

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Introduced**

### **House Bill 5209**

By Delegate Rohrbach

[Introduced January 26, 2024; Referred to the  
Committee on Finance]

1 A BILL to amend and reenact §16-5Y-7 of the Code of West Virginia, 1931, as amended, relating  
 2 to requiring the Office of Health Facility Licensure and Certification to inspect office-based  
 3 medication-assisted treatment programs at least every 24 months.

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

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

**§16-5Y-7. Inspection; inspection warrant.**

1 (a) (1) The Office of Health Facility Licensure and Certification shall inspect each:  
 2 (A) Opioid treatment program annually; and  
 3 (B) Office-based medication-assisted treatment program at least every 24 months.

4 including (2) Inspections shall include a review of the patient records, to ensure that the  
 5 program complies with this article and the applicable rules. A pharmacist, employed or contracted  
 6 by the secretary, licensed in this state, and a law-enforcement officer may be present at each  
 7 inspection.

8 (b) The Office of Health Facility Licensure and Certification shall perform unannounced  
 9 complaint and verification inspections at office-based medication-assisted treatment programs,  
 10 including a review of the patient records, to ensure that the program complies with this article and  
 11 the applicable rules. A pharmacist, employed or contracted by the secretary, licensed in this state  
 12 and a law-enforcement officer may be present at each inspection.

13 (c) During an onsite inspection, the inspectors shall make a reasonable attempt to discuss  
 14 each violation with the medical director or other owners of the medication-assisted treatment  
 15 program before issuing a formal written notification.

16 (d) Any action taken to correct a violation shall be documented in writing by the medical  
 17 director or other owners of the medication-assisted treatment program and may be verified by  
 18 follow-up visits by the Office of Health Facility Licensure and Certification.

19 (e) Notwithstanding the existence or pursuit of any other remedy, the secretary may, in the  
 20 manner provided by law, maintain an action in the name of the state for an inspection warrant

21 against any person, partnership, association or corporation to allow any inspection or seizure of  
22 records in order to complete any inspection allowed by this article or the rules promulgated  
23 pursuant to this article, or to meet any other purpose of this article or the rules promulgated  
24 pursuant to this article.

25 (f) When possible, inspections for annual certification and licensure by the medication-  
26 assisted treatment programs will be done consecutively or concurrently. However, this provision  
27 does not limit the ability to conduct unannounced inspections pursuant to a complaint.

NOTE: The purpose of this bill is to require the Office of Health Facility Licensure and Certification to inspect office-based medication-assisted treatment programs at least every 24 months.

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