



## **West Virginia Senate**

### **Committee on Health and Human Resources**

#### **Minutes for FEBRUARY 16, 2021, 1:00 PM**

Pursuant to the call of the Chair, the Senate Committee on Health and Human Resources met on February 16, 2021, 1:00 PM in Room 451-M.

Members present: Senators Maroney, Grady, Azinger, Roberts, Rucker, Stover, Takubo, Weld, Woodrum, Lindsay, Plymale, Stollings, Unger

Members absent: None

A silent roll call being taken, the presence of a quorum was established.

On motion of Senator Grady, the minutes of the previous meeting were approved.

Chairman Maroney recognized Cindy Dellinger, Counsel, Senate Committee on Health and Human Resources, who presented Senate Bill 1 providing for parity of payment for telehealth services between service in-person and service provided through telehealth, along with a proposed Committee Substitute. Counsel responded to questions from the committee. With leave of the Committee, Jim Kaufman, President and CEO of the West Virginia Hospital Association, was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Senator Rucker asked questions of Mr. Kaufman. With leave of the Committee, William Swann was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Mr. Swann addressed the Committee and responded to questions regarding SB1. With leave of the Committee, Mark Spangler, Executive Director, WV Board of Medicine, was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Mr. Spangler addressed the Committee and responded to questions regarding SB1. With leave of the Committee, Ben Beakes was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Mr. Beakes addressed the Committee in support of SB1 and responded to questions.

Senator Takubo moves to amend the Committee Substitute. Senator Takubo's presented several amendments to be considered as one amendment. Those amendments were 1) in the event of a state emergency, the governor may issue an executive order to lift the provision of the one in three restriction; 2) give rule-making authority to healthcare boards to specify registration process of healthcare providers; 3) define "telehealth" for US territories only to ensure that no healthcare providers outside the US could provide telehealth services; 4) provide healthcare boards emergency rule-making authority. Senator Lindsay asks questions of Senator Takubo regarding his suggested amendment. The Chairman put the question on amendment to the Committee Substitute for SB1. The amendment was unanimously adopted.

On Motion of Senator Grady, the Committee recessed at approximately 2:00 p.m.

The Committee reconvened at approximately 6:35 p.m.

Senator Lindsay moves to amend the Committee Substitute for SB1 for the telehealth physician to advise the patient's PCP of the telehealth visit. Senator Stollings speaks in support of Senator Lindsay's amendment. Senators Maroney and Plymale ask questions of counsel regarding Senator Lindsay's amendment. Senator Stover asks questions of Senator Lindsay regarding his amendment. The Chairman put the question on Senator Lindsay's amendment to the Committee Substitute for SB1. The amendment was adopted.

Senator Stollings moved to amend the Committee Substitute for SB1 to allow a patient that has been established for 1 year to be prescribed Schedule 3 through 5 medications during telehealth visits. Senator Stollings responded to questions regarding his amendment from Senators Rucker, Grady and Woodrum. The Chairman put the question on Senator Stollings' amendment to Committee Substitute for SB1. The amendment was adopted.

Senator Rucker moved to amend the Committee Substitute for SB1 to remove the 3 to 1 requirement. Senator Rucker responds to questions from Senators Lindsay and Roberts regarding her amendment.

Senator Grady moved to lay SB1 on the table. The Chairman put the question on the motion. The motion was adopted.

### **SB12 Relating to local health department accountability**

Chairman Maroney recognized Cindy Dellinger, Counsel, Senate Committee on Health and Human Resources, who presented Senate Bill 12 relating to local health department accountability along with a proposed Committee Substitute. Counsel responded to questions from the Committee. With leave of the Committee, Tom Susman was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Mr. Susman addressed the Committee and responded to questions regarding SB12. With leave of the Committee, Dr. Lee Smith, Medical Director and Administrator for the Monongalia County Health Department was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Dr. Smith then proceeded to address the Committee and respond to questions regarding SB12.

With leave of the Committee, Greg Puckett, Mercer County Commissioner, was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Commissioner Puckett then proceeded to address the Committee in opposition of SB12.

With leave of the Committee, Blair Couch, Wood County Commissioner, was administered the oath prescribed by Senate Rule 28a by Chairman Maroney. Commissioner Couch then proceeded to address the Committee in opposition of SB12.

Senator Stollings addresses the Committee in opposition of SB12.

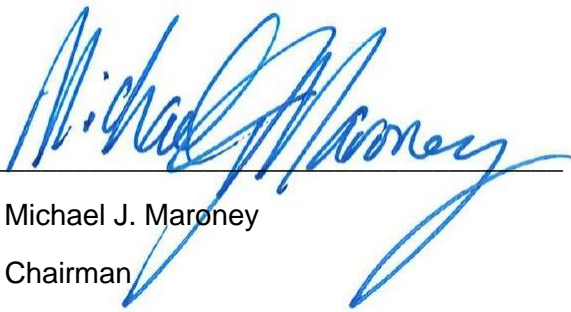
Senators Stover and Woodrum address the Committee regarding Committee Substitute for SB12. Senator Lindsay addressed the Committee in opposition to Committee Substitute for SB12.

Chairman Maroney recognized Senator Grady who moved to agree to the language of the Committee Substitute for SB12. The Chairman put the question on the motion and it was adopted. Chairman Maroney recognized Senator Grady who moved that the Committee Substitute for

Senate Bill 12 be reported to the full Senate with recommendation that it do pass. The Chairman put the question on the motion. The motion was adopted.

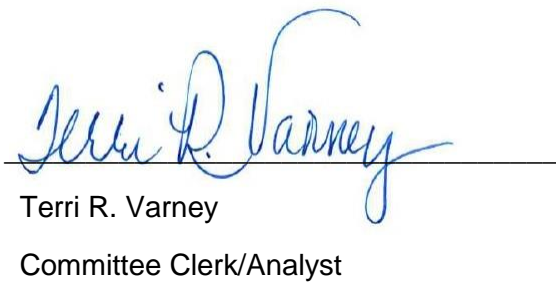
On motion from Senator Plymale, SB1 was taken from the table and laid over. The motion was unanimously adopted.

On Motion of Senator Grady the committee adjourned.



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Michael J. Maroney  
Chairman



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Terri R. Varney  
Committee Clerk/Analyst



The Senate of West Virginia

Remote/Virtual Testimony

Testimony taken this 16th day of February, 2021, in  
the Senate Committee on Health and Human Resources.

"I solemnly swear (or affirm) that the testimony I shall give shall be  
the truth, the whole truth, and nothing but the truth, so help me  
God."

Jim Kaufman (WV Hospital Assoc.)

Print Witness Name

Terri L. Garney

Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair

Print Member Name

Michael J. Maroney

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be  
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God."

William M. Swann, Esq.

Print Witness Name

Kevin R. Varney

Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair

Print Member Name

[Signature]

Sign Member Name



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"I solemnly swear (or affirm) that the testimony I shall give shall be  
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God."

Mark Spangler, Executive Director  
Print Witness Name WV Board of Medicine

Miss R. Vanney  
Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair  
Print Member Name

Michael J. Maroney  
Sign Member Name





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"I solemnly swear (or affirm) that the testimony I shall give shall be  
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God."

Ben Beakes, Three Point Strategies, LLC

Print Witness Name

Mari D. Varney

Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair

Print Member Name

[Signature]

Sign Member Name



## The Senate of West Virginia

### Remote/Virtual Testimony

Testimony taken this 16th day of February, 20 21, in  
the Senate Committee on Health and Human Resources.

"I solemnly swear (or affirm) that the testimony I shall give shall be  
the truth, the whole truth, and nothing but the truth, so help me  
God."

Tom Susman

Print Witness Name

Jerri D. Varney

Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair

Print Member Name

Michael J. Maroney

Sign Member Name





## The Senate of West Virginia

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Testimony taken this 16th day of February, 20 21, in  
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"I solemnly swear (or affirm) that the testimony I shall give shall be  
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God."

Bridget Lambert, President  
Print Witness Name WV Retailers Association

Jeri R. Farney  
Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair  
Print Member Name

Michael J. Maroney  
Sign Member Name



## The Senate of West Virginia

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Testimony taken this 16th day of February, 2021, in  
the Senate Committee on Health and Human Resources.

"I solemnly swear (or affirm) that the testimony I shall give shall be  
the truth, the whole truth, and nothing but the truth, so help me  
God."

Dr. Lee Smith, Administrator  
Mon. Co. Health Dept.  
Print Witness Name

Derek R. Vanney  
Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair  
Print Member Name

[Signature]  
Sign Member Name



## The Senate of West Virginia

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Testimony taken this 16th day of February, 2021, in  
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"I solemnly swear (or affirm) that the testimony I shall give shall be  
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God."

Greg Puckett, Mercer Co. Commissioner  
Print Witness Name

Jeri R. Varney  
Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair  
Print Member Name

Michael J. Maroney  
Sign Member Name



## The Senate of West Virginia

### Remote/Virtual Testimony

Testimony taken this 11th day of February, 2021, in  
the Senate Committee on Health and Human Resources.

"I solemnly swear (or affirm) that the testimony I shall give shall be  
the truth, the whole truth, and nothing but the truth, so help me  
God."

Blair Couch, Wood Co. Commissioner

Print Witness Name

Allen R. Varney

Testimony Attested to by Committee  
Clerk

Oath was administered by:

Michael J. Maroney, Chair

Print Member Name

Michael J. Maroney

Sign Member Name