

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

### **ENROLLED**

#### **Committee Substitute**

**for**

#### **House Bill 4176**

BY DELEGATES STANSBURY, HOWELL, HOUSEHOLDER,  
ELLINGTON, SUMMERS, ROHRBACH, WELD, MILLER,  
HANSHAW, WESTFALL AND B. WHITE

[Passed March 12, 2016; in effect ninety days from  
passage.]

1 AN ACT to amend and reenact §62-15A-1, §62-15A-2 and §62-15A-3 of the Code of West  
2 Virginia, 1931, as amended, all relating to the addiction treatment pilot program; defining  
3 terms; permitting the Regional Jail and Correctional Facility Authority to participate in the  
4 pilot program; establishing criteria for participants authorizing inmates to receive good time  
5 credit for successful completion of the program; and including the Director of the Regional  
6 Jail and Correctional Facility Authority and the Secretary of the Department of Military  
7 Affairs and Public Safety in the list of recipients of the report required to be made by the  
8 Department of Health and Human Resources.

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

1 That §62-15A-1, §62-15A-2 and §62-15A-3 of the Code of West Virginia, 1931, as  
2 amended, be amended and reenacted, all 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 this state to provide addiction  
3 and substance abuse services to persons addicted to opioids.

4 (2) "Adult drug court judge" means a circuit court judge operating a drug court as defined  
5 in subsection (a), section one, article fifteen.

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

8 (4) "Authority" means the Regional Jail and Correctional Facility Authority.

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

10 (6) "Court" means the Supreme Court of Appeals of West Virginia.

11 (7) "Department" means the Department of Health and Human Resources.

12 (8) "Division" means the Division of Corrections.

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

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

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

**§62-15A-2. The Department of Health and Human Resources Pilot Program.**

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

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

9 (c) The department may invite the Court, the Authority and the division to participate in the  
10 pilot program.

11 (d) The department may limit the number of participants.

12 (e) (1) If the Court's Adult Drug Court Program is selected to participate, it shall select  
13 persons who are participants in the Adult Drug Court program, who have been clinically assessed  
14 and diagnosed with opioid addiction. Participants must either be eligible for Medicaid, or eligible  
15 for a state, federal or private grant or other funding sources that provides for the full payment of  
16 the treatment necessary to participate in the pilot program. After being enrolled in the pilot  
17 program, participants shall comply with all requirements of the Adult Drug Court Program.

18 (2) Treatment may be provided under this subsection only by a treatment provider who is

19 approved by the Court or Adult Drug Court Program consistent with the policies and procedures  
20 for Adult Drug Courts developed by the Court. In serving as a treatment provider, a treatment  
21 services provider shall do all of the following:

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

24 (B) Conduct any necessary additional professional, comprehensive substance abuse and  
25 mental health diagnostic assessments of persons under consideration for selection as pilot  
26 program participants to determine whether they would benefit from substance abuse treatment  
27 and monitoring;

28 (C) Determine, based on the assessments described in paragraph (B), the treatment  
29 needs of the participants served by the treatment provider;

30 (D) Develop, for the participants served by the treatment provider, individualized goals  
31 and objectives;

32 (E) Provide access to the non-narcotic, long-acting antagonist therapy included in the pilot  
33 program's medication-assisted treatment; and

34 (F) Provide other types of therapies, including psychosocial therapies, for both substance  
35 abuse and any disorders that are considered by the treatment provider to be co-occurring  
36 disorders.

37 (f) (1) If the Division of Corrections is selected to participate, the division shall select  
38 persons, within the custody of the Division of Corrections, who are determined to be at high risk  
39 using the LS/CMI assessment criteria into the pilot program. Participants must either be eligible  
40 for Medicaid, or eligible for a state, federal or private grant or other funding sources that provide  
41 for the full payment of the treatment necessary to participate in the pilot program. After being  
42 enrolled in the pilot program, a participant shall comply with all requirements of the treatment  
43 program.

44 (2) A participant shall:

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

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

50 (C) Receive, based on the assessments described in paragraph (B), the treatment needs  
51 of the participants served by the treatment provider;

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

53 (E) Receive the nonnarcotic, long-acting antagonist therapy included in the pilot program's  
54 medication-assisted treatment; and

55 (F) Participate in other types of therapies, including psychosocial therapies, for both  
56 substance abuse and any disorders that are considered by the treatment provider to be co-  
57 occurring disorders

58 (g) (1) If the Regional Jail and Correctional Facility Authority is selected to participate, the  
59 authority shall select only persons who are serving a sentence for a felony or misdemeanor who  
60 are determined to be at high risk using the LS/CMI assessment criteria for the pilot program.  
61 Participants must either be eligible for Medicaid, or eligible for a state, federal or private grant or  
62 other funding source that provides for the full payment of the treatment necessary to participate  
63 in the pilot program. After being enrolled in the pilot program, a participant shall comply with all  
64 requirements of the treatment program.

65 (2) A participant shall:

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

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

71 (C) Receive, based on the assessments described in paragraph (B), the treatment needs  
72 of the participants served by the treatment provider;

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

74 (E) Receive the nonnarcotic, long-acting antagonist therapy included in the pilot program's  
75 medication-assisted treatment; and

76 (F) Participate in other types of therapies, including psychosocial therapies, for both  
77 substance abuse and any disorders that are considered by the treatment provider to be co-  
78 occurring disorders.

79 (3) A participant who is incarcerated pursuant to a misdemeanor conviction or convictions  
80 and successfully completes this treatment pilot program may, at the discretion of the Authority,  
81 receive up to five days off of his or her sentence.

82 (4) If a participant begins participation in the treatment pilot program while in the custody  
83 of the Commissioner of Corrections, but is confined in a regional jail, and transferred to a Division  
84 of Corrections facility before completing the pilot treatment program the Division of Corrections  
85 shall ensure that the participant's treatment under the program will continue and that upon  
86 successful completion the participant shall receive credit off his or her sentence as would have  
87 occurred had he or she remained in the authority facility until successful completion.

**§62-15A-3. Report.**

88 (a) The department shall prepare a report.

89 (b) The report shall include:

90 (1) Number of participants;

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

92 (3) Offenses committed or offense convicted of;

93 (4) Recidivism Rate;

94 (5) Potential cost saving or expenditures;

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

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

97 (c) The Court and the division should provide any information necessary to the department  
98 to complete the report.

99 (d) The department shall submit the report to:

100 (1) The Governor;

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

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

103 (4) The Commissioner of the Division of Corrections;

104 (5) The Director of the Regional Jail and Correctional Facility Authority; and

105 (6) The Secretary of the Department of Military Affairs and Public Safety.

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