

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

ENGROSSED

Committee Substitute

for

House Bill 5340

By Delegates Summers, Tully, Westfall, and Hott

[Originating in the Committee on Health and Human

Resources; Reported on February 22, 2024]

1 A BILL to amend and reenact §16-54-1 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §16-54-10, all relating to
3 require insurance coverage of a nonopioid drug for a person diagnosed with substance use
4 disorder.

Be it enacted by the Legislature of West Virginia:

ARTICLE 54. OPIOID REDUCTION AND NON-OPIOID TREATMENT ACT.

§16-54-1. Definitions.

1 As used in this section:

2 "Acute pain" means a time limited pain caused by a specific disease or injury.

3 "Chronic pain" means a noncancer, nonend of life pain lasting more than three months or
4 longer than the duration of normal tissue healing.

5 "Health care practitioner" or "practitioner" means:

6 (1) A physician authorized pursuant to the provisions of §30-3-1 *et seq.* and §30-14-1 *et*
7 *seq.* of this code;

8 (2) A podiatrist licensed pursuant to the provisions of §30-3-1 *et seq.* of this code;

9 (3) A physician assistant with prescriptive authority as set forth in §30-3E-3 of this code;

10 (4) An advanced practice registered nurse with prescriptive authority as set forth in §30-7-
11 15a of this code;

12 (5) A dentist licensed pursuant to the provisions of §30-4-1 *et seq.* of this code;

13 (6) An optometrist licensed pursuant to the provisions of §30-8-1 *et seq.* of this code;

14 (7) A physical therapist licensed pursuant to the provisions of §30-20-1 *et seq.* of this code;

15 (8) An occupational therapist licensed pursuant to the provisions of §30-28-1 *et seq.* of this
16 code;

17 (9) An osteopathic physician licensed pursuant to the provisions of §30-14-1 *et seq.* of this
18 code; and

19 (10) A chiropractor licensed pursuant to the provisions of §30-16-1 *et seq.* of this code.

20 "Insurance provider" means an entity that is regulated under the provisions of §33-15-1 *et*
21 *seq.*, §33-16-1 *et seq.*, §33-24-1 *et seq.*, §33-25-1 *et seq.* and §33-25A-1 *et seq.* of this code.

22 "Nonopioid medicinal drug" means a drug or biological that has a label indication approved
23 by the Federal Food and Drug Administration to reduce pain or produce analgesia without acting
24 upon the body's opioid receptors.

25 "Office" means the Office of Drug Control Policy.

26 "Pain clinic" means the same as that term is defined in §16-5H-2 of this code.

27 "Pain specialist" means a practitioner who is board certified in pain management or a
28 related field.

29 "Prescribe" means the advisement of a physician or other licensed practitioner to a patient
30 for a course of treatment. It can include but is not limited to medication, services, supplies,
31 equipment, procedures, diagnostic tests, or screening as permitted by the physician or other
32 licensed practitioner's scope of practice.

33 "Referral" means the recommendation by a person to another person for the purpose of
34 initiating care by a health care practitioner.

35 "Schedule II opioid drug" means an opioid drug listed in §60A-2-206 of this code.

36 "Surgical procedure" means a medical procedure involving an incision with instruments
37 performed to repair damage or arrest disease in a living body.

§16-54-10. Prescriber Practices Relative to Nonopioid Alternatives/Education and Awareness.

1 (a) Notwithstanding any provision of law to the contrary, a policy, plan, or contract that is
2 issued or renewed on or after January 1, 2024, by an insurer provider, Medicaid, or PEIA shall
3 provide coverage for when a health care practitioner prescribes a nonopioid medicinal drug for the
4 treatment of acute pain to a patient who has been diagnosed with substance use disorder.

5 (b) One year following implementation, the Public Employees Insurance Agency and the
6 Bureau of Medical Services shall report to the Joint Committee on Government and Finance the
7 cost of this change.