WEST virginia legislature

2023 regular session

Committee Substitute

for

Senate Bill 242

By Senators Azinger and Maynard

[Originating in the Committee on Health and Human Resources; reported on February 1, 2023]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §27-9-2, relating to residential substance use disorder programs; defining terms; requiring the Office of the Inspector General to promulgate amendments to the Behavioral Health Centers Licensure Rule; setting forth stakeholders; setting forth services, supplies, screenings, and education to be made available, or made available by referral; setting forth requirements to better monitor and improve quality outcomes; and providing for effective date.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 9. LICENSING OF HOSPITALS**.

**§27-9-2.** **Residential Substance Use Disorder Programs.**

The Office of the Inspector General shall propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq*. of this code and may promulgate emergency rules pursuant to the provisions of §29A-3-15 of this code to amend the Behavioral Health Centers Licensure Rule, W. Va. C.S.R. § 64-11-1 *et seq*. (hereafter the “rule”), to implement the requirements of this section after consultation with appropriate stakeholders including, but not limited to, the Bureau for Medical Services, the Office of Health Facility Licensure and Certification, the Bureau for Behavioral Health, the West Virginia Behavioral Healthcare Providers Association, the Office of Drug Control Policy, and the West Virginia Municipal League.

 (1) The Office of the Inspector General shall amend the rule to include a new definition for “Residential Substance Use Disorder Services Program” as specified below:

(A) Residential Substance Use Disorder Services Program means a behavioral health center that offers behavioral health services specific to addiction, including, but not limited to, substance use disorder services in a residential setting; and

(B) In addition to the specific provisions set forth in the rule which pertain to a residential substance use disorder services program, such residential substance use disorder services programs shall also be subject to any other provision in this rule pertaining generally to behavioral health centers offering behavioral health services.

 (2) The Office of the Inspector General shall amend the rule to require Residential Substance Use Disorder Services Programs to make available, or to make referrals for the following, if medically necessary and consistent with state and federal laws governing consumer consent, as may be applicable:

(A) Substance use disorder treatment services;

(B) HIV and hepatitis screening and education;

(C) Hepatitis A, B, and C vaccination and testing;

(D) Overdose prevention supplies and education; and

(E) Educational services related to birth control and disease transmission.

 (3) The Office of the Inspector General shall amend the rule to require Residential Substance Use Disorder Services Programs to implement certain mechanisms to better monitor and improve quality and consumer outcomes, which shall include, but not be limited to:

 (A) Identifying metrics to be monitored, including, but not limited to, co-occurring substance use disorders and mental health diagnoses and social determinants of health data to evaluate increased risks for functional impairment, treatment outcomes, morbidity and mortality, treatment costs, homelessness, incarceration, and suicide;

 (B) Implementing direct communication channels with community leaders to ensure the Residential Substance Use Disorder Services Program is being operated in an appropriate and efficient manner and to ensure it actively works to prevent or mitigate community impact related to the operation of a Residential Substance Use Disorder Services Program through the use of environmental strategies such as regular environmental assessments or meetings with stakeholders and community leaders to receive input as to potential or existing community impact;

 (C) Implementing mechanisms to identify, prevent, mitigate, and correct any community impact related to the operation of a Residential Substance Use Disorder Services Program after receiving input from community leaders and stakeholders;

 (D) Ensuring that appropriate referrals are being identified and made to ensure a full continuum of care;

(E) Ensuring appropriate methods for transportation are available for consumers, including upon discharge, and ensure this information is tracked by the provider; and

(F) Developing benchmarks and metrics to further the purposes of this section.

(G) Requiring applicants applying for a new license or for a renewed license to provide a written statement from a majority of the county commission for the county in which it is located or is proposing to locate, that the residential substance use disorder service program is:

(i) Is not prohibited by local ordinance; and

(ii) That maintain a majority of the county commission supports the program.

(H) A recovery residence, as defined in §16-59-1 of this code, is exempt from the requirements of this section.

(I) The effective date is July 1, 2023.

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