

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Committee Substitute

for

House Bill 4059

BY DELEGATES HILL, PACK, BATES, AND FLEISCHAUER

[Originating in the Committee on Health and Human
Resources; January 28, 2020.]

1 A BILL to repeal §16-2B-3 of the Code of West Virginia, 1931, as amended; and to amend and
2 reenact §16-2B-1 and §16-2B-2 of said code, all relating family planning; increasing
3 access to long acting reversible contraception; requiring payment of long acting reversible
4 contraception; requiring certain contract provisions; requiring training of health care
5 practitioners; prohibiting certain policies; permitting a health care practitioner to perform
6 family planning at a local health department; and updating terminology.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2B. FAMILY PLANNING.

§16-2B-1. Family planning; authorized functions.

1 ~~(a) The state department of health is authorized to provide printed material, guidance,~~
2 ~~advice, financial assistance, appliances, devices, drugs, approved methods, and medicines to~~
3 ~~local boards of health requesting the same for use in the operation of family planning and child~~
4 ~~spacing clinics to the extent of funds appropriated by the Legislature and any federal funds made~~
5 ~~available for such purpose. The Bureau is also authorized to educate and advertise the availability~~
6 ~~of such services widely.~~

7 The Bureau for Public Health is authorized to provide printed material, patient-centered
8 counseling support, reproductive life planning support, financial assistance, appliances, devices,
9 drugs, approved methods, and medicines to local boards of health and other entities requesting
10 the same for use in the operation of family planning clinics to the extent of funds appropriated by
11 the Legislature and any federal or other funds made available for such purpose. The Bureau is
12 also authorized to educate and advertise the availability of such services widely. Counseling
13 methodologies promoted shall use approaches endorsed by the American College of Obstetrics
14 and Gynecology or other relevant health professional associations.

15 (b) The Bureau for Medical Services shall ensure that multiple office visits for a woman
16 who selects the long acting reversible contraception (LARC) methods is not required. The Bureau

17 for Medical Services shall provide payment for replacement, reinsertion or removal, when
18 necessary or requested by the patient.

19 (c) If a health care practitioner supplies the LARC, the health practitioner may also bill for
20 the device and shall be reimbursed the full cost of the LARC. The Bureau for Medical Services
21 shall make these products available in health care practitioner offices without upfront costs. Prior
22 authorization for LARC devices or procedures are prohibited. A managed care company
23 contracted with the Bureau of Medical Services shall perform a training for health care
24 practitioners who offer family planning services on the professional guidelines for LARC methods.
25 The Bureau for Medical Services shall update the managed care contract to include language
26 that provider policies/protocols may not present barriers that delay or prevent access, such as
27 prior authorizations or step-therapy failure requirements; and should receive patient centered
28 education and counseling on all FDA approved birth control methods.

§16-2B-2. Local boards of health authorized to establish clinics.

1 (a) A local board of health created and maintained pursuant to the provisions of article two
2 or article two-a of this chapter, is authorized to ~~may~~ establish and operate within its jurisdiction,
3 one or more family planning and child spacing clinics under the supervision of a licensed physician
4 health care practitioner for the purpose of disseminating information, conducting medical
5 examinations and distributing family planning and child spacing appliances, devices, drugs,
6 approved methods and medication without charge to indigent and medically indigent persons on
7 request and with the approval of said licensed health care practitioner. physician. Such

8 (b) Information, appliances, devices, drugs, approved methods, and medication shall be
9 dispensed only in accordance with the recipients' expressed wishes and beliefs and in
10 accordance with all state and federal laws for the dispensing of ~~legend~~ prescription drugs:
11 Provided, That the procedure of abortion shall not be considered an approved method of family
12 planning and child spacing within the intent of this section and is expressly excluded from the
13 authorized programs. ~~herein authorized.~~ All local boards

14 (c) A local board of health receiving state or federal funds for family planning ~~or child~~
15 spacing programs shall first receive approval by the state ~~board of health~~ officer. ~~Should this be~~
16 ~~Secretary of the Department of Health and Should this be Secretary of the Department of Health~~
17 ~~and Should this be Secretary of the Department of Health and of their general plan of operation~~
18 ~~of such programs.~~

**§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.**

1 [Repealed.]

NOTE: The purpose of this bill is to update family planning services.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.