

S E C O N D
E N R O L L M E N T

H. B. 2880

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[Amended and Again Passed March 18, 2015;
as a result of the objections of the Governor;
in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article, designated §62-15A-1, §62-15A-2 and §62-15A-3, all relating to creating an addiction treatment pilot program; defining terms; requiring the Secretary of the Department of Health and Human Resources to create an addiction treatment pilot program; permitting the department to choose the Supreme Court of Appeals of West Virginia to participate in the pilot program; permitting department to choose the Division of Corrections to participate in the pilot program; permitting the department to limit the number of participants; requiring additional support services if medication-assisted treatment is provided; setting forth pilot program requirements; setting forth a participant's requirements; requiring a report; and requiring the report to be submitted to certain entities.

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 article, designated §62-15A-1, §62-15A-2 and §62-15A-3, all to read as follows:

ARTICLE 15A. ADDICTION TREATMENT PILOT PROGRAM.

§62-15A-1. Definitions.

1 As used in this article:

2 (1) “Addiction service provider” means a person licensed by
3 this state to provide addiction and substance abuse services to
4 persons addicted to opioids.

5 (2) “Adult drug court judge” means a circuit court judge
6 operating a drug court as defined in subsection (a), section one,
7 article fifteen.

8 (3) “Adult Drug Court Program” means an adult treatment
9 court established by the Supreme Court of Appeals of West
10 Virginia pursuant to this article.

11 (4) “Circuit court” means those courts set forth in article
12 two, chapter fifty-one of this code.

13 (5) “Court” means the Supreme Court of Appeals of West
14 Virginia.

15 (6) “Department” means the Department of Health and
16 Human Resources.

17 (7) “Division” means the Division of Corrections.

18 (8) “LS/CMI assessment criteria” means the level of
19 service/case management inventory which is an assessment tool
20 that measures the risk and need factors of adult offenders.

21 (9) “Medication-assisted treatment” means the use of
22 medications, in combination with counseling and behavioral
23 therapies, to provide a whole-patient approach to the treatment
24 of substance use disorders.

25 (10) “Prescriber” means an individual currently licensed and
26 authorized by this state to prescribe and administer prescription
27 drugs in the course of their professional practice.

§62-15A-2. The Department of Health and Human Resources Pilot Program.

1 (a) The secretary of the department shall conduct a pilot
2 program to provide addiction treatment, including medica-
3 tion-assisted treatment, to persons who are offenders within the
4 criminal justice system, eligible to participate in a program, and
5 selected under this section to be participants in the pilot program
6 because of their dependence on opioids.

7 (b) In the case of the medication-assisted treatment provided
8 under the pilot program, a drug may be used only if it has been
9 approved by the United States Food and Drug Administration for
10 use in the prevention of relapse to opioid dependence and in
11 conjunction with psychosocial support, provided as part of the
12 pilot program, appropriate to patient needs.

13 (c) The department may invite the Court and the division to
14 participate in the pilot program.

15 (d) The department may limit the number of participants.

16 (e) (1) If the Court’s Adult Drug Court Program is selected
17 to participate, it shall select persons who are participants in the
18 Adult Drug Court program, who have been clinically assessed
19 and diagnosed with opioid addiction. Participants must either be
20 eligible for medicaid, or eligible for a state, federal or private
21 grant or other funding sources that provides for the full payment

22 of the treatment necessary to participate in the pilot program.
23 After being enrolled in the pilot program, participants shall
24 comply with all requirements of the Adult Drug Court Program.

25 (2) Treatment may be provided under this subsection only by
26 a treatment provider who is approved by the Court or Adult Drug
27 Court Program consistent with the policies and procedures for
28 Adult Drug Courts developed by the Court. In serving as a
29 treatment provider, a treatment services provider shall do all of
30 the following:

31 (A) Provide treatment based on an integrated service
32 delivery model that consists of the coordination of care between
33 a prescriber and the addiction services provider;

34 (B) Conduct any necessary additional professional,
35 comprehensive substance abuse and mental health diagnostic
36 assessments of persons under consideration for selection as pilot
37 program participants to determine whether they would benefit
38 from substance abuse treatment and monitoring;

39 (C) Determine, based on the assessments described in
40 paragraph (B), the treatment needs of the participants served by
41 the treatment provider;

42 (D) Develop, for the participants served by the treatment
43 provider, individualized goals and objectives;

44 (E) Provide access to the non-narcotic, long-acting
45 antagonist therapy included in the pilot program's
46 medication-assisted treatment; and

47 (F) Provide other types of therapies, including psychosocial
48 therapies, for both substance abuse and any disorders that are
49 considered by the treatment provider to be co-occurring
50 disorders.

51 (f) (1) If the Division of Corrections is selected to
52 participate, the division shall select persons, within the custody
53 of the Division of Corrections, who are determined to be at high
54 risk using the LS/CMI assessment criteria into the pilot program.
55 Participants must either be eligible for medicaid, or eligible for
56 a state, federal or private grant or other funding sources that
57 provides for the full payment of the treatment necessary to
58 participate in the pilot program. After being enrolled in the pilot
59 program, a participant shall comply with all requirements of the
60 treatment program.

61 (2) A participant shall:

62 (A) Receive treatment based on an integrated service
63 delivery model that consists of the coordination of care between
64 a prescriber and the addiction services provider;

65 (B) Submit to professional, comprehensive substance abuse
66 and mental health diagnostic assessments of persons under
67 consideration for selection as pilot program participants to
68 determine whether they would benefit from substance abuse
69 treatment and monitoring;

70 (C) Receive, based on the assessments described in
71 paragraph (B), the treatment needs of the participants served by
72 the treatment provider;

73 (D) Submit to the treatment provider, individualized goals
74 and objectives;

75 (E) Receive the non-narcotic, long-acting antagonist therapy
76 included in the pilot program's medication-assisted treatment;
77 and

78 (F) Participate in other types of therapies, including
79 psychosocial therapies, for both substance abuse and any
80 disorders that are considered by the treatment provider to be
81 co-occurring disorders.

§62-15A-3. Report.

- 1 (a) The department shall prepare a report.
- 2 (b) The report shall include:
 - 3 (1) Number of participants;
 - 4 (2) Number of participants successfully completing the
5 program;
 - 6 (3) Offenses committed or offense convicted of;
 - 7 (4) Recidivism Rate;
 - 8 (5) Potential cost saving or expenditures;
 - 9 (6) A statistical analysis which determines the effectiveness
10 of the program; and
 - 11 (7) Any other information the reporting entity finds
12 pertinent.
- 13 (b) The Court and the division should provide any
14 information necessary to the department to complete the report.
- 15 (c) The department shall submit the report to:
 - 16 (1) The Governor;
 - 17 (2) The Chief Justice of the Supreme Court of Appeals of
18 West Virginia;
 - 19 (3) The Joint Committee on Government and Finance; and
 - 20 (4) The Commissioner of the Division of Corrections.
- 21 (d) The report shall be submitted by July 1, 2017 and shall
22 include twelve months of data from the beginning of the
23 administration of the program.

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

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

