

# Health Care Highlights<sup>©</sup>

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**March 5, 2018**

**VOLUME 30, ISSUE 8**

Welcome to the 8th issue of award-winning *Health Care Highlights* for 2018. This year marks the 30th year of our unique health care publication, which reaches more than 5,000 health professionals and health policymakers statewide.

Today is the 55<sup>th</sup> day of the 60-day regular session of the West Virginia Legislature. This week, we continue tracking the health care-related bills that remain under consideration by the House and Senate. The House introduced **1,140** bills this session, and the Senate introduced **632** bills. Of the **1,772** total bills introduced, we have tracked **336** health-related bills (**19%**). Of those, **80** bills or **24%** remain active; the remainder are, for all intents and purposes, now considered dead.

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## ***2018 Key Legislative Dates***

**March 10:** Adjournment at midnight.

**March 14:** Anticipated extended session to work only on the Budget Bill and other appropriation bills.

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**Health Care Highlights**

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## ***“Shall Prescribe” vs. “Shall Consider,” Revisited***

The House Judiciary Committee on Friday adopted an amendment to the Opioid Reduction Act (**SB 273**) which reinserts language which requires that, “a health care practitioner **shall refer or prescribe** (emphasis added) to a patient any of the following treatment alternatives, based on the practitioner’s clinical judgment and the availability of the treatment, before starting a patient on an opioid: physical therapy, occupational therapy, acupuncture, massage therapy, osteopathic manipulation, chronic pain management program, and chiropractic services.”

When the bill passed the Senate on Feb. 16, that language had been changed to “shall consider,” after impassioned floor speeches by three physician members of the Senate Health Committee – Sens. Ron Stollings, Tom Takubo and Mike Maroney. Stollings, a primary care doctor in Boone County, had warned, “Every physician in West Virginia will be off the reservation if we tell them ‘you shall’ refer their patients.”

The bill is on first reading on the House floor today.

The centerpiece of **SB 273** is a provision placing limits on initial prescribing of opioid medications. But the “shall prescribe” vs. “shall consider” language has been a significant bone of contention among lawmakers.

The Senate-approved floor amendment, offered by Stollings (as amended, in turn, by Takubo), replaced the term “shall prescribe” with “shall consider,” returning **SB 273** to a version earlier approved by the Senate Health Committee and preserving, they contend, the practitioner’s decision-making authority in determining medically appropriate care. After leaving the Health Committee, the language was changed in the Senate Judiciary Committee at the request of Sen. Ryan Ferns, the Senate majority leader and a physical therapist by profession. At the time, Ferns said his amendment was intended to “put a drastic dent” in the number of opioids being prescribed in the Mountain State.

The current bill does not require that all of the alternative therapies be exhausted before an opioid can be prescribed. Private insurers, Medicaid and PEIA must provide coverage for at least 20 visits of the alternative therapies when ordered by a practitioner. In addition, “A patient may seek treatment for physical therapy, occupational therapy, osteopathic manipulation, a chronic pain management program, and chiropractic services ... prior to seeking treatment from a practitioner and a practitioner referral is not required as a condition of coverage,” the bill now states.

The bill also provides that when an adult seeks treatment in an urgent care facility, the practitioner may not issue a prescription for more than a four-day supply of opioids, as is the case when a patient presents to an emergency room. However, the amendment allows an urgent care practitioner to prescribe up to a seven-day supply if the rationale is documented in the medical record.

The amended bill also clarifies that only patients who are prescribed a Schedule II opiate are required to enter into a “narcotics contract” with their prescribing practitioner which provides that:

- ✓ The patient agrees only to obtain scheduled medications from this particular prescribing practitioner;
- ✓ The patient agrees to only fill those prescriptions at a single pharmacy which includes a pharmacy with more than one location;
- ✓ The patient agrees to notify the prescribing practitioner within 72 hours of any emergency when he or she is prescribed a scheduled medication; and,
- ✓ If the patient fails to honor the provisions of the narcotics contract, the prescribing practitioner may either terminate the provider-patient relationship or continue to treat the patient without prescribing a Schedule II opioid for the patient. Termination of the relationship for the patient’s failure to honor the provisions of the contract is not subject to any disciplinary action by the practitioner’s licensing board.

House Judiciary also advanced **SB 522**, which simplifies the rule-making review process in the Administrative Procedures Act. Under the bill, rules become void when their underlying statutory authority is repealed; agencies can repeal legislatively exempt procedural or interpretive rules; the deadlines for filing proposed rules will be the final Friday in July, or at the end of August following an election year; rules scheduled for renewal under a five-year sunset do not have to be put out for public comment if they are otherwise unchanged. The bill is on 2<sup>nd</sup> reading on the House floor today.

The committee also advanced to 1<sup>st</sup> reading **SB 575**, which allows for 24 additional beds in intermediate care facilities.

## West Virginia Legislature

### ACTIVE\* Health Care Bill Status as of 3/4/18

\* Only ACTIVE bills are listed; all others were not passed by their legislative chamber of origin by Feb. 28.

*To find a particular bill, look below for the bill number under a general health category. A description of the bill is provided along with the bill's lead sponsor, additional information about the bill, committee references and other legislative action. Please note that bill numbers are web links to the bill text.*

#### APPROPRIATIONS & BUDGET

- [SB 152](#) Carmichael+ **Budget Bill SFY 2019** *Bill proposed by the Governor. Of note: More than 20% of all state expenditures are allocated for Health and Human Resources (see [HB 4019](#))* To Finance
- [SB 379](#) Carmichael+ **Supplemental appropriation of \$9.9 million from Excess Lottery Revenue Fund to DHHR** *Governor's bill. Completed legislative action, approved by Governor 2/27, effective from passage.*
- [SB 382](#) Carmichael+ **Supplemental appropriation of \$4.3 million from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** *Governor's bill. Completed legislative action, approved by the Governor 2/27, effective from passage.*
- [SB 384](#) Carmichael+ **Adjusting appropriations from State Fund, General Revenue to DHHR** *Governor's bill. Completed legislative action, approved by the Governor 2/27, effective from passage.*
- [SB 385](#) Carmichael+ **Adjusting appropriations out of Treasury to DHHR and MAPS** *Governor's bill. Finance reported, passed Senate 1/31, House Finance reported, on 2<sup>nd</sup> reading House Calendar.*
- [SB 388](#) Carmichael+ **Adjusting appropriations from Treasury to DHHR and DOA** *Governor's bill. Completed legislative action, approved by the Governor 2/27, effective from passage.*
- [SB 472](#) Blair+ **Requires Legislature to provide funds to DHHR for local health board employee pay raises** *Health reported Com. Sub., Finance reported, Gov. Org. reported Com. Sub., passed Senate 2/28, to House Health, then Finance.*
- [HB 4019](#) Armstead+ **Budget Bill SFY 2019** *Bill proposed by the Governor. Of note: More than 20% of all state expenditures are allocated for Health and Human Resources (see [SB 152](#))* To Finance
- [HB 4376](#) Armstead+ **Supplemental appropriation from DHHR funds to the Medical Cannabis Program Fund** *Governor's bill. Finance reported, passed House 2/19, to Senate Finance*
- [HB 4385](#) Armstead+ **Supplemental appropriation of federal funds from Treasury to DHHR Division of Human Services** *Governor's bill. Completed legislative action.*
- [HB 4386](#) Armstead+ **Supplemental appropriation of federal funds from Treasury to DHHR Division of Health for Community Mental Health Services** *Completed legislative action, approved by the Governor 3/2, effective from passage.*

#### BOARD LICENSURE AND REGULATION

- [SB 288](#) Gaunch+ **Terminates the Board of Funeral Service Examiners** *Gov. Org. reported Com. Sub., passed Senate 2/14, House Gov. Org. amended, to Finance*
- [SB 313](#) Gaunch+ **Waives occupational licensing fees for low-income, military and young workers** *Gov. Org. reported Com. Sub., 2<sup>nd</sup> reference dispensed, passed Senate 2/26, to House Gov. Org. A public hearing is scheduled at 8 a.m. Monday (3/5) in the House Chamber. On agenda for meeting to follow.*
- [SB 400](#) Maynard+ **Prohibits state licensing boards from hiring lobbyists** *Gov. Org. reported, passed Senate 2/5, House Gov. Org. reported, to Judiciary*
- [SB 411](#) Takubo+ **Removes BPH commissioner from Board of Sanitarians** *Health reported, Gov. Org. reported, passed Senate 2/14, House Health reported, to Gov. Org. (On agenda 3/5).*
- [SB 499](#) Maroney+ **Reduces postgraduate training for foreign medical graduates from 3 years to 1** *Health reported Com. Sub., 2<sup>nd</sup> reference dispensed, passed Senate 2/26, House Health amended, on 2<sup>nd</sup> reading 3/5.*
- [SB 522](#) Maynard **Requires agencies to notify licensees of rules changes that increase fees** *Judiciary reported Com. Sub., passed Senate 2/22, House Judiciary reported, on 2<sup>nd</sup> reading 3/5.*
- [HB 2841](#) Howell+ **Requires board members to attend meetings in order to be compensated** *Gov. Org. amended, Finance reported Com. Sub., passed House 2/12, to Senate Gov. Org.*

- [HB 4011](#)** Hamrick+ **Requires agencies submitting new or amended rules, to identify 2 existing rules to repeal** Gov. Org. reported Com. Sub., passed House 2/21, to Senate Judiciary
- [HB 4023](#)** Summers+ **Updates regulation of dialysis technicians** Health amended, Gov. Org. reported Com. Sub., passed House 2/9, Senate Health reported, on 2<sup>nd</sup> reading 3/5.
- [HB 4025](#)** Ellington+ **Permits reciprocity in Board of Pharmacy licensure of pharmacy technicians** Health reported, Gov. Org. reported, passed House 2/9, Senate Health reported, on 2<sup>nd</sup> reading 3/5.
- [HB 4026](#)** Ellington+ **Exempts cashiers from licensure under the Larry W. Border Pharmacy Practice Act** Health reported, passed House 1/22, to Senate Health.
- [HB 4027](#)** Ellington+ **Creates education permit for allopathic physician residents** Education amended, Health reported Com. Sub., passed House 2/14, Senate Health reported, on 2<sup>nd</sup> reading 3/5.
- [HB 4154](#)** Armstead+ **Regulatory Reform Act of 2018** *Bill requested by Governor.* Gov. Org. amended, Judiciary reported Com. Sub., floor amendment adopted, passed House 2/27, to Senate Gov. Org.
- [HB 4175](#)** Sobonya+ **Eliminates requirement that APRNs participate in a collaborative relationship to obtain payment** Completed legislative action.
- [HB 4304](#)** Summers+ **Combines RN and LPN boards into new Board of Nurses** Health amended, Gov. Org. reported Com. Sub., passed House 2/20, to Senate Health
- [HB 4465](#)** Summers **Authorizes WV Acupuncture Board to certify auricular acudetox therapy** Health reported, Gov. Org. reported, passed House 2/26, to Senate Gov. Org.
- [HB 4473](#)** Sobonya+ **Distinguishes advertising vs. educational materials for government officials, offices** Judiciary reported Com. Sub., passed House 2/19, Senate Judiciary reported, floor amendment adopted, passed Senate 3/3, Senate asks House to concur.
- [HB 4481](#)** Howell+ **Mandates inter-board reporting by licensees of medical, RN boards** Health amended, Gov. Org. reported Com. Sub., passed House 2/26, to Senate Health.

#### HOSPITALS

- [SB 441](#)** Takubo+ **Extends directed payment program tax on eligible acute care hospitals for 3 years** *The West Virginia Hospital Association supports this bill.* Health reported, Finance reported, passed Senate 2/12, House Health reported, Finance amended, on 2<sup>nd</sup> reading 3/5.
- [SB 510](#)** Maynard+ **Designates thrombectomy-capable stroke centers** Health reported Com. Sub., floor amendment adopted, passed Senate 2/28, House Health reported, on 2<sup>nd</sup> reading 3/5.

#### INSURANCE & HEALTH COVERAGE

- [SB 242](#)** Trump+ **Requires health insurers to cover long-term antibiotic therapy for Lyme Disease patients** Health reported, flood amendments adopted, passed Senate 1/31, House Health reported, to Judiciary
- [SB 299](#)** Boley+ **Mandates insurance coverage, up to age 20, for amino acid-based formula** *This bill originated in Finance Committee.* Finance reported, passed Senate 1/19, House Health amended, Finance amended, on 1<sup>st</sup> reading 3/5.
- [SB 401](#)** Weld+ **Requires insurers to cover inpatient, outpatient treatment for substance use disorders** Health reported, Judiciary reported Com. Sub., passed Senate 2/28, House Health amended, to Judiciary.
- [SB 406](#)** Ferns+ **Clarifies that ground EMS transport qualifies for Medicare and Medicaid payment** Insurance reported, Finance reported, passed Senate 2/20, House Insurance amended, to Finance.
- [SB 442](#)** Takubo+ **Establishes universal forms and deadlines for prior authorizations** Health reported Com. Sub., Finance reported, passed Senate 2/28, to House Finance.
- [SB 473](#)** Takubo+ **Requires insurance coverage for smoking cessation drug Varenicline prescriptions** Health reported Com. Sub., passed Senate 2/14, House Health reported, to Finance
- [HB 4392](#)** Ellington+ **Removes restrictions on Medicaid subrogation** Health amended, Judiciary reported Com. Sub., passed House 2/28, to Senate Health.
- [HB 4400](#)** Westfall+ **Allows WV Physicians Mutual Insurance Co. to write policies outside WV** Insurance amended, Judiciary reported Com. Sub., passed House 2/19, Senate Judiciary reported, on 1<sup>st</sup> reading 3/5.

## MEDICAL LIABILITY

- SB 576** Gaunch+ **Extends Patient Injury Compensation Fund, reduces fee on liability actions** Judiciary reported, 2<sup>nd</sup> reference dispensed, passed Senate 2/23, House Judiciary amended, Finance amended, on 1<sup>st</sup> reading 3/5.
- HB 4218** Ellington+ **Updates the requirements for a certificate of merit** Health amended, Judiciary reported Com. Sub., passed House 2/27, to Senate Health, then Judiciary.

## MISCELLANEOUS

- SB 36** Woelfel+ **Allows law enforcement to obtain DNA samples from arrestees** Health reported, Judiciary reported Com. Sub., passed Senate 2/15, House Judiciary reported, on 1<sup>st</sup> reading 3/5.
- SB 420** Rucker+ **Transfers driving Safety and Treatment Program from DHHR to DMV** Judiciary reported Com. Sub., passed Senate 2/26, to House Judiciary.
- SB 575** Takubo+ **Provides 24 additional beds in intermediate care facilities** Health reported Com. Sub., floor amendment adopted, passed Senate 2/27, House Judiciary amended, on 1<sup>st</sup> reading 3/5.
- HB 3104** Arvon+ **Transfers WV Traumatic Brain & Spinal Cord Injury Rehab Fund to DHHR** Completed legislative action.
- HB 4001** Fast+ **Establishes eligibility guidelines for SNAP, TANF** Health amended, Judiciary reported Com. Sub., passed House 2/20, to Senate Health
- HB 4014** Summers+ **Reorganizes the state Department of Health and Human Resources** Health amended, Finance reported Com. Sub., floor amendment adopted, passed House 2/27, to Senate Finance.
- HB 4197** Summers+ **Requires dispatchers to complete a course in cardiovascular care** Fire/EMS amended, Health reported Com. Sub., passed House 2/14, Senate Health amended, on 2<sup>nd</sup> reading 3/5.
- HB 4306** Summers+ **Allows local health boards to combine without state approval** Political Subdivisions reported, Health reported Com. Sub., passed House 2/14, Senate Health laid over.
- HB 4332** Rohrbach+ **Permits sale or distribution of dialysate, drugs or devices for home peritoneal renal dialysis for patients with end-stage renal disease** Completed legislative action.
- HB 4509** Pushkin+ **Requires peer-based services for substance abuse treatment facilities** Substance Abuse amended, Health reported Com. Sub., passed House 2/27, Senate Health amended, on 2<sup>nd</sup> reading 3/5.

## NURSING HOMES, LONG-TERM CARE & SENIORS

- SB 408** Takubo+ **Streamlines survey reports and plans of correction for nursing homes and assisted living facilities** Health reported Com. Sub., Gov. Org. reported, passed Senate 2/14, House Health reported, to Gov. Org. (On agenda 3/5).
- HB 4035** Summers+ **Creates legislative coalition on palliative care** Health amended, Judiciary reported Com. Sub., passed House 1/26, Senate Health amended, Judiciary reported, on 1<sup>st</sup> reading 3/5.
- HB 4199** Ellington+ **Allows trained nursing home employees to administer medications** Completed legislative action.
- HB 4279** Rowan+ **Prevents financial exploitation of nursing home residents** Seniors amended, Health reported Com. Sub., passed House 2/14, Senate Health reported, on 2<sup>nd</sup> reading 3/5.

## PRESCRIPTION MEDICATIONS & DRUG USE/ABUSE/DIVERSION

- SB 46** Cline+ **Allows pharmacists to inform customers of lower-cost drugs** Health reported Com. Sub., passed Senate 1/31, House Health reported, Judiciary amended, amendment to committee amendment adopted, passed House 3/2.
- SB 272** Carmichael+ **Requires ERs, law enforcement and providers to report overdoses to the Office of Drug Control Policy Governor's bill.** Health reported Com. Sub., Finance reported Com. Sub., passed Senate 2/12, House Substance Abuse amended, 2<sup>nd</sup> reference dispensed, on 2<sup>nd</sup> reading 3/5.
- SB 273** Carmichael+ **The Opioid Reduction Act Governor's bill.** Health reported Com. Sub., Judiciary reported Com. Sub., as amended, passed Senate 2/16, House Health amended, Judiciary amended, on 1<sup>st</sup> reading 3/5.
- SB 361** Trump **Allows funding allotted for treatment supervision to be applied to Adult Drug Court program** Judiciary reported Com. Sub., passed Senate 2/7, to House Judiciary
- SB 469** Weld+ **Converts the Addiction Treatment Pilot Program to a permanent program** Health reported Com. Sub., passed Senate 2/14, House Substance Abuse amended, to Health
- HB 4309** Kessinger+ **Restricts the sale or trade of dextromethorphan** Substance Abuse amended, Judiciary reported Com. Sub., passed House 2/27, to Senate Judiciary.

[HB 4336](#) Ellington+ **Updates the schedule of controlled substances** Substance Abuse amended, Judiciary reported Com. Sub., passed House 2/28, to Senate Judiciary.

[HB 4345](#) Moore+ **Increases limit on growers, processors and dispensers of medical cannabis; allows single entity to be 1, 2 or all 3 categories** Judiciary reported Com. Sub., 2<sup>nd</sup> reference dispensed, passed House 2/28, to Senate Judiciary.

[HB 4524](#) Ellington+ **Establishes guidelines for substitution of biological pharmaceuticals** Health amended, Judiciary reported Com. Sub., passed House 2/28, to Senate Health.

[HB 4623](#) Ellington+ **Establishes process for pregnant and postpartum individuals to receive substance abuse treatment** *This bill originated in the House Committee on Prevention and Treatment of Substance Abuse.* Substance Abuse reported, Health reported Com. Sub., floor amendment adopted, passed House 2/27, to Senate Health, then Judiciary.

### **PROFESSIONALS: HEALTH & MEDICAL**

[SB 392](#) Boso+ **Reconfigures membership of EMS Advisory Council** Gov. Org. reported Com. Sub., passed Senate 2/12, to House Gov. Org. (On agenda 3/5).

[SB 456](#) Gaunch+ **Establishes a physical therapy licensure compact** Gov. Org. reported Com. Sub., passed Senate 2/26, House Health amended, on 2<sup>nd</sup> reading 3/5.

[SB 448](#) Gaunch+ **Establishes who may be owners and officers of professional associations** Gov. Org. reported Com. Sub., passed Senate 2/28, to House Gov. Org.

[SB 514](#) Sypolt+ **Recognizes EMS Personnel Licensure Interstate Compact** Gov. Org. reported Com. Sub., Judiciary reported, passed Senate 2/27, to House Gov. Org., then Judiciary

[HB 2838](#) Howell+ **Allows veterans who qualify to take licensing exam for EMT** Veterans reported, 2<sup>nd</sup> reference dispensed, amended on 2<sup>nd</sup> reading 1/23, passed House 1/24, to Senate Military, then Health.

[HB 2916](#) Pethtel+ **Authorizes first responders to carry firearms** Judiciary reported Com. Sub., passed House 1/25, Senate Judiciary amended, passed Senate 3/2.

[HB 4156](#) Summers+ **Establishes qualifications for nursing school faculty** Health amended, Education reported Com. Sub., passed House 2/7, to Senate Health

[HB 4178](#) Summers+ **Allows portions of certified nurse aide training via distance learning** Education reported, Health reported, passed House 2/7, Senate Health reported, on 2<sup>nd</sup> reading 3/5.

[HB 4217](#) Ellington+ **Allows attending physician to obtain a patient's autopsy report** Health amended, Judiciary reported Com. Sub., floor amendment adopted, passed House 2/28, to Senate Health

### **REPRODUCTIVE RIGHTS & ABORTION**

[SB 450](#) Karnes+ **Requires collection and analysis of data regarding abortions paid by Medicaid** Health reported Com. Sub., Finance reported, passed Senate 2/20, to House Health, then Finance

### **RESOLUTIONS FOR LEGISLATIVE INTERIM STUDY**

*The following resolutions may be considered by the Joint Committee on Government and Finance during its April or May meeting for assignment to various legislative interim study committees:*

[SCR 20](#) – **Medicaid reimbursement rates for ground and air ambulance services**

[SCR 24](#) – **Efficiency of organizations within DHHR**

[HCR 56](#) – **PEIA and alternative methods to control health care costs**

[HCR 84](#) – **Medicaid reimbursement rates for ground and air ambulance services**

### **RULE MAKING & LEGISLATIVE REVIEW**

*State agencies, boards and commissions are often given statutory authority to promulgate rules. These are known as “legislative review” during the interim period by the Legislative Rule-Making Review Committee, and if approved, then are introduced for legislative consideration in individual rules bills. The rules bills are then assigned to various committees, eventually ending up in the Judiciary Committees of the Senate and House of Delegates. There, they are bundled into categories of rules bills.*

#### **SENATE RULES BILLS**

[SB 165](#) **Rules Bundle. Authorizes DHHR to promulgate legislative rules.** Completed legislative action, approved by the Governor 2/27, effective from passage. *This rules bundle now includes a rule regarding hospital licensure, as well as rules previously contained in the following bills:* **DHHR** [SB 168](#) **Emergency Medical Services,** [SB 170](#) **Substance Use Disorder treatment facilities,** [SB 171](#)

Collection and exchange of data related to overdoses, and [SB 179](#) Drug screening for applicants for cash assistance; and **HEALTH CARE AUTHORITY** [SB 172](#) Financial disclosure.

### **HOUSE RULES BILLS**

**HB 4079 Rules Bundle. Promulgates administrative rules by various executive or administrative agencies.** Judiciary reported Com. Sub., passed House 2/21, Senate Judiciary amended, passed Senate 3/2. This rules bundle now includes the following bills: **BOARD OF DIETICIANS** [HB 4072](#) Licensure and renewal requirements; **BOARD OF MEDICINE** [HB 4069](#) PA licensure, discipline, CME and [HB 4070](#) CME for MDs and DPMs; **BOARD OF OPTOMETRY** [HB 4050](#) Authorizes promulgation of rules; **BOARD OF OSTEOPATHIC MEDICINE** [HB 4068](#) PA licensure, discipline and CME; **BOARD OF PHARMACY** [HB 4067](#) Licensure and practice of pharmacy, [HB 4066](#) Pharmacist recovery networks, [HB 4065](#) Immunizations administered by pharmacists and pharmacy interns, [HB 4064](#) Centralized prescriptions processing, [HB 4063](#) Uniform Controlled Substances Act, [HB 4062](#) Registration of pharmacy technicians, and [HB 4061](#) Controlled Substances Monitoring Program; and **BOARD OF PSYCHOLOGISTS** [HB 4049](#) Fees, [HB 4048](#) Licensure of psychologists, and **BOARD OF PSYCHOLOGISTS** [HB 4047](#) Code of conduct; **NURSING BOARD** [HB 4232](#) Nursing programs, faculty, curriculum.

### **TAXES, FEES & LOANS**

[HB 4153](#) Walters+ **Imposed tiered tax on HMOs to draw matching federal Medicaid funds** Health reported, Finance reported, passed House 2/28, to Senate Health.

[HB 4347](#) Moore+ **Allows voluntary contribution from state tax refund or DMV fees to State Police Forensic Laboratory Fund** Completed legislative action.

### **TOBACCO**

[SB 534](#) Palumbo+ **Increases penalties for tobacco-related offenses on public school property** Judiciary reported Com. Sub., passed Senate 2/28, to House Judiciary.

### ***Final Week of Session Will See Flurry of Activity***

Activity at the Legislature will accelerate this week as the final five days of the regular session count down. Most bills will have to be out of their final committee by Wednesday in order to go through three days of floor readings for final passage by Saturday's midnight *sine die* (final) adjournment.

Currently, there are 80 health-related bills still active. That is about 24% of the 336 bills we have been tracking since the start of the legislative session. These 80 health bills are profiled in this issue on our active bill status list. In reviewing our bill status, you may notice that bills you've been following are not included in this issue. It could mean they are dead. That is our projection because these did not complete the passage route in their chamber of origin by the 50<sup>th</sup> day, but does not necessarily mean that a particular bill has been voted down. Make sure to check the active list to determine if a dead bill with the same provisions might have been amended into an active bill.

### ***Interim Legislative Study Resolutions Begin to Surface***

As the Legislature enters the final week of its regular session, study resolutions are beginning to emerge. This typically happens when issues considered by the Legislature still contain a number of unanswered questions and more research is necessary, or the issue is very controversial. Accordingly, study resolutions are recommended and such work is carried out during the interim period between legislative sessions.

During that interim period, committees meet for two to three days. Several House and Senate committees originated study resolutions last week dealing with government benefits programs, medicinal marijuana and other topics. These are found listed later in this issue. Next week, we will feature more as they originate and move through the legislative process.

## **Quotes of Note:**

... ***“When is this silliness going to stop? I didn't sign up for this to just stop when it gets a little bit tough. I'm in this for the long haul. The rumors about me resigning are totally unfounded and without truth. The people that are circulating this information are being counterproductive. We need to stick to the truth and the important business at hand.”***

- Gov. Jim Justice, in a Wednesday statement and tweet. Justice issued a similar statement about his health a few weeks ago.

... ***“You mean we can strike the Governor?”***

- Delegate Joe Ellington, chair of the House Health Committee, after a committee member on Thursday moved to delete a reference to the Governor from a Senate bill. Another delegate demanded, “Roll call!”

***“How would this bill affect bookies in Morgantown?”***

- Delegate Cindy Frich, regarding a sports betting bill (**SB 414**), as quoted by Phil Kabler of the *Charleston Gazette-Mail*.

... ***“In terms of things that can happen when you black out in WV, this is one of the best outcomes I've ever heard.”***

- James Corden, host of *The Late Late Show*, following a story last week about a man who spend \$1,600 on an Uber trip from West Virginia back home to New Jersey.

... ***“I wonder how many times they've told the kids in their classrooms to be quiet.”***

- Statehouse observer during last week's boisterous demonstrations by teachers outside the House and Senate chambers.

... ***“United Mind Workers. #55”***

- Sign carried by a demonstrator during last week's protests by teachers at the Capitol.

... ***“Just think, you actually competed against somebody for this job.”***

- Exchange between delegates following a lengthy floor session Friday.

... ***“To the committee: We have a very ambitious agenda. At this rate, we're going to be here a very long time.”***

- Delegate John Shott, chair of the House Judiciary Committee, after an hour-long debate Friday on the agenda's first bill.

... ***“I have to keep beating this horse – it's obvious to bed.”***

- Delegate Roger Hanshaw, trying to reconcile the need for an amendment to **SB 575** regarding intermediate care beds.

... ***“We're the most sued group on Earth, so we're going to be very, very careful about implementing this.”***

- Patrick Kelly, CEO of the West Virginia Health Care Association, appearing before the Senate Health Committee last Tuesday regarding **HB 4199**, which allows nursing homes to use trained individuals to administer medication. The bill passed the Senate on Friday, completing legislative action.

... ***“This has been chaotic and somewhat incompetent.”***

- Sen. John Unger, during Saturday's high drama on the teachers' pay raise bill, as quoted by reporter Brad McElhinny of *MetroNews*.

## **March Capitol Health Care Events**

|         |                                     |
|---------|-------------------------------------|
| March 5 | Deaf Awareness Day                  |
|         | American Red Cross Day              |
| March 6 | Cannabis Day                        |
| March 7 | Fair Shake Network Ice Cream Social |

## **Our Next Issue**

The next issue of *Health Care Highlights* will be published **March 12**. With the regular session concluded, we will report on those health care-related bills that survived and provide a more in-depth description of each. We will also continue reporting on final actions taken by legislative committees and/or Gov. Jim Justice, as well as other health care news.

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