WEST VIRGINIA CODE CHAPTER 16 ARTICLE 2B

WV Legislature

§16-2B-1. Family planning and child spacing; authorized functions; funds.

(a) The Bureau for Public Health may provide printed material, guidance, advice, financial assistance, appliances, devices, drugs, approved methods, and medicines to local boards of health and other entities requesting the same for use in the operation of family planning and child spacing clinics to the extent of funds appropriated by the Legislature and any federal funds made available for such purpose.

(b) The Bureau for Medical Services shall not require multiple office visits or prior authorization for a woman who selects long-acting reversible contraceptive (LARC) methods unless medically necessary. The bureau shall provide payment for LARC devices and their insertion, maintenance, removal, and replacement. The Bureau for Medical Services shall update the managed care contract to include language that the contracted managed care company may not present barriers that delay or prevent access, such as prior authorizations or step-therapy failure requirements; and should receive patient-centered education and counseling on all FDA-approved birth control methods.

(c) The Bureau for Public Health may make LARC products available in practitioner offices without upfront practitioner costs.

(d) The Bureau for Public Health shall develop a statewide plan with the goal of reducing exposure of a fetus to illicit substances by increasing the number of clients served and enabling access to LARC and other family planning methods. The plan shall include strategies for increasing LARC accessibility and training of health care providers, and shall provide a fiscal analysis of plan implementation and potential impact.

(e) The Department of Health shall report annually to the Legislative Oversight Commission on Health and Human Resources Accountability. The report shall include, at a minimum, the number of LARC treatments provided and the number of children born with intrauterine substance exposure and neonatal abstinence syndrome in West Virginia during the past three years.

WV Legislature

§16-2B-2. Local boards of health authorized to establish clinics; supervision; purposes; abortion not approved; approval by state board of programs.

A local board of health, created and maintained pursuant to the provisions of article two or article two-a of this chapter, is authorized to establish and operate within its jurisdiction, one or more family planning and child spacing clinics under the supervision of a licensed physician for the purpose of disseminating information, conducting medical examinations and distributing family planning and child spacing appliances, devices, drugs, approved methods and medication without charge to indigent and medically indigent persons on request and with the approval of said licensed physician. Such information, appliances, devices, drugs, approved methods and medication shall be dispensed only in accordance with the recipients' expressed wishes and beliefs and in accordance with all state and federal laws for the dispensing of legend drugs: *Provided*, That the procedure of abortion shall not be considered an approved method of family planning and child spacing within the intent of this section and is expressly excluded from the programs herein authorized. All local boards of health receiving state or federal funds for family planning or child spacing programs shall first receive approval by the Bureau for Public Health of their general plan of operation of such programs.

WV Legislature

§16-2B-3. State and local health and welfare agency employees to advise indigent and medically indigent of availability of services; compulsory acceptance of services prohibited; acceptance not condition to receiving other services and benefits.

The Secretary of Health and the Secretary of Human Services are directed to instruct their employees who work with the indigent and medically indigent to advise such indigent persons of the availability of the family planning and child spacing services offered by the state and local health departments: *Provided, however*, That no employee of the State of West Virginia or any employee of its agencies or of its political subdivisions, including but not limited to local health, or welfare agencies may compel any individual or family, either directly or indirectly, to accept or practice family planning, or any particular family planning method as a condition for receiving other public services or governmental benefits in any form nor shall any such employee or person represent to any individual or family, either directly or indirectly, that the acceptance or practice of family planning is a condition for receiving any public services or governmental benefits. Any violation of this section shall be grounds for dismissal or other appropriate disciplinary action.

WV Legislature

§16-2B-4. Exemption of employees from offering services when such duty is contrary to religious beliefs.

Any employee of the State of West Virginia or any of its agencies or political subdivisions, including, but not limited to, local health or welfare agencies, may refuse to accept the duty of offering family planning services to the extent that such duty is contrary to his personal religious beliefs and such refusal shall not be grounds for any disciplinary action, for dismissal, for any interdepartmental transfer, or any other discrimination in his employment, or for suspension from employment, or for any loss in pay or any other benefits.

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