

E N G R O S S E D

H. B. 2880

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(Originating in the House Committee on Health and Human Resources)
[February 19, 2015]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §62-15-14 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. Definition.

1 (a) As used in this article:

2 (1) “Adult Drug Court Program” means an Adult Treatment
3 Court established by the Supreme Court of Appeals of West
4 Virginia pursuant to this article fifteen;

5 (2) “Court” means the Supreme Court of Appeals of West
6 Virginia;

7 (3) “Parole” means the release of a prisoner by the Division
8 of Corrections temporarily or permanently before the completion
9 of a sentence, on the promise of good behavior; and

10 (4) “Prescriber” means an individual currently licensed and
11 authorized by this state to prescribe and administer prescription
12 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
3 medication-assisted treatment, to persons within the custody of
4 the 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.

