

**E N R O L L E D**

**H. B. 2880**

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(BY DELEGATE(S) STANSBURY, ROHRBACH,  
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SHOTT, ELLINGTON, E. NELSON AND CAMPBELL )

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[Passed March 10, 2015;  
in effect ninety days from passage.]

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

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

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

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

**§62-15A-1. Definitions.**

1 As used in this article:

2 (1) “Addiction service provider” means a person licensed by  
3 this state to provide addiction and substance abuse services to  
4 persons addicted to opioids, alcohol or both.

5 (2) “Adult drug court judge” means a circuit court judge  
6 operating a drug court as defined in subsection (a), section one  
7 of this article.

8 (3) “Adult Drug Court Program” means an adult treatment  
9 court established by the Supreme Court of Appeals of West  
10 Virginia pursuant to this article.

11 (4) “Circuit court” means those courts set forth in article  
12 two, chapter fifty-one of this code.

13 (5) “Court” means the Supreme Court of Appeals of West  
14 Virginia.

15 (6) “Division” means the Division of Corrections.

16 (7) “LS/CMI assessment criteria” means the level of  
17 service/case management inventory which is an assessment tool  
18 that measures the risk and need factors of adult offenders.

19 (8) “Medication-assisted treatment” means the use of  
20 medications, in combination with counseling and behavioral  
21 therapies, to provide a whole-patient approach to the treatment  
22 of substance use disorders.

23 (9) “Parole” means the release of a prisoner by the Division  
24 of Corrections temporarily or permanently before the completion  
25 of a sentence, on the promise of good behavior.

26 (10) “Prescriber” means an individual currently licensed and  
27 authorized by this state to prescribe and administer prescription  
28 drugs in the course of their professional practice.

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

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

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

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

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

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

24 program, a participant shall comply with all requirements of the  
25 Adult Drug Court Program.

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

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

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

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

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

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

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

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

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

1 (a) The Division of Corrections shall conduct a pilot  
2 program to provide addiction treatment, including medica-  
3 tion-assisted treatment, to persons within the custody of the  
4 Division of Corrections, selected under this section to be  
5 participants in the pilot program because of their dependence on  
6 opioids.

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

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

21 (d) A participant shall:

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

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

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

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

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

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

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

**§62-15A-4. Report.**

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

2 (b) The report shall include:

3 (1) Number of participants;

4 (2) Number of participants successfully completing the  
5 program;

6 (3) Offenses committed or offense convicted of;

7 (4) Recidivism Rate;

8 (5) Potential cost saving or expenditures;

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

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

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

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

16 (1) The Governor;

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

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

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

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

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





That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

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*Governor*





