

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 4516**

BY DELEGATES KIMBLE, D. JEFFRIES, HOLSTEIN,  
BARNHART, MAYNARD, G. WARD, HANNA, MAZZOCCHI,  
ROHRBACH AND MARTIN

[Originating in the Committee on Health and Human  
Resources; reported on February 22, 2022]



1 A BILL to amend and reenact §16-5Y-6 of the Code of West Virginia, 1931, as amended, relating  
2 to the regulation of medication-assisted treatment programs; requiring written policies; and  
3 requiring public notice.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5Y. MEDICATION-ASSISTED TREATMENT PROGRAM LICENSING ACT.**

**§16-5Y-6. Restrictions; variances and waivers.**

1 (a) A medication-assisted treatment program ~~shall~~ may not be located, operated,  
2 managed, or owned at the same location where a chronic pain management clinic licensed and  
3 defined in §16-5H-1 *et seq.* of this code is located.

4 (b) Medication-assisted treatment programs ~~shall~~ may not have procedures for offering a  
5 bounty, monetary, equipment, or merchandise reward, or free services for individuals in exchange  
6 for recruitment of new patients into the facility.

7 (c) Medication-assisted treatment programs ~~shall~~ may not be located within one-half mile  
8 of a public or private licensed day care center, or public or private K-12 school.

9 Existing medication-assisted treatment programs, including both opioid treatment  
10 programs and office-based medication-assisted treatment programs that are located within one-  
11 half mile of a public or private licensed day care center or public or private K-12 school, shall be  
12 granted a variance, provided that the facility demonstrates adequate patient population controls  
13 and that it may otherwise meet the requirements of this article and the rules promulgated pursuant  
14 to this article.

15 (d) Medication-assisted treatment programs shall have written policies to measure the  
16 impact an existing or new program may have on a community, promote peaceful coexistence,  
17 and plan for change and program growth. Medication-assisted treatment programs shall cause  
18 to be published a Class I legal advertisement providing public notice of its intent to locate at a  
19 particular location. The written policies shall address:

20 (1) Community needs and impact when selecting a site;

21 (2) Community input on the potential impact a program may have on a neighborhood;

22 (3) Maintenance of a clean and orderly facility that does not impede pedestrian or traffic  
23 flow; and,

24 (4) Identification and maintenance of communication with community leaders for the  
25 purpose of fostering good community relations.

26 ~~(d)~~(e) The secretary may grant a waiver or a variance from any licensure or registration  
27 standard, or portion thereof, for the period during which the license or registration is in effect.

28 (1) Requests for waivers or variances of licensure or registration standards shall be in  
29 writing to the secretary and shall include:

30 (A) The specific section of this article or rules promulgated pursuant to this article for which  
31 a waiver or variance is sought;

32 (B) The rationale for requesting the waiver or variance;

33 (C) Documentation by the medication-assisted treatment program's medical director to the  
34 secretary that describes how the program will maintain the quality of services and patient safety  
35 if the wavier or variance is granted; and

36 (D) The consequences of not receiving approval of the requested wavier or variance.

37 (2) The secretary shall issue a written statement to the medication-assisted treatment  
38 program granting or denying a request for a waiver or variance of program licensure or registration  
39 standards.

40 (3) The medication-assisted treatment program shall maintain a file copy of all requests  
41 for waivers or variances and the approval or denial of the requests for the period during which the  
42 license or registration is in effect.

43 (4) The Office of Health Facility Licensure and Certification shall inspect each medication-  
44 assisted treatment program prior to a waiver or variance being granted, including a review of  
45 patient records, to ensure and verify that any waiver or variance request meets the spirit and  
46 purpose of this article and the rules promulgated pursuant to this article. The Office of Health

- 47 Facility Licensure and Certification may verify, by unannounced inspection, that the medication-  
48 assisted treatment program is in compliance with any waiver or variance granted by the secretary  
49 for the duration of ~~such~~ the waiver or variance.

NOTE: The purpose of this bill is to require medication-assisted treatment programs to have written policies concerning community relations.

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