

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 391**

BY SENATORS TAKUBO, STOLLINGS, UNGER AND BOSO

[Introduced February 22, 2017; Referred  
to the Committee on Health and Human Resources;  
and then to the Committee on Finance]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §16-5W-1, §16-5W-2 and §16-5W-3, all relating to requiring the Commissioner  
 3 of the Bureau for Public Health to establish a call-in center for state residents to receive  
 4 assistance with health care; setting forth requirements for operation of a center; setting  
 5 powers and duties of the commissioner; and granting rule-making authority.

*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 §16-5W-1, §16-5W-2 and §16-5W-3, all to read as follows:

**ARTICLE 5W. STATEWIDE CALL-IN CENTER FOR HEALTH CARE ADVICE AND  
 REFERRAL.**

**§16-5W-1. Creation of state-wide healthcare advice hotline and call-in center.**

1 (a) The Commissioner of the Bureau for Public Health shall establish and administer a  
 2 statewide call-in center. The call-in center shall be available to all residents of this state without  
 3 charge by calling a toll-free telephone number which shall be directed to a nurse. The call-in  
 4 hotline shall be available on a twenty-four hour basis every day of the year.

5 (b) The call-in center may also provide a physician referral mechanism to allow the nurse  
 6 to refer the resident to a physician to further assess the patient and in limited circumstances write  
 7 a prescription for an acute illness. Types of illnesses that physicians may prescribe include  
 8 nonemergent acute illnesses such as allergies, respiratory infections, bronchitis, colds, ear  
 9 infections, gastroenteritis, urinary tract infections, and other acute illnesses as authorized by the  
 10 commissioner. A physician may not prescribe Schedule II and Schedule III pursuant to this article.  
 11 A physician may not prescribe lifestyle medications such as erectile dysfunction, sleep aids or  
 12 antidepressants, pursuant to the call-in procedure set forth in this article.

**§16-5W-2. Requirements for call-in center.**

1 (a) Any nurse employed by the call-in center must have a license issued pursuant to the

2 provisions of article seven, chapter thirty of this code, and have a minimum five years prior nursing  
3 experience. Any physicians providing services via the call-in center must be licensed pursuant to  
4 the provisions of either article three, chapter thirty or article fourteen chapter thirty of this code.

5 (b) The call-in center shall be available twenty-four hours a day, seven days a week and  
6 the call-in system may not allow any caller to get a busy signal. All calls must be answered within  
7 three minutes.

8 (c) The call-in center shall meet all further requirements established by the Commissioner  
9 for the Bureau for Public Health in rule.

**§16-5W-3. Powers and duties of the commissioner.**

1 (a) The Commissioner for the Bureau for Public Health shall develop guidance documents  
2 for nurses to conduct assessments and protocols for when a caller may be referred to a physician  
3 for possible diagnosis and issuance of a prescription, or other action. Subsection (c), section  
4 thirteen-a, article three, chapter thirty of this code does not apply to physician referrals and  
5 assessments conducted through the call-in center pursuant to the protocols established by the  
6 commissioner. The Commissioner of the Bureau for Public Health shall develop any other  
7 protocols for referrals as medical conditions require and provide any criteria for authorization for  
8 pharmacies to issue prescriptions from a physician contacted through a call-in center.

9 (b) The Commissioner for the Bureau for Public Health may accept from any public or  
10 private source appropriations, grants, gifts, bequests and contributions for use in establishing and  
11 maintaining the call-in center.

12 (c) The Commissioner for the Bureau for Public Health is authorized to contract with a  
13 third-party provider or vendor to furnish and operate the call line. Any vendor selected to  
14 administer the call-in center shall have a minimum of four years' experience in providing telehealth  
15 care and the call center must be located in West Virginia.

16 (d) The Commissioner of the Bureau for Public Health may propose rules for legislative  
17 approval in accordance with article three, chapter twenty-nine-a of this code to effectuate the

18 provisions of this article. These rules shall include, at a minimum:

19 (1) Requirements for the call-in center to assure that assistance is provided only to state  
20 residents;

21 (2) Record keeping required to ensure that all call records are retained and submitted as  
22 required by the Commissioner of the Bureau for Public Health;

23 (3) Any necessary forms and documents; and

24 (4) Any other provisions necessary to effectuate the provisions of this article.

NOTE: The purpose of this bill is to establish a statewide call-in center for all state residents to utilize as an access point to get advice for medical conditions. The call-in center will allow an initial review of a health condition and may if authorized by the Commissioner of the Bureau for Public Health, allow reference by the nurse for assistance from a physician. The commissioner will establish protocols and contract with a vendor to administer the on-call center.

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