

H. B. 2880

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(Originating in the House Committee on Health and Human Resources)
[February 19, 2015]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §62-15-14 relating to
creating an addiction treatment pilot program.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by
adding thereto a new section, designated §62-15-14, to read as follows:

ARTICLE 15. DRUG OFFENDER ACCOUNTABILITY AND TREATMENT ACT.

§62-15-14. Addiction Treatment Pilot Program.

1 (a) As used in this section:

2 (1) “Adult Drug Court Program” means an Adult Treatment
3 Court established by the Supreme Court of Appeals of West
4 Virginia pursuant to this article;

5 (2) “Court” means the Supreme Court of Appeals of West
6 Virginia;

7 (3) “Division” means the Division of Corrections;

8 (4) “Parole” means the release of a prisoner by the Division
9 of Corrections temporarily or permanently before the completion
10 of a sentence, on the promise of good behavior.

11 (5) “Prescriber” means an individual currently licensed and
12 authorized by this state to prescribe and administer prescription
13 drugs in the course of their professional practice.

14 (6) “Work Release Program” means a Division of Correc-
15 tions program which allows a prisoner who is sufficiently trusted
16 or can be sufficiently monitored to leave confinement to
17 continue working at his or her current place of employment,
18 returning to prison when his/her shift is complete

19 (b) Not later than ninety days after the effective date of this
20 section, the Court and the Division of Corrections shall select an
21 appropriate mutual research partner or partners, which is to be
22 either a state university or a nationally recognized criminal
23 justice research institute with extensive experience in the
24 evaluation of criminal justice and substance abuse projects to
25 develop an evaluation plan for the pilot program. The evaluation
26 plan shall include performance measures that reflect the purpose
27 of the pilot program, which is to assist participants in addressing
28 their dependence on opioids by maintaining abstinence from the
29 use of those substances and reducing recidivism.

30 (c)(1) The Court shall conduct a pilot program to provide
31 addiction treatment, including medication-assisted treatment, to
32 persons who are offenders within the criminal justice system,
33 eligible to participate in a program, and selected under this
34 section to be participants in the pilot program because of their
35 dependence on opioids.

36 (2) The Court may conduct the pilot program in any circuit
37 court that is conducting an Adult Drug Court Program.

38 (3) The Court shall conduct the pilot program in up to five
39 Adult Drug Court Programs, where the pilot program is autho-
40 rized by the program's Adult Drug Court Judge.

41 (d) In conducting the pilot program, the Court and its'
42 Division of Probation Services may be assisted by the Depart-
43 ment of Health and Human Resources and any other state agency
44 that it determines may be of assistance in accomplishing the
45 objectives of the pilot program.

46 (e) Before any person may be enrolled as a participant in the
47 pilot program, the evaluation plan developed by the research
48 institute described in subsection (b) shall be put into place with
49 each of the Adult Drug Court Program included in the pilot
50 program and the addiction services providers that will provide
51 treatment to the participants. Where the evaluation plan is
52 authorized by the program's Adult Drug Court Judge. Once the
53 evaluation plan has been put into place, the Adult Drug Court
54 Program shall select persons who are participants in the Adult
55 Drug Court program, who have been clinically assessed and
56 diagnosed with opioid addiction. The total number of persons
57 participating in the Court pilot program at any one time may not
58 exceed two hundred, except that the Court may authorize the

59 maximum number to be exceeded. After being enrolled in the
60 pilot program, a participant shall comply with all requirements
61 of the Adult Drug Court Program.

62 (f) Treatment may be provided under the pilot program only
63 by a certified provider who is approved by the Court or Adult
64 Drug Court Program consistent with the policies and procedures
65 for Adult Drug Courts developed by the Court. In serving as a
66 treatment provider, a community addiction services provider
67 shall do all of the following:

68 (1) Provide treatment based on an integrated service delivery
69 model that consists of the coordination of care between a
70 prescriber and the addiction services provider;

71 (2) Conduct any necessary additional professional, compre-
72 hensive substance abuse and mental health diagnostic assess-
73 ments of persons under consideration for selection as pilot
74 program participants to determine whether they would benefit
75 from substance abuse treatment and monitoring;

76 (3) Determine, based on the assessments described in
77 subdivision (2), the treatment needs of the participants served by
78 the treatment provider;

79 (4) Develop, for the participants served by the treatment
80 provider, individualized goals and objectives;

81 (5) Provide access to the non-narcotic, long-acting antago-
82 nist therapy included in the pilot program's medication-assisted
83 treatment.

84 (6) Provide other types of therapies, including psychosocial
85 therapies, for both substance abuse and any disorders that are
86 considered by the treatment provider to be co-occurring disor-
87 ders.

88 (g) In the case of the medication-assisted treatment provided
89 under the pilot program, a drug may be used only if it has been
90 approved by the United States Food and Drug Administration for
91 use in the prevention of relapse to opioid dependence and in
92 conjunction with psychosocial support, provided as part of the
93 pilot program, appropriate to patient needs.

94 (h)(1) The Division of Corrections shall conduct a pilot
95 program to provide addiction treatment, including medica-
96 tion-assisted treatment, to persons who are offenders within the
97 criminal justice system, eligible for parole or to participate in a
98 Work Release Program, and selected under this section to be

99 participants in the pilot program because of their dependence on
100 opioids, alcohol, or both.

101 (2) The division shall conduct the pilot program in correc-
102 tional centers selected by the division.

103 (I) In conducting the pilot program, the Division and its'
104 Division of Parole Services shall collaborate with the West
105 Virginia Department of Health and Human Resources and any
106 other state agency that it determines may be of assistance in
107 accomplishing the objectives of the pilot program.

108 (j) Before any person may be enrolled as a participant in the
109 pilot program, the evaluation plan developed by the research
110 institute described in subsection (b) shall be put into place with
111 each of the Correctional Centers included in the pilot program
112 and the addiction services providers that will provide treatment
113 to the participants. Once the evaluation plan has been put into
114 place, the division shall select persons who are offenders within
115 the criminal justice system to be participants in the pilot pro-
116 gram. To be selected, a person must be determined to be at high
117 risk using the LS/CMI assessment criteria. The total number of
118 persons participating in the division pilot program at any one

119 time shall not exceed two hundred, except that the division may
120 authorize the maximum number to be exceeded. After being
121 enrolled in the pilot program, a participant shall comply with all
122 requirements of the division treatment program.

123 (k) Treatment may be provided under the pilot program only
124 by a certified provider who is approved by the division. In
125 servicing as a treatment provider, a community addiction services
126 provider shall do all of the following:

127 (1) Provide treatment based on an integrated service delivery
128 model that consists of the coordination of care between a
129 prescriber and the addiction services provider;

130 (2) Conduct professional, comprehensive substance abuse
131 and mental health diagnostic assessments of persons under
132 consideration for selection as pilot program participants to
133 determine whether they would benefit from substance abuse
134 treatment and monitoring;

135 (3) Determine, based on the assessments described in
136 subdivision (2), the treatment needs of the participants served by
137 the treatment provider;

138 (4) Develop, for the participants served by the treatment
139 provider, individualized goals and objectives;

140 (5) Provide access to the non-narcotic, long-acting antago-
141 nist therapy included in the pilot program's medication-assisted
142 treatment;

143 (6) Provide other types of therapies, including psychosocial
144 therapies, for both substance abuse and any disorders that are
145 considered by the treatment provider to be co-occurring disor-
146 ders.

147 (l) In the case of the medication-assisted treatment provided
148 under the pilot program, a drug may be used only if it has been
149 approved by the United States Food and Drug Administration for
150 use in the prevention of relapse to opioid dependence, and in
151 conjunction with psychosocial support, provided as part of the
152 pilot program, appropriate to patient needs.

153 (m) The research institute selected by the Court and the
154 division under subsection (b) shall prepare a report of the
155 findings obtained from the pilot program. The report shall
156 include data derived from the drug testing and performance
157 measures used in the pilot program, including comparisons to

158 legacy data. In preparing the report, the research institute shall
159 obtain assistance from the division and the Court. Not later than
160 six months after the conclusion of the pilot program, the research
161 institute shall complete its report. On completion, the research
162 institute shall submit the report to the Governor; Chief Justice of
163 the Supreme Court of Appeals of West Virginia; the Joint
164 Committee on Government and Finance; the Secretary of the
165 Department of Health and Human Resources and Commissioner
166 of the Division of Corrections.

NOTE: The purpose of this bill is to create a pilot program to assist participants in addressing their dependence on opioids, by maintaining abstinence from the use of those substances and reducing recidivism.

This section is new and has been completely underscored.

