

# Health Care Highlights©

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**March 27, 2017**

**VOLUME 29, ISSUE 8**

Good morning! Today is the 48<sup>th</sup> day of the 60-day regular session of the West Virginia Legislature. All regular bills must clear their house of origin by the close of business on Wednesday, which is the 50<sup>th</sup> day of the session and is commonly known as “crossover day.” Therefore, to achieve passage by the House or Senate, without a suspension of the rules, bills had to be out of committee by yesterday (Sunday, March 26). Of the 1,798 bills introduced to date (1,108 House, 690 Senate), we are tracking 363 health-related bills.

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## ***2017 Key Legislative Dates***

**March 29:** Last day to consider bills on third reading (passage stage) in house of origin for "crossover." (Does not include budget or supplementary appropriations bills.)  
**April 8:** Adjournment at midnight.  
**April 12:** 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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## ***CON Bill Back on Senate Health Agenda***

The Senate Health Committee is expected to renew discussion at 10 a.m. today on **HB 2459**, a “clean-up” bill favored by the West Virginia Hospital Association and the West Virginia Health Care Association, which administers the Certificate of Need program. The bill expands upon 2016 legislation to modernize the CON program. It clarifies requirements of the CON process, details expenditure minimums before a CON becomes necessary and exemptions for ambulatory care, and makes other minor adjustments.

A modernization bill passed in 2016 pared down the number of services requiring a CON to 23; raised the capital expenditure threshold, allowing more flexibility for health care providers; reduced CON application fees; exempted telemedicine and other services; and shortened the time frames for CON reviews and decisions. A bundled rules bill (**SB 125**) to fully implement those changes passed the Senate on Feb. 28 and remains pending before the House Judiciary Committee.

The WVHA and the WVHCA have urged the Legislature to allow the 2016 bill to reach full implementation. The committee has heard testimony during several meetings on **HB 2459**, but has not taken a vote. The committee also has considered but not acted on **SB 457**, sponsored by Senate Majority Leader (and former Health Committee chair) Ryan Ferns, which would do away with both the Health Care Authority and the CON program outright.

Thursday’s discussion focused on a proposed committee substitute which would place the Health Care Authority under the authority of the state Department of Health and Human Resources, create a five-member board lead by an executive director, and eliminate most other functions of the HCA other than the CON program. HCA board chair Sonya Chambers and Sen. Robert Plymale expressed concern over the proposed elimination of a requirement that hospitals and other providers file financial disclosures, which can produce important tracking data. DHHR Cabinet Secretary Bill Crouch likewise requested more time to review the committee substitute.

Senate Health also approved **SB 578**, which would establish a new fee structure for furnishing health care records, with a \$300 cap. Providers would be required to produce the records within 30 days of receiving a written request. Charges could include a \$30 search and handling fee, a per page fee of 40 cents, postage (if mailed) and applicable taxes. Current law allows for “reasonable, cost-based fees.” The bill was laid over on 2<sup>nd</sup> reading on Saturday.

## ***Physician Non-Compete Agreements on 1<sup>st</sup> Reading Today***

A bill on first reading on the Senate floor today would limit non-compete agreements in contracts between physicians and an employer (such as a hospital) to not more than one year and 30 road miles from the physician’s place of employment with the employer. The agreement or covenant becomes void and unenforceable if the employer terminates the physician’s employment. Contract provisions may still require a physician to repay an employer for loans, relocation expenses, signing bonuses, or recruiting, education and training expenses.

Sen. Tom Takubo, the bill’s lead sponsor, said the intent of the bill is to try to keep physicians in West Virginia. “Many of the employment non-competes now basically force them out of the state,” he told the Senate Health Committee Tuesday.

Dubbed the Physicians Freedom of Practice Act, the bill’s provisions would apply to new or renewed contracts on or after July 1. Joe Letnaunchyn, president of the West Virginia Hospital Association, said small hospitals would have liked to have been exempt from the bill, but can accept its provisions. The bill was approved by Senate Judiciary on Friday.

## ***Health Provider Tax Passes Senate***

The state Senate on Friday approved a bill allowing 25 eligible acute care hospitals in West Virginia to pay a special tax of 0.75% of gross receipts in fiscal 2018, in order to draw down a three-to-one match in federal funding, to support West Virginia Medicaid and the directed payment program. The bill, **SB 486**, continues what was formerly known as the upper payment limit or UPL program, and increases the rate from 0.74% to 0.75% beginning July 1. The tax program was created in 2011 to help eligible hospitals achieve reimbursement that is closer to the actual cost of providing care. The hospitals are reimbursed according to their treatment of Medicaid patients. Renaming the program to meet federal requirements became necessary as Medicaid moves to managed care. The bill had been reviewed by the Senate Health Committee and the Senate Finance Committee en route to the floor. It has now been assigned to the House Health and Finance committees.

## ***Anti-Vaxx Bill Won't Die Quietly***

The Senate Education Committee, on a narrow 7-6 vote Thursday, approved **SB 537**, which would roll back West Virginia's immunization standards. The bill may be dead, as it included a second reference to the Senate Health Committee. On Friday, however, the bill was read on the Senate floor and remanded on 2<sup>nd</sup> reading to the Health Committee. The bill is not on the committee's agenda today, but Friday's maneuver may leave the door slightly ajar.

The bill would allow for religious exemptions from compulsory immunizations for children, as well as students enrolled in colleges, universities and vocational-technical schools; and employees. Currently, the state only allows for medical exemptions. The bill also would do away with the current review of exemption requests by an immunization officer within the state Bureau for Public Health, relying solely on certification by the individual's personal physicians.

Dr. Sharon Istfan, a Charleston pediatrician for more than 20 years, testified Thursday that she has never had a patient with a serious complication from a vaccination. West Virginia leads the nation in immunization rates for 5-year-olds. "They have the safest that they have been in this country – ever," she said, "and we are constantly working to make them safer still. As a society, we build upon a community of knowledge. Let's continue to move forward and not backward."

Sen. Ron Stollings, a member of both Senate committees, said vaccine-preventable diseases pose an ongoing threat. "This is one thing that we're doing right," he said. "We have model legislation as it is now. Other states are trying to look like us." Sen. Mike Romano added, "I've heard from thousands of medical providers. All of them want us to leave the law the way it is."

## ***WV Medical Cannabis Act Reaches Judiciary***

A bill that would authorize medical cannabis in West Virginia received a narrow 6-5 endorsement from the Senate Health Committee on Friday. In a procedural maneuver, **SB 386** was read on the Senate floor for the first time on Saturday, then remanded on 2<sup>nd</sup> reading to the Senate Judiciary Committee. Judiciary did not take up the bill on Saturday afternoon, nor does it appear on the committee's posted agendas for this morning or this afternoon.

The West Virginia Medical Cannabis Act would create a 16-member Medical Cannabis Commission within the state Department of Health and Human Resources. Members would include the DHHR cabinet secretary, Agriculture Commissioner and state Treasurer, or their designees; and 13 members appointed by the governor, including patients, physicians, nurses, pharmacists, scientists, lawyers, law enforcement, an alcoholism and addiction counselor, and someone experience in horticulture. The commission would license growers and grower agents, dispensaries and dispensary agents, and would authorize testing laboratories as well as setting requirement for becoming a "certifying physician." A Medical Cannabis Commission Fund would be created as a special revenue account in the State Treasury.

Committee counsel Jeff Johnson said 20 to 25 other states have enacted similar legislation. "It is novel to West Virginia, but it is not novel in other states," he said. Medical cannabis could be used to treat a chronic or debilitating disease or medical condition that requires hospice or palliative care; or that results in cachexia, anorexia or wasting syndrome; severe or chronic pain; severe nausea; seizures; or severe or persistent muscle spasms.

Sen. Ron Stollings offered a series of amendments to: require reporting to the WV Board of Pharmacy's Controlled Substances Monitoring Program database; designate at least 10% of contracts to be operated under the Veterans' Agriculture Program; dedicate 10% of profits in the Commission Fund to education and recovery programs; and add "refractory generalized anxiety disorder" to the conditions that could be treated with medical cannabis.

Sen. Robert Karnes offered a fifth amendment to allow a person with a valid prescription to be exempt from licensing and allowed to grow up to two marijuana plants for personal use. "We have to recognize the real world as it exists," he said. "It is the No. 1 cash crop in West Virginia, if I'm not mistaken. I believe there are people who can be helped this way."

Stollings said that given the state's massive opioid addiction problem, medical cannabis could represent an alternative treatment method. "It's another tool in the toolbox. It's time for us not to be the last implementer."

Others were not convinced. Sen. Mike Azinger noted, "This just seems like a Pandora's Box, a slippery slope. Marijuana is a gateway drug, and we have a drug problem already. Marijuana destroys the mind. It destroys lives."

## ***Office of Drug Control Policy Bill on 3<sup>rd</sup> Reading Today***

The Comprehensive Substance Abuse Reduction Act (**HB 3028**), which creates an Office of Drug Control Policy within the state Department of Health and Human Resources, will be up for passage on the House floor today. The office would be under the supervision of the State Health Officer.

The role of the office is to coordinate information, resources, programs, and state and federal funds through a centralized office. Various public health and education initiatives and pilot programs would be created to prevent and treat substance abuse. The office would develop a strategic plan to reduce the prevalence of drug and alcohol abuse and smoking among both the youth and adult populations by at least 10% by July 1.

In a committee substitute approved by the House Health Committee on Thursday, the Controlled Substances Monitoring Program would be housed under the state Department of Military Affairs and Public Safety, as called for in a prior bill, and the West Virginia Poison Control Center would remain under the auspices of West Virginia University. The office would report semiannually to the Joint Committee on Health.

The office would also create a plan, by July 1, 2018, to ensure an additional 100 treatment beds are available in privately owned facilities across the state. A DHHR Special Revenue Trust Account would be created to that end, using settlement money from the Boone County civil action against drug distributors, and other public and private sources.

Dr. Rahul Gupta, commissioner of the Bureau for Public Health, said the office would serve as a data repository of information gathered from multiple sources. “We want to understand the iceberg, the bulk of it,” he said.

## ***Bill Creates Board of Nursing and Health Services***

Legislation originating Friday in the House Government Organization Committee transfers the regulatory authority of the current Board of Examiners of Registered Professional Nurses, the Board of Licensed Practical Nurses, the Medical Imaging and Radiation Therapy Board of Examiners and the Nursing Home Administrators Licensing Board into a new Board of Nursing and Health Services.

The committee approved **HB 3109** on a 14-10 vote. It will be on 2<sup>nd</sup> reading on the House floor today.

The governor would appoint 11 board members, to include: a registered nurse; a licensed practical nurse; an advanced practice registered nurse; a medical imaging technologist, nuclear medicine technologist or radiation therapy technologist; a dialysis technician; a nursing home administrator; and five citizen members.

Delegate Mike Caputo was skeptical. “How can they interact and make good decisions? Is it good policy for the public?” he wondered. “This is crazy.” Later, he added, “It just seems to be hodge-podge. Let’s bring some sense to this debate.”

Among some committee members, the bill stirred echoes of the recent Supreme Court decision in *North Carolina Dental Board vs. the Federal Trade Commission*. In that ruling, the court held that boards dominated by their own licensees enjoy immunity from federal antitrust liability only if restraint on competition is clearly articulated and affirmatively expressed as state policy; and, policy is actively supervised by the state.

The bill also incorporates provisions of the APRN scope of practice bill enacted in 2016, which included creation of a Joint Advisory Council on Limited Prescriptive Authority, to include two allopathic physicians, two osteopathic physicians, six APRNs, a licensed pharmacist, a consumer representative and a representative from a school of public health of an institution of higher education. The council, to be appointed by the governor, has yet to be named and therefore has yet to convene.

Representative of each of the four affected boards indicated the legislation took them by surprise, and said they were not involved in drafting the bill.

# West Virginia Legislature

## Health Care Bill Status as of 3/26/17

*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, so you may click on the blue bill number while holding down the control key and information on the bill will open in your web browser.*

### APPROPRIATIONS & BUDGET

- [SB 199](#) Carmichael+ **Budget Bill SFY 2018** (see [HB 2018](#)) *Bill proposed by Governor. Of note: More than 20% of all state expenditures are allocated for Health and Human Resources.* To Finance
- [SB 302](#) Carmichael+ **Supplemental appropriation to DHHR Division of Human Services** (see [HB 2500](#)) *Bill proposed by Governor to appropriate federal funds. Finance reported Com. Sub., passed Senate 3/15, passed House 3/20. Completed legislative action.*
- [SB 303](#) Carmichael+ **Supplemental appropriation to DHHR** (see [HB 2640](#)) *Bill proposed by Governor to appropriate \$295,000 for the Laboratory Services Fund, \$3,325,111 for the WV Birth-to-Three Fund and \$6.9 million for the Medicaid State Share Fund. Finance reported Com. Sub., passed Senate 3/15, to House Finance*
- [SB 304](#) Carmichael+ **Supplemental appropriation to DHHR** *Bill proposed by Governor to provide expiring funds to DHHR's Division of Health* To Finance
- [HB 2018](#) Armstead+ **Budget Bill SFY 2018** (see [SB 199](#)) *Bill proposed by Governor.* To Finance
- [HB 2488](#) Gearheart+ **Forfeits unencumbered funds in special revenue accounts to General Revenue** To Gov. Org., then Finance
- [HB 2500](#) Armstead+ **Supplemental appropriation to DHHR DHS** (see [SB 302](#)) *Bill proposed by Governor. Finance reported, on 1<sup>st</sup> reading on House Calendar 3/27*
- [HB 2640](#) Armstead+ **Supplemental appropriation to DHHR** (see [SB 303](#)) *Bill proposed by Governor.* To Finance
- [HB 3103](#) Armstead+ **Supplemental appropriation to DHHR** *Bill proposed by Governor.* To Finance

### BOARD LICENSURE AND REGULATION

- [SB 195](#) Blair+ **Terminates WV Medical Imaging and Radiation Therapy Technology Board of Examiners** To Gov. Org.
- [SB 196](#) Blair+ **Terminates WV Massage Therapy Licensure Board** To Gov. Org.
- [SB 253](#) Takubo+ **Clarifies English language requirement for medical licensure applicants** To Gov. Org.
- [SB 254](#) Blair+ **Terminates WV Nursing Home Administrators Licensing Board** To Gov. Org.
- [SB 571](#) Blair **Terminates the WV Board of Sanitarians** (see [HB 2624](#)) To Gov. Org., then Finance
- [SB 659](#) Blair **Creates EMS Personnel Interstate Licensure Compact** *Interstate Cooperation reported Com. Sub., to Gov. Org.*
- [SB 671](#) Mann **Re-establishes the WV Anatomical Board** *Gov. Org. reported Com. Sub., on 3<sup>rd</sup> reading 3/27*
- [SB 675](#) Takubo+ **Provides rule-making authority to the WV Board of LPNs** To Judiciary
- [HB 2345](#) Hamrick+ **Terminates WV LPN Board and transfer powers to WV RN Board** To Gov. Org.
- [HB 2359](#) Arvon **Aligns penalties for practicing without D.O. license with M.D. penalties** *Health amended, Judiciary reported Com. Sub., passed House 2/27, Senate Gov. Org. reported, to Judiciary*
- [HB 2423](#) Howell+ **Adds MDs and DOs to prohibition against therapeutic deception** (see [HB 2628](#)) *Health reported, to Judiciary*
- [HB 2502](#) Ellington+ **Allows licensed professionals in other states to apply for licensure in WV** *Gov. Org. reported Com. Sub., floor amendment adopted, remanded to Judiciary on 3<sup>rd</sup> reading*
- [HB 2503](#) Ellington+ **Updates rulemaking authority of the WV Board of Osteopathic Medicine** *Gov. Org. reported Com. Sub., passed House 3/9, to Senate Gov. Org.*
- [HB 2504](#) Hamrick+ **Prohibits state nursing boards from limiting the number of students** To Health, then Gov. Org.
- [HB 2521](#) Summers+ **Creates an Advanced Practice Registered Nurse Compact** To Health
- [HB 2522](#) Ellington+ **Creates an interstate licensure compact for RNs and LPNs** *Health reported, Judiciary reported, passed House 3/16, to Senate Health, then Judiciary*
- [HB 2538](#) Ellington+ **Removes requirement that PAs be certified by National Commission on Certification of Physician Assistants** *Health amended, Gov. Org. reported Com. Sub., placed on House Calendar on 2<sup>nd</sup> reading 3/15*

- [HB 2624](#) Howell+ **Terminates the WV Board of Sanitarians** (see [SB 571](#)) Health defeated.
- [HB 2628](#) Howell+ **Strengthens powers of WV Board of Medicine and WV Board of Osteopathic Medicine** (see [HB 2423](#)) Health reported, Gov. Org. reported, passed House 3/9, to Senate Gov. Org.
- [HB 2630](#) Howell+ **Authorizes WV Board of Medicine and WV Board of Osteopathic Medicine to share staff** Gov. Org. reported, passed House 3/3, to Senate Gov. Org.
- [HB 2631](#) Howell+ **Prevents dismissal of complaints when accused causes delay** Gov. Org. reported, Judiciary reported Com. Sub., passed House 3/16, to Senate Gov. Org.
- [HB 2680](#) Howell+ **Terminates WV Nursing Home Administrators Licensing Board** To Gov. Org.
- [HB 2681](#) Hamrick+ **Terminates WV Medical Imaging and Radiation Therapy Technology Board** To Gov. Org.
- [HB 2735](#) Sobonya+ **Requires WV BoP to investigate suspicious orders of controlled substances** To Health, then Judiciary
- [HB 2839](#) Howell+ **Updates schedules for legislative review of departments and licensing boards** Gov. Org. reported Com. Sub., passed House 3/17, to Senate Gov. Org.
- [HB 2844](#) Upson+ **Waives professional and occupational licensing fees for military families** To Veterans, then Finance
- [HB 2984](#) Hamrick **Creates Office of Supervision of Occupational Boards under Attorney General's Office** To Gov. Org.
- [HB 3109](#) Howell **Consolidates four boards into Board of Nursing and Health Services** Gov. Org. reported, on 2<sup>nd</sup> reading 3/27

### CHILDREN

- [SB 251](#) Woelfel+ **Creates pilot program for school-based mental and behavioral health services** (see [HB 2695](#)) To Education
- [SB 317](#) Weld+ **Authorizes family court judges to order substance abuse counseling of children** To Health, then Judiciary
- [SB 319](#) Miller+ **Reduces student-school nurse ratio and expands to all levels of school in 2017-18** To Education, then Finance
- [SB 326](#) Romano+ **Requires D.O.D. notification about abuse or neglect of military member's child** Military reported, Health reported, passed Senate 3/14, to House Veterans' Affairs, then Judiciary
- [SB 431](#) Gaunch+ **Provides ratio of pupils to licensed school psychologist** To Education
- [SB 435](#) Weld+ **Prohibits sexual orientation conversion therapy for those under 18** (see [HB 2650](#)) To Health
- [SB 527](#) Stollings+ **Requires return-to-learn protocols when students suffer traumatic brain injury** To Education, then Health
- [HB 2014](#) Rodighiero **Allows holiday sweets in schools with parental or guardian consent** To Education
- [HB 2195](#) Rohrbach+ **Requires drug awareness and prevention programs in public schools** Substance Abuse amended, Education reported Com. Sub., on 1<sup>st</sup> reading 3/27
- [HB 2373](#) Statler+ **Authorizes trained school bus drivers to administer epinephrine auto-injectors** Education amended, Judiciary reported Com. Sub., passed House 3/16, to Senate Judiciary (on agenda 3/27)
- [HB 2387](#) Byrd **Mandates K-12 drug abuse awareness and prevention instruction** To Substance Abuse, then Education
- [HB 2618](#) Summers+ **Removes requirement to obtain students' body mass index** Education reported, Health reported Com. Sub., passed House 3/15, to Senate Health
- [HB 2650](#) Shott+ **Prohibits sexual orientation conversion therapy for those under 18** (see [SB 435](#)) To Health, then Judiciary
- [HB 2695](#) Hornbuckle+ **Creates pilot program for school-based mental health services** (see [SB 251](#)) To Education
- [HB 2761](#) Thompson+ **Provides health specialists qualify as classroom assistant teachers** To Education, then Finance
- [HB 2846](#) Fast+ **Allows high school students to qualify as pharmacy tech trainees** Education reported, Health reported Com. Sub., passed House 3/25, to Senate
- [HB 2902](#) Atkinson+ **Requires school boards provide mental health and counseling services** To Education, then Substance Abuse
- [HB 3090](#) Walters+ **Increases maximum school psychologist to student ratio to 1 per 1,500** To Education, then Finance

### HOSPITALS

- [SB 47](#) Ferns **Allows certain employers to discriminate against tobacco users** To Health, then Judiciary
- [SB 276](#) Miller **Protects WV insured citizens from "excessive" charges by air-ambulance providers** To Insurance, then Judiciary
- [SB 395](#) Ferns+ **Eliminates WV Health Care Authority and certificate of need** (see [SB 457](#)) To Health, then Finance
- [SB 402](#) Takubo+ **Prohibits non-compete covenants between physicians and hospitals** Health reported Com. Sub., Judiciary reported, on 1<sup>st</sup> reading 3/27
- [SB 430](#) Takubo+ **Expands definition of hospital "governing body" to include medical staff committees** To Health, then Judiciary
- [SB 457](#) Ferns+ **Eliminates the WV Health Care Authority and the CON program** (see [SB 395](#)) To Health, then Finance
- [SB 486](#) Takubo+ **Changes tax rate on eligible acute care hospitals for fiscal 2018** Health reported Com. Sub., Finance reported Com. Sub., passed Senate 3/24, to House Health, then Finance



[\*\*SB 519\*\*](#) Ojeda+ **Amends WV Nurse Overtime and Patient Safety Act to include hospitals and nursing homes** To Judiciary  
[\*\*SB 600\*\*](#) Gaunch+ **Expands “cooperative agreements” to accredited academic hospitals** To Health  
[\*\*HB 2085\*\*](#) Rodighiero **Ensuring Patient Safety Act; establishes minimum RN-patient ratios** To Health, then Gov. Org.  
[\*\*HB 2145\*\*](#) Fast **Allows certain employers to discriminate against tobacco users** To Health, then Judiciary  
[\*\*HB 2201\*\*](#) McGeehan **Save the Hospitals Act** To Health, then Finance  
[\*\*HB 2459\*\*](#) Ellington+ **Clarifies requirements of the certificate of need process** Health amended, Judiciary reported Com. Sub., passed House 3/6, to Senate Health (on agenda for 3/27)  
[\*\*HB 2523\*\*](#) Folk+ **Eliminates the certificate of need program** To Health, then Judiciary  
[\*\*HB 2904\*\*](#) Ellington **Reorganizes the WV Health Care Authority** To Health, then Finance  
[\*\*HB 3063\*\*](#) Rowe **Increases tax on inpatient and outpatient hospital services for two years** To Health, then Finance

### INSURANCE & HEALTH COVERAGE

[\*\*SB 49\*\*](#) Ferns **Improves the prior authorization process for drug benefits by insurers** To Insurance, then Health  
[\*\*SB 56\*\*](#) Ferns **Defines criteria private insurers must consider when setting rates for health providers** To Insurance, then Health  
[\*\*SB 221\*\*](#) Blair+ **Changes PEIA Finance Board** Gov. Org. reported Com. Sub., passed Senate 3/6, to House Gov. Org.  
[\*\*SB 448\*\*](#) Romano+ **Continues eligibility for developmental disability services to dependents of military** To Military, then Health  
[\*\*SB 500\*\*](#) Trump+ **Continues Medicaid Fraud Control Unit in the Attorney General’s office** Gov. Org. reported Com. Sub., Judiciary dispensed, passed Senate 3/18, to House Judiciary, then Finance  
[\*\*SB 526\*\*](#) Takubo **Mandates insurance coverage for inherited enzymatic disorders** Insurance reported Com. Sub., remanded to Finance on 2<sup>nd</sup> reading  
[\*\*SB 555\*\*](#) Ferns **Dissolves PEIA, converts to employer-owned mutual insurance company** To Insurance, then Finance  
[\*\*SB 568\*\*](#) Maynard+ **Prohibits doctors and lawyers from knowingly filing fraudulent disability claims** To Judiciary  
[\*\*SB 616\*\*](#) Stollings+ **Limits damages when patients transfer between health facilities (see **HB 3024**)** To Judiciary  
[\*\*HB 2020\*\*](#) Rodighiero **Freezes PEIA employee premiums for three years** To Insurance, then Finance  
[\*\*HB 2051\*\*](#) Rodighiero **Authorizes reduced rate PEIA coverage for married workers without children** To Insurance, then Finance  
[\*\*HB 2055\*\*](#) Rodighiero **Includes volunteer firefighters within PEIA** To Insurance, then Finance  
[\*\*HB 2072\*\*](#) Rodighiero **Qualifies children of state employees earning \$25,000 or less for CHIP** To Insurance, then Finance  
[\*\*HB 2119\*\*](#) Ellington+ **Repeals WV Health Benefit Exchange Act** Health reported, Finance reported, passed House 3/14, to Senate Health  
[\*\*HB 2120\*\*](#) Ellington+ **Exempts managed care contracts from the bidding process (see **HB 2360**)** To Insurance, then Health  
[\*\*HB 2300\*\*](#) Kelly+ **Regulates step therapy protocols in health benefit plans** Health reported, passed House 2/22, Senate Health reported, passed Senate 3/21. Completed legislative action.  
[\*\*HB 2327\*\*](#) Fleischauer+ **Protects consumers from “surprise bills” by health care providers** To Insurance, then Health  
[\*\*HB 2341\*\*](#) Sobonya **Affirms DHHR subrogation for 3<sup>rd</sup>-party settlements by Medicaid recipients** To Insurance, then Judiciary  
[\*\*HB 2360\*\*](#) Ellington+ **Exempts managed care contracts from the bidding process (see **HB 2120**)** Health reported, to Gov. Org.  
[\*\*HB 2420\*\*](#) Westfall+ **Allows county school boards the option of whether to accept Medicaid provider status** Education reported, Health reported Com. Sub., tabled on 3<sup>rd</sup> reading House Calendar 3/1  
[\*\*HB 2460\*\*](#) Ellington+ **Requires equal treatment of telehealth services by insurance policies** Insurance reported, to Health  
[\*\*HB 2471\*\*](#) Ellington+ **Requires insurance coverage for breast cancer screenings** Insurance amended, Finance reported Com. Sub., passed House 3/21, to Senate Insurance, then Finance  
[\*\*HB 2519\*\*](#) Ellington+ **Requires DHHR to investigate a compact to ensure payment for other states’ Medicaid participants** Health amended, Gov. Org. reported Com. Sub., passed House 3/23, to Senate Health  
[\*\*HB 2728\*\*](#) Love **Creates reporting system for prescriptions of Medicaid recipients** To Health, then Finance  
[\*\*HB 2739\*\*](#) Summers+ **Allows providers to receive supplemental Medicaid reimbursement for ground EMT services** Health reported, Finance reported Com. Sub., passed House 3/17, to Senate Health  
[\*\*HB 2749\*\*](#) Ellington **Exempts vehicles in nonemergency transport of Medicaid patients from permits requirements** To Gov. Org.  
[\*\*HB 2780\*\*](#) R. Miller+ **Clarifies benefits for first responders who die as a result of their duties** To Judiciary, then Finance  
[\*\*HB 2827\*\*](#) Ellington+ **Updates the all payor claims database** Health reported Com. Sub., passed House 3/22, to Senate Health  
[\*\*HB 2847\*\*](#) Fleischauer+ **Requires Medicaid to request amendment to I/DD waiver program with CMS** To Health, then Finance  
[\*\*HB 2871\*\*](#) Walters+ **Eliminates 80-20 employer/employee cost share for PEIA** Insurance reported, Finance reported Com. Sub., placed on House Calendar on 2<sup>nd</sup> reading

[HB 3021](#) Hornbuckle+ **Establishes insurance provisions for breast cancer screening** To Insurance, then Health  
[HB 3024](#) Rohrbach+ **Limits damages when patients transfer between health facilities** (see [SB 616](#)) To Judiciary

### MEDICAL LIABILITY

[SB 197](#) Takubo **Excludes certain medical care amounts from compensatory damage awards** To Judiciary  
[SB 236](#) Trump+ **Limits damage awards for medical monitoring** (see [HB 2580](#)) Judiciary reported Com. Sub., floor amendment adopted, passed Senate 3/7, to House Judiciary  
[SB 287](#) Blair+ **Governs civil damages for future medical monitoring expenses** To Judiciary  
[SB 338](#) Trump+ **Amends Medical Professional Liability Act** (see [HB 2682](#), [HB 2757](#)) Judiciary reported Com. Sub., passed Senate 3/8, to House Judiciary  
[SB 397](#) Takubo+ **Grants immunity to health providers providing free medical care** To Judiciary, then Finance  
[SB 398](#) Takubo+ **Creates Emergency Volunteer Health Practitioners Act** Health reported, Gov. Org. reported Com. Sub., passed Senate 3/22, House Health reported, to House Judiciary  
[SB 465](#) Takubo+ **Allows admission of a “letter of merit” in actions against health providers** Judiciary reported Com. Sub.  
[SB 497](#) Stollings+ **Modifies liability of physicians offering volunteer care at school sporting events** Judiciary reported Com. Sub., passed Senate 3/15, to House Judiciary  
[SB 560](#) Takubo+ **Creates medical malpractice peer review panel by WV Board of Medicine** Judiciary reported to floor without recommendation, then Finance  
[SB 668](#) Miller **Creates felony offense of knowingly filing a false claim against a physician or surgeon** To Judiciary  
[HB 2113](#) Ellington+ **Prohibits DHHR from changing Medicaid program without legislative approval** Health reported, to Finance  
[HB 2192](#) Ferro **Adds pharmacist and pharmacy to definition of health care provider in MPLA** To Health, then Judiciary  
[HB 2498](#) Lovejoy+ **Presumes that certain cancers by firefighters arose out of course of employment** Health reported, to Judiciary  
[HB 2580](#) Higginbotham+ **Limits damage awards for medical monitoring** (see [SB 236](#)) To Judiciary  
[HB 2647](#) Westfall+ **Limits damage awards from including medical expenses not paid by claimant** To Judiciary  
[HB 2656](#) Westfall+ **Limits damages awards for medical, hospital and doctor services** To Judiciary  
[HB 2682](#) Ellington+ **Amends the Medical Professional Liability Act** (see [SB 338](#), [HB 2757](#)) To Health, then Judiciary  
[HB 2757](#) Lane+ **Amends the Medical Professional Liability Act** (see [SB 338](#), [HB 2682](#)) To Health, then Judiciary

### MISCELLANEOUS

[SB 1](#) Trump+ **Establishes additional \$1 fee per wireless subscriber to fund 911 centers** To Gov. Org., then Finance  
[SB 27](#) Karnes+ **Permits sale of home-based micro-processed foods at farmers markets** Agriculture reported Com. Sub., Health reported Com. Sub., passed Senate 3/21, to House Health  
[SB 40](#) Stollings+ **Requires after-school emergency protocols** Health reported Com. Sub., to Education  
[SB 52](#) Ferns **Authorizes county commissions to approve local health board policies** To Gov. Org.  
[SB 60](#) Gaunch+ **Provides eligibility and fraud requirements for public assistance** (see [HB 2741](#)) Health reported Com. Sub., Finance reported Com. Sub., on 2<sup>nd</sup> reading 3/27  
[SB 71](#) Gaunch+ **Creates the 24/7 Sobriety Program administered by the Attorney General** To Judiciary, then Finance  
[SB 169](#) Ferns+ **Repeals article on assistance to Korea and Vietnam veterans exposed to chemical defoliants** *Recommended by LOCHHRA.* Health reported, Finance dispensed, passed Senate 2/15, House Health reported to House Finance  
[SB 170](#) Ferns+ **Repeals state hemophilia program** *Recommended by LOCHHRA.* Health reported, Finance dispensed, passed Senate 2/15, House Health reported to House Finance  
[SB 176](#) Ferns+ **Repeals code on detection of tuberculosis, high blood pressure and diabetes** Completed legislation, approved by Governor, effective 90 days from passage.  
[SB 177](#) Ferns+ **Repeals article related to prenatal examinations** *Recommended by LOCHHRA.* To Health  
[SB 184](#) Blair+ **Transitions WV School of Osteopathic Medicine to a not-for-profit corporation** To Gov. Org., then Finance  
[SB 187](#) Takubo+ **Provides for confidentiality of patient medical records** Health reported, Judiciary reported Com. Sub., passed Senate 3/15, to House Judiciary  
[SB 201](#) Blair **Requires DHHR consultant to explore sale, reno or lease of state-owned health facilities** To Health, then Finance  
[SB 269](#) Blair+ **Requires state agencies to maintain websites with specific information** (see [HB 2446](#)) To Gov. Org., then Finance  
[SB 339](#) Takubo+ **Creates legislative coalition to study chronic pain management** Health reported Com. Sub., Gov. Org. reported Com. Sub., passed Senate 3/23, to House Health



**[SB 360](#)** Takubo+ **Creates Legislative Coalition on Diabetes Management** Health reported Com. Sub., Gov. Org. reported Com. Sub., passed Senate 3/22, to House Health, then Gov. Org.

**[SB 386](#)** Ojeda+ **Creates WV Medical Cannabis Act** Health reported Com. Sub., remanded to Judiciary on 2<sup>nd</sup> reading

**[SB 391](#)** Takubo+ **Establishes statewide call-in center in Bureau for Public Health for medical advice** To Health, then Finance

**[SB 425](#)** Carmichael+ **Establishes community-based pilot project to promote public health** (see **[HB 2724](#)**) *Bill requested by the Governor.* To Gov. Org.

**[SB 549](#)** Maynard+ **Permits those 21 or older to operate or ride on a motorcycle without a helmet** (see **[HB 2135](#)**) Transportation reported Com. Sub., then Judiciary (on agenda 3/27)

**[SB 569](#)** Prezioso+ **Creates Office of Rural Health Policy in private, nonprofit entity** (see **[HB 2812](#)**) To Health, then Gov. Org.

**[SB 578](#)** Trump+ **Establishes new fee structure for providing health care records** Health reported, on 2<sup>nd</sup> reading 3/27

**[SB 596](#)** Azinger **Allows “self-determined” sexual orientation conversion therapy** (see **[HB 3049](#)**) To Health, then Judiciary

**[SB 652](#)** Boso **Requires mental hygiene commissioner to be on call** To Health

**[SB 654](#)** Maynard **Enacts the Refugee Absorptive Capacity Act** To Health, then Judiciary

**[SB 670](#)** Takubo+ **Establishes WV Advisory Council on Rare Diseases** To Health, then Gov. Org.

**[SB 672](#)** Stollings+ **Prohibits use of tanning devices by persons under age 18** (see **[HB 2520](#)**) To Judiciary

**[SB 686](#)** Hall+ **Exempts DHHR direct care facilities from Purchasing oversight; requires legislative audit** *This bill originated in Finance Committee* Senate Finance reported, on 2<sup>nd</sup> reading 3/27

**[HB 2016](#)** Rodighiero **Provides state health care services to active or inactive duty military personnel** To Insurance, then Finance

**[HB 2022](#)** Rodighiero **Requires hand sanitizers in all public restrooms** To Health, then Finance

**[HB 2068](#)** Rohrbach **Authorizes WVHIN and WVHCA to implement interoperable info network** Health amended, to Finance

**[HB 2071](#)** Bates+ **Authorizes medical use of cannabis-based pharmaceuticals** To Substance Abuse, then Health, then Judiciary

**[HB 2095](#)** McGeehan+ **Authorizes “local governing body” to approve local health board policies** To Health, then Gov. Org.

**[HB 2121](#)** Fleischauer+ **WV Residential Furniture and Children’s Products Flame Retardants Act** To Health, then Judiciary

**[HB 2132](#)** Folk+ **Limits adults without dependents to 3 months of SNAP benefits in 36 months** Health reported, to Judiciary

**[HB 2135](#)** Kelly+ **Permits those 21 or older to ride on a motorcycle without a helmet** (see **[SB 549](#)**) To Roads, then Judiciary

**[HB 2187](#)** Rohrbach **Establishes an advisory council on rare diseases** Health amended, to Finance

**[HB 2366](#)** Ellington+ **Requires DHHR to sell Jackie Withrow Hospital** Health amended, Finance reported Com. Sub., passed House 3/24, to Senate Health, then Finance

**[HB 2376](#)** Ellington+ **Reorganizes DHHR, creates Department of Medical Services** Health amended, Gov. Org. reported Com. Sub., on 2<sup>nd</sup> reading 3/27

**[HB 2425](#)** Walters+ **Authorizes complimentary samples of nonintoxicating beer** To Substance Abuse, then Judiciary

**[HB 2446](#)** Howell+ **Requires state agencies to maintain websites with specific information** (see **[SB 269](#)**) Gov. Org. reported, passed House 3/16, to Senate Gov. Org.

**[HB 2453](#)** Eldridge+ **Expands list of persons the Commissioner of Agriculture may license to grow industrial hemp** Agriculture amended, Judiciary reported Com. Sub., on 2<sup>nd</sup> reading 3/27

**[HB 2458](#)** Sobonya **Exempts certain individually produced foods from related laws or rules** To Health

**[HB 2486](#)** Westfall **Allows release of medical records in certain civil cases without court order** Judiciary reported Com. Sub., passed House 2/28, Senate Judiciary reported, passed Senate 3/25, to House

**[HB 2520](#)** Summers+ **Prohibits use of tanning devices by persons under age 18** (see **[SB 672](#)**) Health amended, Judiciary reported Com. Sub., on 2<sup>nd</sup> reading 3/27

**[HB 2563](#)** Walters+ **Authorizes complimentary samples of nonintoxicating beer** Small Business amended, to Judiciary

**[HB 2588](#)** Kessinger+ **Simon’s Law – Prohibits withholding life-sustaining procedures** To Health, then Judiciary

**[HB 2633](#)** Folk+ **Requires WV colleges and universities to conduct Phase 3 clinical research for cancer** To Education, then Health

**[HB 2665](#)** Evans+ **Requires sedation when using “four-point restraint” on certain patients** To Health, then Judiciary

**[HB 2677](#)** Pushkin+ **Provides protections for the medical use of cannabis** To Substance Abuse, then Health, then Judiciary

**[HB 2700](#)** Eldridge+ **Exempts industrial hemp from being a Schedule I drug** To Health, then Judiciary

**[HB 2724](#)** Armstead+ **Establishes community-based pilot project to promote public health** (see **[SB 425](#)**) *Bill requested by the Governor.* Political Subdivisions reported, Health reported Com. Sub., passed House 3/25, to Senate

**[HB 2736](#)** Ellington **Authorizes sale of state-owned long-term care facilities** To Health, then Finance

**[HB 2741](#)** Sobonya+ **Provides eligibility and fraud requirements for public assistance** (see **[SB 60](#)**) To Gov. Org., then Finance

**[HB 2743](#)** Rohrbach+ **Requires release of minor’s medical records for drug testing** To Political Subdivisions, then Judiciary

- [HB 2808](#) Summers+ **Provides assisted outpatient treatment for mental illness** Health amended, Judiciary reported Com. Sub., passed House 3/23, to Senate Health, then Judiciary
- [HB 2812](#) Rohrbach+ **Creates Office of Rural Health Policy in private, nonprofit entity** (see **SB 569**) Gov. Org. defeated
- [HB 2823](#) Miley+ **Establishes statewide call-in center for health care assistance** To Health, then Finance
- [HB 2826](#) Walters **Eliminates provisions and repeals statutes related to WVHIN** To Health, then Finance
- [HB 2866](#) Rowe **Authorizes model Community Health Equity Initiative demonstration projects** To Health, then Finance
- [HB 2914](#) Walters+ **Modifies administration of local boards of health** Political Subdivisions amended, to Health
- [HB 2951](#) Fleischauer+ **Requires public health impact assessment of new air or water rules** To Health, then Judiciary
- [HB 3010](#) Sypolt+ **Creates felony for knowingly exposing someone to HIV** Health reported, to Judiciary
- [HB 3049](#) Maynard **Allows “self-determined” sexual orientation conversion therapy** (see **SB 596**) To Health, then Judiciary
- [HB 3074](#) Walters+ **Increases volume of alcohol in beer from 12% to 18%** To Health, then Judiciary
- [HB 3102](#) Ellington+ **Permits DHHR to sell Hopemont Hospital and its assets** Health reported, Finance reported Com. Sub., on 2<sup>nd</sup> reading 3/27
- [HB 3104](#) Arvon+ **Transfers administration of WV Traumatic Brain & Spinal Cord Injury Rehabilitation Fund to DHHR** Gov. Org. reported, to Finance

### **NURSING HOMES, LONG-TERM CARE & SENIORS**

- [SB 171](#) Ferns+ **Repeals Programs of All-Inclusive Care for Elderly** *Recommended by LOCHHRA.* Health reported, Finance dispensed, passed Senate 2/15, House Health reported to House Finance
- [SB 361](#) Boley+ **Allows certificate of need exemption for 36-bed skilled nursing facility** To Health, then Gov. Org.
- [SB 373](#) Trump+ **Authorizes medical power of attorney to sign binding arbitration agreement with nursing home or assisted living facility** (see **HB 2861**) To Judiciary
- [SB 564](#) Takubo+ **Modifies WV Independent Living Act and Statewide Independent Living Council** Gov. Org. reported, passed Senate 3/21, to House Gov. Org.
- [HB 2404](#) Rowan+ **Bars criminals from acquiring property from their victims** Senior Citizen Issues amended, Judiciary reported Com. Sub., passed House 2/23, to Senate Judiciary
- [HB 2432](#) Rowan+ **Bars criminals from acquiring property from their victims** To Judiciary
- [HB 2496](#) Hollen+ **Exempts for-profit corporations operating nursing homes from CON requirements** To Health, then Judiciary
- [HB 2497](#) Ellington+ **Permits unlicensed personnel to administer medications in nursing homes** To Health, then Judiciary
- [HB 2861](#) G. Foster+ **Authorizes medical power of attorney to sign binding arbitration agreement with nursing home or assisted living facility** (see **SB 373**) To Judiciary

### **PRESCRIPTION MEDICATIONS & DRUG USE/ABUSE/DIVERSION**

- [SB 36](#) Stollings+ **Permits school nurses to possess and administer opioid antagonists** Health reported Com. Sub., passed Senate 3/21, House Health amended
- [SB 188](#) Takubo **Corrects definition of “telehealth” in medication-assisted treatment programs** Completed legislation, approved by Governor, effective 90 days from passage.
- [SB 219](#) Weld **Creates offense of conspiracy to violate drug laws** Judiciary reported Com. Sub., Finance reported Com. Sub., passed Senate 3/21, to House Judiciary
- [SB 207](#) Weld+ **Establishes Mental Health and Military Member Court Program** (see **HB 2956**) To Judiciary, then Finance
- [SB 220](#) Weld **Creates new felony for drug delivery resulting in a death** (see **HB 2003, HB 2643, HB 2645**) Judiciary reported Com. Sub., passed Senate 3/9, to House Judiciary
- [SB 297](#) Carmichael+ **Increases penalties for transporting Schedule I and II drugs into WV** (see **HB 2668**) To Judiciary
- [SB 318](#) Takubo+ **Allows voluntary influenza immunizations at specified facilities** (see **HB 2431**) To Health
- [SB 329](#) Woelfel+ **Creates felony for manufacturing, possessing, distributing, dispensing or transporting any quantity of fentanyl, or any fentanyl derivative or analog** To Judiciary, then Health
- [SB 333](#) Takubo+ **Requires all DHHR-licensed facilities access CSMP database** Health reported Com. Sub., Judiciary reported Com. Sub., on 1<sup>st</sup> reading 3/27
- [SB 359](#) Rucker+ **Allows religious and personal exemptions from mandated immunizations** (see **SB 537**) To Health, then Judiciary
- [SB 387](#) Weld+ **Creates Ryan Brown Addiction Prevention and Recovery Fund Act** (see **HB 2422**) To Health, then Finance
- [SB 390](#) Takubo+ **Creates exemption to Schedule II Rx limitation via telemedicine for pediatric patients** To Health

**[SB 406](#)** Takubo **Amends distribution of savings from filling prescriptions with generic drugs** Judiciary reported Com. Sub., on 1<sup>st</sup> reading 3/27

**[SB 418](#)** Carmichael+ **Creates Office of Drug Policy within DHHR.** (see **HB 3028**) To Health, then Gov. Org.

**[SB 422](#)** Takubo+ **Provides for sale, dispensing or prescribing of cannabidiol** To Health, then Judiciary

**[SB 428](#)** Weld+ **Provides conditions under which a pharmacist may partially fill a prescription** Health reported Com. Sub., Judiciary reported, passed Senate 3/25, to House

**[SB 443](#)** Trump+ **Establishes Adult Drug Court Participation Fund** (see **HB 2766**) Finance reported, recommitted to Finance on 3<sup>rd</sup> reading

**[SB 492](#)** Trump **Removes requirement that all judicial circuits participate in a drug court program** Judiciary reported Com. Sub., passed Senate 3/11, to House Judiciary

**[SB 507](#)** Cline+ **Allows pharmacists to inform customers of lower-cost alternatives to Rx drugs** Insurance reported Com. Sub., Judiciary reported Com. Sub.

**[SB 537](#)** Rucker+ **Allows religious exemptions from mandated immunizations** (see **SB 359**) Education reported Com. Sub., remanded to Health on 2<sup>nd</sup> reading

**[SB 538](#)** Trump+ **Requires parolees to engage in alcohol or drug therapy as condition of parole** Judiciary reported Com. Sub., passed Senate 3/24, to House Judiciary

**[SB 660](#)** Weld **Allows managed care organizations to access CSMP database** To Health

**[HB 2003](#)** Hollen+ **Creates new felony for drug delivery resulting in a death** (see **SB 220**) To Substance Abuse, then Judiciary

**[HB 2070](#)** Rodighiero **Prohibits new methadone programs or clinics** To Substance Abuse, then Judiciary

**[HB 2081](#)** Rodighiero **Prohibits new methadone programs or clinics, requires CSMP use** To Substance Abuse, then Judiciary

**[HB 2083](#)** Rodighiero+ **Increases penalties for exposing children to meth manufacturing** Substance Abuse amended, Judiciary reported Com. Sub., passed House 2/28, to Senate Judiciary (on agenda 3/27)

**[HB 2130](#)** Fluharty+ **Requires legislators to pass annual drug test** To Judiciary, then Finance

**[HB 2207](#)** Hamilton+ **Prohibits business licenses for selling drug paraphernalia** To Substance Abuse, then Judiciary

**[HB 2329](#)** Rohrbach+ **Prohibits production, manufacture or possession of fentanyl** Substance Abuse amended, Judiciary reported Com. Sub., passed House 3/2, to Senate Judiciary

**[HB 2330](#)** Arvon+ **Prohibits the sale of drug paraphernalia** To Substance Abuse, then Judiciary

**[HB 2422](#)** Robinson+ **Creates Ryan Brown Addiction Prevention and Recovery Fund Act** (see **HB 387**) Substance Abuse amended, to Finance

**[HB 2428](#)** Kelly+ **Establishes additional substance abuse treatment facilities** Substance Abuse amended, Finance reported Com. Sub., on 1<sup>st</sup> reading 3/27

**[HB 2431](#)** Ellington+ **Allows voluntary influenza immunizations at specified facilities** (see **SB 318**) Health amended, floor amendment adopted, passed House 2/22, Senate Health reported, passed Senate 3/11. Completed legislative action.

**[HB 2448](#)** Sobonya **Increases penalties for transporting controlled substances into WV** To Substance Abuse, then Judiciary

**[HB 2450](#)** Sobonya **Increases mandatory minimum sentences for trafficking drugs into WV** To Substance Abuse, then Judiciary

**[HB 2457](#)** Sobonya **Creates the WV Addictions Treatment and Recovery Fund** Substance Abuse amended, to Finance

**[HB 2470](#)** Sobonya **Creates felony for knowingly housing drug traffickers** To Substance Abuse, then Judiciary

**[HB 2509](#)** Ellington+ **Permits physicians to prescribe controlled substances using telemedicine** Health amended, Judiciary reported Com. Sub., passed House 3/6, Senate Health amended, to Judiciary

**[HB 2516](#)** Byrd+ **Reforms efforts to combat substance abuse** To Substance Abuse, then Judiciary

**[HB 2518](#)** Ellington+ **Permits pharmacist or pharmacy intern to administer immunizations** Health amended, Gov. Org. reported, passed House 3/14, to Senate Health

**[HB 2526](#)** Ellington+ **Classifies additional drugs to Schedules I, II, IV and V** Health amended, Judiciary reported Com. Sub., passed House 3/10, to Senate Judiciary

**[HB 2533](#)** Sobonya **Increases penalties for transporting narcotics and controlled substances** To Substance Abuse, then Judiciary

**[HB 2541](#)** Maynard+ **Creates felony conspiracy to violate Uniform Controlled Substances Act** To Substance Abuse, then Judiciary

**[HB 2544](#)** G. Foster+ **Establishes employee firing for position drug or alcohol test disqualifies employee benefits** To Judiciary

**[HB 2565](#)** Marcum+ **Increases penalties for transporting controlled substances into WV** To Substance Abuse, then Judiciary

**[HB 2579](#)** Sobonya+ **Increases penalties for transporting controlled substances into WV** (see **HB 2448, HB 2533, HB 2565, HB 2602**) Substance Abuse reported, Judiciary reported Com. Sub., passed House 3/7, to Senate Judiciary

**[HB 2602](#)** Canestraro+ **Increases penalties for transporting controlled substances into WV** To Substance Abuse, then Judiciary

- [HB 2614](#) Phillips+ **Prohibits providers from prescribing or administering drugs in bad faith** To Substance Abuse, then Judiciary
- [HB 2620](#) Frich+ **WV Drug Overdose Monitoring Act** Substance Abuse amended, Judiciary reported Com. Sub., passed House 3/2,  
to Senate Judiciary
- [HB 2621](#) Marcum+ **Provides scratch-off game to fund a drug treatment facility in Mingo/Logan** To Judiciary, then Finance
- [HB 2643](#) R. Miller+ **Creates 2<sup>nd</sup>-degree murder offense for delivery of controlled substance causing death** (see **SB 220**) To  
Substance Abuse, then Judiciary
- [HB 2645](#) R. Miller+ **Creates felony for failure to render aid to overdose victim** (see **SB 220**) To Substance Abuse, then Judiciary
- [HB 2648](#) Sypolt+ **Increases penalties for manufacturing or transporting controlled substances in presence of a minor** (see **HB 2448**) Substance Abuse reported, Judiciary reported Com. Sub., amendments adopted, passed House 3/3, to Senate Judiciary
- [HB 2653](#) Ellington+ **Extends multistate real-time tracking system for meth labs to June 2023** Health reported, passed House 3/6,  
to Senate Health
- [HB 2660](#) Marcum+ **Increases penalties for transporting controlled substances** (see **HB 2920**) To Substance Abuse, then Judiciary
- [HB 2668](#) Armstead+ **Increases penalties for transporting Schedule I or II narcotics into WV** (see **SB 297**) *This bill was requested  
by the Governor.* To Substance Abuse, then Judiciary
- [HB 2671](#) R. Miller+ **Creates new offense in distribution of controlled substances** To Substance Abuse, then Judiciary
- [HB 2766](#) Shott+ **Establishes Adult Drug Court Participation Fund** (see **SB 443**) Substance Abuse reported, Finance reported,  
passed House 3/17, Senate committee reference dispensed, passed Senate 3/21. Completed legislative action.
- [HB 2920](#) Marcum+ **Provides mandatory minimum sentences for trafficking drugs into WV** (see **HB 2660**) To Judiciary
- [HB 2945](#) Folk+ **Allows religious and personal exemptions from mandated immunizations** (see **SB 359**) To Health, then Judiciary
- [HB 2956](#) Walters+ **Establishes Adult Drug Court Participation Fund** (see **SB 207**) To Judiciary, then Finance
- [HB 2989](#) Baldwin **Limits initial prescriptions for Schedule II and III controlled substances to 7 days** To Health, then Judiciary
- [HB 2999](#) Rohrbach **Regulates outpatient substance abuse counseling programs** To Health, then Gov. Org.
- [HB 3009](#) Summers **Grants OHFLAC access to Controlled Substances Monitoring Database** Health reported, Judiciary reported,  
passed House 3/23, to Senate Health
- [HB 3028](#) Miley **Creates Office of Drug Control Policy under DHHR** (see **SB 418**) *Bill requested by the Governor.* Substance  
Abuse amended, Health reported Com. Sub., on 3<sup>rd</sup> reading 3/27
- [HB 3035](#) Hornbuckle **Legalizes and regulates manufacture, sale and possession of marijuana** To Health, then Judiciary
- [HB 3069](#) Eldridge+ **Permits drug rehab volunteers to participate in pilot program** To Health, then Judiciary
- [HB 3098](#) G. Foster **Modifies penalties for defrauding drug and alcohol screening tests** To Judiciary

#### PROFESSIONALS: HEALTH & MEDICAL

- [SB 4](#) Gaunch+ **Allows licensed professionals to donate time to care for indigent patients** (see **HB 2692**) Health reported Com.  
Sub., Judiciary dispensed, floor amendments adopted, passed Senate 3/3, House Health amended, to Judiciary
- [SB 23](#) Karnes+ **Defines “midwife,” “certified midwife” and “midwifery”** To Health
- [SB 51](#) Ferns **Requires patient notification when a mammogram indicates dense breast tissue** To Health
- [SB 175](#) Ferns+ **Permits the practice of Direct Primary Care** (see **HB 2301**) *Recommended by Joint Committee on Health* To  
Health, then Finance
- [SB 198](#) Takubo+ **Expands Health Sciences Program to emergency medicine professionals** Health reported, passed Senate 3/8,  
House Health reported, to Finance
- [SB 347](#) Takubo **Modernizes the PA Practice Act** (see **HB 2753**) Health reported Com. Sub., floor amendment adopted, passed  
Senate 3/1, House Health amended, Judiciary dispensed, on 1<sup>st</sup> reading House Calendar 3/27
- [SB 351](#) Smith+ **Continues OEMS as independent office within Department of Military Affairs and Public Safety** To Gov. Org.
- [SB 389](#) Takubo+ **Creates exemption from CON for services and equipment in private physician offices** To Health, then Finance
- [SB 488](#) Blair **Moves Office of EMS to Dept. of Military Affairs and Public Safety** (see **HB 2906**) To Gov. Org., then Finance
- [SB 522](#) Gaunch+ **Defines audit procedures between pharmacy benefits managers and pharmacies** Insurance reported Com. Sub.,  
passed Senate 3/17, to House Insurance, then Health
- [HB 2165](#) Statler+ **Exempts physician or surgeon traveling with a sports team from state licensure** To Health, then Judiciary
- [HB 2301](#) Ellington+ **Permits individuals to enter into agreements for Direct Primary Care** (see **SB 175**) *Recommended by Joint  
Committee on Health.* Completed legislation, approved by Governor 3/23, effective 90 days from passage.
- [HB 2540](#) Ellington+ **Permits professional practice without licensure for seven days for a charitable function** Gov. Org. reported  
Com. Sub., passed House 3/9, to Senate Health



[HB 2605](#) Walters **Requires Public Service Commission to consolidate emergency communications centers** To Gov. Org.  
[HB 2667](#) Hamrick+ **Removes requirement for nursing school accreditation by WV RN Board** Health amended, to Judiciary.  
[HB 2692](#) O’Neal+ **Allows licensed professionals to donate time to care for indigent patients** (see [SB 4](#)) To Health, then Judiciary  
[HB 2745](#) Miller+ **Adds testing of Advanced Care Technicians for ambulance services** Political Subdivisions reported, Health reported, passed House 3/25, to Senate  
[HB 2753](#) Rodighiero+ **Modernizes the PA Practice Act** (see [SB 347](#)) To Health, then Judiciary  
[HB 2804](#) Lane+ **Removes chiropractors from required CE on veterans’ mental health conditions** Veterans reported, Health reported Com. Sub., on 2<sup>nd</sup> reading 3/27  
[HB 2838](#) Howell+ **Allows veterans who qualify to take licensing exam for EMT** Veterans reported, Health reported Com. Sub., passed House 3/25, to Senate  
[HB 2906](#) Kessinger+ **Moves Office of EMS to Dept. of Military Affairs and Public Safety** (see [SB 488](#)) Gov. Org. defeated.  
[HB 2916](#) Pethtel+ **Authorizes first responders to carry firearms** Judiciary reported Com. Sub., passed House 3/20, to Senate  
 Judiciary  
[HB 3032](#) Summers **Allows acupuncture to treat chemical dependency by trained person** To Substance Abuse, then Health

### REPRODUCTIVE RIGHTS & ABORTION

[HB 2002](#) Kessinger+ **Modifies law requiring parental notification of abortions performed on minors** Health amended, Judiciary reported Com. Sub., on 2<sup>nd</sup> reading 3/27  
 Other bills introduced this session include: [SB 20](#), [SB 21](#), [SB 31](#), [SB 424](#), [HB 2053](#), [HB 2082](#), [HB 2467](#), [HB 2468](#), [HB 2484](#), [HB 595](#) and [HB 3052](#).

### 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 125](#) **Rules Bundle. Authorizes the DHHR to promulgate legislative rules.** *This rules bill bundle now includes these individual rules previously contained in the following bills.* Judiciary reported Com. Sub., passed Senate 2/28, to House Judiciary

- DHHR [SB 118](#) Expedited partner therapy (see [HB 2256](#))
- DHHR [SB 119](#) Licensure and certification of clinical lab technicians and technologists (see [HB 2254](#))
- DHHR [SB 120](#) Clandestine drug laboratory remediation (see [HB 2255](#))
- DHHR [SB 121](#) Medication-assisted opioid treatment programs (see [HB 2257](#))
- DHHR [SB 122](#) Medication-assisted treatment, office-based MAT (see [HB 2258](#))
- HEALTH CARE AUTHORITY (original [SB 125](#)) Hospital Assistance Grant Program (see [HB 2261](#))
- HEALTH CARE AUTHORITY [SB 123](#) Exemption from certificate of need (see [HB 2259](#))
- HEALTH CARE AUTHORITY [SB 124](#) Rural Health Systems Grant Program (see [HB 2260](#))
- HEALTH CARE AUTHORITY [SB 126](#) Certificate of need (see [HB 2262](#))

- DENTAL BOARD [SB 104](#) Criminal background checks (see [HB 2249](#)) To Judiciary
- MEDICAL BOARD [SB 129](#) Licensure and background checks for MDs and podiatrists (see [HB 2264](#)) To Judiciary
- MEDICAL BOARD [SB 130](#) Licensure and background checks for PAs (see [HB 2265](#)) To Judiciary
- MEDICAL BOARD [SB 131](#) Drug dispensing by practitioners (see [HB 2266](#)) To Judiciary
- NURSING BOARD [SB 148](#) Registration, licensure and professional misconduct (see [HB 2281](#)) To Judiciary
- NURSING BOARD [SB 149](#) Limited prescriptive authority for APRNs (see [HB 2282](#)) To Judiciary
- OPTOMETRY BOARD [SB 138](#) Continuing education (see [HB 2272](#)) To Judiciary
- OSTEOPATHIC BOARD [SB 139](#) Licensure and background checks for osteopaths (see [HB 2273](#)) To Judiciary
- OSTEOPATHIC BOARD [SB 140](#) Licensure and background checks for PAs (see [HB 2274](#)) To Judiciary
- PHARMACY BOARD [SB 141](#) Licensure and practice of pharmacy (see [HB 2275](#)) To Judiciary
- PHARMACY BOARD [SB 142](#) Mail-order and nonresident pharmacies (see [HB 2276](#)) To Judiciary
- PHARMACY BOARD [SB 143](#) Controlled Substances Monitoring Program (see [HB 2277](#)) To Judiciary
- PHYSICAL THERAPY BOARD [SB 144](#) Fees (see [HB 2232](#)) To Judiciary



**RISK MANAGEMENT BOARD [SB 151](#)** Patient Injury Compensation Fund (see **HB 2284**) Judiciary reported Com. Sub., passed Senate 2/15, to House Judiciary

### **HOUSE RULES BILLS**

**[HB 2219](#)** Rules Bundle. Authorizes miscellaneous rules bundle. *This rules bill bundle now includes these individual rules previously contained in the following bills.* Judiciary reported Com. Sub., passed House 3/25, to Senate

**DENTAL BOARD [HB 2249](#)** Criminal background checks (see **SB 104**)

**MEDICAL BOARD [HB 2264](#)** Licensure and background checks for MDs and podiatrists (see **SB 129**)

**MEDICAL BOARD [HB 2265](#)** Licensure and background checks for PAs (see **SB 130**)

**MEDICAL BOARD [HB 2266](#)** Drug dispensing by practitioners (see **SB 131**)

**NURSING BOARD [HB 2281](#)** Registration, licensure and professional misconduct (see **SB 148**)

**NURSING BOARD [HB 2282](#)** Limited prescriptive authority for APRNs (see **SB 149**)

**OPTOMETRY BOARD [HB 2272](#)** Continuing education (see **SB 138**)

**OSTEOPATHIC BOARD [HB 2273](#)** Licensure and background checks for osteopaths (see **SB 139**)

**OSTEOPATHIC BOARD [HB 2274](#)** Licensure and background checks for PAs (see **SB 140**)

**PHARMACY BOARD [HB 2275](#)** Licensure and practice of pharmacy (see **SB 141**)

**PHARMACY BOARD [HB 2276](#)** Mail-order and nonresident pharmacies (see **SB 142**)

**PHARMACY BOARD [HB 2277](#)** Controlled Substances Monitoring Program (see **SB 143**)

**PHYSICAL THERAPY BOARD [HB 2232](#)** Fees (see **SB 144**)

**DHHR [HB 2254](#)** Licensure and certification of clinical lab technicians and technologists (see **SB 119**) Health reported, to Judiciary

**DHHR [HB 2255](#)** Clandestine drug laboratory remediation (see **SB 120**) To Judiciary

**DHHR [HB 2256](#)** Expedited partner therapy (see **SB 118**) Health reported, to Judiciary

**DHHR [HB 2257](#)** Medication-assisted opioid treatment programs (see **SB 121**) Substance Abuse amended, to Judiciary

**DHHR [HB 2258](#)** Medication-assisted treatment, office-based MAT (see **SB 122**) Substance Abuse amended, to Judiciary

**DHHR [HB 2778](#)** Behavioral health licensure and consumer rights To Health, then Judiciary

**HEALTH CARE AUTHORITY [HB 2259](#)** Exemption from certificate of need (see **SB 123**) Health reported, to Judiciary

**HEALTH CARE AUTHORITY [HB 2260](#)** Rural Health Systems Grant Program (see **SB 124**) Health reported, to Judiciary

**HEALTH CARE AUTHORITY [HB 2261](#)** Hospital Assistance Grant Program (see **SB 125**) Health reported, to Judiciary

**HEALTH CARE AUTHORITY [HB 2262](#)** Certificate of need (see **SB 126**) Health reported, to Judiciary

**RISK MANAGEMENT BOARD [HB 2284](#)** Patient Injury Compensation Fund (see **SB 151**) To Judiciary

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

**[SB 46](#)** Ferns+ **Excludes mobile X-ray services from health care provider tax** To Health, then Finance

**[SB 250](#)** Takubo+ **Establishes tax credit for newly graduated physicians who locate in WV for 6 years** To Health, then Finance

**[SB 385](#)** Stollings **Increases tax on soft drinks to 1 cent, to benefit medical schools** (see **HB 3045**) To Health, then Finance

**[SB 677](#)** Takubo+ **Increases tax on cigarettes by 50 cents and e-cigarette liquid to 10.5 cents per millileter** To Finance

**[SB 678](#)** Miller **Replaces excise tax on e-cigarette liquid with a revenue-neutral consumer sales tax** To Finance

**[HB 2351](#)** Pyles **Provides 5% sales tax on OTC medications and nutritional supplements** To Health, then Finance

**[HB 2964](#)** Bates **Implements several temporary tax increases, to expire July 1, 2021** To Health, then Finance

**[HB 3044](#)** Longstreth+ **Changes soft drink tax to 1 cent per fluid ounce to benefit General Fund** To Finance

**[HB 3045](#)** Hornbuckle **Changes soft drink tax to 2 cents per fluid ounce to benefit medical schools** (see **SB 385**) To Finance

**[HB 3046](#)** Rowe **Imposes additional excise taxes on soft drinks to benefit General Fund** To Finance

**[HB 3085](#)** Ellington **Increases soft drinks tax to 1 cent to benefit medical schools** (see **SB 385, HB 3045**) To Health, then Finance

### **TOBACCO**

**[SB 37](#)** Stollings+ **Raises purchase age for tobacco, alternative nicotine and vapor products to 21** (see **HB 2331**) Health reported, to Finance

**[SB 193](#)** Takubo+ **Prohibits smoking in motor vehicles with those age 16 and under** Health reported Com. Sub., to Judiciary

**[HB 2331](#)** Rowe+ **Raises legal age for purchase of tobacco or tobacco products to 21** (see **SB 37**) Health defeated

## ***In Other Health Care Highlights ...***

... A bill authorizing Cabinet Secretary Bill Crouch of the state Department of Health and Human Resources to sell more than 100 currently vacant beds at Jackie Withrow Hospital in Raleigh County passed the House on Friday and now moves on to the Senate Health and Finance committees. Under **HB 2366**, the state would be required to sell the aging long-term care facility, which needs more than \$25 million in repairs. Crouch has said his goal is to sell all four of the state's long-term care hospitals, calling them "time bombs." Jackie Withrow's 108 unoccupied beds (or, technically, the authorization for those beds) would be sold, presumably to private entities. Jackie Withrow is licensed for 199 beds, but currently has just 91 patients. A similar bill, **HB 3102**, was originated in the House Health Committee earlier this month to allow Crouch to sell Hopemont Hospital and its assets. Hopemont is a 98-bed licensed Medicaid-certified long-term care facility in Terra Alta, Preston County. The facility currently has 57 patients, with 41 empty beds, and is in need of \$4.56 million in repairs, according to a recent audit. It has 110 employees, plus 73 vacant positions. That bill will be on 2<sup>nd</sup> reading today. ...

... A bill (**HB 2300**) to allow physicians to deviate from the protocols established by insurers which outlines specific medications in specific sequences for a given medical condition passed the Senate last Tuesday on a unanimous 34-0 vote. The bill allows the provider to go outside the protocol if deemed in the best interest of the patient. The bill passed the House on Feb. 22 on a 99-1 vote. A similar bill passed both houses in 2016 and was signed by then-Gov. Earl Ray Tomblin, only to be "voided" on a technicality. ...

## ***Quotes of Note:***

... ***"I want to take a butcher knife and kill this bill, slowly."***

- Sen. Ron Stollings, speaking in Senate Education Committee against a bill to relax immunization exemption standards.

... ***"This is not some boondoggle project that's going to cost the state money. This is going to enhance revenue."***

- Sen. Charles Trump, offering a floor amendment Thursday to sell bonds for Cacapon Resort and Beech Fork state parks.

... ***"I probably just need to go out and smoke a big cigar now. I don't even support the bill anymore."***

- Sen. Kenny Mann, after a particularly lengthy floor debate last week.

... ***"And I thought this was going to be an easy one. We've heard from three attorneys with three different opinions."***

- Senate Health Committee chair Tom Takubo, regarding a longer-than-anticipated debate on a bill about medical records fees.

... ***"If we combine these boards, we're not going to go back to bloodletting and leeches."***

- Delegate Gary Howell, arguing in favor of **HB 3109** to combine four existing boards into one.

## ***March-April Capitol Health Care Events***

March 27	WV Hemp Industry Association
April 3	Coalition for a Tobacco-Free West Virginia
April 5	WV Nurses Unity Day
	Fair Shake Network Ice Cream Social

## ***Our Next Issue***

The next issue of *Health Care Highlights* will be published **April 3**. We will whittle down our weekly tracking of health care-related bills to only those bills that remain actively under consideration by the House and Senate. We also will continue reporting on other actions taken by legislative committees and other health care news.

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