

1 **ENROLLED**

2 **H. B. 2880**

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

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6 [Passed March 10, 2015; in effect ninety days from passage.]
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10 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
11 designated §62-15A-1, §62-15A-2, §62-15A-3 and §62-15A-4 relating to creating an
12 addiction treatment pilot program.

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

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

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

17 **§62-15A-1. Definitions.**

18 As used in this article:

19 (1) "Addiction service provider" means a person licensed by this state to provide addiction
20 and substance abuse services to persons addicted to opioids, alcohol or both.

21 (2) "Adult drug court judge" means a circuit court judge operating a drug court as defined
22 in subsection (a), section one of this article.

23 (3) "Adult Drug Court Program" means an adult treatment court established by the Supreme
24 Court of Appeals of West Virginia pursuant to this article.

1 (4) "Circuit court" means those courts set forth in article two, chapter fifty-one of this code.

2 (5) "Court" means the Supreme Court of Appeals of West Virginia.

3 (6) "Division" means the Division of Corrections.

4 (7) "LS/CMI assessment criteria" means the level of service/case management inventory
5 which is an assessment tool that measures the risk and need factors of adult offenders.

6 (8) "Medication-assisted treatment" means the use of medications, in combination with
7 counseling and behavioral therapies, to provide a whole-patient approach to the treatment of
8 substance use disorders.

9 (9) "Parole" means the release of a prisoner by the Division of Corrections temporarily or
10 permanently before the completion of a sentence, on the promise of good behavior.

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

13 **§62-15A-2. Supreme Court of Appeals of West Virginia Pilot Program.**

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

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

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

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

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

7 (d) Treatment may be provided under the pilot program only by a treatment provider who
8 is approved by the Court or Adult Drug Court Program consistent with the policies and procedures
9 for Adult Drug Courts developed by the Court. In serving as a treatment provider, a treatment
10 services provider shall do all of the following:

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

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

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

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

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

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

1 disorders.

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

6 **§62-15A-3. The Division of Corrections' Pilot Program.**

7 (a) The Division of Corrections shall conduct a pilot program to provide addiction treatment,
8 including medication-assisted treatment, to persons within the custody of the Division of
9 Corrections, selected under this section to be participants in the pilot program because of their
10 dependence on opioids.

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

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

20 (d) A participant shall:

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

23 (2) Submit to professional, comprehensive substance abuse and mental health diagnostic
24 assessments of persons under consideration for selection as pilot program participants to determine

1 whether they would benefit from substance abuse treatment and monitoring;

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

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

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

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

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

14 **§62-15A-4. Report.**

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

16 (b) The report shall include:

17 (1) Number of participants;

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

19 (3) Offenses committed or offense convicted of;

20 (4) Recidivism Rate;

21 (5) Potential cost saving or expenditures;

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

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

24 (b) The Court should provide any information necessary to the Division to complete the

1 report.

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

3 (1) The Governor;

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

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

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

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

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