



# WRAP-UP

The Newsletter of the West Virginia Legislature

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## “Doc of the Day” program provides valuable service

by Laura Scott

During each legislative session, the number of people who fill the State Capitol multiplies – lawmakers, per diem staff, lobbyists and citizens circulate throughout the statehouse as the Legislature conducts its business. With this heightened traffic, the Doctor of the Day program provides many beneficial services to individuals who may experience unforeseen medical circumstances.

This year marked the 15th anniversary of the start of the Doc of Day Program and both the Senate and House of Delegates recognized the importance of the program. The Senate adopted Senate Resolution 5 on Jan. 23, 2004, acknowledging the dedicated service of West Virginia’s Academy of Family Physicians to the Legislature. On the same day, the House of Delegates issued a citation to the Academy recognizing its service.

Senate President Earl Ray Tomblin said the doctors who participate in the program provide quality medical care to people in the Capitol. “We have thousands of visitors at the Capitol during the legislative sessions in addition to all of our legislators and staff, and I have seen the family doctors providing excellent medical care,” he said.

House Speaker Bob Kiss recognized how busy members and staff are during the session and that they might not have time to see their own doctors. Kiss said the program is important to the health care of those involved with the legislature and “provides a valuable resource for medical information to our members.”

The West Virginia Academy of Family Physicians sponsors the program and has provided a volunteer family physician every day of the legislative session since the program was implemented in 1989. Doctors from all over the state, including family practice residents from West Virginia and Marshall University’s medical schools, participate in the program.

Over the years, the program has provided more than 20,000 patients with emergency medical treatment. Patients have included legislators, staff, government officials and the



**Marsha Francis, seen at her desk in the dispensary on the main floor of the capitol, hosts those physicians who participate in the Academy of Family Physicians “Doc of The Day” Program. Throughout the 60-day legislative session, doctors from across the state travel to Charleston to assist in the operation of the dispensary.**

*photo: Martin Valent*

general public visiting the Capitol. The doctors have treated whatever ails people in the Capitol, including everything from headaches to heart attacks.

Also, the services provided may eliminate numerous trips to health care facilities outside the Capitol for those who receive regular or routine procedures. During the limited number of days in the session, lawmakers and staff save lost time from the workplace.

Doctors are assisted by the Capitol’s full-time RN Marsha Francis. Affectionately referred to as “Nurse Marsha,” Ms. Francis mans the Capitol Dispensary and assists the visiting physicians.

Should an emergency occur, Ms. Francis has access to a variety of medical equipment on the Capitol campus including four Automated External Defibrillators (AED), oxygen and other medical apparatus.

The Dispensary serves as a triage facility and handles everything from basic procedures to major trauma and has the capabilities to sustain an injury until the patient can be transferred to a medical facility.

With nearly 14 years of Capitol nursing experience, on top of 30 years of hospital service, including a three-year stint in the OR (operating room), Ms. Francis is a graduate of West Virginia University Institute of Technology’s first nursing program.

“I appreciate the Doctor of the Day Program during the 60-day Legislative Session,” Francis said. “I learn a lot from them and I hope they learn a lot from me.”

The program was the first of its kind in the country and has been a model for other state legislatures including Oregon, Kansas, Florida, and Michigan.



# In the Senate

As of 4:00 PM Wednesday, February 11, 2004, the 29th Day of the 2004 Regular Legislative Session, 512 bills have been introduced in the Senate. Of those, 16 measures were passed since Feb. 5 and will go on to the House for its consideration.

## Bills Passed in the Senate

**Committee Substitute for Senate Bill 52** would allow an owner of a vehicle with a Class G registration to have a motorcycle registration plate fastened in a vertical position. The owner would have to pay a one-time fee of \$25 to cover the additional cost and services necessary to issue the special registration plate.

**Senate Bill 138** would protect personal information maintained by the state from inappropriate disclosure. This information would include an individual's home address, social security number, credit or debit card number, driver's license identification number, marital status, or maiden name.

**Senate Bill 181** would permit medically discharged or retired State Police to carry

a concealed weapon for life without a license. Upon receiving the weapon, a written consent by the State Police Superintendent would be required and would have to be with the member at all times when he or she has the weapon in possession. No member, however, not working due to a mental disability, would be eligible for this consent.

**Senate Bill 208** would allow State Police to engage in certain political activities while off duty and out of uniform. These activities would include to campaign for and hold office in political clubs and organizations, to actively campaign for candidates for public office in partisan and nonpartisan elections, and to contribute money to political organizations and attend political fund-raising functions.

**Senate Bill 231** would authorize County Commissioners to establish a flood plain or mudslide enforcement agency. This agency would require and issue permits for all proposed construction, development, and other improvements in the county and conduct inspections of the projects as well.

**Committee Substitute for Senate Bill 251** would provide requirements and limitations for mandatory nurse overtime in hospitals. According to this measure, any nurse who works 12 or more consecutive hours in a shift would be allowed at least eight hours off-duty time immediately following the completion of the shift. No nurse shall work more than 16 hours in a 24-hour period.

**Senate Bill 318** would give the opportunity for inmates of correctional institutions to earn days labeled as "good time" for good conduct. Each day of good conduct would be taken off of the individuals sentence only after the inmate has served at least half of his or her overall sentence. No inmate, however, sentenced to serve life in prison, would be eligible to earn any "good time."

**Senate Bill 319** relates to centers for housing young adult offenders. According to this bill, if the offender, in the opinion

## Bills Acted On by Both Bodies

Earlier this week, members of the West Virginia Legislature adopted a Conference Committee report regarding **Senate Bill 166**, more commonly known as the .08 legislation. Upon the adoption of this report, both the House of Delegates and State Senate passed the measure and communicated their actions to the Governor. The final version of SB 166 lowers the blood alcohol content (BAC) for driving under the influence (DUI) from its original .10 to .08, which frees up several million dollars in federal highway funding. Also, the measure places an additional \$55 processing fee on all persons convicted of a DUI to assist the counties fiscal liability when processing these offenses. The bill also states that all provisions of DUI law are relegated to motor-powered vessels and boats. Additionally, the bill prevents prosecutors from using DUI violations dating back more than 10 years to charge persons with a second or subsequent DUI offense.

Members of the Legislature also passed **House Bill 4131**, which requires certain reporting to the Legislative Oversight Commission on Workforce Investment for Economic Development. The bill changes the name of the Council for Community and Technical College Education to the Joint Commission for Vocational Technical Occupational Education and the West Virginia Workforce Investment Council to the Human Resource Investment Council, and states that these entities report to the Legislative Oversight Commission on Workforce Investment for Economic Development and not the Legislative Oversight Commission on Education Accountability (LOCEA).

A bill which would address All-Terrain Vehicle (ATVs) safety regulations, **House Bill 4022**, was referred to a Conference Committee by both the House and Senate. Amendments made to the bill by the Senate did not meet the approval of the House of Delegates and the Conference Committee will look to iron out the differences between the two legislative bodies.

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# In the House

As of 4:00 PM, Wednesday, February 11th, 2004, the 29th Day of the 2004 Regular Legislative Session, 1,043 bills have been introduced in the House of Delegates. Of those, 21 measures have been passed by the House since Feb. 5 and were sent to the State Senate for further consideration.

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## Bills Passed in the House

### Committee Substitute for House Bill 3083

would allow magistrate court to be held in various locations throughout the state temporarily if the magistrate determines it is in the best interest of the public to do so; it would be cost effective; and, the interests of justices would be served.

**House Bill 3097** would allow for all civil actions concerning West Virginia University to take place in Monongalia County and all actions regarding Marshall University to take place in Cabell County, rather than Kanawha County where they currently take place.

**House Bill 3150** would prohibit state entities from requiring that any performance, payment, or surety bond required or permitted by this section be obtained from any particular surety company, agent, broker, or producer. This includes state officers, employees of any public agency, public authority, public corporation, or other public entity, including county commissions and municipalities.

**House Bill 4011** would give terms found in the West Virginia Personal Income Tax statutes the same meaning as those found in Federal Income Tax statutes.

**House Bill 4012** would give terms found in the West Virginia Corporation Net Income Tax statutes the same meaning as those found in Federal Income Tax statutes.

**Committee Substitute for House Bill 4086** would include veterans from the Gulf War and Afghanistan conflicts on the Veterans' Council.

**House Bill 4259** would increase the cost of rabies vaccinations for the states's dogs and cats at a clinic established by the County Commission from four dollars to eight dollars.

**House Bill 4138** would prohibit someone from falsely representing himself as a public official or employee by copying or imitating markings of an official vehicle on his or her motor vehicle. This measure would charge a first time offender with a misdemeanor resulting in possibly one year in jail and/or a \$1,000 fine. For a second offense, the individual would receive a felony charge and confined to a penitentiary for one to 10 years and/or fined \$2,000.

**House Bill 4140** would require that the Ethics Commission establish a code of conduct for state administrative law judges. Provisions in the code would include that state administrative law judges uphold integrity and independence of the administrative judiciary; avoid impropriety in all activities; and refrain from political activity inappropriate to the office.

**House Bill 4142** would require County Clerks to create and post a disclaimer in their offices advising that certain restrictive agreements based on race, color, religion, ancestry, sex, familial status, blindness, handicap or national origin are invalid and unenforceable.

**House Bill 4144** would allow secretaries to set appointments for agents. Currently, secretaries are not allowed to establish the agent's appointments. The legislation

states this prohibition is costly, time consuming and counterproductive to the agent's management of time.

**House Bill 4148** would allow bail bondsmen to deliver offenders to county or regional jails without the appropriate papers, if they are unable to access the Circuit Clerk's Office. Under this bill, the bondsman is required to claim the bailpiece from the Clerk by the next judicial day or face misdemeanor charges.

**House Bill 4259** would revise the current composition, powers and duties fo the Governor's Cabinet on Children and Families. The Cabinet would, among other duties, oversee technical assistance and appropriate money that may be available for family resource networks. It also would evaluate early parent education programs and other community based initiatives. In addition, the Cabinet would be responsible for setting targets and exploring new strategies for improving the lives of children and families in the state.

**House Bill 4287** would eliminate the limitation on seniority rights and the requirement that funding be derived from the institution's existing budget as in existing law. Currently, the law provides for payment of an annual salary increment for higher education classified staff be paid from the existing budget of the colleges and universities. If funding the increments results in employee layoffs, then the layoffs may occur without regard to seniority of the employees. This measure would prevent these actions.

**House Bill 4290** would create a framework that would prevent policies and practices from distracting attention and resources from the Legislature's ability to provide an efficient system of education.

**House Bill 4348** would provide \$4.4 million from the Unclaimed Property Trust Fund to the Banking Services Fund, both of which are located in the Treasurer's Office. The revenues to the Banking Services Fund have decreased over the past few years due to the decrease in interest rates, making the \$4.4 million a necessity to meet obligations fund-

## Locating Bill Status

The Legislature's website has implemented full bill content and bill status. To track legislation electronically, use [www.legis.state.wv.us](http://www.legis.state.wv.us) and click on bill status.

For those of you who may know someone who would like to receive a copy of legislation in braille, the Legislature can now accommodate this request. Use the toll-free line to request a copy of a bill at: 1-877-56-LEGIS (1-877-565-3447)

of the warden, proves to be an unfit person to remain in the center, the offender would be granted a hearing before a committee court to review the warden's determination before dismissal from the housing center.

**Senate Bill 404** would provide a clarifying definition of the term "behavioral health services" excluding the description of "community care services." Behavioral health services would mean services provided for the care and treatment of persons with mental illness, mental retardation, developmental disabilities or alcohol or drug abuse in an inpatient, residential or outpatient setting.

**Senate Bill 406** would allow the Commissioner of Corrections, regional jail supervisors, or city or sheriff operating a jail the choice of a telephone call or written notification of a defendant's last known address or telephone number upon his or her release.

**Senate Bill 428** would provide a definition for "transacting insurance" throughout the insurance code and relates to the transac-

tions of an insurance business in West Virginia.

**Senate Bill 448** relates to higher education advisory boards. According to this bill, each president or administrative head of an administratively linked community and technical college would consult with classified council during the month of April to elect one new member of the council.

**Senate Bill 449** relates to elections generally. This bill would provide that the filing fee for any candidate for president or vice president of the United States would not exceed \$2,500 starting with the 2004 filing period.

**Senate Bills 469** would continue the Interstate Commission on Uniform State Laws.

**Senate Bill 470** would continue the Real Estate Appraiser Licensing and Certification Board.

**Senate Bill 471** would continue the State Board Risk and Insurance Management.

ed from the unclaimed property account.

**House Bill 4349** would make technical corrections to sales tax law and update it as it relates to the Streamlined Sales and Use Tax Agreement among the states.

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#### Sunset Legislation

**House Bill 4248** would continue the Office of the Environmental Advocate until July 1, 2007.

**House Bill 4304** would continue the Children's Health Insurance Board until July 1, 2007.

**House Bill 4350** would continue the West Virginia State Police until July 1, 2005.

**House Bill 4351** would continue the Waste Tire Remediation Program until July 1, 2006.

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