

# Health Care Highlights<sup>©</sup>

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**VOLUME 30, ISSUE 6**

Welcome to the 6<sup>th</sup> issue of award-winning *Health Care Highlights* for 2018. This year marks the 30th year of our unique health care publication, which reaches more than 5,000 health professionals and health policymakers statewide.

Today is the 41<sup>st</sup> day of the 60-day regular session of the West Virginia Legislature. Of the **1,717** bills introduced to date (**1,134** House, **583** Senate), we are tracking **328** health-related bills. Today (Monday) is the last day to introduce bills in the Senate, with the exception of originating or supplementary appropriations bills, or resolutions and concurrent resolutions.

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

**Feb. 19:** Last day to introduce bills in the Senate. (Same exceptions as House.)

**Feb. 25:** Bills due out of committees in house of origin to ensure three full days for readings.

**Feb. 28:** Last day to consider bills on third reading (passage stage) in house of origin for "cross-over." (Does not include budget or supplementary appropriation bills.)

**March 10:** Adjournment at midnight.

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

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

The Opioid Reduction Act (**SB 273**) passed the state Senate on Friday, but not before some important tweaks in the form of floor amendments on Thursday to keep one of Gov. Jim Justice’s legislative priorities from going off the rails. “Every physician in West Virginia will be off the reservation if we tell them ‘you shall’ refer their patients,” warned Sen. Ron Stollings, a primary care doctor in Boone County.

The centerpiece of **SB 273** is a provision placing limits on initial prescribing of opioid medications. But the bone of contention Thursday was a section of a committee substitute adopted by the Judiciary Committee, which stated:

“When patients seek treatment for any of the myriad conditions that cause pain, a health care practitioner **shall prescribe** (emphasis added) any of the following treatment alternatives before starting a patient on an opioid: physical therapy, acupuncture, massage therapy, osteopathic manipulation, chronic pain management program, and chiropractic care. If in the medical opinion of the practitioner these treatments are not medically appropriate, he or she is not required to prescribe or recommend these treatment alternatives and **should note this in the patient’s medical record** (emphasis added).”

The approved floor amendment, offered by Stollings (as amended, in turn, by Sen. Tom Takubo), replaces the term “shall prescribe” with “shall consider,” and strikes the requirement to note the decision in the patient’s medical records. As physicians, Stollings and Takubo, joined by Sen. Mike Maroney, said the changes return **SB 273** to the version earlier approved by the Senate Health Committee and preserve the practitioner’s decision-making authority in determining medically appropriate care.

The changes adopted in Judiciary Committee had been suggested by Sen. Ryan Ferns, the Senate majority leader and a physical therapist by profession. Ferns said his amendment was intended to “put a drastic dent” in the number of opioids being prescribed in the Mountain State. “Are we going to get serious ... about changing the way pain is addressed in the state of West Virginia?” he asked. Sen. Charles Trump, the Judiciary Committee chair, acknowledged that his committee’s change would have “created a requirement – a new standard of care.”

Stollings conceded that physicians need to explore other treatment modalities besides opioids when treating patients for pain, but said the Judiciary Committee’s amendment went too far, and would make more physicians reluctant to treat patients with pain issues at all. “We (primary care doctors) are taking on a heavy burden, because we recognize that this is a huge crisis,” he said.

Maroney went a step further. “I think they really messed this one up, and that’s putting it mildly.” Sen. Mike Romano backed them up, noting, “I just find it difficult to believe that we want to dictate to physicians what should be course of treatment. We’re now going to damage good doctors’ decision-making ability by tying their hands.”

Takubo’s amendment to the Stollings amendment removed the requirement to document a physician’s decision not to pursue alternative therapies in the patient’s record. “In my opinion, all that sets up is liability,” he explained. “The record should speak for itself.”

The Stollings / Takubo amendments passed on a vote of 21-11-2.

The Senate rejected an amendment offered by Sen. Stephen Baldwin to establish an “opioid crisis recovery fine” levied against opioid manufacturers and distributors who operated in West Virginia between 2007 and 2017. Baldwin is lead sponsor of a bill that matches that description and is slated to be introduced today (Monday, 2/19).

Though the text of **SB 620** is not yet available, the amendment to **SB 273** would have required opioid manufacturers and distributors to register with the state and disclose the number of doses they were responsible for during that decade. The amendment stated that, in the event of inaccurate reporting, the business would be subject to a \$1,000 civil penalty for each dose not accurately disclosed. “A registered business and all related and successor businesses shall pay a quarterly fine in order to continue to conduct business in this state. The quarterly fine shall be calculated by the office by assessing one cent per milligram per opioid prescribed in the state and per medication prescribed in the state for the treatment of opioid addiction during the quarter. The total quarterly fine shall be assessed by splitting the total among the registered businesses based on their Opioid Crisis Participation Percentage.” Proceeds would benefit the Ryan Brown Fund.

## ***Nursing Bill at Amendment Stage***

Legislation that would terminate the Board of Examiners for Licensed Practical Nurses and the Board of Examiners of Registered Professional Nurses to create a new West Virginia Board of Nurses will be on 2<sup>nd</sup> reading – amendment stage – on the House floor today (Monday). The House Government Organization Committee approved a committee substitute for **HB 4304** on Thursday.

The bill would allow current board members of each body to be eligible for appointment by the Governor to the new board, composed of four RNs, two LPNs, two advanced practice registered nurses (APRNs), a dialysis technician, and two citizen members. For the initial appointments, the Governor would appoint at least five members who previously served on either board. After the initial staggered appointments, appointment terms would be for five years. The bill defines the scope of practice for RNs, APRNs and LPNs.

## ***Education Permit Bill Passes House***

The House of Delegates on Wednesday unanimously approved **HB 4027**, which would allow the West Virginia Board of Medicine to establish an education permit for allopathic physician residents and fellows, like that already in place for the WV Board of Osteopathic Medicine and in 56 other licensing board jurisdictions nationwide. The bill passed by a vote of 98-0-2 (two members were absent) and is now on its way to the Senate.

The bill is the result of a request by Charleston Area Medical Center. CAMC, and medical schools such as the Joan C. Edwards School of Medicine at Marshall University, use electronic health record (EHR) systems which are unable to accommodate requirements of the Centers for Medicare and Medicaid Services regarding medical record documentation and billing. Establishing permits for allopathic residents and fellows would resolve the CMS issue. Permits, which cost \$100, would be renewable for each year the resident is enrolled in graduate medical education or fellowship training.

## ***Chapter 30 Board Bills Advance***

The House Government Organization Committee advanced four bills that could affect all Chapter 30 boards. They include:

- **HB 4334**, which requires boards seeking new or increased fees to also submit cost-saving measures;
- **HB 4011**, which requires agencies submitting new or amended rules to identify two existing rules for potential repeal;
- **HB 4597**, which requires that professions or occupations seeking to establish licensure in West Virginia must also be regulated in at least 25 other states (this 25-state mandate would also come into play when existing licensing agencies are reviewed by the Legislative Auditor under the “sunrise” statute); and,
- **HB 4497**, which originally exempted the spouses of active military personnel from occupational or professional licensing fees. The bill was amended to allow for reciprocity among states for occupational and professional licensing for military spouses.

Delegate Gary Howell, the committee chair, noted that **HB 4597** makes an exception on the 25-state requirement for professions that are “unique” in West Virginia, though neither the bill nor State Code specifically defines the term.

## ***Stroke Bill Sent to Rules Committee***

A bill to create a hospital designation as a “thrombectomy-ready” facility was referred to Rules on 2<sup>nd</sup> reading by the state Senate on Friday; the Senate Health Committee had advanced a committee substitute for **SB 510** last Tuesday. Hospitals in West Virginia may already receive designation from an accrediting body as “comprehensive,” “primary” or “acute.”

Christine Compton, representing the American Heart & Stroke Association, said the designations indicate a hospital’s available staff, volume of patients and equipment capabilities. Brandon Hatfield, general counsel for the West Virginia Hospital Association said the designations are important because they help emergency dispatchers and responders to triage patients to the most appropriate facility to treat their condition.

Sen. Charles Clements said that when his wife suffered a stroke in Florida two years ago, she was able to receive a thrombectomy within an hour and a half, which saved her life.

## West Virginia Legislature

### Health Care Bill Status as of 2/16/18

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. Those highlighted in **grey** indicate carryover bills from the 2017 session.

#### APPROPRIATIONS & BUDGET

- [SB 132](#) Stollings+ **Supplemental appropriation of \$1.5 million in fiscal 2018 for tobacco education** To Finance
- [SB 152](#) Carmichael+ **Budget Bill SFY 2019** Bill proposed by the Governor. Of note: More than 20% of all state expenditures are allocated for Health and Human Resources (see [HB 4019](#)) To Finance
- [SB 334](#) Stollings+ **Supplemental appropriation of \$150,000 to DHHR to fund the Center for End-of-Life Care** To Finance
- [SB 378](#) Carmichael+ **Supplemental appropriation from DHHR funds to the Medical Cannabis Program Fund** Governor's bill. (see [HB 4376](#)) To Finance
- [SB 379](#) Carmichael+ **Supplemental appropriation of \$9.9 million from Excess Lottery Revenue Fund to DHHR** Governor's bill. (see [HB 4377](#)) Completed legislative action.
- [SB 382](#) Carmichael+ **Supplemental appropriation of \$4.3 million from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** Governor's bill. (see [HB 4378](#)) Completed legislative action.
- [SB 384](#) Carmichael+ **Adjusting appropriations from State Fund, General Revenue to DHHR** Governor's bill. (see [HB 4383](#)) Completed legislative action.
- [SB 385](#) Carmichael+ **Adjusting appropriations out of Treasury to DHHR and MAPS** Governor's bill. (see [HB 4387](#)) Finance reported, passed Senate 1/31, House Finance reported, moved to House Calendar on 2<sup>nd</sup> reading 2/15.
- [SB 387](#) Carmichael+ **Supplemental appropriation of federal funds from Treasury to DHHR Division of Health for Community Mental Health Services** Governor's bill. (see [HB 4386](#)) To Finance
- [SB 388](#) Carmichael+ **Adjusting appropriations from Treasury to DHHR and DOA** Governor's bill. (see [HB 4382](#)) Completed legislative action
- [SB 389](#) Carmichael+ **Supplemental appropriation of federal funds from Treasury to DHHR Division of Human Services** Governor's bill. (see [HB 4385](#)) To Finance
- [SB 472](#) Blair+ **Requires Legislature to provide funds to DHHR for local health board employee pay raises** Health reported Com. Sub., Finance reported, to Gov. Org.
- [SB 488](#) Stollings+ **Supplemental appropriation of \$250,000 from Excess Lottery Fund to CARDIAC project** To Finance
- [HB 4019](#) Armstead+ **Budget Bill SFY 2019** Bill proposed by the Governor. Of note: More than 20% of all state expenditures are allocated for Health and Human Resources (see [SB 152](#)) To Finance
- [HB 4376](#) Armstead+ **Supplemental appropriation from DHHR funds to the Medical Cannabis Program Fund** Governor's bill. (see [SB 378](#)) Finance reported, on 3<sup>rd</sup> reading 2/19
- [HB 4377](#) Armstead+ **Supplemental appropriation of \$9.9 million from Excess Lottery Revenue Fund to DHHR** Governor's bill. (see [SB 379](#)) To Finance
- [HB 4378](#) Armstead+ **Supplemental appropriation of \$4.3 million from Lottery Net Profits to Bureau of Senior Services, Lottery Senior Citizens Fund** Governor's bill. (see [SB 382](#)) To Finance
- [HB 4382](#) Armstead+ **Adjusting appropriations from Treasury to DHHR and DOA** Governor's bill. (see [SB 388](#)) To Finance
- [HB 4383](#) Armstead+ **Adjusting appropriations from State Fund, General Revenue to DHHR** Governor's bill. (see [SB 384](#)) To Finance
- [HB 4385](#) Armstead+ **Supplemental appropriation of federal funds from Treasury to DHHR Division of Human Services** Governor's bill. (see [SB 389](#)) Finance reported, passed House 2/16, to Senate.
- [HB 4386](#) Armstead+ **Supplemental appropriation of federal funds from Treasury to DHHR Division of Health for Community Mental Health Services** Governor's bill. (see [SB 387](#)) Finance reported, passed House 2/12, Senate Finance reported, on 2<sup>nd</sup> reading 2/19
- [HB 4387](#) Armstead+ **Adjusting appropriations out of Treasury to DHHR and MAPS** Governor's bill. (see [SB 385](#)) To Finance

## BOARD LICENSURE AND REGULATION

- [SB 269](#) Carmichael+ **Regulatory Reform Act of 2018** *Bill requested by Governor.* (see [HB 4154](#)) To Gov. Org., then Judiciary
- [SB 288](#) Gaunch+ **Terminates the Board of Funeral Service Examiners** (see [HB 4167](#)) Gov. Org. reported Com. Sub., passed Senate 2/14, to House Gov. Org., then Finance
- [SB 313](#) Gaunch+ **Waives occupational licensing fees for low-income, military and young workers** To Gov. Org., then Finance
- [SB 400](#) Maynard+ **Prohibits state licensing boards from hiring lobbyists** (see [HB 4297](#)) Gov. Org. reported, passed Senate 2/5, to House Gov. Org., then Judiciary
- [SB 411](#) Takubo+ **Removes BPH commissioner from Board of Sanitarians** Health reported, Gov. Org. reported, passed Senate 2/14, to House Health, then Gov. Org.
- [SB 449](#) Gaunch+ **Limits use of criminal records as basis to disqualify from licensure** (see [HB 4461](#)) *The West Virginia Board of Medicine opposes this bill.* To Gov. Org., then Judiciary
- [SB 499](#) Maroney+ **Reduces postgraduate training for foreign medical graduates from 3 years to 1** To Health, then Gov. Org.
- [SB 522](#) Maynard **Requires agencies to notify licensees of rules changes that increase fees** To Judiciary
- [HB 2423](#) Howell+ **Adds MDs and DOs to prohibition against therapeutic deception** (see [HB 2628](#)) To Health, then Judiciary
- [HB 2521](#) Summers+ **Creates an Advanced Practice Registered Nurse Compact** To Health
- [HB 2841](#) Howell+ **Requires board members to attend meetings in order to be compensated** Gov. Org. amended, Finance reported Com. Sub., passed House 2/12, to Senate Gov. Org.
- [HB 4011](#) Hamrick+ **Requires agencies submitting new or amended rules, to identify 2 existing rules to repeal** Gov. Org. reported Com. Sub., on 1<sup>st</sup> reading 2/19
- [HB 4023](#) Summers+ **Updates regulation of dialysis technicians** Health amended, Gov. Org. reported Com. Sub., passed House 2/9, to Senate Health
- [HB 4025](#) Ellington+ **Permits reciprocity in Board of Pharmacy licensure of pharmacy technicians** Health reported, Gov. Org. reported, passed House 2/9, to Senate Health
- [HB 4026](#) Ellington+ **Exempts cashiers from licensure under the Larry W. Border Pharmacy Practice Act** Health reported, passed House 1/22, to Senate Health.
- [HB 4027](#) Ellington+ **Creates education permit for allopathic physician residents** Education amended, Health reported Com. Sub., passed House 2/14, to Senate Health
- [HB 4154](#) Armstead+ **Regulatory Reform Act of 2018** *Bill requested by Governor.* (see [SB 269](#)) Gov. Org. amended, Judiciary reported Com. Sub., moved to House Calendar on 2<sup>nd</sup> reading 2/15
- [HB 4167](#) Graves+ **Terminates the Board of Funeral Service Examiners** (see [SB 288](#)) To Gov. Org., then Finance
- [HB 4175](#) Sobonya+ **Eliminates requirement that APRNs participate in a collaborative relationship to obtain payment** Insurance amended, Health reported Com. Sub., passed House 2/7, to Senate Insurance
- [HB 4297](#) Foster+ **Prohibits state licensing boards from hiring lobbyists** (see [SB 400](#)) To Gov. Org., then Judiciary
- [HB 4304](#) Summers+ **Combines RN and LPN boards into new Board of Nurses** Health amended, Gov. Org. reported Com. Sub., on 2<sup>nd</sup> reading 2/19
- [HB 4323](#) Howell+ **Prohibits boards from renewing any certificate, license, registration or authority to practice to anyone delinquent in state or local taxes** Gov. Org. reported, to Judiciary
- [HB 4334](#) Hill+ **Requires boards seeking a new or increased fee to submit cost-saving measures** Gov. Org. reported, to Finance
- [HB 4360](#) Hill+ **Requires boards to maintain online public access to their books and registers** To Gov. Org., then Finance
- [HB 4372](#) Sobonya+ **Requires Board of Pharmacy to refer suspicious controlled substances activity** To Health, then Judiciary
- [HB 4413](#) Rodighiero+ **Permits PAs to practice independent of a collaborating physician after 3 years** *The West Virginia Board of Medicine opposes this bill.* To Health, then Judiciary
- [HB 4461](#) Upson+ **Limits use of criminal records as basis to disqualify from licensure** (see [SB 449](#)) *The West Virginia Board of Medicine opposes this bill.* To Gov. Org., then Judiciary
- [HB 4465](#) Summers **Authorizes WV Acupuncture Board to certify auricular acudetox therapy** Health reported, to Gov. Org.
- [HB 4473](#) Sobonya+ **Distinguishes advertising vs. educational materials for government officials, offices** Judiciary reported Com. Sub., on 3<sup>rd</sup> reading 2/19.
- [HB 4481](#) Howell+ **Mandates inter-board reporting by licensees of medical, RN boards** Health amended, to Gov. Org.
- [HB 4497](#) Hamrick+ **Exempts spouses of military personnel from licensing fees** Gov. Org. amended, to Finance

- [\*\*HB 4534\*\*](#) Howell **Requires executive secretary of health professional licensing boards to designate a victims' advocate** To Gov. Org. (*on agenda 2/19*), then Finance
- [\*\*HB 4597\*\*](#) Howell+ **Prohibits regulation of occupation unless regulated in at least 25 states** Gov. Org. amended, to Judiciary
- [\*\*HB 4600\*\*](#) Howell+ **Authorizes employed investigations of WV Board of Medicine, Board of Osteopathic Medicine and Board of Pharmacy between 18 and 21 to carry a concealed handgun** To Gov. Org. (*on agenda 2/19*), then Judiciary

### CHILDREN

- [\*\*SB 330\*\*](#) Sypolt+ **Allows religious and personal choice exemptions from compulsory immunizations** To Health, then Judiciary
- [\*\*SB 337\*\*](#) Karnes+ **Allows parents or legal guardians of newborns to refuse certain medications** Health laid over, then Judiciary
- [\*\*HB 2014\*\*](#) Rodighiero **Allows holiday sweets in schools with parental or guardian consent** To Education
- [\*\*HB 2695\*\*](#) Hornbuckle+ **Creates pilot program for school-based mental health services** (see **SB 251**) To Education
- [\*\*HB 2761\*\*](#) Thompson+ **Provides that health specialists qualify as classroom assistant teachers** To Education, then Finance
- [\*\*HB 2902\*\*](#) Atkinson+ **Requires school boards provide mental health and counseling services** To Education, then Substance Abuse
- [\*\*HB 2945\*\*](#) Folk+ **Allows religious and personal exemptions from mandated immunizations** To Health, then Judiciary
- [\*\*HB 4545\*\*](#) Hornbuckle+ **Establishes pilot program for school-based mental/behavioral health** To Health, then Education
- [\*\*HB 4589\*\*](#) Miley+ **Allows magistrates to remove children from homes in drug cases** To Substance Abuse, then Judiciary
- [\*\*HB 4596\*\*](#) Isner+ **Allows DHHR to seek termination of parental rights if infant tests positive for Schedule I drug** To Substance Abuse, then Judiciary

### HOSPITALS

- [\*\*SB 312\*\*](#) Ferns+ **Allows certain employers, such as hospitals, to discriminate against tobacco users** To Judiciary
- [\*\*SB 318\*\*](#) Jeffries+ **Requires influenza immunizations for health care workers** (see **HB 4581**) To Health, then Finance
- [\*\*SB 441\*\*](#) Takubo+ **Extends directed payment program tax on eligible acute care hospitals for 3 years** *The West Virginia Hospital Association supports this bill.* Health reported, Finance reported, passed Senate 2/12, to House Health, then Finance
- [\*\*SB 510\*\*](#) Maynard+ **Designates thrombectomy-capable stroke centers** (see **HB 4457**) Health reported Com. Sub., referred to Rules on 2<sup>nd</sup> reading 2/16.
- [\*\*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 2523\*\*](#) Folk+ **Eliminates the certificate of need program** To Health, then Judiciary
- [\*\*HB 4327\*\*](#) Folk+ **Prohibits employers from requiring influenza immunizations** To Health, then Judiciary
- [\*\*HB 4457\*\*](#) Rohrbach+ **Designates thrombectomy-capable stroke centers** (see **SB 510**) To Health, then Judiciary
- [\*\*HB 4581\*\*](#) Brewer+ **Requires influenza immunizations for health care workers** (see **SB 318**) To Health, then Judiciary

### INSURANCE & HEALTH COVERAGE

- [\*\*SB 5\*\*](#) Trump+ **Transfers Medicaid Fraud Control Unit from DHHR to Attorney General's Office** To Health, then Judiciary
- [\*\*SB 242\*\*](#) Trump+ **Requires health insurers to cover long-term antibiotic therapy for Lyme Disease patients** (see **HB 4328**) Health reported, flood amendments adopted, passed Senate 1/31, to House Health, then Judiciary
- [\*\*SB 299\*\*](#) Boley+ **Mandates insurance coverage, up to age 20, for amino acid-based formula** *This bill originated in Finance Committee.* Finance reported, passed Senate 1/19, House Health amended, to House Finance.
- [\*\*SB 340\*\*](#) Gaunch+ **Allows adjustments to the current 80-20 employer-employee premium ratio** To Gov. Org., then Finance
- [\*\*SB 401\*\*](#) Weld+ **Requires insurers to cover inpatient, outpatient treatment for substance use disorders** Health reported, to Judiciary
- [\*\*SB 406\*\*](#) Ferns+ **Clarifies that ground EMS transport qualifies for Medicare and Medicaid payment** Insurance reported, Finance reported, on 2<sup>nd</sup> reading 2/19
- [\*\*SB 439\*\*](#) Plymale+ **Exempts vehicles in nonemergency transport of Medicaid patients from PSC requirements** Transportation reported Com. Sub., to Gov. Org.
- [\*\*SB 442\*\*](#) Takubo+ **Establishes universal forms and deadlines for prior authorizations** (see **HB 4239**) To Health, then Finance
- [\*\*SB 453\*\*](#) Cline+ **Establishes PEIA premium cost sharing at 85-15 ratio** (see **SB 571**) To Insurance, then Finance
- [\*\*SB 473\*\*](#) Takubo+ **Requires insurance coverage for smoking cessation drug Varenicline prescriptions** Health reported Com. Sub., passed Senate 2/14, to House Health, then Finance

- SB 478** Stollings+ **Mandates insurance coverage for mitochondrial disease and similar conditions** To Insurance, then Finance
- SB 486** Ojeda+ **Dedicates portion of natural gas severance taxes to new PEIA Fund** To Insurance, then Finance
- SB 571** Mann+ **Establishes PEIA premium cost sharing at 85-15 ratio; imposed 1.5% food tax (see SB 453)** To Insurance, then Finance
- 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 2327** Fleischauer+ **Protects consumers from “surprise bills” by health care providers** To Insurance, then Health
- HB 2780** R. Miller+ **Clarifies benefits for first responders who die as a result of their duties** To Judiciary, then Finance
- 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** To Insurance, then Finance
- 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** To Judiciary
- HB 4021** Householder+ **Creates “Right to Shop” for highest value health care** To Insurance, then Judiciary
- HB 4239** Rohrbach+ **Establishes universal forms and deadlines for prior authorizations (see SB 442)** To Insurance, then Judiciary
- HB 4241** Westfall+ **Transitions foster children into managed care Health amended, to Finance (on agenda 2/19)**
- HB 4328** Pack+ **Requires insurers to cover long-term antibiotic therapy for Lyme Disease (see SB 242)** To Insurance, then Health
- HB 4346** Sponaugle+ **Repeals PEIA Finance Board** To Gov. Org., then Finance
- HB 4365** Dean+ **Fixes PEIA premium cost sharing at no less than 80-20** To Judiciary, then Finance
- HB 4392** Ellington+ **Removes restrictions on Medicaid subrogation Health amended, to Judiciary**
- HB 4400** Westfall+ **Allows WV Physicians Mutual Insurance Co. to write policies outside WV Insurance amended, Judiciary reported Com. Sub., on 3<sup>rd</sup> reading 2/19.**
- HB 4519** Statler+ **Supplements Medicare and Medicaid reimbursements for group EMS transport** To Fire/EMS, then Finance
- HB 4527** Westfall **Requires insurers to cover services performed by a pharmacist** To Insurance, then Judiciary
- HB 4587** Miley+ **Freezes employee contribution for PEIA** To Insurance, then Finance

#### MEDICAL LIABILITY

- SB 576** Gaunch+ **Extends Patient Injury Compensation Fund, reduces fee on liability actions** To Judiciary, then 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** To Health, then Judiciary
- HB 2580** Higginbotham+ **Limits damage awards for medical monitoring** To Judiciary
- HB 2647** Westfall+ **Limits damage awards from including medical expenses not paid by claimant** To Judiciary
- HB 2757** Lane+ **Amends the Medical Professional Liability Act** To Health, then Judiciary
- HB 4218** Ellington+ **Updates the requirements for a certificate of merit Health amended, to Judiciary**

#### MISCELLANEOUS

- SB 11** Stollings+ **Requires Return-to-Learn protocol when a student suffers a concussion** To Health, then Education
- SB 25** Maynard **Makes it a felony for doctors and lawyers to file fraudulent disability claims** To Health, then Judiciary
- SB 36** Woelfel+ **Allows law enforcement to obtain DNA samples from arrestees Health reported, Judiciary reported Com. Sub., passed Senate 2/15, to House Judiciary**
- SB 52** Gaunch+ **Sets maximum school psychologist to student ratio at 1:1,500** To Education
- SB 55** Romano+ **Provides developmental disability services to military dependents** To Military, then Health, then Finance
- SB 80** Ferns **Requires county commission approval of health policies enacted by local boards of health** To Health, then Gov. Org.
- SB 86** Karnes+ **Permits sale of home-based, micro-processed foods at farmers markets** To Agriculture, then Health, then Finance
- SB 107** Ferns **Establishes a Mental Health, Veteran and Service Members Court within WVSCA** To Judiciary, then Finance
- SB 305** Smith+ **Requires DHHR to modernize or construct new facilities at Hopemont and Jackie Withrow Hospitals for long-term care and substance abuse treatment (see HB 4373)** To Health, then Finance
- SB 328** Weld+ **Requires participation in drug court program for 1<sup>st</sup> offense possess of controlled substances** To Judiciary
- SB 332** Stollings+ **Allows DHHR to regulate local health departments and establish clean syringe exchange programs** To Health, then Judiciary

**[SB 333](#)** Weld+ **Allows DHHR to regulate local health departments and establish clean syringe exchange programs** To Health, then Judiciary

**[SB 409](#)** Takubo+ **Requires dispatchers to complete a course in cardiovascular care** (see **[HB 4197](#)**) To Health

**[SB 420](#)** Rucker+ **Transfers driving Safety and Treatment Program from DHHR to DMV** To Judiciary

**[SB 431](#)** Takubo+ **Requires DHHR to implement work requirements for SNAP applicants** To Health, then Judiciary

**[SB 436](#)** Karnes+ **Creates Nondiscrimination in Involuntary Denial of Treatment Act** (see **[HB 4467](#)**) To Judiciary, then Finance

**[SB 527](#)** Ojeda+ **Creates WV Black Lung Program** To Gov. Org., then Finance

**[SB 575](#)** Takubo+ **Provides 24 additional beds in intermediate care facilities** (see **[SB 4366](#)**) To Health

**[SB 578](#)** Plymale+ **Protects youth from “conversion therapy”** (see **[HB 4435](#)**) 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 info network** To Health, then Finance

**[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** To Health, then Judiciary

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

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

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

**[HB 2808](#)** Summers+ **Provides assisted outpatient treatment for mental illness** To Health, then Judiciary

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

**[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](#)** Sypolt+ **Creates felony for knowingly exposing someone to HIV** To Health, then Judiciary

**[HB 3074](#)** Walters+ **Increases volume of alcohol in beer from 12% to 18%** To Health, then Judiciary

**[HB 3104](#)** Arvon+ **Transfers WV Traumatic Brain & Spinal Cord Injury Rehab Fund to DHHR** Gov. Org. amended, Finance reported Com. Sub., passed House 2/15, to Senate Finance

**[HB 4001](#)** Fast+ **Establishes eligibility guidelines for SNAP, TANF** Health amended, Judiciary reported Com. Sub., on 2<sup>nd</sup> reading 2/19

**[HB 4014](#)** Summers+ **Reorganizes the state Department of Health and Human Resources** Health amended, to Finance

**[HB 4043](#)** Walters **Requires national accreditation of local health departments** To Political Subdivisions, then Health

**[HB 4046](#)** Frich+ **Expands drug screening to blood, urine and saliva** To Judiciary

**[HB 4197](#)** Summers+ **Requires dispatchers to complete a course in cardiovascular care** (see **[SB 409](#)**) Fire/EMS amended, Health reported Com. Sub., passed House 2/14, to Senate Health

**[HB 4234](#)** Iaquinta+ **Creates “West Virginia Winner” program in Office of Healthy Lifestyles** To Health, then Finance

**[HB 4247](#)** Kessinger+ **Prohibits health facilities and providers from withholding life-sustaining procedures from minors without written consent of parent or legal guardian** To Health, then Judiciary

**[HB 4253](#)** Kessinger+ **Allows ambulance crews, rescue squads, firefighters and EMS personnel to carry firearms** To Fire/EMS, then Judiciary

**[HB 4306](#)** Summers+ **Allows local health boards to combine without state approval** Political Subdivisions reported, Health reported Com. Sub., passed House 2/14, to Senate Health

**[HB 4310](#)** Eldridge+ **Mandates cognitive behavioral therapy for computer sex crimes** To Health, then Judiciary

**[HB 4332](#)** Rohrbach+ **Permits sale or distribution of dialysate, drugs or devices for home peritoneal renal dialysis for patients with end-stage renal disease** Health reported, 2<sup>nd</sup> reference dispensed, passed House 2/8, to Senate Health

**[HB 4366](#)** Ellington+ **Provides 24 additional beds in intermediate care facilities** (see **[SB 575](#)**) *House Health conducted a public hearing on 2/13, but did not act on the bill.* To Health, then Judiciary

- [HB 4373](#) Jennings+ **Requires DHHR to modernize or construct new facilities at Hopemont and Jackie Withrow Hospitals for long-term care and substance abuse treatment** (see [SB 305](#)) To Health, then Finance
- [HB 4375](#) Sobonya+ **Requires benefit cards, etc., to have photographs** To Judiciary
- [HB 4391](#) Ellington+ **Implementing work requirements for SNAP applicants** To Health, then Judiciary
- [HB 4395](#) Pushkin+ **Allows nonviolent felons to work in licensed behavioral health facilities** To Health, then Judiciary
- [HB 4417](#) Ellington+ **Enhances fraud and abuse detection efforts by DHHR** To Health, then Judiciary
- [HB 4435](#) Lane+ **Protects youth from “conversion therapy”** (see [SB 578](#)) To Health, then Judiciary
- [HB 4467](#) Rowan+ **Creates Nondiscrimination in Involuntary Denial of Treatment Act** (see [SB 436](#)) To Health, then Judiciary
- [HB 4509](#) Pushkin+ **Requires peer-based services for substance abuse treatment facilities** [Substance Abuse amended](#), to Health
- [HB 4514](#) Sobonya+ **Establishes felony for knowingly housing drug traffickers** To Substance Abuse, then Judiciary
- [HB 4533](#) Hornbuckle+ **Creates misdemeanor for allowing felony drug offense on property** To Substance Abuse, then Judiciary
- [HB 4553](#) Rohrbach+ **Requires that drivers’ license applicants be asked about organ donation** To Roads, then Gov. Org.
- [HB 4561](#) Frich+ **Allows prosecutors to appoint AG as special prosecutor in drug cases** To Substance Abuse, then Judiciary

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

- [SB 15](#) Ojeda+ **Includes nursing home nurses in WV Nursing Overtime and Patient Safety Act** To Health, then Finance
- [SB 408](#) Takubo+ **Streamlines survey reports and plans of correction for nursing homes and assisted living facilities** [Health reported Com. Sub., Gov. Org. reported, passed Senate 2/14](#), to House Health, then Gov. Org.
- [SB 428](#) Gaunch+ **Provides tax credit for home modifications for elderly and disabled** To Finance
- [HB 2432](#) Rowan+ **Bars criminals from acquiring property from their victims** To Judiciary
- [HB 2861](#) G. Foster+ **Authorizes medical power of attorney to sign binding arbitration agreement with nursing home or assisted living facility** To Judiciary
- [HB 4035](#) Summers+ **Creates legislative coalition on palliative care** [Health amended, Judiciary reported Com. Sub., passed House 1/26](#), to Senate Health, then Judiciary
- [HB 4199](#) Ellington+ **Allows trained nursing home employees to administer medications** [Health amended, Judiciary reported Com. Sub., passed House 2/6](#), to Senate Health
- [HB 4279](#) Rowan+ **Prevents financial exploitation of nursing home residents** [Seniors amended, Health reported Com. Sub., passed House 2/14](#), to Senate Health
- [HB 4364](#) Hill+ **Expires the registration of a nurse aide biannually on June 30** To Health, then Gov. Org.

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

- [SB 1](#) Weld+ **Allows partial filling of prescriptions** To Health, then Judiciary
- [SB 2](#) Trump+ **The Opioid Reduction Act** (see [SB 273](#), [HB 4003](#), [HB 4263](#)) To Health, then Judiciary
- [SB 46](#) Cline+ **Allows pharmacists to inform customers of lower-cost drugs** [Health reported Com. Sub., passed Senate 1/31, House Health reported](#), to Judiciary.
- [SB 65](#) Weld+ **Permits managed care organizations to access CSMP database** To Health, then Judiciary
- [SB 104](#) Baldwin **Requires drug testing for legislators** To Judiciary, then Finance
- [SB 129](#) Baldwin+ **Limits prescriptions for Schedule II or III controlled substances to 7 days** To Health, then Judiciary
- [SB 149](#) Trump+ **Limits prescription of opioids for acute pain** To Health
- [SB 251](#) Azinger+ **Makes overdose victim pay for Naloxone given by first responders** To Health, then Judiciary
- [SB 272](#) Carmichael+ **Requires ERs, law enforcement and providers to report overdoses to the Office of Drug Control Policy** *Governor’s bill.* (see [HB 4227](#)) [Health reported Com. Sub., Finance reported Com. Sub., passed Senate 2/12](#), to House Substance Abuse, then Finance
- [SB 273](#) Carmichael+ **The Opioid Reduction Act** *Governor’s bill.* (see [SB 2](#), [HB 4003](#), [HB 4263](#)) [Health reported Com. Sub., Judiciary reported Com. Sub., as amended, passed Senate 2/16](#), to House.
- [SB 329](#) Weld+ **Limits opioid prescribing** To Health, then Judiciary
- [SB 361](#) Trump **Allows funding allotted for treatment supervision to be applied to Adult Drug Court program** [Judiciary reported Com. Sub., passed Senate 2/7](#), to House Judiciary
- [SB 469](#) Weld+ **Converts the Addiction Treatment Pilot Program to a permanent program** [Health reported Com. Sub., passed Senate 2/14](#), to House Substance Abuse, then Health
- [SB 487](#) Ojeda+ **Increases locations of dispensaries and acceptable forms of medical cannabis** To Health, then Judiciary

**SB 517** Maynard+ **Requires investigation of drug overdoses** To Health, then Judiciary

**SB 560** Stollings+ **Prevents pharmacy benefit managers from using certain contract provisions and placing certain information on medical cards** (see **SB 4429**) To Health

**HB 2130** Fluharty+ **Requires legislators to pass annual drug test** To Judiciary, then Finance

**HB 2330** Arvon+ **Prohibits the sale of drug paraphernalia** To Substance Abuse, then Judiciary

**HB 2614** Phillips+ **Prohibits providers from prescribing or administering drugs in bad faith** To Substance Abuse, then Judiciary

**HB 2648** Sypolt+ **Increases penalties for manufacturing or transporting controlled substances in presence of a minor** To Substance Abuse, then Judiciary

**HB 2956** Walters+ **Establishes Adult Drug Court Participation Fund** To Judiciary, then Finance

**HB 2999** Rohrbach **Regulates outpatient substance abuse counseling programs** To Health, then Gov. Org.

**HB 3035** Hornbuckle **Legalizes and regulates manufacture, sale and possession of marijuana** To Health, then Judiciary

**HB 4003** Hollen+ **The Opioid Reduction Act** (see **SB 2, SB 273, HB 4263**) To Health, then Judiciary

**HB 4028** Hanshaw+ **Allows funding for treatment supervision of drug offenders to be applied to participants in the Adult Drug Court Program** To Judiciary, then Finance

**HB 4147** Pushkin+ **Authorizes earlier issuance of ID cards to approved medical marijuana consumers and caregivers** To Health, then Judiciary

**HB 4148** Pushkin+ **Allows medical marijuana to be grown outdoors by licensed growers** To Health, then Judiciary

**HB 4149** Pushkin+ **Allows authorized person to possess and smoke medical cannabis** To Health, then Judiciary

**HB 4159** Pushkin+ **Removes maximum number of medical marijuana grower, processor and dispensary permits from statute; removes requirements that licenses be limited in regions of WV** To Health, then Judiciary

**HB 4172** Iaquinta+ **Establishes a crisis line and mobile app to combat substance abuse** Substance Abuse tabled, then Finance

**HB 4181** Iaquinta+ **Allows distribution of unused, unexpired, nonnarcotic drugs to free clinics** To Health, then Judiciary

**HB 4215** Lane+ **Allows involuntary hospitalization of persons administered opioid antagonists** Health amended, to Judiciary

**HB 4227** Armstead+ **Requires ERs, law enforcement and providers to report overdoses to the Office of Drug Control Policy Governor's bill.** (see **SB 272**) To Substance Abuse, then Judiciary

**HB 4254** Moore+ **Places a 7-day limit on prescriptions for Schedule II drugs** To Substance Abuse, then Judiciary

**HB 4263** Armstead+ **The Opioid Reduction Act Governor's bill.** (see **SB 2, SB 273, HB 4003**) To Substance Abuse, then Judiciary

**HB 4287** Howell+ **Prevents pharmacy benefit managers from using certain contract provisions and placing certain information on medical cards** (see **SB 560**) Health reported, to Judiciary

**HB 4294** Bates+ **Allows designation of state agency as drug wholesaler to import from Canada** To Health, then Judiciary

**HB 4309** Kessinger+ **Restricts the sale or trade of dextromethorphan** Substance Abuse amended, to Judiciary

**HB 4336** Ellington+ **Updates the schedule of controlled substances** Substance Abuse amended, to Judiciary

**HB 4345** Moore+ **Increases limit on growers, processors and dispensers of medical cannabis; allows single entity to be 1, 2 or all 3 categories** To Judiciary, then Finance

**HB 4476** Eldridge **Allows voluntary enrollment in drug rehab pilot program** To Health, then Finance

**HB 4483** Kessinger+ **Distributes savings from filling prescriptions with generic drugs** To Health, then Finance

**HB 4491** Bates+ **Legalizes personal use and possession of cannabis by adults** To Health, then Judiciary, then Finance

**HB 4524** Ellington+ **Establishes guidelines for substitution of biological pharmaceuticals** Health amended, to Judiciary

**HB 4611** Kessinger+ **Creates Ryan Brown Addiction Prevention and Recovery Fund Act** To Substance Abuse, then Finance

**HB 4623** Ellington+ **Establishes process for pregnant and postpartum individuals to receive substance abuse treatment** *This bill originated in the House Committee on Prevention and Treatment of Substance Abuse.* Substance Abuse reported, to Health

### PROFESSIONALS: HEALTH & MEDICAL

**SB 257** Azinger+ **Prevents state from restricting mental health providers from offering counseling** To Health, then Judiciary

**SB 392** Boso+ **Reconfigures membership of EMS Advisory Council** Gov. Org. reported Com. Sub., passed Senate 2/12, to House Gov. Org.

**SB 456** Gaunch+ **Establishes a physical therapy licensure compact** To Gov. Org.

**SB 448** Gaunch+ **Establishes who may be owners and officers of professional associations** To Gov. Org.

**SB 502** Drennan+ **Provides limited prescriptive authority to licensed psychologists** (see **HB 4260**) *The West Virginia State Medical Association and the WV Board of Medicine oppose this bill.* To Health, then Judiciary

**SB 514** Sypolt+ **Recognizes EMS Personnel Licensure Interstate Compact** (see **HB 4547**) To Gov. Org., then Judiciary

- [HB 2165](#) Statler+ **Exempts physician or surgeon traveling with a sports team from state licensure** To Health, then Judiciary
- [HB 2745](#) Miller+ **Adds testing of Advanced Care Technicians for ambulance services** Political Subdivisions amended, to Health
- [HB 2838](#) Howell+ **Allows veterans who qualify to take licensing exam for EMT** Veterans reported, 2<sup>nd</sup> reference dispensed, amended on 2<sup>nd</sup> reading 1/23, passed House 1/24, to Senate Military, then Health.
- [HB 2916](#) Pethtel+ **Authorizes first responders to carry firearms** Judiciary reported Com. Sub., passed House 1/25, to Senate Judiciary.
- [HB 4156](#) Summers+ **Establishes qualifications for nursing school faculty** Health amended, Education reported Com. Sub., passed House 2/7, to Senate Health
- [HB 4178](#) Summers+ **Allows portions of certified nurse aide training via distance learning** Education reported, Health reported, passed House 2/7, to Senate Health
- [HB 4217](#) Ellington+ **Allows attending physician to obtain a patient's autopsy report** Health amended, to Judiciary
- [HB 4260](#) Atkinson+ **Provides limited prescriptive authority to licensed psychologists** (see **SB 502**) *The West Virginia State Medical Association and the WV Board of Medicine oppose this bill.* To Health, then Judiciary
- [HB 4547](#) Statler+ **Recognizes EMS Personnel Licensure Interstate Compact** (see **SB 514**) To Fire/EMS, then Judiciary
- [HB 4609](#) Anderson **Provides use of patient testimonials by physicians and podiatrists is not per se false or deceptive advertising** Health amended, to Judiciary

### REPRODUCTIVE RIGHTS & ABORTION

- [SB 84](#) Karnes+ **Prohibits insurance coverage of abortions** To Health, then Judiciary
- [SB 91](#) Karnes **Requires anesthesia for unborn fetus in abortions after 7 weeks** To Health, then Judiciary
- [SB 92](#) Karnes+ **Limits insurance coverage for elective abortions to supplemental policies** To Insurance, then Finance
- [SB 405](#) Rucker+ **Life at Conception Act of 2018** (see **HB 4318**) To Health, then Judiciary
- [SB 417](#) Rucker+ **Amends the definition of "medical services" to exclude abortions** (see **HB 4012**) To Health, then Judiciary
- [SB 450](#) Karnes+ **Requires collection and analysis of data regarding abortions paid by Medicaid** Health reported Com. Sub., Finance reported, on 2<sup>nd</sup> reading 2/19
- [HB 4012](#) Arvon+ **Amends the definition of "medical services" to exclude abortions** (see **SB 417**) Health amended, to Judiciary
- [HB 4246](#) Kessinger+ **Requires abortions to be performed by a licensed physician** To Health, then Judiciary
- [HB 4264](#) Ellington+ **Repeals section of the Code providing penalties for performing an abortion** To Health, then Judiciary
- [HB 4318](#) McGeehan+ **Life at Conception Act of 2018** (see **SB 405**) To Judiciary
- [HB 4371](#) Sobonya+ **Prohibits school employees from helping a student obtain an abortion** To Education, then Judiciary
- Carryover bills introduced this session include: [HB 2053](#), [HB 2082](#) 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 165](#) **Rules Bundle. Authorizes DHHR to promulgate legislative rules.** *This rules bundle now includes a rule regarding hospital licensure, as well as the following additional rules previously contained in the following bills.* Judiciary reported Com. Sub., passed Senate 1/30, House Judiciary amended, passed House 2/16

DHHR [SB 168](#) Emergency Medical Services (see **HB 4126**) Health reported, to Judiciary

DHHR [SB 170](#) Substance Use Disorder treatment facilities (see **HB 4132**) Health reported, to Judiciary

DHHR [SB 171](#) Collection and exchange of data related to overdoses (see **HB 4131**) Health reported, to Judiciary

DHHR [SB 179](#) Drug screening for applicants for cash assistance (see **HB 4134**) Health reported, to Judiciary

HEALTH CARE AUTHORITY [SB 172](#) Financial disclosure (see **HB 4130**) Health amended, to Judiciary

BOARD OF LICENSED DIETICIANS [SB 195](#) Licensure and renewal requirements (see **HB 4072**) To Judiciary

BOARD OF MEDICINE [SB 197](#) PA licensure, discipline, CME (see **HB 4069**) To Judiciary

BOARD OF MEDICINE [SB 198](#) Continuing education for MDs and DPMs (see **HB 4070**) To Judiciary

BOARD OF OPTOMETRY [SB 199](#) Authorizes promulgation of legislative rules (see **HB 4050**) To Judiciary

BOARD OF OSTEOPATHIC MEDICINE [SB 200](#) PA licensure, discipline and CME (see **HB 4068**) To Judiciary

**BOARD OF PHARMACY [SB 201](#)** Licensure and practice of pharmacy (see **HB 4067**) To Judiciary  
**BOARD OF PHARMACY [SB 202](#)** Pharmacist recovery networks (see **HB 4066**) To Judiciary  
**BOARD OF PHARMACY [SB 203](#)** Immunizations administered by pharmacists and pharmacy interns (see **HB 4065**) To Judiciary  
**BOARD OF PHARMACY [SB 204](#)** Centralized prescriptions processing (see **HB 4064**) To Judiciary  
**BOARD OF PHARMACY [SB 205](#)** Uniform Controlled Substances Act (see **HB 4063**) To Judiciary  
**BOARD OF PHARMACY [SB 206](#)** Registration of pharmacy technicians (see **HB 4062**) To Judiciary  
**BOARD OF PHARMACY [SB 207](#)** Controlled Substances Monitoring Program (see **HB 4061**) To Judiciary  
**BOARD OF PSYCHOLOGISTS [SB 208](#)** Fees (see **HB 4049**) To Judiciary  
**BOARD OF PSYCHOLOGISTS [SB 209](#)** Licensure of psychologists (see **HB 4048**) To Judiciary  
**BOARD OF PSYCHOLOGISTS [SB 210](#)** Code of conduct (see **HB 4047**) To Judiciary

### **HOUSE RULES BILLS**

**HB 4079 Rules Bundle. Promulgates administrative rules by various executive or administrative agencies. This rules bundle now includes rules previously contained in the following bills. Judiciary reported Com. Sub., on 1<sup>st</sup> reading 2/19.**

**BOARD OF DIETICIANS [HB 4072](#)** Licensure and renewal requirements (see **SB 195**) Gov. Org. reported, to Judiciary  
**BOARD OF MEDICINE [HB 4069](#)** PA licensure, discipline, CME (see **SB 197**) Health reported, Judiciary reported  
**BOARD OF MEDICINE [HB 4070](#)** CME for MDs and DPMs (see **SB 198**) Health amended, Judiciary reported  
**BOARD OF OPTOMETRY [HB 4050](#)** Authorizes promulgation of rules (see **SB 199**) Gov. Org. reported, to Judiciary  
**BOARD OF OSTEOPATHIC MEDICINE [HB 4068](#)** PA licensure, discipline and CME (see **SB 200**) Health reported, to Judiciary  
**BOARD OF PHARMACY [HB 4067](#)** Licensure and practice of pharmacy (see **SB 201**) Health amended, to Judiciary  
**BOARD OF PHARMACY [HB 4066](#)** Pharmacist recovery networks (see **SB 202**) Health reported, to Judiciary  
**BOARD OF PHARMACY [HB 4065](#)** Immunizations administered by pharmacists and pharmacy interns (see **SB 203**) Health reported, to Judiciary  
**BOARD OF PHARMACY [HB 4064](#)** Centralized prescriptions processing (see **SB 204**) Health reported, to Judiciary  
**BOARD OF PHARMACY [HB 4063](#)** Uniform Controlled Substances Act (see **SB 205**) Health reported, to Judiciary  
**BOARD OF PHARMACY [HB 4062](#)** Registration of pharmacy technicians (see **SB 206**) Health reported, to Judiciary  
**BOARD OF PHARMACY [HB 4061](#)** Controlled Substances Monitoring Program (see **SB 207**) Health reported, to Judiciary  
**BOARD OF PSYCHOLOGISTS [HB 4049](#)** Fees (see **SB 208**) Gov. Org. amended, to Judiciary  
**BOARD OF PSYCHOLOGISTS [HB 4048](#)** Licensure of psychologists (see **SB 209**) Gov. Org. reported, to Judiciary  
**BOARD OF PSYCHOLOGISTS [HB 4047](#)** Code of conduct (see **SB 210**) Gov. Org. reported, to Judiciary  
**DHHR [HB 4129](#)** Hospital licensure (see **SB 165**) Health reported, to Judiciary  
**DHHR [HB 4126](#)** Emergency Medical Services (see **SB 168**) Health reported, to Judiciary  
**DHHR [HB 4132](#)** Substance Use Disorder treatment facilities (see **SB 170**) Substance Abuse reported, to Judiciary  
**DHHR [HB 4131](#)** Collection and exchange of data related to overdoses (see **SB 171**) Substance Abuse reported, to Judiciary  
**DHHR [HB 4134](#)** Drug screening for applicants for cash assistance (see **SB 179**) To Judiciary  
**HEALTH CARE AUTHORITY [HB 4130](#)** Financial disclosure (see **SB 172**) Health amended, to Judiciary  
**NURSING BOARD [HB 4232](#)** Nursing programs, faculty, curriculum *Bill originated in committee.* Health reported, to Judiciary

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

**[SB 103](#)** Takubo **Establishes tax credits for new graduate physicians who locate to WV for 6 years** Health reported, Finance reported.  
**[HB 2964](#)** Bates **Implements several temporary tax increases, to expire July 1, 2021** To Health, then Finance  
**[HB 3045](#)** Hornbuckle **Changes soft drink tax to 2 cents per fluid ounce to benefit medical schools** To Finance  
**[HB 4153](#)** Walters+ **Imposed tiered tax on HMOs to draw matching federal Medicaid funds** To Health, then Finance  
**[HB 4331](#)** Iaquinta+ **Exempts living organ donors from income tax in the year transplantation occurs** To Finance  
**[HB 4344](#)** Lane+ **Taxes soft drinks with more than 10 grams of sugar per 8 fluid ounces** To Health, then Finance  
**[HB 4347](#)** Moore+ **Allows voluntary contribution from state tax refund or DMV fees to State Police Forensic Laboratory Fund** Transportation amended, to Finance  
**[HB 4450](#)** Rohrbach+ **Changes tax liability for soft drinks and syrups to wholesalers** To Finance  
**[HB 4471](#)** Ward+ **Establishes a 1% tax on food for five years to fund PEIA** To Insurance, then Finance

[HB 4472](#) Sobonya+ **Transfers tax of 5 cents per ounce of liquor to WV Addictions Treatment and Recovery Fund Substance Abuse amended**, to Finance

[HB 4537](#) Rowe **Increases tobacco products excise tax to reduce PEIA premiums** To Health, then Finance

[HB 4543](#) Byrd+ **Imposes excise tax on Schedule II drug manufacturers and distributors** To Substance Abuse, then Finance

### TOBACCO

[SB 13](#) Stollings+ **Raises legal age for purchase of tobacco or tobacco products to 21** To Judiciary, then Finance

[SB 61](#) Takubo+ **Prohibits smoking in motor vehicles when minor 16 or under is present** (see [HB 4177](#)) Health reported, to Judiciary

[SB 534](#) Palumbo+ **Increases penalties for tobacco-related offenses on public school property** To Judiciary

[HB 2331](#) Rowe+ **Raises legal age for purchase of tobacco or tobacco products to 21** To Health, then Judiciary

[HB 4171](#) Pushkin+ **Prohibits smoking in motor vehicles in presence of child under age 8** To Health, then Judiciary

[HB 4177](#) Lane **Prohibits smoking in motor vehicles when minor 16 or under is present** (see [SB 61](#)) To Health, then Judiciary

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

... The Medical Cannabis Advisory Board plans to meet at 2 p.m. Tuesday at the University of Charleston. The meeting comes just two weeks after a previous gathering in an effort to provide input and response to the West Virginia Legislature. However, none of the bills introduced to make adjustments to 2017's Medical Cannabis Act have been taken up in committee, as the regular session enters its final three weeks of activity. ...

... Dr. Michael Kilkenny, physician director of the Cabell-Huntington Health Department, appeared before the Senate Health Committee last Tuesday to testify in support of [SB 61](#), which would prohibit smoking in a motor vehicle when someone age 16 or younger is present. The bill was advanced to the Judiciary Committee. ...

... The House Committee on Health and Human Resources adopted a strike-and-insert amendment to [HB 4472](#) on Thursday which would divert about 5% of the revenue on wholesale liquor sales in West Virginia – about \$1 million – to the Ryan Brown Addiction Prevention and Recovery Fund. Committee counsel Charles Roskovensky said the fund has about \$500,000 remaining at this date, with another \$800,000 anticipated from the state Attorney General's Office. ...

... The Center for Rural Health Development's annual Governance & Leadership Forum has been scheduled for April 27-28 at Stonewall Resort and Conference Center. The theme of this year's forum is "Working Toward a Wild, Wonderful and Healthy West Virginia." Leaders from business, education, economic development, government and other sectors have been invited to join health care leaders from throughout West Virginia to discuss how best to address health disparities in each county with the goal of improving the ability of rural communities throughout West Virginia to attract economic development opportunities. For information, visit [wvgovernanceforum.org](http://wvgovernanceforum.org) or call (304) 397-4071. ...

... DHHR's Bureau for Medical Services has received approval from the U.S. Centers for Medicare and Medicaid Services to offer Neonatal Abstinence Syndrome (NAS) treatment services. This designation makes West Virginia the first state in the nation to receive such approval. NAS is a generalized multisystem disorder that produces a variety of symptoms in newborn babies when exposure to opioids is abruptly discontinued at birth. Infants with NAS require around-the-clock care during the first weeks of their lives to combat symptoms of withdrawal such as tremors, vomiting, seizures, excessive crying, and sensitivity to stimuli (e.g., loud noises, bright lights, and bright colors) and to wean the infant from his or her dependence on opiates using small doses of morphine or methadone. Currently, Lily's Place in Huntington is offering these services and now can be recognized by West Virginia Medicaid as a Neonatal Abstinence Syndrome Treatment Center. Under the program, newborns with NAS would receive services to treat withdrawal symptoms, including: comprehensive assessment to determine a plan of care; low or reduced stimulus environment, slow introduction to sensory stimulation (both site and sound); pharmaceutical withdrawal management, with tapering protocol as referenced by the American Academy of Pediatrics; Monitoring Withdrawal Objective Assessment, at least twice, daily; and non-pharmacological interventions, such as therapeutic swaddling, vestibular stimulation/vertical rocking, c-position, head-to-toe movements, clapping, exercise to relieve gas discomfort and newborn massage. ...

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

... ***“We’re a bunch of – I’m not sure what we’re a bunch of – I guess we’re a bunch of legislators.”***

- Sen. Mike Romano, speaking against a committee substitute to **SB 273**, during a Senate floor debate.

... ***“We didn’t just fall off a truck. We thought about this a lot.”***

- Sen. Ron Stollings, during that same debate, noting the deliberation involved in crafting the bill.

... ***“To the gentleman – There’s only 50 states.”***

- Delegate Gary Howell, chair of the House Government Organization Committee, when a committee member thought a 25-state requirements in **HB 4597** had been 75 in an earlier version of the bill.

... ***“I know that I’m drifting off topic here, so I should be careful with that.”***

- Sen. Craig Blair, answering a question from Sen. Corey Palumbo regarding cost estimates for implementation of **SB 341**, which creates an intermediate court of appeals. The Senate passed the bill on Thursday.

... ***“Is \$3 million in the same ballpark as \$10 million?”***

- Sen. Corey Palumbo, trying to reconcile and disparate cost estimates on an intermediate court of appeals.

... ***“If we do this, we could build treatment centers in every community across the state, and taxpayers wouldn’t have to pay a dime. This will tell everybody who’s trying to poison our citizens. They profited off of our misery. We all know that.”***

- Sen. Stephen Baldwin, who proposed an unsuccessful amendment to the Opioid Reduction Act, regarding a proposed “opioid crisis recovery fine.” The proposal is now being offered in the form of a bill, to be introduced today. Baldwin called the \$40 million in lawsuit settlements to date “peanuts” in comparison to the \$8 billion opioid crisis.

... ***“We will implement this process, through rule, if directed.”***

- Nancy Sullivan of the state Department of Health and Human Resources, when asked in Senate Health whether the agency supports **SB 293**, which adds grievance and appellate procedures and judicial review for participants in DHHR’s safety and treatment program. The program is for those whose driver’s licenses have been suspended or revoked for DUI.

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

Feb. 28	Year of the Child kickoff event
March 2	WV Chapter, American Foundation for Suicide Prevention
March 5	Deaf Awareness Day American Red Cross Day
March 6	Cannabis Day
March 7	Fair Shake Network Ice Cream Social

## ***Our Next Issue***

The next issue of ***Health Care Highlights*** will be published **Feb. 26**, when we will continue the weekly tracking of all health care-related bills under consideration by the House and Senate. We will also report on actions taken by legislative committees and other health care news.

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