

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2428

FISCAL
NOTE

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[Introduced February 14, 2017; Referred
to the Committee on Prevention and Treatment of
Substance Abuse then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-53-1, §16-53-2 and §16-53-3, all relating to the establishment of additional
 3 substance abuse treatment facilities; offering legislative findings; requiring an additional
 4 600 treatment beds be made available by July 1, 2018; requiring 100 treatment beds be
 5 located in Wood County, West Virginia; requiring the Secretary of DHHR to determine how
 6 best to effectuate the purposes of the article; creating a Substance Abuse Treatment Fund
 7 to support the facilities established pursuant to this article.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article, designated §16-53-1, §16-53-2 and §16-53-3, all to read as follows:

ARTICLE 53. ESTABLISHING ADDITIONAL SUBSTANCE ABUSE TREATMENT FACILITIES.

§16-53-1. Legislative findings.

1 (a) The Legislature finds that substance abuse, of both drugs and alcohol, is a major public
 2 health crisis for the citizens of our state. It is estimated that one-hundred fifty two thousand West
 3 Virginians over the age of eighteen have a substance use problem. By the end of 2014, West
 4 Virginia led the nation in drug overdose deaths, at a rate of 35.5 per one hundred thousand
 5 people. In addition, in 2011, 26.9% of persons killed in crashes in West Virginia were by drivers
 6 with a blood alcohol concentration (BAC) of 0.08 or higher.

7 (b) Access to facilities that provide substance abuse treatment services are currently
 8 lacking in the state. There are approximately seven hundred and fifty treatment beds in the state,
 9 according to the West Virginia Bureau of Behavioral Health and Health Facilities (BHHF). Of that
 10 number, one hundred thirty treatment beds are in detox/crisis stabilization centers, which keep
 11 patients for an average of seven to ten days. Research indicates that most addicted individuals
 12 need at least three months in treatment to significantly reduce or stop their drug or alcohol use

13 and that the best outcomes occur with longer durations of treatment. In West Virginia, about fifteen
14 thousand people received some form of drug or alcohol abuse treatment in 2015. In contrast,
15 nearly sixty thousand West Virginians were identified as in need of substance abuse treatment
16 during that same period.

17 (c) Existing facilities, especially those that accept patients that are covered by Medicaid,
18 are overwhelmed by the current demand for their services. Many facilities have wait lists for their
19 programs, which often require patients to wait up to a year before being able to receive treatment.

20 (d) As a result of the magnitude of the problem in West Virginia, the Legislature finds that
21 supporting the effort to support our citizens in treatment, rehabilitation, and recovery from drug
22 and alcohol addiction is greatly needed. Further, there is an immediate need for a facility to be
23 located in Wood County.

§16-53-2. Establishment of substance abuse treatment facilities.

1 (a) The Secretary of the Department of Health and Human Resources shall ensure that,
2 prior to July 1, 2018, an additional six hundred treatment beds are made available in locations
3 throughout the state which the Division of Alcoholism and Drug Abuse determines to be the
4 highest priority for serving the needs of the citizens of the state.

5 (b) Of the total number of treatment beds contained in subsection (a), one hundred or
6 more treatment beds shall be located within Wood County.

7 (c) The objectives contained in subsections (a) and (b) may be accomplished in one of
8 two ways:

9 (1) The secretary shall establish, construct, equip and operate one or more substance
10 abuse treatment facilities. The secretary, or his or her designee, shall designate the functions of
11 each facility, prescribe guidelines for the admission, and supervise the business, personnel and
12 clinical responsibilities of each facility.

13 (2) The secretary shall identify a privately owned entity to operate a facility that provides
14 substance abuse treatment services.

15 (d) When selecting an option, the secretary shall choose the option that most closely
16 achieves the following objectives:

17 (1) The facility will give preference to West Virginia residents;

18 (2) The facility will accept patients covered by Medicaid;

19 (3) The facility will offer long term treatment, based upon need, of up to one year; and

20 (4) The facility will work closely with the Adult Drug Court Program, provided for in article
21 fifteen, chapter sixty-two of this code.

22 (e) Any facility that is established pursuant to this article must be licensed by this state to
23 provide addiction and substance abuse services.

§16-53-3. Establishing the “Substance Abuse Treatment Fund.”

1 (a) There is hereby established the “Substance Abuse Treatment Fund” which shall
2 provide financial support for the entity created in section two of this article.

3 (b) The fund may be comprised of moneys appropriated to the fund by the Legislature,
4 allocated to the fund by the federal government and all other sums designated for deposit in the
5 fund from any source, public or private.

6 (c) The fund shall be administered by the Division on Alcoholism and Drug Abuse within
7 the Bureau for Behavioral Health and Health Facilities. The bureau shall file an annual report with
8 the Joint Committee on Government and Finance describing the operation and status of the fund,
9 acts, policies, practices or procedures of the bureau in implementing the provisions of this article,
10 and the bureau’s recommendations as to changes in law or policy which it deems necessary or
11 appropriate.

NOTE: The purpose of this bill is to establish additional substance abuse treatment facilities; offer legislative findings; establish additional substance abuse treatment services in Wood County, West Virginia; require the secretary of DHHR to determine how best to effectuate the purposes of the article; create a Substance Abuse Treatment Fund to support the facilities established pursuant to this article.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.