

1 **ENGROSSED**

2 **H. B. 2880**

3 (By Delegates Stansbury, Rohrbach, Householder, R. Phillips, Arvon, Howell, Moffatt, Shott,  
4 Ellington, E. Nelson and Campbell )

5  
6 (Originating in the House Committee on Health and Human Resources)

7 [February 19, 2015]

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12 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto by adding thereto  
13 a new article, designated §62-15A-1, §62-15A-2, §62-15A-3 and §62-15A-4 relating to  
14 creating an addiction treatment pilot program.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
17 article, designated §62-15A-1, §62-15A-2, §62-15A-3 and §62-15A-4 to read as follows:

18 **ARTICLE 15A. ADDICTION TREATMENT PILOT PROGRAM.**

19 **§62-15A-1. Definition.**

20 (a) As used in this article:

21 (1) "Adult Drug Court Program" means an Adult Treatment Court established by the  
22 Supreme Court of Appeals of West Virginia pursuant to this article fifteen;

23 (2) "Court" means the Supreme Court of Appeals of West Virginia;

24 (3) "Parole" means the release of a prisoner by the Division of Corrections temporarily or

1 permanently before the completion of a sentence, on the promise of good behavior; and

2 (4) "Prescriber" means an individual currently licensed and authorized by this state to  
3 prescribe and administer prescription drugs in the course of their professional practice.

4 **§62-15A-2. Supreme Court of Appeals of West Virginia Pilot Program.**

5 (a)(1) The Court is requested to conduct a pilot program to provide addiction treatment,  
6 including medication-assisted treatment, to persons who are offenders within the criminal justice  
7 system, eligible to participate in a program, and selected under this section to be participants in the  
8 pilot program because of their dependence on opioids.

9 (2) The Court may conduct the pilot program in any circuit court that is conducting an Adult  
10 Drug Court Program.

11 (3) The Court is requested to conduct the pilot program in up to five Adult Drug Court  
12 Programs, where the pilot program is authorized by the program's Adult Drug Court Judge.

13 (b) In conducting the pilot program, the Court and its Division of Probation Services may  
14 be assisted by the Department of Health and Human Resources and any other state agency that it  
15 determines may be of assistance in accomplishing the objectives of the pilot program.

16 (c) The Adult Drug Court Program shall select persons who are participants in the Adult  
17 Drug Court program, who have been clinically assessed and diagnosed with opioid addiction.  
18 Participants must either be eligible for medicaid, or eligible for a state, federal or private grant or  
19 other funding sources that provides for the full payment of the treatment necessary to participate in  
20 the pilot program. After being enrolled in the pilot program, a participant shall comply with all  
21 requirements of the Adult Drug Court Program.

22 (d) Treatment may be provided under the pilot program only by a treatment provider who  
23 is approved by the Court or Adult Drug Court Program consistent with the policies and procedures  
24 for Adult Drug Courts developed by the Court. In serving as a treatment provider, a treatment

1 services provider shall do all of the following:

2 (1) Provide treatment based on an integrated service delivery model that consists of the  
3 coordination of care between a prescriber and the addiction services provider;

4 (2) Conduct any necessary additional professional, comprehensive substance abuse and  
5 mental health diagnostic assessments of persons under consideration for selection as pilot program  
6 participants to determine whether they would benefit from substance abuse treatment and  
7 monitoring;

8 (3) Determine, based on the assessments described in subdivision (2), the treatment needs  
9 of the participants served by the treatment provider;

10 (4) Develop, for the participants served by the treatment provider, individualized goals and  
11 objectives;

12 (5) Provide access to the non-narcotic, long-acting antagonist therapy included in the pilot  
13 program's medication-assisted treatment.

14 (6) Provide other types of therapies, including psychosocial therapies, for both substance  
15 abuse and any disorders that are considered by the treatment provider to be co-occurring  
16 disorders.

17 (e) In the case of the medication-assisted treatment provided under the pilot program, a drug  
18 may be used only if it has been approved by the United States Food and Drug Administration for use  
19 in the prevention of relapse to opioid dependence and in conjunction with psychosocial support,  
20 provided as part of the pilot program, appropriate to patient needs.

21 **§62-15A-3. The Division of Corrections' Pilot Program.**

22 (a) The Division of Corrections shall conduct a pilot program to provide addiction treatment,  
23 including medication-assisted treatment, to persons within the custody of the Division of  
24 Corrections, selected under this section to be participants in the pilot program because of their

1 dependence on opioids.

2 (b) In conducting the pilot program, the Division of Corrections may collaborate with the  
3 West Virginia Department of Health and Human Resources and any other state agency that it  
4 determines may be of assistance in accomplishing the objectives of the pilot program.

5 (c) The Division of Corrections shall select persons, within the custody of the Division of  
6 Corrections, who are determined to be at high risk using the LS/CMI assessment criteria into the  
7 pilot program. Participants must either be eligible for medicaid, or eligible for a state, federal or  
8 private grant or other funding sources that provides for the full payment of the treatment necessary  
9 to participate in the pilot program. After being enrolled in the pilot program, a participant shall  
10 comply with all requirements of the treatment program.

11 (d) A participant shall:

12 (1) Receive treatment based on an integrated service delivery model that consists of the  
13 coordination of care between a prescriber and the addiction services provider;

14 (2) Submit to professional, comprehensive substance abuse and mental health diagnostic  
15 assessments of persons under consideration for selection as pilot program participants to determine  
16 whether they would benefit from substance abuse treatment and monitoring;

17 (3) Receive, based on the assessments described in subdivision (2), the treatment needs of  
18 the participants served by the treatment provider;

19 (4) Submit to the treatment provider, individualized goals and objectives;

20 (5) Receive the non-narcotic, long-acting antagonist therapy included in the pilot program's  
21 medication-assisted treatment;

22 (6) Participate in other types of therapies, including psychosocial therapies, for both  
23 substance abuse and any disorders that are considered by the treatment provider to be co-occurring  
24 disorders.

1           (e) In the case of the medication-assisted treatment provided under the pilot program, a drug  
2 may be used only if it has been approved by the United States Food and Drug Administration for use  
3 in the prevention of relapse to opioid dependence, and in conjunction with psychosocial support,  
4 provided as part of the pilot program, appropriate to patient needs.

5 **§62-15A-4. Report.**

6           (a) The Division of Corrections shall prepare a report.

7           (b) The report shall include:

8           (1) Number of participants;

9           (2) Number of participants successfully completing the program;

10          (3) Offenses committed or offense convicted of;

11          (4) Recidivism Rate;

12          (5) Potential cost saving or expenditures;

13          (6) A statistical analysis which determines the effectiveness of the program; and

14          (7) Any other information the reporting entity finds pertinent.

15          (b) The Court should provide any information necessary to the Division to complete the  
16 report.

17          (c) The Division of Corrections shall submit the report to:

18          (1) The Governor;

19          (2) The Chief Justice of the Supreme Court of Appeals of West Virginia;

20          (3) The Joint Committee on Government and Finance;

21          (4) The Secretary of the Department of Health and Human Resources; and

22          (5) The Commissioner of the Division of Corrections.

23          (d) The report shall be submitted by July 1, 2017 and shall include twelve months of data  
24 from the beginning of the administration of the program.