

Health Care Highlights©

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Good morning! Today is the 34th day of the 60-day regular session of the West Virginia Legislature. Of the 1,519 bills introduced to date (934 House, 585 Senate), we are tracking 318 health-related bills.

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2017 Key Legislative Dates

March 14: Last day to introduce bills in the House. (Does not apply to originating or supplementary appropriation bills.)

March 20: Last day to introduce bills in the Senate. (Does not apply to originating or supplementary appropriation bills.)

March 26: Bills due out of committees in house of origin to ensure three full days for readings.

March 29: Last day to consider bills on third reading (passage stage) in house of origin for "cross-over." (Does not include budget or supplementary appropriations bills.)

April 8: Adjournment at midnight.

April 12: Anticipated extended session to work only on the Budget Bill and other appropriation bills.

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Health Care Highlights

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Certificate of Need Bill Debated

The Senate Health Committee on Thursday heard testimony, but took no action, on **HB 2459**, which clarifies requirements of West Virginia's certificate of need process. The bill, supported by the West Virginia Hospital Association, is seen as a "clean-up" of **HB 4365**, passed in 2016 to modernize CON.

"The CON modernization bill was intended to make the certificate of need process more user-friendly," WVHA President & CEO Joe Letnaunchyn told the committee. "There is still a check-and-balance in the new system ... but it's not the detailed CON process that we had before. We think giving this bill (**HB 4365**) a chance to work makes sense. It's just now starting to work."

This year's clean-up bill clarifies expenditure minimums before a CON becomes necessary, details the exemption for ambulatory care and makes other minor adjustments. Last year's modernization bill pared down the number of services requiring a CON to 23; raised the capital expenditure threshold, allowing more flexibility for health care providers; reduced CON application fees; exempted telemedicine and other services; and shortened the time frames for CON reviews and decisions. A bundled rules bill (SB 125) to fully implement the changes is pending action during the current session.

"I think it would certainly be prudent to let a number of those changes play out," said Sonya Chambers, board chair of the WV Health Care Authority, which oversees the CON program. "The changes this Legislature made are working."

Chambers promised to deliver an updated actuarial study to the Health Committee to show projected increased costs for PEIA, Medicaid and other insurers that could result from an outright repeal of the CON program in favor of a "free-market" approach to health care. Two bills introduced by Senate Majority Leader Ryan Ferns (**SB 395** and **SB 457**) would eliminate the Health Care Authority and the CON program entirely. To date, neither has been taken up in committee.

A senior research fellow from the Mercatus Center at George Mason University testified that several states have repealed CON statutes, which he described as, "a permission slip to compete." The Mercatus study indicated CON laws simply restrict the supply of health care services by undermining competition. A state auditor's report likewise found that West Virginia has the nation's seventh-fastest growth rate in health care spending per capita, with no correlation between the CON program and overall health costs.

In other business last week, Senate Health:

- Advanced a committee substitute for **SB 428**, which outlines the conditions under which a pharmacist may partially fill a prescription for Schedule II controlled substances, bringing West Virginia into conformity with the federal Comprehensive Addiction and Recovery Act of 2016;
- Passed **SB 326**, requiring notification of Department of Defense family advocacy groups about abuse or neglect of a military member's child. The bill is on 2nd reading on the Senate floor today;
- Approved **HB 2431**, which requires hospitals and other health facilities to offer immunizations to patients/residents age 65 and over who are discharged between Oct. 1 and March 1. The bill passed the full Senate on Saturday;
- Advanced to the Government Organization Committee **SB 398**, which creates the Emergency Volunteer Health Practitioners Act; and,
- Approved **SB 333**, which requires all DHHR-licensed inpatient facilities to access the state's Controlled Substances Monitoring Program database and record findings in the patient's medical record. The bill is now before the Judiciary Committee.

Direct Primary Care Bill Passed Both Houses

The state Senate on Saturday unanimously approved **HB 2301** to authorize the practice of Direct Primary Care in West Virginia. The House of Delegates had likewise unanimously passed the measure on Feb. 22. The concept, which existed as a pilot project for several years, is now permitted statewide.

Direct Primary Care allows private practitioners to charge patients a flat monthly fee in exchange for unlimited access and a range of primary care services. The bill was recommended by the interim Joint Committee on Health. DPC operates outside of traditional health insurance, Medicaid and Medicare. The bill allows for rule-making authority by both medical boards, as well as the boards for dentistry, chiropractic medicine and registered nurses.

Public Hearing on PAs Planned

The House Health and Human Resources Committee will host a public hearing at 2 p.m. Tuesday on **SB 347**, modernizing the Physician Assistant Practice Act. The bill, which passed the Senate unanimously on March 1, mirrors many of the provisions enacted during the 2016 legislative session regarding advanced practice registered nurses.

The bill changes language in the PA Practice Act to reflect a relationship with a “collaborating,” rather than “supervising,” physician. PAs would be allowed to prescribe a monthly supply of Schedule II and Schedule III drugs under certain circumstances, with specified restrictions. PAs also would be granted global signatory authority in a manner identical to APRNs, for death certificates, orders for life-sustaining treatment, orders for scope of treatment and do-not-resuscitate (DNR) orders.

Another provision would affect the way PAs receive reimbursement. Currently, they only receive up to 80% reimbursement when they see a patient without a collaborating/supervising physician in the room. The bill would allow 100% reimbursement at all times. The bill also would add a second PA representative to the WV Board of Medicine.

Finally, the bill would modify requirements that a PA continue to be recertified by the National Commission on Certification of Physician Assistants. The new provisions provide that once a PA becomes board certified, they do not have to keep recertifying by taking a NCCPA exam.

Senate Confirms Health Care Appointees

The state Senate on March 9 confirmed several health-related appointments as submitted by Gov. Jim Justice:

West Virginia Board of Medicine

- Wes Steele, Fairmont, for the term ending Sept. 30, 2021.
- Carrie A. Lakin, Charleston, for the term ending Sept. 30, 2021.

West Virginia School of Osteopathic Medicine Board of Governors

- Cheryl Schreiber, Weirton, for the term ending June 30, 2020.
- Charles H. Davis, Stow, Ohio, for the term ending June 30, 2020.
- David Rader, Gainesville, Florida, for the term ending June 30, 2019.

West Virginia Massage Therapy Licensure Board

- Roland Meffort, Nitro, for the term ending June 30, 2017.
- Joan F. Wysong, Nitro, for the term ending June 30, 2017.
- Marsha Starr, Hamlin, for the term ending June 30, 2018.
- John Skelton, Shady Spring, for the term ending June 30, 2018.
- Laurie Lively, Lewisburg, for the term ending June 30, 2017.

West Virginia Board of Respiratory Care

- Eric O. Hawkins, Bluefield, for the term ending June 30, 2019.
- Tracy Matthews, Sod, for the term ending June 30, 2019
- Rayan E. Ihle, Charleston, for the term ending June 30, 2017.
- Barbara Hayden Folden, Mullens, for the term ending June 30, 2018.

West Virginia Board of Examiners for Registered Professional Nurses

- Doris F. Burkey, Berkeley Springs, for the term ending June 30, 2021

Public Employees Insurance Agency Finance Board

- Philip Reale II, South Charleston, for the term ending June 30, 2018.

West Virginia Commission for the Deaf and Hard of Hearing

- Karen McNealy, Huntington, for the term ending June 30, 2019.
- Gwen Bryant, St. Albans, for the term ending June 30, 2019.
- David Blaine, Daniels, for the term ending June 30, 2017.

West Virginia Legislature

Health Care Bill Status as of 3/12/17

To find a particular bill, look below for the bill number under a general health category. A description of the bill is provided along with the bill's lead sponsor, additional information about the bill, committee references and other legislative action. Please note that bill numbers are web links to the bill text, so you may click on the blue bill number while holding down the control key and information on the bill will open in your web browser.

APPROPRIATIONS & BUDGET

- [SB 199](#) Carmichael+ **Budget Bill SFY 2018** (see [HB 2018](#)) *Bill proposed by Governor. Of note: More than 20% of all state expenditures are allocated for Health and Human Resources.* To Finance
- [SB 302](#) Carmichael+ **Supplemental appropriation to DHHR Division of Human Services** (see [HB 2500](#)) *Bill proposed by Governor to appropriate federal funds. Finance reported Com. Sub., on 1st reading 3/13*
- [SB 303](#) Carmichael+ **Supplemental appropriation to DHHR** (see [HB 2640](#)) *Bill proposed by Governor to appropriate \$295,000 for the Laboratory Services Fund, \$3,325,111 for the WV Birth-to-Three Fund and \$6.9 million for the Medicaid State Share Fund. Finance reported Com. Sub., on 1st reading 3/13*
- [SB 304](#) Carmichael+ **Supplemental appropriation to DHHR** *Bill proposed by Governor to provide expiring funds to DHHR's Division of Health* To Finance
- [HB 2018](#) Armstead+ **Budget Bill SFY 2018** (see [SB 199](#)) *Bill proposed by Governor.* To Finance
- [HB 2488](#) Gearheart+ **Forfeits unencumbered funds in special revenue accounts to General Revenue** To Gov. Org., then Finance
- [HB 2500](#) Armstead+ **Supplemental appropriation to DHHR DHS** (see [SB 302](#)) *Bill proposed by Governor. Finance reported, to House Special Calendar on 1st reading 3/13*
- [HB 2640](#) Armstead+ **Supplemental appropriation to DHHR** (see [SB 303](#)) *Bill proposed by Governor.* To Finance

BOARD LICENSURE AND REGULATION

- [SB 195](#) Blair+ **Terminates WV Medical Imaging and Radiation Therapy Technology Board of Examiners** To Gov. Org.
- [SB 196](#) Blair+ **Terminates WV Massage Therapy Licensure Board** To Gov. Org.
- [SB 253](#) Takubo+ **Clarifies English language requirement for medical licensure applicants** To Gov. Org.
- [SB 254](#) Blair+ **Terminates WV Nursing Home Administrators Licensing Board** To Gov. Org.
- [SB 571](#) Blair **Terminates the WV Board of Sanitarians** (see [HB 2624](#)) To Gov. Org., then Finance
- [HB 2345](#) Hamrick+ **Terminates WV LPN Board and transfer powers to WV RN Board** To Gov. Org.
- [HB 2359](#) Arvon **Aligns penalties for practicing without D.O. license with M.D. penalties** Health amended, Judiciary reported Com. Sub., passed House 2/27, Senate Gov. Org. reported, to Judiciary
- [HB 2423](#) Howell+ **Adds MDs and DOs to prohibition against therapeutic deception** (see [HB 2628](#)) Health reported, to Judiciary
- [HB 2502](#) Ellington+ **Allows licensed professionals in other states to apply for licensure in WV** Gov. Org. reported Com. Sub., floor amendment adopted, remanded to Judiciary on 3rd reading
- [HB 2503](#) Ellington+ **Updates rulemaking authority of the WV Board of Osteopathic Medicine** Gov. Org. reported Com. Sub., passed House 3/9, to Senate Gov. Org.
- [HB 2504](#) Hamrick+ **Prohibits state nursing boards from limiting the number of students** To Health, then Gov. Org.
- [HB 2521](#) Summers+ **Creates an Advanced Practice Registered Nurse Compact** To Health
- [HB 2522](#) Ellington+ **Creates an interstate licensure compact for RNs and LPNs** Health reported, Judiciary reported
- [HB 2538](#) Ellington+ **Removes requirement that PAs be certified by National Commission on Certification of Physician Assistants** Health amended, Gov. Org. reported Com. Sub., on 2nd reading 3/13
- [HB 2624](#) Howell+ **Terminates the WV Board of Sanitarians** (see [SB 571](#)) Health defeated.
- [HB 2628](#) Howell+ **Strengthens powers of WV Board of Medicine and WV Board of Osteopathic Medicine** (see [HB 2423](#)) Health reported, Gov. Org. reported, passed House 3/9, to Senate Gov. Org.
- [HB 2630](#) Howell+ **Authorizes WV Board of Medicine and WV Board of Osteopathic Medicine to share staff** Gov. Org. reported, passed House 3/3, to Senate Gov. Org.
- [HB 2631](#) Howell+ **Prevents dismissal of complaints when accused causes delay** Gov. Org. reported, Judiciary reported Com. Sub.

- [HB 2680](#) Howell+ **Terminates WV Nursing Home Administrators Licensing Board To Gov. Org.**
- [HB 2681](#) Hamrick+ **Terminates WV Medical Imaging and Radiation Therapy Technology Board To Gov. Org.**
- [HB 2735](#) Sobonya+ **Requires Board of Pharmacy to investigate suspicious orders of controlled substances To Health, then Judiciary**
- [HB 2839](#) Howell+ **Updates procedures for legislative review of departments and licensing boards To Gov. Org.**
- [HB 2844](#) Upson+ **Waives professional and occupational licensing fees for military families To Veterans, then Finance**

CHILDREN

- [SB 251](#) Woelfel+ **Creates pilot program for school-based mental and behavioral health services (see HB 2695) To Education**
- [SB 317](#) Weld+ **Authorizes family court judges to order substance abuse counseling of children To Health, then Judiciary**
- [SB 319](#) Miller+ **Reduces student-school nurse ratio and expands to all levels of school in 2017-18 To Education, then Finance**
- [SB 326](#) Romano+ **Requires D.O.D. notification about abuse or neglect of military member's child Military reported, Health reported, on 2nd reading 3/13**
- [SB 431](#) Gaunch+ **Provides ratio of pupils to licensed school psychologist To Education**
- [SB 435](#) Weld+ **Prohibits sexual orientation conversion therapy for those under 18 (see HB 2650) To Health**
- [SB 527](#) Stollings+ **Requires return-to-learn protocols when students suffer traumatic brain injury To Education, then Health**
- [HB 2014](#) Rodighiero **Allows holiday sweets in schools with parental or guardian consent To Education**
- [HB 2195](#) Rohrbach+ **Requires drug awareness and prevention programs in public schools Substance Abuse amended, to Education**
- [HB 2373](#) Statler+ **Authorizes trained school bus drivers to administer epinephrine auto-injectors Education amended, Judiciary reported Com. Sub.**
- [HB 2387](#) Byrd **Mandates K-12 students receive drug abuse awareness and prevention instruction To Substance Abuse, then Education**
- [HB 2618](#) Summers+ **Removes requirement to obtain students' body mass index Education reported, Health reported Com. Sub., on 1st reading 3/13**
- [HB 2650](#) Shott+ **Prohibits sexual orientation conversion therapy for those under 18 (see SB 435) To Health, then Judiciary**
- [HB 2695](#) Hornbuckle+ **Creates pilot program for school-based mental health services (see SB 251) To Education**
- [HB 2761](#) Thompson+ **Provides that paraprofessionals, autism mentors, and braille or sign support specialists qualify for early childhood classroom assistant teacher positions To Education, then Finance**
- [HB 2846](#) Fast+ **Allows high school students to qualify as pharmacy technician trainees To Education, then Health**
- [HB 2902](#) Atkinson+ **Requires county school boards to provide adequate mental health and counseling services To Education, then Substance Abuse**

HOSPITALS

- [SB 47](#) Ferns **Allows certain employers to discriminate against tobacco users To Health, then Judiciary**
- [SB 276](#) Miller **Protects WV insured citizens from "excessive" charges by air-ambulance providers To Insurance, then Judiciary**
- [SB 395](#) Ferns+ **Eliminates WV Health Care Authority and certificate of need (see SB 457) To Health, then Finance**
- [SB 402](#) Takubo+ **Prohibits non-compete covenants between physicians and hospitals To Health, then Judiciary**
- [SB 430](#) Takubo+ **Expands definition of a hospital's "governing body" to include executive committee of the medical staff, and other committees or subcommittees of the medical staff To Health, then Judiciary**
- [SB 457](#) Ferns+ **Eliminates the WV Health Care Authority and the CON program (see SB 395) To Health, then Finance**
- [SB 486](#) Takubo+ **Changes tax rate on eligible acute care hospitals for fiscal 2018 Health reported Com. Sub., to Finance**
- [SB 519](#) Ojeda+ **Amends WV Nurse Overtime and Patient Safety Act to include hospitals and nursing homes To Judiciary**
- [HB 2085](#) Rodighiero **Ensuring Patient Safety Act; establishes minimum RN-patient ratios To Health, then Gov. Org.**
- [HB 2145](#) Fast **Allows certain employers to discriminate against tobacco users To Health, then Judiciary**
- [HB 2201](#) McGeehan **Save the Hospitals Act To Health, then Finance**
- [HB 2459](#) Ellington+ **Clarifies requirements of the certificate of need process Health amended, Judiciary reported Com. Sub., passed House 3/6, to Senate Health**
- [HB 2523](#) Folk+ **Eliminates the certificate of need program To Health, then Judiciary**
- [HB 2904](#) Ellington **Reorganizes the WV Health Care Authority To Health, then Finance**

INSURANCE & HEALTH COVERAGE

- SB 49** Ferns **Improves the prior authorization process for drug benefits by insurers** To Insurance, then Health
- SB 56** Ferns **Defines criteria private insurers must consider when setting rates for health providers** To Insurance, then Health
- SB 221** Blair+ **Changes PEIA Finance Board** Gov. Org. reported Com. Sub., passed Senate 3/6, to House Gov. Org.
- SB 448** Romano+ **Continues eligibility for developmental disability services to dependents of military** To Military, then Health
- SB 500** Trump+ **Continues Medicaid Fraud Control Unit in the Attorney General's office** To Gov. Org., then Judiciary
- SB 526** Takubo **Mandates insurance coverage for inherited enzymatic disorders** To Insurance, then Finance
- SB 555** Ferns **Dissolves PEIA, converts to employer-owned mutual insurance company** To Insurance, then Finance
- SB 568** Maynard+ **Prohibits doctors and lawyers from knowingly filing fraudulent disability claims** To Judiciary
- HB 2020** Rodighiero **Freezes PEIA employee premiums for three years** To Insurance, then Finance
- HB 2051** Rodighiero **Authorizes reduced rate PEIA coverage for married workers without children** To Insurance, then Finance
- HB 2055** Rodighiero **Includes volunteer firefighters within PEIA** To Insurance, then Finance
- HB 2072** Rodighiero **Qualifies children of state employees earning \$25,000 or less for CHIP** To Insurance, then Finance
- HB 2119** Ellington+ **Repeals WV Health Benefit Exchange Act** Health reported, Finance reported, on 2nd reading 3/13
- HB 2120** Ellington+ **Exempts managed care contracts from the bidding process (see HB 2360)** To Insurance, then Health
- HB 2300** Kelly+ **Regulates step therapy protocols in health benefit plans** Health reported, passed House 2/22, to Senate Health
- HB 2327** Fleischauer+ **Protects consumers from "surprise bills" by health care providers** To Insurance, then Health
- HB 2341** Sobonya **Affirms DHHR's right to subrogation for 3rd-party liability settlements by Medicaid recipients** To Insurance, then Judiciary
- HB 2360** Ellington+ **Exempts managed care contracts from the bidding process (see HB 2120)** Health reported, to Gov. Org.
- HB 2420** Westfall+ **Allows county school boards the option of whether to accept Medicaid provider status** Education reported, Health reported Com. Sub., tabled on 3rd reading 3/1
- HB 2460** Ellington+ **Requires equal treatment of telehealth services by insurance policies** Insurance reported, to Health
- HB 2471** Ellington+ **Requires insurance coverage for breast cancer screenings** Insurance amended, to Finance
- HB 2519** Ellington+ **Requires DHHR enter a compact to ensure payment to other states' Medicaid participants** Health amended, to Gov. Org.
- HB 2728** Love **Creates reporting system for prescriptions of Medicaid recipients** To Health, then Finance
- HB 2739** Summers+ **Allows providers to receive supplemental Medicaid reimbursement for ground EMT services** Health reported, to Finance
- HB 2749** Ellington **Exempts vehicles in nonemergency transport of Medicaid patients from permits requirements** To Gov. Org.
- HB 2780** R. Miller+ **Clarifies benefits for first responders who die as a result of their duties** To Judiciary, then Finance
- HB 2827** Ellington+ **Updates the all payor claims database** To Health
- HB 2847** Fleischauer+ **Requires Medicaid to request amendment to I/DD waiver program with CMS** To Health, then Finance
- HB 2871** Walters+ **Eliminates 80-20 employer/employee cost share for PEIA** To Insurance, then Finance

MEDICAL LIABILITY

- SB 197** Takubo **Excludes certain medical care amounts from compensatory damage awards** To Judiciary
- SB 236** Trump+ **Limits damage awards for medical monitoring (see HB 2580)** Judiciary reported Com. Sub., floor amendment adopted, passed Senate 3/7, to House Judiciary
- SB 287** Blair+ **Governs civil damages for future medical monitoring expenses** To Judiciary
- SB 338** Trump+ **Amends Medical Professional Liability Act (see HB 2682, HB 2757)** Judiciary reported Com. Sub., passed Senate 3/8, to House Judiciary
- SB 397** Takubo+ **Grants immunity to health providers providing free medical care** To Judiciary, then Finance
- SB 398** Takubo+ **Creates Emergency Volunteer Health Practitioners Act** Health reported, to Gov. Org.
- SB 465** Takubo+ **Allows admission of a "letter of merit" in actions against health providers** To Judiciary
- SB 497** Stollings+ **Modifies liability of physicians offering volunteer care at school sporting events** Judiciary reported Com. Sub., on 1st reading 3/13
- SB 560** Takubo+ **Creates medical malpractice peer review panel by WV Board of Medicine** To Judiciary, then Finance
- HB 2113** Ellington+ **Prohibits DHHR from changing Medicaid program without legislative approval** DHHR opposed this bill. Health reported, to Finance

- [HB 2192](#) Ferro **Adds pharmacist and pharmacy to definition of health care provider in Medical Practice Liability Act** To Health, then Judiciary
- [HB 2498](#) Lovejoy+ **Presumes that certain cancers by firefighters arose out of course of employment** To Health, then Judiciary
- [HB 2580](#) Higginbotham+ **Limits damage awards for medical monitoring** (see SB 236) To Judiciary
- [HB 2647](#) Westfall+ **Limits damage awards from including medical expenses not paid by claimant** To Judiciary
- [HB 2656](#) Westfall+ **Limits damages awards for medical, hospital and doctor services** To Judiciary
- [HB 2682](#) Ellington+ **Amends the Medical Professional Liability Act** (see SB 338, HB 2757) To Health, then Judiciary
- [HB 2757](#) Lane+ **Amends the Medical Professional Liability Act** (see SB 338, HB 2682) To Health, then Judiciary

MISCELLANEOUS

- [SB 1](#) Trump+ **Establishes additional \$1 fee per wireless subscriber to fund 911 centers** To Gov. Org., then Finance
- [SB 27](#) Karnes+ **Permits sale of home-based micro-processed foods at farmers markets** Agriculture reported Com. Sub., to Health
- [SB 40](#) Stollings+ **Requires protocols of after-school emergencies in school crisis response plans** Health reported Com. Sub., to Education
- [SB 52](#) Ferns **Authorizes county commissions to approve local health board policies** To Gov. Org.
- [SB 60](#) Gaunch+ **Provides eligibility and fraud requirements for public assistance** (see HB 2741) Health reported Com. Sub., to Finance
- [SB 71](#) Gaunch+ **Creates the 24/7 Sobriety Program administered by the Attorney General** To Judiciary, then Finance
- [SB 169](#) Ferns+ **Repeals article on assistance to Korea and Vietnam veterans exposed to chemical defoliants** *Recommended by LOCHHRA.* Health reported. Finance dispensed. passed Senate 2/15. House Health reported to House Finance
- [SB 170](#) Ferns+ **Repeals state hemophilia program** *Recommended by LOCHHRA.* Health reported. Finance dispensed. passed Senate 2/15. House Health reported to House Finance
- [SB 176](#) Ferns+ **Repeals code on detection of tuberculosis, high blood pressure and diabetes** *Recommended by LOCHHRA.* Health reported. passed Senate 2/15. House Health reported. passed House 3/8. Completed legislative action.
- [SB 177](#) Ferns+ **Repeals article related to prenatal examinations** *Recommended by LOCHHRA.* To Health
- [SB 184](#) Blair+ **Transitions WV School of Osteopathic Medicine to a not-for-profit corporation** To Gov. Org., then Finance
- [SB 187](#) Takubo+ **Provides for confidentiality of patient medical records** Health reported. Judiciary reported Com. Sub., on 1st reading 3/13
- [SB 201](#) Blair **Requires DHHR consultant to explore sale, reno or lease of state-owned health facilities** To Health, then Finance
- [SB 269](#) Blair+ **Requires state agencies to maintain websites with specific information** (see HB 2446) To Gov. Org., then Finance
- [SB 339](#) Takubo+ **Creates legislative coalition to study chronic pain management** Health reported Com. Sub., to Gov. Org.
- [SB 360](#) Takubo+ **Creates Legislative Coalition on Diabetes Management** Health reported Com. Sub., to Gov. Org.
- [SB 386](#) Ojeda+ **Creates WV Medical Cannabis Act** To Health, then Judiciary
- [SB 391](#) Takubo+ **Establishes statewide call-in center in Bureau for Public Health for medical advice** To Health, then Finance
- [SB 425](#) Carmichael+ **Establishes community-based pilot project to promote public health** (see HB 2724) *Bill requested by the Governor.* To Gov. Org.
- [SB 549](#) Maynard+ **Permits those 21 or older to operate or ride on a motorcycle without a helmet** (see HB 2135) To Transportation, then Judiciary
- [SB 569](#) Prezioso+ **Creates Office of Rural Health Policy in Center for Rural Health Development** (see HB 2812) To Health, then Gov. Org.
- [SB 578](#) Trump+ **Establishes new fee structure for providing health care records** To Health
- [HB 2016](#) Rodighiero **Provides state health care services to active or inactive duty military personnel** To Insurance, then Finance
- [HB 2022](#) Rodighiero **Requires hand sanitizers in all public restrooms** To Health, then Finance
- [HB 2068](#) Rohrbach **Authorizes WVHIN and WVHCA to implement interoperable health info network** Health amended., to Finance
- [HB 2071](#) Bates+ **Authorizes medical use of cannabis-based pharmaceuticals** To Substance Abuse, then Health, then Judiciary
- [HB 2095](#) McGeehan+ **Authorizes “local governing body” to approve local health board policies** To Health, then Gov. Org.
- [HB 2121](#) Fleischauer+ **WV Residential Furniture and Children’s Products Flame Retardants Act** To Health, then Judiciary
- [HB 2132](#) Folk+ **Limits adults without dependents to 3 months of SNAP benefits in 36 months** Health reported., to Judiciary
- [HB 2135](#) Kelly+ **Permits those 21 or older to operate or ride on a motorcycle without a helmet** (see SB 549) To Roads, then Judiciary

- [HB 2187](#) Rohrbach **Establishes an advisory council on rare diseases** To Health, then Finance
- [HB 2366](#) Ellington+ **Requires DHHR to sell Jackie Withrow Hospital** Health amended, to Finance
- [HB 2376](#) Ellington+ **Reorganizes DHHR, creates Department of Medical Services** Health amended, to Gov. Org.
- [HB 2425](#) Walters+ **Authorizes complimentary samples of nonintoxicating beer** To Substance Abuse, then Judiciary
- [HB 2446](#) Howell+ **Requires state agencies to maintain websites with specific information** (see **SB 269**) to Gov. Org.
- [HB 2453](#) Eldridge+ **Expands list of persons the Commissioner of Agriculture may license to grow industrial hemp** Agriculture amended, to Judiciary
- [HB 2458](#) Sobonya **Exempts certain individually produced foods from related laws or rules** To Health
- [HB 2486](#) Westfall **Allows release of medical records in certain civil cases without court order** Judiciary reported Com. Sub., passed House 2/28, to Senate Judiciary
- [HB 2520](#) Summers+ **Prohibits use of tanning devices by persons under age 18** Health amended, to Judiciary
- [HB 2563](#) Walters+ **Authorizes complimentary samples of nonintoxicating beer** Small Business amended, to Judiciary
- [HB 2588](#) Kessinger+ **Simon’s Law – Prohibits health facilities and others from withholding life-sustaining procedures to minors without written consent of parent or guardian** To Health, then Judiciary
- [HB 2633](#) Folk+ **Requires WV colleges and universities to conduct Phase 3 clinical research for cancer** To Education, then Health
- [HB 2665](#) Evans+ **Requires sedation when using “four-point restraint” on certain patients** To Health, then Judiciary
- [HB 2677](#) Pushkin+ **Provides protections for the medical use of cannabis** To Substance Abuse, then Health, then Judiciary
- [HB 2700](#) Eldridge+ **Exempts industrial hemp from being a Schedule I drug** To Health, then Judiciary
- [HB 2724](#) Armstead+ **Establishes community-based pilot project to promote public health** (see **SB 425**) *Bill requested by the Governor*. Political Subdivisions reported, to Health
- [HB 2736](#) Ellington **Authorizes sale of state-owned long-term care facilities** To Health, then Finance
- [HB 2741](#) Sobonya+ **Provides eligibility and fraud requirements for public assistance** (see **SB 60**) To Gov. Org., then Finance
- [HB 2743](#) Rohrbach+ **Requires release of an unemancipated minor’s medical records for drug testing** To Political Subdivisions, then Judiciary
- [HB 2808](#) Summers+ **Provides assisted outpatient treatment for mental illness** Health amended, to Judiciary
- [HB 2812](#) Rohrbach+ **Creates Office of Rural Health Policy in Center for Rural Health Development** (see **SB 569**) To Gov. Org., then Finance
- [HB 2823](#) Miley+ **Establishes statewide call-in center for health care assistance** To Health, then Finance
- [HB 2826](#) Walters **Eliminates provisions and repeals statutes related to WVHIN** To Health, then Finance
- [HB 2866](#) Rowe **Authorizes model Community Health Equity Initiative demonstration projects** To Health, then Finance
- [HB 2914](#) Walters+ **Modifies administration of local boards of health** To Political Subdivisions, then Health

NURSING HOMES, LONG-TERM CARE & SENIORS

- [SB 171](#) Ferns+ **Repeals Programs of All-Inclusive Care for Elderly** *Recommended by LOCHHRA*. Health reported, Finance dispensed, passed Senate 2/15, House Health reported to House Finance
- [SB 361](#) Boley+ **Allows certificate of need exemption for 36-bed skilled nursing facility** To Health, then Gov. Org.
- [SB 373](#) Trump+ **Authorizes medical power of attorney to sign binding arbitration agreement with nursing home or assisted living facility** (see **HB 2861**) To Judiciary
- [SB 564](#) Takubo+ **Modifies WV Independent Living Act and statewide Independent Living Council** To Gov. Org.
- [HB 2404](#) Rowan+ **Bars criminals from acquiring property from their victims** Senior Citizen Issues amended, Judiciary reported Com. Sub., passed House 2/23, to Senate Judiciary
- [HB 2432](#) Rowan+ **Bars criminals from acquiring property from their victims** To Judiciary
- [HB 2496](#) Hollen+ **Exempts for-profit corporations operating nursing homes from CON requirements** To Health, then Judiciary
- [HB 2497](#) Ellington+ **Permits unlicensed personnel to administer medications in nursing homes** To Health, then Judiciary
- [HB 2861](#) G. Foster+ **Authorizes medical power of attorney to sign binding arbitration agreement with nursing home or assisted living facility** (see **SB 373**) To Judiciary

PRESCRIPTION MEDICATIONS & DRUG USE/ABUSE/DIVERSION

- [SB 36](#) Stollings+ **Permits school nurses to possess and administer opioid antagonists** To Health
- [SB 188](#) Takubo **Corrects definition of “telehealth” in medication-assisted treatment programs** Health reported, passed Senate 2/22, House Health reported, passed House 3/8. Completed legislative action.

[SB 219](#) Weld **Creates offense of conspiracy to violate drug laws** Judiciary reported Com. Sub., to Finance

[SB 220](#) Weld **Creates new felony for drug delivery resulting in a death** (see **HB 2003, HB 2643, HB 2645**) Judiciary reported Com. Sub., passed Senate 3/9, to House Judiciary

[SB 297](#) Carmichael+ **Increases minimum penalties for transport of Schedule I and II drugs into WV** (see **HB 2668**) *Requested by the Governor.* To Judiciary

[SB 318](#) Takubo+ **Allows voluntary influenza immunizations at specified facilities** (see **HB 2431**) To Health

[SB 329](#) Woelfel+ **Creates felony for manufacturing, possessing, distributing, dispensing or transporting any quantity of fentanyl, or any fentanyl derivative or analog** To Judiciary, then Health

[SB 333](#) Takubo+ **Requires all DHHR-licensed facilities access CSMP database** Health reported Com. Sub., to Judiciary

[SB 359](#) Rucker+ **Allows religious and personal exemptions from mandated immunizations** (see **SB 537**) To Health, then Judiciary

[SB 387](#) Weld+ **Creates Ryan Brown Addiction Prevention and Recovery Fund Act** (see **HB 2422**) To Health, then Finance

[SB 390](#) Takubo+ **Creates exemption to Schedule II Rx limitation via telemedicine for pediatric patients** To Health

[SB 406](#) Takubo **Amends distribution of savings from filling prescriptions with generic drugs** To Judiciary

[SB 418](#) Carmichael+ **Creates Office of Drug Policy within DHHR.** *Bill requested by the Governor.* To Health, then Gov. Org.

[SB 422](#) Takubo+ **Provides for sale, dispensing or prescribing of cannabidiol** To Health, then Judiciary

[SB 428](#) Weld+ **Provides conditions under which a pharmacist may partially fill a prescription** Health reported Com. Sub., to Judiciary

[SB 443](#) Trump+ **Establishes Adult Drug Court Participation Fund** (see **HB 2766**) To Finance

[SB 492](#) Trump **Removes requirement that all judicial circuits participate in a drug court program** Judiciary reported Com. Sub., passed Senate 3/11, to House

[SB 507](#) Cline+ **Allows pharmacists to inform customers of lower-cost alternatives to Rx drugs** To Insurance, then Judiciary

[SB 537](#) Rucker+ **Allows religious exemptions from mandated immunizations** (see **SB 359**) To Education, then Health

[SB 538](#) Trump+ **Requires parolees to engage in alcohol or drug therapy as condition of parole** To Judiciary

[HB 2003](#) Hollen+ **Creates new felony for drug delivery resulting in a death** (see **SB 220**) To Substance Abuse, then Judiciary

[HB 2070](#) Rodighiero **Prohibits new methadone programs or clinics, except at comprehensive mental health centers** To Substance Abuse, then Judiciary

[HB 2081](#) Rodighiero **Prohibits new methadone programs or clinics, except at comprehensive mental health centers; requires CSMP use** To Substance Abuse, then Judiciary

[HB 2083](#) Rodighiero+ **Increases penalties for exposing children to meth manufacturing** Substance Abuse amended, Judiciary reported Com. Sub., passed House 2/28, to Senate Judiciary

[HB 2130](#) Fluharty+ **Requires legislators to pass annual drug test** To Judiciary, then Finance

[HB 2207](#) Hamilton+ **Prohibits business licenses for selling drug paraphernalia** To Substance Abuse, then Judiciary

[HB 2329](#) Rohrbach+ **Prohibits production, manufacture or possession of fentanyl** Substance Abuse amended, Judiciary reported Com. Sub., passed House 3/2, to Senate Judiciary

[HB 2330](#) Arvon+ **Prohibits the sale of drug paraphernalia** To Substance Abuse, then Judiciary

[HB 2422](#) Robinson+ **Creates Ryan Brown Addiction Prevention and Recovery Fund Act** (see **HB 387**) Substance Abuse amended, to Finance

[HB 2428](#) Kelly+ **Establishes additional substance abuse treatment facilities** Substance Abuse amended, to Finance

[HB 2431](#) Ellington+ **Allows voluntary influenza immunizations at specified facilities** (see **SB 318**) Health amended, floor amendment adopted, passed House 2/22, Senate Health reported, passed Senate 3/11.

[HB 2448](#) Sobonya **Increases penalties for transporting controlled substances into WV** (see **HB 2533, HB 2565, HB 2579, HB 2602**) To Substance Abuse, then Judiciary

[HB 2450](#) Sobonya **Increases mandatory minimum sentences for trafficking drugs into WV** To Substance Abuse, then Judiciary

[HB 2457](#) Sobonya **Creates the WV Addictions Treatment and Recovery Fund** Substance Abuse amended, to Finance

[HB 2470](#) Sobonya **Creates felony for knowingly housing drug traffickers** To Substance Abuse, then Judiciary

[HB 2509](#) Ellington+ **Permits physicians to prescribe controlled substances using telemedicine** Health amended, Judiciary reported Com. Sub., passed House 3/6, to Senate Health, then Judiciary

[HB 2516](#) Byrd+ **Reforms efforts to combat substance abuse** To Substance Abuse, then Judiciary

[HB 2518](#) Ellington+ **Permits pharmacist or pharmacy intern to administer immunizations** Health amended, Gov. Org. reported, on 2nd reading 3/13

- [HB 2526](#) Ellington+ **Classifies additional drugs to Schedules I, II, IV and V** Health amended, Judiciary reported Com. Sub., passed House 3/10, to Senate Judiciary
- [HB 2533](#) Sobonya **Increases penalties for transporting narcotics and certain controlled substances into WV; exempts marijuana** (see [HB 2448](#), [HB 2565](#), [HB 2579](#), [HB 2602](#)) To Substance Abuse, then Judiciary
- [HB 2541](#) Maynard+ **Creates felony of conspiracy to commit violations of Uniform Controlled Substances Act** To Substance Abuse, then Judiciary
- [HB 2544](#) G. Foster+ **Establishes employee firing for position drug or alcohol test disqualifies employee benefits** To Judiciary
- [HB 2565](#) Marcum+ **Increases penalties for transporting controlled substances into WV** (see [HB 2448](#), [HB 2533](#), [HB 2579](#), [HB 2602](#)) To Substance Abuse, then Judiciary
- [HB 2579](#) Sobonya+ **Increases penalties for transporting controlled substances into WV** (see [HB 2448](#), [HB 2533](#), [HB 2565](#), [HB 2602](#)) Substance Abuse reported, Judiciary reported Com. Sub., passed House 3/7, to Senate Judiciary
- [HB 2602](#) Canestraro+ **Increases penalties for transporting controlled substances into WV** (see [HB 2448](#), [HB 2533](#), [HB 2565](#), [HB 2579](#)) To Substance Abuse, then Judiciary
- [HB 2614](#) Phillips+ **Prohibits providers from prescribing or administering drugs in bad faith** To Substance Abuse, then Judiciary
- [HB 2620](#) Frich+ **WV Drug Overdose Monitoring Act** Substance Abuse amended, Judiciary reported Com. Sub., passed House 3/2, to Senate Judiciary
- [HB 2621](#) Marcum+ **Provides scratch-off game to fund a drug treatment facility in Mingo/Logan** To Judiciary, then Finance
- [HB 2643](#) R. Miller+ **Creates 2nd-degree murder offense for delivery of controlled substance causing death** (see [SB 220](#)) To Substance Abuse, then Judiciary
- [HB 2645](#) R. Miller+ **Creates felony for failure to render aid to overdose victim** (see [SB 220](#)) To Substance Abuse, then Judiciary
- [HB 2648](#) Sybolt+ **Increases penalties for manufacturing or transporting controlled substances in presence of a minor** (see [HB 2448](#)) Substance Abuse reported, Judiciary reported Com. Sub., amendments adopted, passed House 3/3, to Senate Judiciary
- [HB 2653](#) Ellington+ **Extends multistate real-time tracking system for meth labs to June 2023** Health reported, passed House 3/6, to Senate Health
- [HB 2660](#) Marcum+ **Increases penalties for transporting controlled substances into WV** (see [HB 2920](#)) To Substance Abuse, then Judiciary
- [HB 2668](#) Armstead+ **Increases penalties for transporting Schedule I or II narcotics into WV** (see [SB 297](#)) *This bill was requested by the Governor.* To Substance Abuse, then Judiciary
- [HB 2671](#) R. Miller+ **Creates new offense in distribution of controlled substances** To Substance Abuse, then Judiciary
- [HB 2766](#) Shott+ **Establishes Adult Drug Court Participation Fund** (see [SB 443](#)) Substance Abuse reported, to Finance
- [HB 2920](#) Marcum+ **Provides mandatory minimum sentences for trafficking drugs into WV** (see [HB 2660](#)) To Judiciary

PROFESSIONALS: HEALTH & MEDICAL

- [SB 4](#) Gaunch+ **Allows licensed professionals to donate time to care for indigent patients** (see [HB 2692](#)) Health reported Com. Sub., Judiciary dispensed, floor amendments adopted, passed Senate 3/3, to House Health, then Judiciary
- [SB 23](#) Karnes+ **Defines “midwife,” “certified midwife” and “midwifery”** To Health
- [SB 51](#) Ferns **Requires patient notification when a mammogram indicates dense breast tissue** To Health
- [SB 175](#) Ferns+ **Permits the practice of Direct Primary Care** (see [HB 2301](#)) *Recommended by Joint Committee on Health* To Health, then Finance
- [SB 198](#) Takubo+ **Expands Health Sciences Program to emergency medicine professionals** Health reported, passed Senate 3/8, to House Health, then Finance
- [SB 347](#) Takubo **Modernizes the PA Practice Act** (see [HB 2753](#)) Health reported Com. Sub., floor amendment adopted, passed Senate 3/1, to House Health, then Judiciary
- [SB 351](#) Smith+ **Continues Office of Emergency Medical Services as independent office within Department of Military Affairs and Public Safety** *This bill also establishes a nine-member EMS Commission.* To Gov. Org.
- [SB 389](#) Takubo+ **Creates exemption from CON for services and equipment in private physician offices** To Health, then Finance
- [SB 488](#) Blair **Moves Office of EMS to Dept. of Military Affairs and Public Safety** (see [HB 2906](#)) To Gov. Org., then Finance
- [SB 522](#) Gaunch+ **Defines audit procedures between pharmacy benefits managers and pharmacies** To Insurance
- [HB 2165](#) Statler+ **Exempts physician or surgeon traveling with a sports team from state licensure** To Health, then Judiciary

- [HB 2301](#) Ellington+ **Permits individuals to enter into agreements for Direct Primary Care (see SB 175)** *Recommended by Joint Committee on Health. Health reported, Judiciary reported Com. Sub., floor amendment adopted, passed House 2/22, Senate Health reported, passed Senate 3/11.*
- [HB 2540](#) Ellington+ **Permits professional practice without licensure for seven days for a charitable function** Gov. Org. reported Com. Sub., passed House 3/9, to Senate Health
- [HB 2605](#) Walters **Requires Public Service Commission to consolidate emergency communications centers** To Gov. Org.
- [HB 2667](#) Hamrick+ **Removes requirement for nursing school accreditation by WV RN Board** Health amended, to Judiciary.
- [HB 2692](#) O’Neal+ **Allows licensed professionals to donate time to care for indigent patients (see SB 4)** To Health, then Judiciary
- [HB 2745](#) Miller+ **Adds testing of Advanced Care Technicians for ambulance services** To Political Subdivisions, then Health
- [HB 2753](#) Rodighiero+ **Modernizes the PA Practice Act (see SB 347)** To Health, then Judiciary
- [HB 2804](#) Lane+ **Removes chiropractors from required CE on veterans’ mental health conditions** To Veterans, then Health
- [HB 2838](#) Howell+ **Allows veterans who qualify to take licensing exam for EMT** To Veterans, then Health
- [HB 2906](#) Kessinger+ **Moves Office of EMS to Dept. of Military Affairs and Public Safety (see SB 488)** To Gov. Org.
- [HB 2916](#) Pethtel+ **Authorizes first responders to carry firearms** To Judiciary

REPRODUCTIVE RIGHTS & ABORTION

- [SB 20](#) Karnes+ **Limits insurance coverage for elective abortions** To Insurance, then Judiciary
- [SB 21](#) Karnes+ **Relates to care of aborted fetuses** To Health, then Judiciary
- [SB 31](#) Karnes+ **Prohibits abortion coverage in qualified health plans** To Health, then Judiciary
- [SB 424](#) Rucker+ **Updates notifications required when unemancipated minor requests abortion** To Health, then Judiciary
- [HB 2002](#) Kessinger+ **Modifies law requiring parental notification of abortions performed on minors** To Health, then Judiciary
- [HB 2053](#) Rodighiero **Requires abortion clinics to obtain parental notification or consent in writing** To Health, then Judiciary
- [HB 2082](#) Rodighiero **Prohibits state funding of abortions** To Health, then Judiciary
- [HB 2467](#) Sobonya **Prohibits school employees from counseling, referring, transporting or assisting any student to obtain an abortion** To Education, then Judiciary
- [HB 2468](#) Sobonya **Creates misdemeanor for transporting a minor across state lines to obtain an abortion without written consent of both parents or legal guardians** To Health, then Judiciary
- [HB 2484](#) Frich+ **Prevents taxpayer subsidization of insurance covering elective abortions** To Health, then Judiciary
- [HB 2595](#) Kessinger+ **Requires abortions be performed by a licensed physician** To Health, then Judiciary

RULE MAKING & LEGISLATIVE REVIEW

State agencies, boards and commissions are often given statutory authority to promulgate rules. These are known as “legislative review” during the interim period by the Legislative Rule-Making Review Committee, and if approved, then are introduced for legislative consideration in individual rules bills. The rules bills are then assigned to various committees, eventually ending up in the Judiciary Committees of the Senate and House of Delegates. There, they are bundled into categories of rules bills.

SENATE RULES BILLS

- [SB 125](#) **Rules Bundle. Authorizes the DHHR to promulgate legislative rules. This rules bill bundle now includes these individual rules previously contained in the following bills.** Judiciary reported Com. Sub., passed Senate 2/28, on House Judiciary agenda 3/3.
- DHHR [SB 118](#) Expedited partner therapy (see [HB 2256](#))
 - DHHR [SB 119](#) Licensure and certification of clinical lab technicians and technologists (see [HB 2254](#))
 - DHHR [SB 120](#) Clandestine drug laboratory remediation (see [HB 2255](#))
 - DHHR [SB 121](#) Medication-assisted opioid treatment programs (see [HB 2257](#))
 - DHHR [SB 122](#) Medication-assisted treatment, office-based MAT (see [HB 2258](#))
 - HEALTH CARE AUTHORITY (original [SB 125](#)) Hospital Assistance Grant Program (see [HB 2261](#))
 - HEALTH CARE AUTHORITY [SB 123](#) Exemption from certificate of need (see [HB 2259](#))
 - HEALTH CARE AUTHORITY [SB 124](#) Rural Health Systems Grant Program (see [HB 2260](#))
 - HEALTH CARE AUTHORITY [SB 126](#) Certificate of need (see [HB 2262](#))
- DENTAL BOARD [SB 104](#) Criminal background checks (see [HB 2249](#)) To Judiciary
- MEDICAL BOARD [SB 129](#) Licensure and background checks for MDs and podiatrists (see [HB 2264](#)) To Judiciary
- MEDICAL BOARD [SB 130](#) Licensure and background checks for PAs (see [HB 2265](#)) To Judiciary
- MEDICAL BOARD [SB 131](#) Drug dispensing by practitioners (see [HB 2266](#)) To Judiciary

NURSING BOARD [SB 148](#) Registration, licensure and professional misconduct (see **HB 2281**) To Judiciary
NURSING BOARD [SB 149](#) Limited prescriptive authority for APRNs (see **HB 2282**) To Judiciary
OPTOMETRY BOARD [SB 138](#) Continuing education (see **HB 2272**) To Judiciary
OSTEOPATHIC BOARD [SB 139](#) Licensure and background checks for osteopaths (see **HB 2273**) To Judiciary
OSTEOPATHIC BOARD [SB 140](#) Licensure and background checks for PAs (see **HB 2274**) To Judiciary
PHARMACY BOARD [SB 141](#) Licensure and practice of pharmacy (see **HB 2275**) To Judiciary
PHARMACY BOARD [SB 142](#) Mail-order and nonresident pharmacies (see **HB 2276**) To Judiciary
PHARMACY BOARD [SB 143](#) Controlled Substances Monitoring Program (see **HB 2277**) To Judiciary
PHYSICAL THERAPY BOARD [SB 144](#) Fees (see **HB 2232**) To Judiciary
RISK MANAGEMENT BOARD [SB 151](#) Patient Injury Compensation Fund (see **HB 2284**) Judiciary reported Com. Sub., passed Senate 2/15, to House Judiciary

HOUSE RULES BILLS

[HB 2219](#) Rules Bundle. Authorizes miscellaneous rules bundle. *This rules bill bundle now includes these individual rules previously contained in the following bills.* On Judiciary Committee agenda 3/3

DENTAL BOARD [HB 2249](#) Criminal background checks (see **SB 104**)
MEDICAL BOARD [HB 2264](#) Licensure and background checks for MDs and podiatrists (see **SB 129**)
MEDICAL BOARD [HB 2265](#) Licensure and background checks for PAs (see **SB 130**)
MEDICAL BOARD [HB 2266](#) Drug dispensing by practitioners (see **SB 131**)
NURSING BOARD [HB 2281](#) Registration, licensure and professional misconduct (see **SB 148**)
NURSING BOARD [HB 2282](#) Limited prescriptive authority for APRNs (see **SB 149**)
OPTOMETRY BOARD [HB 2272](#) Continuing education (see **SB 138**)
OSTEOPATHIC BOARD [HB 2273](#) Licensure and background checks for osteopaths (see **SB 139**)
OSTEOPATHIC BOARD [HB 2274](#) Licensure and background checks for PAs (see **SB 140**)
PHARMACY BOARD [HB 2275](#) Licensure and practice of pharmacy (see **SB 141**)
PHARMACY BOARD [HB 2276](#) Mail-order and nonresident pharmacies (see **SB 142**)
PHARMACY BOARD [HB 2277](#) Controlled Substances Monitoring Program (see **SB 143**)
PHYSICAL THERAPY BOARD [HB 2232](#) Fees (see **SB 144**)
DHHR [HB 2254](#) Licensure and certification of clinical lab technicians and technologists (see **SB 119**) Health reported, to Judiciary
DHHR [HB 2255](#) Clandestine drug laboratory remediation (see **SB 120**) To Judiciary
DHHR [HB 2256](#) Expedited partner therapy (see **SB 118**) Health reported, to Judiciary
DHHR [HB 2257](#) Medication-assisted opioid treatment programs (see **SB 121**) Substance Abuse amended, to Judiciary
DHHR [HB 2258](#) Medication-assisted treatment, office-based MAT (see **SB 122**) Substance Abuse amended, to Judiciary
DHHR [HB 2778](#) Behavioral health licensure and consumer rights To Health, then Judiciary
HEALTH CARE AUTHORITY [HB 2259](#) Exemption from certificate of need (see **SB 123**) Health reported, to Judiciary
HEALTH CARE AUTHORITY [HB 2260](#) Rural Health Systems Grant Program (see **SB 124**) Health reported, to Judiciary
HEALTH CARE AUTHORITY [HB 2261](#) Hospital Assistance Grant Program (see **SB 125**) Health reported, to Judiciary
HEALTH CARE AUTHORITY [HB 2262](#) Certificate of need (see **SB 126**) Health reported, to Judiciary
RISK MANAGEMENT BOARD [HB 2284](#) Patient Injury Compensation Fund (see **SB 151**) To Judiciary

TAXES, FEES & LOANS

[SB 46](#) Ferns+ Excludes mobile X-ray services from health care provider tax To Health, then Finance
[SB 250](#) Takubo+ Establishes tax credit for newly graduated physicians who locate in WV for 6 years To Health, then Finance
[SB 385](#) Stollings Increases tax on bottled soft drinks to one cent, to benefit medical schools To Health, then Finance
[HB 2351](#) Pyles Provides 5% sales tax on OTC medications and nutritional supplements To Health, then Finance

TOBACCO

[SB 37](#) Stollings+ Raises purchase age for tobacco, alternative nicotine and vapor products to 21 (see **HB 2331**) Health reported, to Finance
[SB 193](#) Takubo+ Prohibits smoking in motor vehicles with those age 16 and under Health reported Com. Sub., to Judiciary
[HB 2331](#) Rowe+ Raises legal age for purchase of tobacco or tobacco products to 21 (see **SB 37**) Health defeated

Wright Named Distinguished Fellow in AAPA

Kenneth Dean Wright, PA-C of Huntington has been recognized as a Distinguished Fellow of the American Academy of Physician Assistants for his outstanding contributions to patient care and the profession during his 37-year career. He currently practices as a member of the general surgery team at the Huntington VA Medical Center.

Wright is a graduate of the PA program at Alderson-Broaddus College and the Norwalk Hospital / Yale University School of Medicine PA Surgical Residency Program. His career started as the first surgical PA employed at Wheeling Hospital. As a relative pioneer in the profession, he developed a house staff of PAs and served as the chief surgical PA at that institution for 13 years. In 1994, he moved to Huntington and practiced as a cardiothoracic and vascular surgery PA at St. Mary's Medical Center until 2015.

Wright has been involved in the leadership of the West Virginia Association of Physician Assistants, which recognized him as "PA of the Year" in 1999. He serves on the West Virginia Board of Medicine, and chairs its PA Committee.

The Distinguished Fellow program was established by AAPA in 2007 to recognize the exceptional contributions of PAs to the medical profession. Distinguished Fellows of AAPA represent only 2% of the entire AAPA membership.

House Version of SNAP Bill Advanced

The House Health and Human Resources Committee on Tuesday advanced **HB 2132** to limit "able-bodied adults" ages 18-50, without dependents, to receiving SNAP benefits for three months in a three-year period. Recipients would be exempt from the time limit if they are employed, or are participating in an educational or volunteer program for at least 20 hours per week. The bill had been laid over from an earlier meeting, pending data from the state Department of Health and Human Resources on a nine-county pilot program.

Monica Hamilton, director of family assistance policy in DHHR's Bureau for Children and Families, said West Virginia requested a waiver from the federal SNAP work requirement for all but those nine counties – Berkeley, Cabell, Harrison, Jefferson, Kanawha, Marion, Monongalia, Morgan and Putnam – because of the state's high unemployment rate. The bill would prohibit DHHR from applying for a waiver for any county in the future.

Delegate Eric Householder described the bill as a compassionate attempt to help those "trapped in government dependency" by spurring them to seek active employment. "Let's help people get a work ethic, instead of sitting there with a hand out," Delegate Kelli Sobonya remarked. According to WorkForce West Virginia, unemployment rates increased in all 55 counties in January.

Hamilton, however, said DHHR found that of the 13,984 referrals to SNAP in the pilot region in 2016, only 259 gained employment while participating in the program and 5,417 individuals lost benefits for failing to meet the work requirement. The report noted, "Based on our estimate of 7,310 non-exempt ABAWDs (able-bodied adults, without dependents) statewide and an average (monthly) benefit amount of \$203.20, the estimated impact would be \$17,824,704 fewer federal SNAP dollars circulating in WV's economy."

The bill is now before the Judiciary Committee. A similar Senate bill, **SB 60**, is before the Finance Committee.

House Judiciary Approves Nursing Compact Bill

Following a public hearing on Friday, the House Judiciary Committee approved **HB 2522** without amendment, paving the way toward an interstate licensure compact for registered nurses and licensed practical nurses. About 25 other states now participate in a nursing licensure compact, while several others are considering legislation to join. West Virginia currently is one of 18 states participating in an Interstate Medical Licensure Compact for physicians.

Speaking in favor of the bill Friday were Jason Huffman, state director of Americans for Prosperity; Shannon Davis, president of the West Virginia Organization of Nurse Executives; Gary Zuckett, executive director of West Virginia Citizen Action Group; and Lori McComas Chaffins, RN, executive director of the West Virginia Nurses Association. Sue Painter, executive director of the WV RN Board, also provided testimony during the Judiciary Committee's regularly scheduled meeting. The bill will next move to the House floor.

In Other Health Care Highlights ...

... A bill that would improve the process for drug benefits has drawn the attention of several medical associations, but has yet to be taken up in committee. The bill, **SB 49**, would require insurers to respond to a prior authorization request within 48 hours, or the request would be considered approved automatically; require that approved prior authorizations be valid for at least one year; require insurers to accept a universal prior authorization form; and would allow doctors to submit requests electronically. Proponents say outdated prior authorization methods can take days or weeks, jeopardizing patient health and increasing costs by increasing hospitalizations and ER visits, often leading to poor outcomes. The bill is before the Senate Banking and Insurance Committee, with a second reference to the Health Committee. ...

... More than 2,200 West Virginians received training in Hands-Only CPR last year, including 640 during a mobile tour of the state, thanks to a grant from The UniCare Foundation to the American Heart Association. The foundation is the philanthropic arm of UniCare Health Plan of West Virginia. In total, the foundation awarded more than \$330,000 in health and wellness grants across the state in 2016. The AHA funding is being used to advance efforts to double cardiac arrest survival rates by 2020, including purchase and distribution of hundreds of CPR training kits. The American Lung Association also received a grant to make smoking cessation more accessible to pregnant women in McDowell, Mercer, Monroe, Raleigh, Summers and Wyoming counties. ...

... Chantal Fields, who currently leads the local American Lung Association chapter, will become the new executive director of West Virginians for Affordable Health Care. Renate Pore has been serving as interim director following the resignation of Terri Giles. WVAHC recently joined with the WV Council of Churches and the WV Healthy Kids and Families Coalition to protest the administrations proposed repeal and replacement of the Affordable Care Act. An estimated 184,000 could lose health coverage if the ACA is repealed. ...

Quotes of Note:

... ***“Fat hogs get slaughtered. And I’m afraid we’re going to make this bill a fat hog again.”***

- Sen. Ronald Miller, regarding attempts to amend a change in the motorcycle helmet law into **SB 173**, dealing with autocycles. The helmet law amendment was removed from the bill on the Senate floor on Thursday.

... ***“What’s broke here that needs fixed? Why are we doing this?”***

- Sen. Mike Azinger, during a Senate Health Committee discussion of a bill that promotes immunizations for seniors.

... ***“If you put enough ‘de minimus’ together, that’s a lot of money.”***

- Sen. John Unger, as quoted by Phil Kabler of the Charleston Gazette-Mail in a Twitter post.

... ***“What this legislation does is put a very black-and-white edge to a very gray area of life.”***

- Rev. Kay Albright, outreach coordinator for Manna Meal in Charleston, on a bill to restrict SNAP benefits.

March Capitol Health Care Events

March 13	WV Commission for the Deaf and Hard-of-Hearing West Virginians for Life WV Chiropractic Society
March 22	WV Association of Alcoholism and Drug Abuse Counselors
March 23	Emergency Medical Services Day
March 27	WV Hemp Industry Association

Our Next Issue

The next issue of ***Health Care Highlights*** will be published **March 20**. We will feature stories on the PA Practice Act public hearing, and proposals to create an Office of Rural Health Policy within the Center for Rural Health Development. We also will continue the weekly tracking of all health care-related bills under consideration by the House and Senate, and continue reporting on other actions taken by legislative committees and other health care news.

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