

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2546

By Delegates Criss, Heckert, Fehrenbacher and
Rohrbach

[Introduced January 13, 2023; Referred to the
Committee on Prevention and Treatment of
Substance Abuse then Health and Human
Resources]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §16-53-4, relating to requiring substance use disorder inpatient providers to
 3 provide transportation to their patients; to prohibit certain marketing or partnering, and
 4 requiring approval for limitation of eligibility.

Be it enacted by the Legislature of West Virginia:

ARTICLE 62. THE PATIENT BROKERING ACT.

§16-53-4. Requirement of substance use disorder treatment services to provide transportation; marketing or partnering prohibited; approval for limitation of eligibility.

1 (a) Substance use disorder inpatient providers in West Virginia shall offer their patients a
 2 means of transportation back to the individual’s state of birth, a state they have previously lived in,
 3 or a state where they have a family support structure, in order to assist those individuals in their
 4 recovery upon discharge from a substance use disorder inpatient provider.

5 (b) West Virginia substance abuse inpatient providers that receive funding from Medicaid
 6 are hereby prohibited from marketing or partnering with providers in other states for the purpose of
 7 relocating individuals to West Virginia to receive state covered substance use disorder treatment.

8 (c) Medicaid shall seek approval from the Centers for Medicare & Medicaid Services
 9 ("CMS") to limit eligibility for any substance use disorder waiver services to individuals that have
 10 established residency in West Virginia for at least six months prior to covered services.

NOTE: The purpose of this bill is to require substance use disorder inpatient providers to provide transportation to their patients. The bill prohibits certain marketing or partnering with other states. Finally, the bill requires approval for limitation of eligibility.

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