

## Attachment for Bureau for Public Health

### GENERAL

**Division Name:** Bureau for Public Health

**Organizational Chart:** A copy is available on our website: [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx).

**Agency Mission Statement:** Our mission statement is available in the Governor's Proposed Executive Budget--Volume 2 Operating Detail. This document is available here: <http://www.budget.wv.gov/executivebudget/Documents/VIIOD2015.pdf>.

**Enacting Statute:** W. Va. Code [Code Section, Articles or Chapters]

Chapter 16 of the West Virginia Code is titled – PUBLIC HEALTH. Formerly called the Department of Health and the Division of Health, the agency is now known as the **Bureau for Public Health** (BPH). The chapter is comprised of 119 Articles covering a wide range of subjects, NOT all of which deal with public health. A chart listing only those Articles in Chapter 16 which are within the purview of the Bureau for Public Health is located at [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx). The chart lists each public health related Article in Chapter 16 sequentially, by actual number, Article number/letter, article titles and the BPH Office responsible for carrying out the statutory requirements. All other articles in Chapter 16, which pertain to other state agencies or other responsible parties, are omitted.

Public Health duties and responsibilities are also found in numerous other Chapters of West Virginia Code. The following list gives a few examples:

1. The Chief Medical Examiner's office is established by WV Code §61-12-1, et seq., governing Postmortem Examinations. However, this Office operates as one of the eight Offices within the Bureau structure.
2. Several Code provision recently repealed include - §48-25A, §48-27A-1, and §49-5D-5(f), dealt with Infant and Maternal Mortality Review, Domestic Violence Fatality Review and Child Fatality Review. These provisions have been reenacted in a new article, §61-12A-1, et seq., for the creation of a single Fatality and Mortality Review team to be operated out of the Office of the Chief Medical Examiner.
3. WV Code §9-5-12 imposes requirements in Medicaid law for the BPH to provide "Right From The Start" (RFTS) a program for children.
4. WV Code §17C-5-1, et seq. – requires the Director of the Office of Laboratory Services to inspect and certify law enforcement equipment used to determine driver intoxication and to certify officer training in the use of the equipment.

5. WV Code §20-5J-3 – authorizes public health regulation of disposal of Infectious Medical Waste.
6. WV Code §30-17-1 et seq. - establishes training requirements for public health Sanitarians.
7. WV Code §44A-1-8 – authorizes the promulgation of a Title 64 Legislative rule, Requirements For Licensure of Nonprofit Corporations For Conservator Service, 64CSR99.
8. WV Code §55-7B-9c –the Medical Professional Liability article required the filing of a Statewide Trauma/Emergency Care rule, 64CSR27 in 2004.
9. WV Code §60A-11-3, in the Clandestine Drug Laboratory Remediation Act, required the Bureau for Public Health was required to promulgate a legislative rule to certify private providers of clean-up services qualified to work for property owners properties whose property was contaminated by the existence of a methamphetamine or other illegal drug manufacturing operation. This program is carried out by the Office of Environmental Health Services in accordance with Legislative rule, Clandestine Drug Laboratory Remediation, 64CSR92.

There are about 130 programs or mandated activities and duties established by Public Health statutes which are carried out in accordance with those statutory mandates in Chapter 16. Additionally, there are other programs that have been established in the Bureau for Public Health by policy, Executive Order or direction from the Governor, the Cabinet Secretary of DHHR or the Commissioner of the Bureau. The exact number varies because some programs have ceased to operate or had funding eliminated (such as the Osteoporosis and Arthritis programs).

BPH has 96 rules on file with the Secretary of State's Office in Title 64, the HEALTH title, of the Code of State Rules. A majority of the rules in Title 64 are carried out by the staff and programs within the Bureau for Public Health – but NOT all of the rules in Title 64 are Public Health rules. A list of only those Title 64 rules that pertain to programs and statutory mandates of the Bureau for Public Health, with each rule title/series numbers, effective date, rule name, rule type and the code citation for its authority, is located at [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx). The data was provided by the Administrative Law section of the Secretary of States' office.

Additionally, the Bureau for Public Health provides administrative support to the State Board of Sanitarians. Their four (4) rules; 20CSR1, 20CSR2, 20CSR3 and 20CSR4, are promulgated, administered and enforced with assistance from the Division of Public Health Sanitation in the Office of Environmental Health Services in BPH.

## Office of Epidemiology and Prevention Services (OEPS)

Each Division within OEPS has its own legal authority obligation. Below are the statutory duties, citation and/or legal authority as it pertains to each:

- **Division of Immunization:** Oversees the distribution of Vaccines for Children (VFC) vaccines and reporting to the West Virginia Statewide Immunization Information System (WVSIS) of all vaccines (public and private) given to children under 18 years of age and all pharmacy administered vaccinations. Inspects offices of all VFC providers yearly to determine compliance with federal vaccine requirements. Educates over 400 providers of VFC on use of the registry. (WV Code §16-3-4; the Reportable Disease rule, 64CSR7, section 6; and, Interpretive rule, Immunization Requirements and Recommendations for New School Enterers, 64CSR95, require vaccinations for school entry).
- **Division of Infectious Disease Epidemiology:** Infectious disease surveillance, prevention and control oversees the investigation of outbreaks and epidemics. These diseases are required to be reported to local (or state) health departments by providers, facilities and laboratories. Local health departments, with the aid of regional epidemiologists, investigate cases and outbreaks of reportable diseases using specific protocols and investigation forms available at the OEPS website. When local health departments need additional assistance, state health department staff will consult by phone or assist in the field. (WV Code §16-3-1 and Legislative rule, Reportable Disease, Events and Conditions, 64CSR7).
- **Division of Tuberculosis Elimination (DTBE):** Assures that TB disease and TB infection are reported to DTBE and to CDC. Assure that Chest X-Ray TB Clinics are conducted throughout the State (This Division supplies a State Radiological Technologist and supplies to clinics at local health departments; and a clinician who is a NIOSH “B” Reader to read chest x-rays). Assures that all patients who have active TB disease, are suspects or have TB infection are medically evaluated and followed throughout their illness (supplies clinician to conduct clinics at local health departments). Assures completion of treatment with appropriate drug regimen (drugs, directly observed therapy (DOT) and case management are financially supported by WV-DTBE and implemented by the local health departments). Assures contacts who have positive TB smears are identified, evaluated and started on an appropriate drug regimen for TB disease or TB infection, and complete treatment by directly observed therapy. Monitor TB surveillance, prevention and control activities throughout the State. Conduct program evaluation and quality assurance/improvement activities, both at the State and county levels. Guide local health departments through court ordered detention of recalcitrant TB patients. Guide local health departments through day to day TB activities. (Reportable Disease Rule – 64CSR7; TB Law – WV Code §16-3D-1-9; TB Rule – 64CSR76; X-Rays – WV Code §16-25-2; and Reporting TB – WV Code §16-25-3).

- **Division of STD/HIV/Hepatitis (DSHH):** Monitors standards and procedures concerning AIDS related medical testing. The Needlestick Injury Prevention program receives reports of needlestick injuries in healthcare facilities. With respect to sexually transmitted diseases (STD): The DSHH carries out its statutory duties by partnering with stakeholders such as local health departments, family planning sites, Human Immunodeficiency Virus (HIV) care providers, hospitals, etc. DSHH staff provides training, education, and quality assurance monitoring to ensure all statutory duties are adhered to and requirements are met. (HIV: WV Code §16-3C-7 and Legislative Rule, AIDS-Related Medical Testing and Confidentiality, 64CSR64; Needlestick Injury Prevention, WV Code §16-36-1, et seq., and Legislative rule, Needlestick Injury Prevention, 64CSR82; STDs must be reported in accordance with the Reportable Diseases, Events and Conditions rule, 64CSR7).
- **Division of Cancer Registration:** The Cancer Registry collects information on all cases of cancer diagnosed and/or treated in West Virginia. This data is analyzed and shared with cancer prevention and control partners in order to reduce the burden of cancer both in West Virginia and nationally. (WV Code §16-5A-1 et seq., and Legislative Rule, Cancer Registry, 64CSR68).
- **Division of Epidemiology and Informatics and Evaluation:** Maintains the WVSIS (Immunization Registry) so that providers and pharmacies can meet the legal requirement to report vaccinations to the state registry. Maintain Newborn Screening (NBS) to facilitate reporting of diseases (64CSR7).
- **Division of Hemophilia:** Maintains roster (registry) of State residents with hemophilia and other congenital bleeding disorders. Supports Hemophilia Treatment Centers (HTC) in West Virginia to carry out home care and comprehensive care services for affected residents and their families. West Virginia has two HTCs: CAMC Memorial became a completely self-funded HTC under the 340B Drug Pricing Program; the one at WVU receives partial funding from the State Hemophilia Program through a Sub-recipient Agreement. Provide factor concentrates for home treatment of bleeding disorders. (WV Code §16-24-1 to §16-24-8).

### **Center for Threat Preparedness (CTP)**

Authorizing legislation is PAHPA (Pandemic and All Hazards Preparedness Act) as an amendment to the Public Health Service Act (42 U.S.C. 300-hh-11-et seq.). Other federal supporting documents include: Presidential Policy Directive 8, HSPD5-Management of Domestic Incidents, HSPD-8 – National Preparedness, National Preparedness Goal, National Health Security Strategy and the National Response Framework.

### **Office of the Chief Medical Examiner (OCME)**

WV Code §61-12-1, et seq., and Legislative rule, 64CSR84.

### **Office of Environmental Health Services (OEHS)**

WV Code §§16-1-9, 16-1-9a, 16-1-9b, 16-9-1, et seq. and 16-1-4; Federal laws including Safe Drinking Water Act (SDWA), Pasteurized Milk Ordinance 2007 (PMO), 2009 Food Code, Federal Safe Food and Drug Act, and numerous state rules in Title 64, including: 64CSR3, 64CSR4, 64CSR5, 64CSR8, 64CSR9, 64CSR15, 64CSR16, 64CSR17, 64CSR18, 64CSR19, 64CSR23, 64CSR25, 64CSR28, 64CSR30, 64CSR34, 64CSR40, 64CSR42, 64CSR43, 64CSR45, 64CSR46, 64CSR47, 64CSR49, 64CSR51, 64CSR56, 64CSR63, 64CSR77, 64CSR78 and 64CSR92.

### **Office of Laboratory Services (OLS)**

WV Code §16-5J-1, et seq. and Federal law CLIA '88, 42 USC 263a and 42 CFR 493 and 64CSR26, 64CSR39, and 64CSR57.

### **Office of Emergency Medical Services (OEMS)**

The Office of EMS complies with the statutory authority by providing licensure inspections at EMS agencies, to ensure the agency complies with requirements stated in rule and code (WV Code §16-4C-1, et seq. and 64CSR48). In addition, certifications and recertification applications are verified to ensure personnel meet the necessary minimum requirements to be recognized as EMS personnel. Trauma centers are categorized and designated per legislative rule, and disciplined if the hospital fails to comply with the standards as defined. Radio communications must be maintained between EMS field providers and with Medical Command Centers.

### **Office of Community Health Systems and Health Promotion (OCHSHP)**

The only statutory citation applicable to OCHSHP is for the Division of Local Health. The statutory citation for where the Bureau derives its authority is located in the following statutory citations:

- WV Code §16-1-3 Powers and duties of the secretary. Statute identifies the power of the secretary to establish a state public health system
- WV Code §16-1-4 Proposal of rules by the secretary. Statute identifies rules the secretary may propose which include areas of public health
- WV Code §16-1-6 Powers and duties of the commissioner. Statute identifies the responsibility for the oversight of the Public Health System in West Virginia

Additionally, Article 2 – Local Board of Health is as follows:

- 16-2-11(a)(2) Commissioner approves the local health officers
- 16-2-11(a)(3) Commissioner approves local health dept. plan of operation
- 16-2-11(a)(5) Permits Commissioner to act by and through local health dept. as needed

There are also legal administrative appeal requirements in the Procedural rule, 64CSR1.

### **Office of Maternal, Child and Family Health (OMCFH)**

Each program, project and initiative within OMCFH has its own legal authority obligation. Below are the statutory duties, citation and/or legal authority as it pertains to each:

- **West Virginia Birth to Three:** Provides therapeutic and educational services for children age 0-3 years and their families who have established, diagnosed handicaps, developmental delay, or are at risk due to biological factors. The goal is to prevent disabilities, lessen effects of existing impairments, and improve developmental outcomes. These services are provided by community-based practitioners. (WV Code §16-5K-1, et seq. and P.L. 99-457/Part H)
- **HealthCheck (EPSDT):** Educates Medicaid eligible families about preventive health care for children and encourages their participation in the program while ensuring the following: 1) children are screened and re-screened according to periodicity tables established by the American Academy of Pediatrics; 2) medical problems identified by examination are treated or referred; 3) children/families receive transportation assistance; and 4) help with appointment scheduling. The Bureau for Medical Services and the Office of Maternal, Child and Family Health work together to coordinate these services. (Medicaid 42 CFR §§441.50 – 441.62)
- **Children with Special Health Care Needs (CSHCN) Program:** Provides specialty medical care, diagnosis, treatment and health care coordination for children with special health care needs and those who may be at risk of disabling conditions. Staff provides care coordination, develops and monitors treatment plans, and assists families with scheduling and transportation for medical care. Title V funds are used as payor of last resort. (WV Code §49-4-3)
- **Oral Health Program:** Provides statewide coordination for oral health activities including planning, school-based sealants, fluoride efforts, workforce shortages and community involvement. (WV Code §16-41-1, et seq.)
- **Right From The Start (RFTS):** Arranges care for government sponsored obstetrical populations and children up to age one (Title V, Title XIX, Title XXI) that meet pre-established medical criteria. State staff are responsible for care protocol development and dissemination; provider recruitment; and system development that assures patient access to quality, comprehensive, timely care. RFTS services are provided through a community-based network of nurses, social workers, and physicians. (WV Code §9-5-12)
- **Birth Score:** Population-based surveillance project that is administered by WVU in partnership with OMCFH to identify infants at risk of post-neonatal death in the first year of

life and to provide appropriate interventions for those determined at risk. (WV Code §16-22B-1, et seq.)

- **Newborn Hearing Screening:** All children born in West Virginia are screened at birth for the detection of hearing loss. Children who fail the screen are followed and assisted in obtaining further diagnostic care to assure that children with a hearing loss receive appropriate medical intervention. (WV Code §16-22A-1, et seq.)
- **Women’s Right to Know:** The Women’s Right to Know (WRTK) requires informed consent for an abortion to be performed and requires certain information to be supplied to women considering abortion and establishes a minimum waiting period after women have been given the information. The law specifies exception for medical emergencies and requires physicians to report abortion statistics. Further, the WRTK law requires DHHR to publish printed information and develop a website on alternatives to abortion. (WV Code §16-2I-1, et seq.)
- **Maternal Risk Screening:** Maternal Risk Screening is a comprehensive and uniform approach to screening conducted by maternity care providers to discover at-risk and high-risk pregnancies. The law provides for better and more measurable data regarding at-risk and high-risk pregnancies. The law requires DHHR, BPH, OMCFH to convene the Maternal Risk Screening Advisory Committee annually and provide administrative and technical assistance to the Committee as needed. A Prenatal Risk Screening Instrument (PRSI) was created to be used by all maternity care providers in the State and is to be submitted to OMCFH at the first prenatal visit. Data is housed within OMCFH. (WV Code § 16-4E-1, et seq.)
- **Family Planning Program:** Arranges for comprehensive physical examination, lab testing, counseling and education, as well as contraceptive services to persons of childbearing age. Provides technical assistance and establishes operational standards for medical providers. (WV Code §16-2B-1, et seq.)
- **Breast and Cervical Cancer Screening Program:** Promotes early detection of breast and cervical cancer through screening, follow-up services, and education to low-income women. Available in all 55 WV counties through county health departments and primary care centers – a total of 132 sites. (WV Code §16-33-1, et seq.)
- **Newborn Screening Program:** The Office of Maternal, Child and Family Health’s Newborn Screening Program partners with the Office of Laboratory Services to screen for 30 disorders as recommended by the US Department of Human Services Advisory Committee on Heritable Disorders and Genetic Diseases. (WV Code §16-22-1, et seq.)

- **Lead Screening:** This project is a collaborative effort between two Offices in the Bureau for Public Health, Office of Maternal, Child and Family Health (OMCFH) and the Office of Environmental Health Services (OEHS). The mission is to determine the extent of childhood lead poisoning and identify potential areas that may have more lead poisoning episodes. All laboratories that collect blood lead samples are required by statute to send results to OMCFH. The Office of Environmental Health Services (OEHS) provides assessment of home and environment for residences of children with elevated blood lead levels. The CSHCN Program provides case management to children with elevated levels and makes referral to the OEHS for home assessments. (WV Code §16-35-4a)
- **Infant and Maternal Mortality Review:** The Infant and Maternal Mortality Review Team evaluates maternal and infant deaths to understand the diverse factors and issues that contribute to deaths that are preventable. The panel identifies and implements interventions to address these problems. (WV Code §48-25A, repealed and replaced by WV Code §61-12A in SB 108, passed in the Regular session of 2013)
- **Birth Defects Surveillance:** The program collects data from the birthing facilities within the state to study the rates and trends of birth defects to aid in determining possible causes. The program serves as an early identification system to ensure necessary linkages are in place between health care agencies and the infants, families and children to receive the best care possible. (WV Code §16-40-1, et seq.)

### **Office of Nutrition Services (ONS)**

Office of Nutrition Services (WIC Program) operates under 7 CFR Ch. II, Part 246 the Special Supplemental Nutrition Program for Women, Infants and Children under a grant by USDA to administer the program through local agencies at no cost to eligible persons. The program serves as an adjunct to good health care during critical times of growth and development, in order to prevent the occurrence of health problems, including drug and other harmful substance abuse, and to improve the health status of these persons. (Legislative rule, WIC Program, 64CSR55)

### **Health Statistics Center (HSC)**

The Vital Registration Office, part of HSC, is codified as the “section of vital statistics” within the Bureau for Public Health (WV Code §16-5-2). The office derives its mandate and duties to administer the system of vital statistics in West Virginia through WV State Code §16-5-1, et seq. with further clarification and instructions in Legislative rule, Vital Statistics, 64CSR32.

### **Coordinated School Health**

Coordinated School Health doesn’t have any statutory duties or legal authority.

## Office of Minority Health

No statutory provisions.

**Number of Allocated FTEs and Vacancies:** A report including this information is being forwarded to you under separate cover by the Office of the Governor. Additionally, monthly FTE reports are available on the State Budget Office website: <http://www.budget.wv.gov/reportsandcharts/Pages/OtherReports.aspx>. Also provided is a Division breakdown located at: [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx).

**Licenses/Permits:** Bureau for Public Health does issue licenses/permits. A fee schedule for such licenses/permits and the past five years revenue is available here: [www.dhhr.wv.gov/legisreq.aspx](http://www.dhhr.wv.gov/legisreq.aspx).

## CONTRACTS

**Exemption from Purchasing:** A list of all exemptions from State purchasing guidelines is available here: <http://www.state.wv.us/admin/purchase/PurchasingExemptions/default.html>.

**Current Contracts/MOUs:** A chart including (1) contracts considered material; and (2) sole source contracts for Bureau for Public Health and (3) classifications of the types of other contracts entered into by the Bureau for Public Health is located at: [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx). Additionally, for detailed information regarding payments made by the Bureau for Public Health to vendors, please visit VISTA: <https://vista.wvsao.gov/>. Finally, information regarding current State contracts is available from the Department of Administration's Division of Purchasing: <http://www.state.wv.us/admin/purchase/contracts.html>

**Federal Agencies:** The Division has regular interaction with the following agencies of the federal government as part of the Division's programs:

- United States Department of Health and Human Services – Food and Drug Administration
- United States Department of Health and Human Services – Center for Disease Control
- United States Department of Health and Human Services – Health Resources and Services Administration
- United States Department of Health and Human Services – Administration for Children and Families
- United States Department of Health and Human Services – Public Health Service
- United States Department of Health and Human Services – Center for Medicare and Medicaid Services
- United States Department of Health and Human Services – Substance Abuse and Mental Health Services Administration

- United States Department of Education
- United States Department of Agriculture – Food and Nutrition Service
- United States Environmental Protection Agency

## **FUNDING**

**Amount of total State appropriations for past five fiscal years:** This information is available on the State Budget Office’s website:

<http://www.budget.wv.gov/approvedbudget/Pages/default.aspx>

<http://www.budget.wv.gov/reportsandcharts/appropriations/Pages/default.aspx>

**Amount of total federal appropriations for past five fiscal years:** This information is available on the State Budget Office’s website:

<http://www.budget.wv.gov/approvedbudget/Pages/default.aspx>

<http://www.budget.wv.gov/reportsandcharts/federalfunds/Pages/default.aspx>

**Financial Chart of Accounts:** A summary of all State accounts is included in the Governor’s Executive Budget Account Detail, a copy of which is available here:

<http://www.budget.wv.gov/executivebudget/Documents/AD2015.pdf>.

**List of Cash Balances:** A listing of current cash balances is available on wvOASIS, which is accessible by the Legislature.

## **GRANTS**

**Total amount of grant awards for past five State fiscal years:** A list of the past five years’ grant awards is available here: [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx). Also, a listing of State agency grant awards is available on the Legislature’s website:

<http://www.legis.state.wv.us/SAGA/Agency.cfm>.

**List of current State and federal grants received:** A listing of all federal grants received is available in the annual West Virginia Consolidated Report of Federal Funds, copies of which are available here: <http://www.budget.wv.gov/reportsandcharts/federalfunds/Pages/default.aspx>.

Also, a listing of State agency grant awards is available on the Legislature’s website: <http://www.legis.state.wv.us/SAGA/Agency.cfm>.

**List of current sub-grantees:** A listing of State agency grant awards is available on the Legislature’s website: <http://www.legis.state.wv.us/SAGA/Agency.cfm>. Please see list provided at: [www.dhhr.wv.gov/pages/legisreq.aspx](http://www.dhhr.wv.gov/pages/legisreq.aspx).

## **PERFORMANCE**

**Agency Performance Measures:** Our performance measures are available in the Governor’s Proposed Executive Budget--Volume 2 Operating Detail. This document is available here: <http://www.budget.wv.gov/executivebudget/Documents/VIIOD2015.pdf>. The Legislative

Auditor's Performance Evaluation & Research Division has also completed numerous performance evaluations of State agencies, which are available here: <http://www.legis.state.wv.us/Joint/PERD/reports.cfm>.

**Explanation of how agency evaluates its own performance:**

Each agency of the Department develops and revises performance measures based upon a results-oriented system of accountability. Each agency evaluates its own performance by an integrated combination of internal audits, program level audits and external audits, as well as internal process improvement initiatives. Internal performance evaluations of personnel, processes and policies, as well as an annual review of programs and funding, play a critical role in the measurement of performance. External audits used by agencies in evaluating performance may include State and Federal audits, findings and reports. External audits provide the agencies with guidance to improve performance and help ensure that agencies operate within the law. Internal process improvement initiatives include various internal analysis of the functioning of agencies and individual programs with the goal of improving and refining the identified functions. These internal and external processes reflect the Department's mission to improve the health and well-being of the citizens of West Virginia.

**Findings of most recent State and federal audits:** The State's Comprehensive Annual Financial Report (CAFR) also provides findings, and is available here: <http://www.finance.wv.gov/FARS/CAFR/Pages/default.aspx>.

The Legislative Auditor's Performance Evaluation & Research Division has completed numerous performance evaluations of State agencies, which are available here: <http://www.legis.state.wv.us/Joint/PERD/reports.cfm>.

Finally, the Legislative Auditor's State Agency Reports and Post Audit Reports provide more information and findings, and are available here: [http://www.legis.state.wv.us/Reports/Agency\\_Reports/agencylist\\_all.cfm](http://www.legis.state.wv.us/Reports/Agency_Reports/agencylist_all.cfm) and <http://www.legis.state.wv.us/Joint/Postaudit/reports.cfm>.

No other recent audits are relevant to this Division.