

Health Care Highlights[©]

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Good morning! Today is the 41st day of the 60-day regular session of the West Virginia Legislature. Of the 1,771 bills introduced to date (1,102 House, 669 Senate), we are tracking 354 health-related bills.

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2017 Key Legislative Dates

March 20: Last day to introduce bills in the Senate. (Does not apply to originating or supplementary appropriation bills.)

March 26: Bills due out of committees in house of origin to ensure three full days for readings.

March 29: Last day to consider bills on third reading (passage stage) in house of origin for "cross-over." (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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Fate of WVHCA, CON Program Remain in Question

The saga of the state Health Care Authority and its Certificate of Need program lately has more twists and turns than a country music line dance.

The Senate Health Committee, under the watchful eye of Senate Majority Leader Ryan Ferns and his legislative assistant, has heard testimony in the last two weeks on both a “clean-up” bill (**HB 2459**), favored by the West Virginia Hospital Association, and a bill that would kill both the agency and the program outright (**SB 457**) – but has not taken a vote on either. The latter bill, listed first on Thursday’s agenda, wasn’t taken up by the committee.

The House 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 the exemption for ambulatory care, and makes other minor adjustments. Last year’s modernization bill 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 is pending action during the current session.

Both the Hospital Association and the Health Care Authority itself on March 9 urged the Legislature to allow the 2016 bill to reach full implementation. The committee took no action at that time and **HB 2459** has not reappeared on its agenda.

Instead, last Tuesday, Senate Health initiated consideration of a committee substitute for Ferns-sponsored **SB 457**, which as introduced would do away with the certificate of need program by July 1 and the agency by Dec. 31. (Ferns is also lead sponsor of a similar bill, **SB 395**.)

Alex Macia, an attorney representing Electo Healthcare Services, asked that pending CON applications be considered approved, effective from the bill’s date of passage. Electo, which owns 15 hospitals in the U.S., including Fairmont General Hospital, recently signed a purchase agreement to acquire Ohio Valley Medical Center, retiring \$40 million in OVMC’s debt and assuming other liabilities while preserving 1,500 Northern Panhandle jobs. If the CON process is delayed, OVMC may be to file for bankruptcy protection.

Sen. Mike Maroney, the committee’s vice chair and a radiologist, said elimination of CON could result in substandard care. “I’m going to save a lot of this for the floor, because I know where this is going,” he said. “This bothers me.”

Also offering testimony Tuesday was Dr. Eric Tarr, PT, who is a full-time volunteer legislative staffer during the session for Ferns. He answered lawmakers’ questions regarding a state auditor’s report and a study by the Mercatus Center at George Mason University, both of which recommended abolition of the CON program.

Senate Passes Bill on Medicaid Fraud Unit

The state Senate on Saturday voted 24-7 (with three members absent) to pass **SB 500**, which transfers the Medicaid Fraud Control Unit from the state Department of Health and Human Resources to the Office of the Attorney General, effective Oct. 1. According to the bill, “substantial sums of money have been lost to the state and federal government in the operation of the medical programs of the state due to the overpayment of moneys to medical providers. Such overpayments have been the result of both the abuse of and fraud in the reimbursement process.”

DHHR has opposed the transfer, citing \$56 million in recovered funds over the past five years. However, Attorney General Patrick Morrissey told the Senate Government Organization Committee last Tuesday that West Virginia has a low recovery rate compared to other states. Attorneys general in 43 other states operated Medicaid fraud units, he noted.

The bill initially was also second referenced to the Judiciary Committee, but that assignment was dispensed. The bill now heads to the House of Delegates.

DHHR and the AG’s office have engaged in a legal wrestling match over control of the Medicaid fraud unit over several legislative sessions. Under the bill, all employees of the current unit would be transferred to the AG’s office at their current hourly rate of salary and benefits. The Legislative Auditor, by Dec. 31, 2020, would study and report to the Joint Committee on Government and Finance on the performance of the unit under the AG’s office over the three previous years, compared to the performance of the unit under DHHR.

Education Committee Takes Up Immunization Measure

The Senate Education Committee heard a second round on testimony Saturday on a proposal to roll back immunization standards, this time from two physicians who acknowledged being in a minority among their medical peers. The committee is expected to resume debate on **SB 537** on Tuesday; the bill must clear both the Education and Health committees by next Sunday to ensure three full days of readings before “cross-over day” on March 29.

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.

“A lot of the things we’ve been told as Americans about vaccines are not based in science,” Dr. Alvin Moss of Morgantown testified Saturday. Moss, speaking as a private practitioner rather than as head of the state-funded West Virginia Center for End-of-Life Care, said hospitals that meet certain quality incentives qualify for 3.75% in additional reimbursement. “They have a strong incentive to vaccinate their patients and employees.”

Moss said that, according to the U.S. Centers for Disease Control and Prevention, flu vaccines are effective about 48% of the time, yet they account for 40% of all vaccines and 60% of all vaccine-related injuries. He noted that a national vaccine injury compensation program has paid out \$3.6 billion in claims since 1986 -- \$250 million to more than 800 individuals in 2016 alone. Some vaccines include toxic ingredients such as formaldehyde, aluminum and mercury, he said.

Sen. Mike Romano, an attorney, pointed out that the injury compensation fund has a no-fault standard. “You don’t even have to prove the vaccine caused the injury. There’s no causation,” he said. “It doesn’t lend any credence to the argument that vaccines are unsafe.”

Dr. Suzanne Humphries, author of “Dissolving Illusions: Diseases, Vaccines, and the Forgotten History,” also appeared before the Committee on Saturday. “I used to be that doctor. I used to guilt my patients into vaccines,” she said. “There is a risk and benefit ratio for every vaccine. We can’t just keep repeating that vaccines are safe, effective and necessary.”

Humphries said high vaccination rates and “herd immunity” give people a false sense of security. She said outbreaks will continue as viruses mutate or are carried into the U.S. from other countries. Sen. Patricia Rucker, lead sponsor of **SB 537**, as well as **SB 359** (which includes a personal choice exemption), said 47 states allow for religious exemptions.

House Health Considers Hopemont Hospital Sale

The House Health Committee last Tuesday originated in committee a bill that would allow Cabinet Secretary Bill Crouch of the state Department of Health and Human Resources 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.

The bill (later assigned as **HB 3102**) is similar to an earlier bill (**HB 2366**) regarding the sale of Jackie Withrow Hospital in Beckley. Crouch testified before the House Finance Committee regarding the latter bill on Friday. Crouch has said the state should get out of the business of providing long-term care in aging facilities.

“I truly wanted the flexibility to be able to negotiate the sale of all of these facilities,” he told Finance Committee members. “I’m not sure I can do all four in one year. We’re hoping we have the same flexibility, but with four bills instead of one.” The state also owns John Manchin Sr. Health Care Center and Lakin Hospital.

Both pieces of legislation would allow Crouch to “sell” the licenses for unoccupied beds to private entities in the short term, while also seeking to sell the physical facilities while assuring placement for current patients and employees, preferably within a reasonable distance to maintain community and family ties.

The Hopemont Hospital bill moves on to the Finance Committee, which will resume discussion of the Jackie Withrow Hospital bill today.

PA Practice Public Hearing Held

Discussion during a public hearing before the House Health Committee last Tuesday on **SB 347**, regarding modernization of the Physician Assistant Practice Act, focused on certification and recertification of PAs by the National Commission on Certification of Physician Assistants (NCCPA). The bill passed the Senate unanimously on March 1.

The bone of contention is the bill's modification of requirements that a PA continue to be recertified every 10 years by the National Commission on Certification of Physician Assistants. The new provisions provide that once a PA passes the initial NCCPA certification exam, they would no longer need to be recertified in order to maintain licensure by the WV Board of Medicine and/or the WV Board of Osteopathic Medicine.

Kenneth Dean Wright, a PA for 37 years, said the current "generalist examination" for recertification discriminates against a PA who has focused their career in a specific practice area. Recertification, he said, "should be a choice, not a license requirement mandated by law." He noted that PAs complete 100 hours of continuing medical education every two years, which "is an assurance that PAs maintain the needed skills to maintain the safety care of patients." He favors a "core knowledge" exam for recertification, by choice. "Board certification by a physician is done by specialty," he noted.

NCCPA President & CEO Dawn Morton-Dias said PAs often move across medical disciplines during the course of their careers. She said removing the recertification requirement "weakens existing professional standards." The Atlanta-based organization, with a staff of 60, charges \$350 for the recertification exam; the nation's 115,000 PAs also pay a \$130 fee every two years.

The bill also changes language in the PA Practice Act to reflect a relationship with a "collaborating," rather than "supervising," physician. PAs would be allowed to prescribe a monthly supply of Schedule II and Schedule III drugs under certain circumstances, with specified restrictions. PAs also would be granted global signatory authority in a manner identical to APRNs, for death certificates, orders for life-sustaining treatment, orders for scope of treatment and do-not-resuscitate (DNR) orders. The bill also would add a second PA representative to the WV Board of Medicine.

House Health approved an amended version of the bill, which now moves to the House Judiciary Committee. (A similar bill, **HB 2538**, is parked on the House Calendar.)

Step Therapy Protocols Bill on 2nd Reading

A bill that passed both houses in 2016 and was signed by then-Gov. Earl Ray Tomblin, only to be "voided" on a technicality, will be on 2nd reading on the Senate floor today. "I have never seen it done before," Senate Health counsel Jeff Johnson said Thursday, "and I hope to never see it done again."

The bill (**HB 2300**) allows physicians to deviate from the protocols established by insurers which outlines specific medications in specific sequences for a given medical condition. The bill allows the provider to go outside the protocol if deemed in the best interest of the patient. For example, George Manahan of the Charleston Parkinson's Support Group noted that Parkinson's and other diseases manifest differently in each patient, requiring different medications. "We want to preserve the doctor-patient relationship and the physician's decision-making authority," he said. The bill passed on the House on Feb. 22 on a 99-1 vote. Delegate Pat McGeehan cast the lone dissenting vote.

In other business last week, Senate Health:

- ✓ Reported a committee substitute for **SB 27**, which permits the sale of home-based micro-processed foods at farmers' markets. The bill is on 2nd reading today;
- ✓ Reported a committee substitute for **SB 36**, which permits school nurses to possess and administer opioid antagonists. The bill is on 2nd reading today;
- ✓ Advanced **HB 2509** to Judiciary Committee with an amendment to make it similar to **SB 390**. The bills limit physicians from prescribing Schedule II controlled substances solely via telemedicine, provided, "That the prescribing limitations do not apply when providing treatment to diagnosed pediatric patients age 18 and younger with intellectual or developmental disabilities, neurological disease, attention deficit disorder, autism, or a traumatic brain injury in accordance with guidelines as set forth by organizations such as the American Academy of Child and Adolescent Psychiatry, the American Psychiatric Association and/or the American Academy of Pediatrics."

West Virginia Legislature

Health Care Bill Status as of 3/19/17

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, on 3rd reading in House 3/20.*
- [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 1st reading on House Calendar*
- [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** To Interstate Cooperation, then Gov. Org.
- [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 3rd 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 2nd 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 Board of Pharmacy 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.

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, to Education
- [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
- [HB 2387](#) Byrd **Mandates K-12 students receive 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 that paraprofessionals, autism mentors, and braille or sign support specialists qualify for early childhood classroom assistant teacher positions** To Education, then Finance
- [HB 2846](#) Fast+ **Allows high school students to qualify as pharmacy tech trainees** To Education (on agenda 3/17), then Health
- [HB 2902](#) Atkinson+ **Requires county school boards to provide adequate 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** To Health, then Judiciary
- [SB 430](#) Takubo+ **Expands definition of a hospital's "governing body" to include executive committee of the medical staff, and other committees or subcommittees of the medical staff** 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., to 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
- [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
- [SB 526](#) Takubo **Mandates insurance coverage for inherited enzymatic disorders** To Insurance, then Finance
- [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, on 2nd reading 3/20
- [HB 2327](#) Fleischauer+ **Protects consumers from "surprise bills" by health care providers** To Insurance, then Health
- [HB 2341](#) Sobonya **Affirms DHHR's right to subrogation for 3rd-party liability 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 3rd 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., on 2nd reading 3/20
- [HB 2519](#) Ellington+ **Requires DHHR to investigate a compact to ensure payment for other states' Medicaid participants** Health amended, Gov. Org. reported Com. Sub.
- [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., on 1st reading 3/20
- [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, to Finance (on agenda 3/20)
- [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., on 1st reading 3/20
- [SB 465](#) Takubo+ **Allows admission of a “letter of merit” in actions against health providers** To Judiciary
- [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** To Judiciary, 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., on 2nd reading 3/20
- [SB 40](#) Stollings+ **Requires protocols of after-school emergencies in school crisis response plans** 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., to Finance
- [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., on 1st reading 3/20
- [SB 360](#) Takubo+ **Creates Legislative Coalition on Diabetes Management** Health reported Com. Sub., Gov. Org. reported Com. Sub., on 1st reading 3/20
- [SB 386](#) Ojeda+ **Creates WV Medical Cannabis Act** To Health, then Judiciary

[**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**) To Transportation, then Judiciary

[**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** To Health

[**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

[**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 health 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 operate or ride on a motorcycle without a helmet** (see **SB 549**) To Roads, then Judiciary

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

[**HB 2366**](#) Ellington+ **Requires DHHR to sell Jackie Withrow Hospital** Health amended, Finance laid over (on agenda 3/20)

[**HB 2376**](#) Ellington+ **Reorganizes DHHR, creates Department of Medical Services** Health amended, to Gov. Org.

[**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, to Judiciary

[**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, to Senate Judiciary

[**HB 2520**](#) Summers+ **Prohibits use of tanning devices by persons under age 18** Health amended, to Judiciary

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

[**HB 2588**](#) Kessinger+ **Simon’s Law – Prohibits health facilities and others from withholding life-sustaining procedures to minors without written consent of parent or guardian** 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, to Health

[**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 an unemancipated 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.

[**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** To Political Subdivisions, then Health

- [HB 2951](#) Fleischauer+ **Requires public health impact assessment of new air or water rules** To Health, then Judiciary
- [HB 3010](#) Sybolt+ **Creates felony for knowingly exposing someone to HIV** To Health, then 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, 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, on 2nd reading 3/20
- [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., on 2nd reading 3/20
- [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., on 2nd reading 3/20
- [SB 207](#) Weld+ **Establishes a Mental Health and Military Service 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 minimum penalties for transport of Schedule I and II drugs into WV** (see [HB 2668](#)) *Requested by the Governor.* 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., to Judiciary
- [SB 359](#) Rucker+ **Allows religious and personal exemptions from mandated immunizations** (see [SB 537](#), [HB 2945](#)) 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** To Judiciary (on agenda 3/20)
- [SB 418](#) Carmichael+ **Creates Office of Drug Policy within DHHR.** (see [HB 3028](#)) *Bill requested by the Governor.* 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., to Judiciary
- [SB 443](#) Trump+ **Establishes Adult Drug Court Participation Fund** (see [HB 2766](#)) Finance reported, recommitted to Finance on 3rd 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** To Insurance, then Judiciary

[SB 537](#) Rucker+ **Allows religious exemptions from mandated immunizations** (see **SB 359**) Education laid over (expected to be on agenda 3/21), then Health

[SB 538](#) Trump+ **Requires parolees to engage in alcohol or drug therapy as condition of parole** To Judiciary (on agenda 3/20)

[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

[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, to Finance

[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 certain controlled substances into WV; exempts marijuana** 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 2nd-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 into WV** (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, on 2nd reading 3/20
- [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
- [HB 3028](#) Miley **Creates Office of Drug Control Policy under DHHR** (see **SB 418**) *Bill requested by the Governor.* To
Substance Abuse, then Health
- [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, to Judiciary
- [SB 351](#) Smith+ **Continues Office of Emergency Medical Services as independent office within Department of Military Affairs**
and Public Safety *This bill also establishes a nine-member EMS Commission.* 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
- [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. Health reported, Judiciary reported Com. Sub., floor amendment adopted, passed House 2/22, Senate
Health reported, passed Senate 3/11. Completed legislative action.
- [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** To Political Subdivisions, then Health
- [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, to Health
- [HB 2838](#) Howell+ **Allows veterans who qualify to take licensing exam for EMT** Veterans reported, to Health

[HB 2906](#) Kessinger+ **Moves Office of EMS to Dept. of Military Affairs and Public Safety** (see [SB 488](#)) To Gov. Org.
[HB 2916](#) Pethtel+ **Authorizes first responders to carry firearms** Judiciary reported Com. Sub., on 3rd reading 3/20
[HB 3032](#) Summers **Allows acupuncture to treat chemical dependency by trained person** To Substance Abuse, then Health

REPRODUCTIVE RIGHTS & ABORTION

[SB 20](#) Karnes+ **Limits insurance coverage for elective abortions** To Insurance, then Judiciary
[SB 21](#) Karnes+ **Relates to care of aborted fetuses** To Health, then Judiciary
[SB 31](#) Karnes+ **Prohibits abortion coverage in qualified health plans** To Health, then Judiciary
[SB 424](#) Rucker+ **Updates notifications required when unemancipated minor requests abortion** To Health, then Judiciary
[HB 2002](#) Kessinger+ **Modifies law requiring parental notification of abortions performed on minors** Health amended, to Judiciary (A public hearing is scheduled at 8:30 a.m. today in the House Chamber.)
[HB 2053](#) Rodighiero **Requires abortion clinics to obtain parental notification or consent in writing** To Health, then Judiciary
[HB 2082](#) Rodighiero **Prohibits state funding of abortions** To Health, then Judiciary
[HB 2467](#) Sobonya **Prohibits school employees from counseling, referring, transporting or assisting any student to obtain an abortion** To Education, then Judiciary
[HB 2468](#) Sobonya **Creates misdemeanor for transporting a minor across state lines to obtain an abortion without written consent of both parents or legal guardians** To Health, then Judiciary
[HB 2484](#) Frich+ **Prevents taxpayer subsidization of insurance covering elective abortions** To Health, then Judiciary
[HB 2595](#) Kessinger+ **Requires abortions be performed by a licensed physician** To Health, then Judiciary
[HB 3052](#) Arvon+ **Prohibits state funding of abortions** To Judiciary

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.* On Judiciary Committee agenda 3/3

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

[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 ...

... The House Committee on Government Organization on Wednesday defeated **HB 2812**, which proposed creation of an Office of Rural Health Policy within the private nonprofit Center for Rural Health Development. An identical bill, **SB 569**, is assigned to the Senate Health and Government Organization committees, but has not been taken up to date. Delegates were unclear whether current functions, grant programs and federal funding eligibility under the DHHR's current Office of Rural Health could be continued in the private entity. Those include the Medicare Rural Hospital Flexibility Grant, the Small Rural Hospital Improvement Grant program, and others. The current office administers more than \$900,000 in federal funding and \$540,000 in state funds. ...

... The Foundation of State Medical Boards will recognize Bob Knittle, former executive director of the West Virginia Board of Medicine, with its distinguished service award when the FSMB meets April 22 in Fort Worth, Texas. Dr. Ahmed Faheem, the board's chairman, said the recognition is well-deserved and a source of "great pride" for the state. ...

... Congratulations also are in order to reporter Eric Eyre of the *Charleston Gazette-Mail*, who recently received the Scripps Howard Foundation's Edward Willis Scripps Award for service to the First Amendment for his two-part series "Painkiller Profiteers," which detailed the millions of painkillers dumped into West Virginia by drug wholesalers over a six-year period. The award carries a \$10,000 prize (and may not be the last for this important series) ...

... The House Government Organization Committee on Friday originated a bill to transfer administration of the West Virginia Traumatic Brain & Spinal Cord Injury Rehabilitation Fund to the state Department of Health and Human Resources. Sections of state code dealing with the fund have largely been repealed. The fund's board would cease to exist. The bill would allow the DHHR cabinet secretary to determine the direction and goals of the fund, as well as conduct meetings across the state each year to gather input. The currently unnumbered bill bears a second reference to the Finance Committee. Readers may recall that terminating the board follows recommendations by the Legislature's Performance Evaluation and Research Division (PERD) to the Joint Standing Committee on Government Organization and Joint Committee on Government Operations during December 2016 interim meetings (*HCH Vol. 28, Issue 14*). At the time, PERD noted that many of the fund's functions have already been replaced by the TBI Waiver and "Funds for You" programs. ...

Quotes of Note:

... ***"Wait a minute. I've got to recognize you first. Don't I recognize you?"***

- Delegate Gary Howell, chair of the House Government Organization Committee, to an overzealous committee member.

... ***"The senator sure makes you feel good while he's voting against you."***

- Sen. Mike Romano, regarding Sen. Charles Trump, who was highly complimentary of Sen. Corey Palumbo while speaking against a proposed amendment offered by Palumbo on the Senate floor.

... ***"Well, we finally got an answer to the question of 'who owns that skunk?'"***

- Sen. John Unger, seeking details Thursday of the leadership's proposed budget bill.

March Capitol Health Care Events

March 22	WV Association of Alcoholism and Drug Abuse Counselors WV Citizens Medical Cannabis Lobby Day
March 23	Emergency Medical Services Day
March 27	WV Hemp Industry Association

Our Next Issue

The next issue of *Health Care Highlights* will be published **March 27**. We will continue the weekly tracking of all health care-related bills under consideration by the House and Senate, and continue reporting on other actions taken by legislative committees and other health care news.

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