

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

Committee Substitute

for

Senate Bill 125

SENATOR MAYNARD, *original sponsor*

[Passed April 4, 2017; in effect from passage]

FILED
2017 APR 20 P 4:53
OFFICE WEST VIRGINIA
SECRETARY OF STATE

SB 125

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1 AN ACT to amend and reenact §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as
2 amended, all relating generally to promulgation of legislative rules by the Department of
3 Health and Human Resources and the Health Care Authority; authorizing certain agencies
4 to promulgate certain legislative rules with various modifications presented to and
5 recommended by the Legislative Rule-Making Review Committee; authorizing certain
6 agencies to promulgate certain legislative rules with amendments recommended by the
7 Legislature; authorizing the Health Care Authority to promulgate a legislative rule relating
8 to the Hospital Assistance Grant Program; authorizing the Health Care Authority to
9 promulgate a legislative rule relating to exemption from certificate of need; authorizing the
10 Health Care Authority to promulgate a legislative rule relating to Rural Health Systems
11 Grant Program; authorizing the Health Care Authority to promulgate a legislative rule
12 relating to certificate of need; authorizing the Department of Health and Human Resources
13 to promulgate a legislative rule relating to expedited partner therapy; authorizing the
14 Department of Health and Human Resources to promulgate a legislative rule relating to
15 clinical laboratory technician and technologist licensure and certification; authorizing the
16 Department of Health and Human Resources to promulgate a legislative rule relating to
17 clandestine drug laboratory remediation; authorizing the Department of Health and Human
18 Resources to promulgate a legislative rule relating to medication-assisted treatment—
19 opioid treatment programs; and authorizing the Department of Health and Human
20 Resources to promulgate a legislative rule relating to medication-assisted treatment—
21 office-based, medication-assisted treatment.

Be it enacted by the Legislature of West Virginia:

1 That §64-5-1 and §64-5-2 of the Code of West Virginia, 1931, as amended, be amended
2 and reenacted, all to read as follows:

**ARTICLE 5. AUTHORIZATION FOR DEPARTMENT OF HEALTH AND HUMAN
RESOURCES TO PROMULGATE LEGISLATIVE RULES.**

§64-5-1. Health Care Authority.

1 (a) The legislative rule filed in the State Register on August 24, 2016, authorized under
2 the authority of section eight, article twenty-nine-b, chapter sixteen of this code, modified by the
3 Health Care Authority to meet the objections of the Legislative Rule-Making Review Committee
4 and refiled in the State Register on December 16, 2016, relating to the Health Care Authority
5 (Hospital Assistance Grant Program, 65 CSR 31), is authorized.

6 (b) The legislative rule filed in the State Register on August 22, 2016, authorized under
7 the authority of section four, article two-d, chapter sixteen of this code, modified by the Health
8 Care Authority to meet the objections of the Legislative Rule-Making Review Committee and
9 refiled in the State Register on January 6, 2017, relating to the Health Care Authority (exemption
10 from certificate of need, 65 CSR 29), is authorized.

11 (c) The legislative rule filed in the State Register on August 24, 2016, authorized under
12 the authority of section four, article two-d, chapter sixteen of this code, modified by the Health
13 Care Authority to meet the objections of the Legislative Rule-Making Review Committee and
14 refiled in the State Register on December 16, 2016, relating to the Health Care Authority (Rural
15 Health Systems Grant Program, 65 CSR 30), is authorized.

16 (d) The legislative rule filed in the State Register on August 23, 2016, authorized under
17 the authority of section four, article two-d, chapter sixteen of this code, modified by the Health
18 Care Authority to meet the objections of the Legislative Rule-Making Review Committee and
19 refiled in the State Register on December 19, 2016, relating to the Health Care Authority
20 (certificate of need, 65 CSR 32), is authorized.

§64-5-2. Department of Health and Human Resources.

1 (a) The legislative rule filed in the State Register on August 26, 2016, authorized under
2 the authority of section five, article four-f, chapter sixteen of this code, modified by the Department
3 of Health and Human Resources to meet the objections of the Legislative Rule-Making Review
4 Committee and refiled in the State Register on October 6, 2016, relating to the Department of
5 Health and Human Resources (expedited partner therapy, 64 CSR 103), is authorized.

6 (b) The legislative rule filed in the State Register on August 26, 2016, authorized under
7 the authority of section ten, article five-j, chapter sixteen of this code, modified by the Department
8 of Health and Human Resources to meet the objections of the Legislative Rule-Making Review
9 Committee and refiled in the State Register on October 6, 2016, relating to the Department of
10 Health and Human Resources (clinical laboratory technician and technologist licensure and
11 certification, 64 CSR 57), is authorized.

12 (c) The legislative rule filed in the State Register on August 26, 2016, authorized under
13 the authority of section three, article eleven, chapter sixty-a of this code, modified by the
14 Department of Health and Human Resources to meet the objections of the Legislative Rule-
15 making Review Committee and refiled in the State Register on October 11, 2016, relating to the
16 Department of Health and Human Resources (clandestine drug laboratory remediation, 64 CSR
17 92), is authorized with the following amendments:

18 On page five, section 6.1.c., by striking out subdivision 6.1.c. in its entirety and inserting
19 in lieu thereof a new subdivision 6.1.c. to read as follows:

20 6.1.c. In the case of a hotel, motel, or apartment building, all units or areas immediately
21 adjacent to a unit or area within the hotel, motel, or apartment unit that contained a clandestine
22 drug laboratory and that is under the control of the residential property owner must be secured,
23 vacated and tested in accordance with this rule.

24 (d) The legislative rule filed in the State Register on August 26, 2016, authorized under
25 the authority of section thirteen, article five-y, chapter sixteen of this code, modified by the
26 Department of Health and Human Resources to meet the objections of the Legislative Rule-
27 Making Review Committee and refiled in the State Register on January 25, 2017, relating to the
28 Department of Health and Human Resources (medication-assisted treatment—opioid treatment
29 programs, 69 CSR 11), is authorized with the following amendments:

30 On page sixteen, section 8.4.e., after the word “shall” by striking out the words “practice
31 90 percent of the hours in which the opioid treatment program is dispensing or administering
32 medications each week in order to”;

33 And,

34 On page seventeen, section 8.5.d., after the word “operation” by inserting the words “when
35 medication is dispensed or administered”.

36 (e) The legislative rule filed in the State Register on August 26, 2016, authorized under
37 the authority of section one, article five-y, chapter sixteen of this code, modified by the Department
38 of Health and Human Resources to meet the objections of the Legislative Rule-Making Review
39 Committee and refiled in the State Register on January 25, 2017, relating to the Department of
40 Health and Human Resources (medication-assisted treatment—office-based medication assisted
41 treatment, 69 CSR 12), is authorized with the following amendments:

42 On page two, after section 2.8. by inserting a new section 2.9. to read as follows:

43 2.9. Coordination of Care Agreement – An agreement signed by the physician, counsel
44 and patient allowing open communication and the exchange of health information between the
45 indicated providers to ensure the patient is provided comprehensive and holistic treatment for
46 substance use disorder, when medical treatment and counselling services are not being treated
47 within the same program.;

48 And by renumbering the remaining sections;

49 On page four, after section 2.24. by inserting a new section 2.25. to read as follows:

50 2.25. Maintenance Treatment – treatment following induction and stabilization phases of
51 treatment, and means the prescribing of a partial agonist treatment medication at stable dosage
52 levels for a period in excess of twenty-one days in the treatment of an individual for opioid use
53 disorder.;

54 And by renumbering the remaining sections;

55 On page fourteen, section 7.5.b., after the words “primary counselor” by inserting the
56 words “or counseling service”;

57 On page twenty-one, section 13.3.b.3., after the word “patient” by inserting the words
58 “related to the treatment being provided”;

59 On page twenty-five, section 19.5., after the words “program staff” by inserting a period
60 and striking out the remainder of the sentence;

61 On page forty-seven, section 29.6., after the period by inserting the words “Refer to section
62 32.5 of this rule for administrative withdrawal for female patients with a positive pregnancy screen.”;

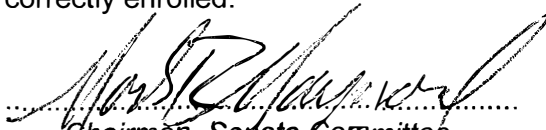
63 On page forty-eight, section 30.6., after the period by inserting the words “Refer to section
64 32.5 of this rule for administrative withdrawal for female patients with a positive pregnancy screen.”;

65 And,

66 On page fifty-two, section 32.5.f., by striking out the section and inserting in lieu thereof a
67 new section to read as follows:

68 32.5.f. If a pregnant patient is discharged, the OBMAT program shall identify the physician
69 to whom the patient is being discharged. If a provider is not available, a referral shall be made to
70 a Comprehensive Behavioral Health Center. This information shall be retained in the clinical
71 record.


The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

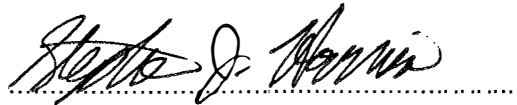

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Chairman, Senate Committee



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Chairman, House Committee

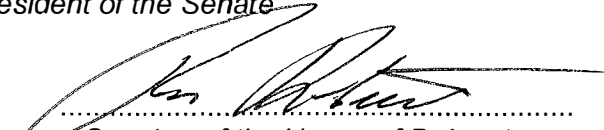
Originated in the Senate.

In effect from passage.


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Clerk of the Senate

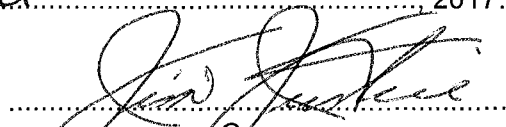

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Clerk of the House of Delegates


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President of the Senate


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Speaker of the House of Delegates

FILED
2017 APR 20 P 4: 54
OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within is approved this the 20th
Day of April 2017.


.....
Governor

PRESENTED TO THE GOVERNOR

APR 13 2017

Time 9:07 am