



STATE OF WEST VIRGINIA
OFFICE OF THE GOVERNOR
1900 KANAWHA BOULEVARD, EAST
CHARLESTON, WV 25305
(304) 558-2000

EARL RAY TOMBLIN
GOVERNOR

March 5, 2015

VIA HAND DELIVERY

The Honorable William P. Cole, III
President, West Virginia Senate
Room 229M, Building 1
State Capitol Complex
Charleston, WV 25305

Re: Enrolled Committee Substitute for Senate Bill No. 6

Dear President Cole:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove and return the Enrolled Committee Substitute for Senate Bill No. 6 on technical grounds.

The bill's enacting clause on page 2 contains two fatal errors. First, the enacting clause provides that the bill *repeals* W. Va. Code § 55-7B-1, which it does not. Rather, the bill *amends* § 55-7B-1. Second, the enacting clause fails to reference the bill's amendment of § 55-7B-10.

If the Legislature chooses to repair the enacting clause, it also may consider revising some aspects of the bill's title on page 1. For instance, the phrase "providing rebuttable presumptions and evidentiary requirements related to admission of certain government, health care provider or health care facility information" arguably is vague. Greater clarity could be provided by revising the phrase to read, "providing rebuttable presumptions and evidentiary requirements relating to state and federal reports, disciplinary actions, accreditation reports, assessments, and staffing." *See, e.g.,* § 55-7B-7a, page 11.

The title's description of the bill's amendment to § 55-7B-8(d) also may be inadequate. The phrase "clarifying amounts of medical professional liability insurance coverage that must exist to receive noneconomic damages limitations" could be added to the title to better explain the "aggregate" amendment to § 55-7B-8(d). *See, e.g.,* § 55-7B-8(d), pages 12-13.

OFFICE OF THE GOVERNOR

Finally, the title's reference to "providing definitions" may not sufficiently describe the many revisions reflected in § 55-7B-2 of the bill, which significantly expand the scope of the Medical Professional Liability Act. See § 55-7B-2, page 5-9.

Sincerely,

A handwritten signature in black ink, reading "Earl Ray Tomblin". The signature is written in a cursive style with a large initial "E".

Earl Ray Tomblin
Governor

cc: The Hon. Tim Armstead
Speaker of the House of Delegates

The Hon. Natalie E. Tennant
Secretary of State