

WEST VIRGINIA LEGISLATURE

2018 REGULAR SESSION

Committee Substitute

for

Senate Bill 469

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CLEMENTS, AND CLINE

[Originating in the Committee on Health and Human

Resources; Reported on February 9, 2018]

1 A BILL to amend and reenact §62-15A-1, §62-15A-2, and §62-15A-3 of the Code of West Virginia,
2 1931, as amended, all relating to converting the Addiction Treatment Pilot Program into a
3 permanent program.

Be it enacted by the Legislature of West Virginia:

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~~ §62-15-2 of this code.

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 and §62-15-1 *et seq.* of this
8 code.

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

10 ~~(5)~~ "Circuit court" means those courts set forth in §51-2-1 *et seq.* of this code.

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

12 ~~(7)~~ "Department" means the Department of ~~Health and Human Resources~~ Military Affairs
13 and Public Safety.

14 ~~(8)~~ "Division" means the Division of Corrections.

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

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

20 ~~(14)~~ “Prescriber” means an individual currently licensed and authorized by this state to
21 prescribe and administer prescription drugs in the course of their professional practice.

**§62-15A-2. The Department of Health and Human Resources Pilot Program The Department
of Military Affairs and Public Safety Drug Addiction Treatment Program.**

1 ~~(a)~~ The Department of Military Affairs and Public Safety Program. –

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

6 ~~(b)~~ (2) In the case of the medication-assisted treatment provided under the ~~pilot~~ program,
7 a drug may be used only if it has been approved by the United States Food and Drug
8 Administration for use in the prevention of relapse to opioid dependence and in conjunction with
9 psychosocial support, provided as part of the ~~pilot~~ program, appropriate to patient needs.

10 ~~(c)~~ The department may invite the court, the authority and the division to participate in the
11 ~~pilot program.~~

12 ~~(d)~~ (3) The department may limit the number of participants.

13 ~~(b)~~ Court program. –

14 ~~(e)~~ (1) If the court’s adult drug court program ~~is selected to participate~~ participates in a
15 drug addiction program, ~~if the court~~ shall select persons who are participants in the Adult Drug
16 Court program, who have been clinically assessed and diagnosed with opioid addiction.
17 Participants must either be eligible for Medicaid or eligible for a state, federal, or private grant or
18 other funding source or combination of sources that provides for the full or partial payment of the
19 treatment necessary to participate in the ~~pilot~~ program. After being enrolled in the ~~pilot~~ program,
20 participants shall comply with all requirements of the adult drug court program.

21 (2) Treatment may be provided under this subsection only by a treatment provider who is
22 approved by the court or adult drug court program consistent with the policies and procedures for

23 adult drug courts developed by the court. In serving as a treatment provider, a treatment services
24 provider shall do all of the following:

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

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

31 (C) Determine, based on the assessments described in §62-15A-2(b)(2)(B) of this code
32 the treatment needs of the participants served by the treatment provider;

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

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

37 (F) Provide other types of therapies, including psychosocial therapies, for both substance
38 abuse and any disorders that are considered by the treatment provider to be cooccurring
39 disorders.

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

47 (2) A participant shall:

48 (A) Receive treatment based on an integrated service delivery model that consists of the

49 coordination of care between a prescriber and the addiction services provider;

50 (B) Submit to professional, comprehensive substance abuse and mental health diagnostic
51 assessments ~~of persons under consideration for selection as pilot program participants~~ to
52 determine whether ~~they~~ the participant would benefit from substance abuse treatment and
53 monitoring;

54 (C) Receive, based on the assessments described in §62-15A-2(b)(2)(B) of this code, the
55 treatment needs of the participants served by the treatment provider;

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

57 (E) Receive the non-narcotic, long-acting antagonist therapy included in the ~~pilot~~
58 program's medication-assisted treatment; and

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

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

69 (2) A participant shall:

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

72 (B) Submit to professional, comprehensive substance abuse and mental health diagnostic
73 assessments ~~of persons under consideration for selection as pilot program participants~~ to
74 determine whether ~~they~~ the person would benefit from substance abuse treatment and

75 monitoring;

76 (C) Receive, based on the assessments described in §62-15A-2(b)(2)(B) of this code, the
77 treatment needs of the participants served by the treatment provider;

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

79 (E) Receive the non-narcotic, long-acting antagonist therapy included in the ~~pilot~~
80 program's medication-assisted treatment; and

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

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

87 ~~(4)~~ (3) If a participant begins participation in the treatment pilot program while in the
88 custody of the Commissioner of Corrections, but is confined in a regional jail and transferred to
89 a Division of Corrections facility before completing the ~~pilot~~ treatment program, the Division of
90 Corrections shall ensure that the participant's treatment under the program will continue and
91 that upon successful completion the participant shall receive credit off his or her sentence as
92 would have occurred had he or she remained in the authority facility until successful completion.

§62-15A-3. ~~Report~~ Annual reports.

1 (a) The department and the court shall prepare a report annually.

2 (b) The report shall include:

3 (1) Number of participants;

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

5 (3) Offenses committed or offense convicted of;

6 (4) Recidivism rate;

7 (5) Potential cost saving or expenditures;

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

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

10 ~~(c) The Court and the division should provide any information necessary to the department~~
11 ~~to complete the report.~~

12 ~~(d)~~ (c) The department shall submit the report to:

13 (1) The Governor;

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

15 (3) The Joint Committee on Government and Finance.

16 ~~(4) The Commissioner of the Division of Corrections;~~

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

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

19 ~~(e)~~ (d) The report shall be submitted by July 1, 2017 ~~and shall include twelve months of~~
20 ~~data from the beginning of the administration of the program~~ 2019, and annually thereafter.

NOTE: The purpose of this bill is to convert the Addiction Treatment Pilot Program to a permanent program.

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