based initiatives, and better informing the health policy decision-making*
120 *process through health-related assessment activities.*

121 C. *If for any reason the Authority cannot be deemed an appropriate recipient of grant awards for a*

research-related program or initiative, a state entity designated by the Authority may act as agent for the Authority in carrying out its obligations under such agreement or in receiving the benefits thereunder, or both.

§ 32.1-372. Board of Directors established; duties; membership; terms; expenses.

A. The Authority shall be governed by a Board of Directors as described in this section. The Board shall make and adopt such policies, procedures, and bylaws for the governance and operation of the Authority as the Board deems appropriate. The policies established by the Board shall be generally consistent with and build upon the strategic direction established by the Virginia Geographic Information Network Advisory Board. The Board shall provide an annual report to the Virginia Geographic Information Network Division and shall meet with the Virginia Geographic Information Network Advisory Board periodically as agreed upon or requested.

B. The Board of Directors shall consist of 16 members, to be appointed by the Governor after receiving nominations, as follows: two members from Virginia Polytechnic Institute and State University; two members from the University of Virginia School of Medicine; two members from the Eastern Virginia Medical School; two members from the Virginia Commonwealth University School of Medicine; two members from other colleges and universities with programs in Geographical Information Systems; two members from the Department of Health; one member from the Virginia Geographic Information Network Board; one member from the Virginia Geographic Information Network Division; and two members at large. The Secretary of Health and Human Resources, the Commissioner of Health, the Commissioner of Behavioral Health and Developmental Services, and a member of the Joint Commission on Health Care or their designees shall serve on the Board in an ex officio capacity. Ex officio members shall serve with voting rights and shall serve terms coincident with their terms of office.

C. The terms of members of the Board shall be four years. No member shall be eligible to serve more than two terms; however, after the expiration of the term of a member appointed to serve three years or less, two additional terms may be served if appointed thereto. Any appointment to fill a vacancy shall be for the unexpired term. A person appointed to fill a vacancy may be appointed to serve two additional terms.

D. The Governor shall appoint a chairman of the Board, and the initial meeting shall be convened with assistance from Virginia Polytechnic Institute and State University.

E. The Board shall elect from its membership a vice-chairman and shall also elect a secretary and a treasurer. The Board may also form committees and advisory councils, which may include representatives who are not members of the Board, to undertake activities as directed by the Board.

F. The Board may appoint such officers as the Board may determine to be appropriate, with such officers to have such authority and to perform such duties as conferred by the Board, consistent with this chapter. The Board shall also have the authority to hire staff to carry out its duties.

G. A majority of the Board shall constitute a quorum for the transaction of the Authority's business, and no vacancy in the membership shall impair the right of a quorum to exercise the rights and perform all duties of the Authority.

H. Members of the Board shall receive their expenses and shall be compensated at the rate provided in § 2.2-2104 for each day spent on the business of the Board.

§ 32.1-373. Audit.

The accounts of the Authority shall be audited annually by the Auditor of Public Accounts, or his legally authorized representative, and the cost of such audit shall be borne by the Authority. The Auditor of Public Accounts through a process of competitive negotiation shall select a certified public accounting firm with the concurrence of the Authority. Copies of the annual audit shall be distributed to the Governor and to the chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 32.1-374. Agent for the Authority.

If for any reason the Authority cannot replace a state entity, agency, or educational institution as a party to any agreement, the Authority may provide that such entities may act as agent for the Authority in carrying out its obligations under such agreement or in receiving the benefits thereunder, or both.

§ 32.1-375. Public access to medical records; meetings of the Board.

A. Records prepared by or for the Authority shall be exempt from the mandatory disclosure provisions of the Freedom of Information Act (§ 2.2-3700 et seq.) to the extent such records contain medical information or data obtained from a geographic information system that reveals the identity or location of specific individuals who are the subject of such records. Nothing in this subsection shall be construed to allow the withholding of statistical summaries, abstracts or other information in aggregate form.

B. Meetings of the Board may be conducted through electronic communication means provided such meetings are conducted in accordance with the requirements of § 2.2-3708.

C. For the purposes of this section, "medical information" means information that (i) relates to an

183 individual's physical or mental condition, medical history, or medical treatment and (ii) is obtained from
184 a medical professional or medical care institution, from the individual or from the individual's spouse,
185 parent, or legal guardian.

186 § 32.1-376. Exemptions from taxation.

187 The Authority shall not be required to pay any taxes or assessments upon any project or any
188 property or upon any operations of the Authority or the income therefrom, or any taxes or assessments
189 upon any project or any property or local obligation acquired or used by the Authority under the
190 provisions of this chapter or upon the income therefrom.

191 § 32.1-377. Cooperation between the Authority and other political subdivisions.

192 The Authority may enter into agreements with any other political subdivision of the Commonwealth
193 for joint or cooperative action in accordance with § 15.2-1300.

194 § 32.1-378. Process or notice.

195 Process against or notice to the corporation may be served only in the City of Richmond upon the
196 Chairman, or Secretary of the Board, or the Executive Director if one should be appointed by the
197 Board.

198 § 32.1-379. Reporting.

199 The Board of Directors of the Authority shall report annually the status and progress of the
200 implementation of the Authority's goals and objectives to the Secretary of Health and Human Resources,
201 the State Board of Health, the deans and presidents of the respective state educational institutions, and
202 the Governor and the General Assembly. The report shall provide in detail how the Authority has
203 supported state agencies, state universities, and other institutions in fulfilling their missions and how
204 private, state, and federal funds were leveraged to accomplish this purpose.

205 **2. The initial staggering of the terms of the Board of Directors of the Virginia Network for**
206 **Geospatial Health Research Authority created pursuant to this act shall be as follows: one**
207 **appointee from each category of representation shall serve a one-year term, and the other**
208 **appointee from each category shall serve a two-year term. The initial member of the Virginia**
209 **Geographic Information Network Division shall serve a two-year term. The initial member of the**
210 **Virginia Geographic Information Network Board shall serve a one-year term.**