Public Health Impacts of 2016 West Virginia Legislation

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WVSOM Summer Seminar
North Myrtle Beach, South Carolina
June 15, 2016
Objectives

• Passage and implementation of Expedited Partner Therapy (SB 123)
• Naloxone legislation (SB 431)
• Local Health Department access to billing for STD, HIV testing and other services (SB 404) and (HB4659)
• Telemedicine (HB 4463)
• Regulating Substance Abuse Treatment Facilities (SB 454)
• Raw milk legislation (SB 387)
2016 West Virginia Legislature

• Regular Session January 13-March 12 (60 days)
• Second Session of the 82nd Legislature
• 2237 Bills introduced
• 422 Completed legislation
• 290 Bills were healthcare related (15.4%)

Source: Healthcare Highlights Volume 28, Issue 8, Stevens et al
Expedited Partner Therapy (EPT)

- SB 123 Signed by Gov. Tomblin February 25, 2016
- Clinical practice of treating the sexual partners of patients diagnosed with sexually transmitted infections (STIs) by providing a prescription or dispensing medications to the patient to take to his/her partner without the health care provider first examining the partner
- Purpose of EPT is to decrease the rate of reinfection and transmission to other partners
Expedited Partner Therapy (EPT) Continued

• Provide appropriate antibiotic treatment for gonorrhea or chlamydia if the sexual partner is unlikely or unable to present for comprehensive health care

• Limited to sexual partner(s) who may have been exposed within the previous 60 days and who is able to be contacted by the patient

• Providers are not subject to civil or professional liability in connection with the provision of the therapy, counseling and materials, except in the case of gross negligence or willful and wanton misconduct
Expedited Partner Therapy (EPT) Continued

• A health care professional is not subject to civil or professional liability for choosing **not** to provide expedited partner therapy

• Educational materials are available on the West Virginia DHHR/Office of Epidemiology and Prevention Services website: [www.dhhr.wv.gov/oeps/std-hiv-hep/stds_stis/Pages/Expedited-Partner-Therapy](http://www.dhhr.wv.gov/oeps/std-hiv-hep/stds_stis/Pages/Expedited-Partner-Therapy)
Naloxone Legislation

- SB 431 signed by Gov. Tomblin March 29, 2016
- Authorizes pharmacists and pharmacy interns to dispense opioid antagonists (Naloxone)
- All licensed health care providers in the course of their professional practice may offer to initial responders a prescription for opioid antagonists, including a standing order, to be used during the course of their professional duties as initial responders
Naloxone Legislation (Continued)

• Health care providers may offer to a person considered to be at risk of experiencing an opiate-related overdose or to a relative, friend, caregiver or person in a position to assist a person at risk of experiencing an opiate-related overdose, a prescription for an opioid antagonist (naloxone)

• Health care providers who prescribe naloxone under this law shall provide educational materials to any person or entity receiving such a prescription on opiate-related overdose prevention and treatment programs, as well as materials on administering naloxone
Naloxone Legislation (Continued)

• According to the new law a pharmacist or pharmacy intern may dispense naloxone without a prescription
• A pharmacist or pharmacy intern who dispenses naloxone without a prescription under the new law shall provide patient counseling to the individual for whom the opioid antagonist is dispensed regarding, but not limited to safety in regards to administrating naloxone to a person who is experiencing an overdose
Naloxone Legislation (Continued)

• Pharmacist education to patients is mandatory and will include, but not be limited to:

  (1) The proper administration of the opioid antagonist

  (2) The importance of contacting EMS as soon as practicable either before or after administering the opioid antagonist

  (3) The risks associated with failure to contact EMS following administration of an opioid antagonist
Naloxone Legislation (Continued)

• Pharmacists will document the dispensing of an opioid antagonist without a prescription as set forth in the protocol developed

• All pharmacists or pharmacy interns who dispense an opioid antagonist will provide educational materials to any person receiving such an opioid antagonist on opiate-related overdose prevention and treatment programs, as well as materials on administering the opioid antagonist.
Telemedicine

- HB 4463, Signed by Gov. Tomblin on March 24, 2016
- Added a new section, designated §30-14-12d
- Establishing requirements for WV medical licensure
- Providing establishment of physician-patient or podiatrist-patient relationship through telemedicine encounter
- Establishing certain requirements for physician or podiatrist using telemedicine technologies to practice medicine or podiatry as well as standards of care
Telemedicine (Continued)

- Provides requirements regarding establishment and maintenance of patient records in use of telemedicine
- Provides limitations on prescriptions which may be made in telemedicine encounters
- Provides exceptions for prescription writing when in-person physician-patient or podiatrist-patient relationship is established
Local Health Department Billing

• Local Health Department access to billing for STD, HIV testing and other services (SB 404) and (HB4659)
• Signed by Gov. Tomblin March 29, 2016
• Relates to testing for HIV and sexually transmitted diseases; authorizing billing of persons for HIV and sexually transmitted disease testing or sexually transmitted disease treatment done by state or local public health agencies
• Informing persons who wish to opt-out of HIV-related testing that anonymous testing is available
Local Health Department Billing (Continued)

• Providing that costs associated with testing may be borne by the state when the person charged with certain sex crimes is financially unable to pay
• Authorizing billing of a person charged with certain sex crimes health insurance provider
• Provides mandatory disease testing when a person renders or receives certain services and comes in contact with infected bodily fluids
Local Health Department Billing (Continued)

• Provides that the costs for mandated testing and counseling are to be paid by the individual receiving the tests or counseling
• Provides that a person(s) who is tested for sexually transmitted diseases at a local health department are responsible for the costs of such testing; providing for fee schedules by which local health departments may charge for such testing
• Removed limitation on amount that can be charged for testing and medication used to treat sexually transmitted diseases
Regulation of Medication-Assisted Treatment Programs for Substance Use Disorders

- SB 454 (formerly SB 460) Governor’s Bill
- Signed March 29, 2016
- Regulation of medication-assisted treatment programs for substance use disorders
- Created regulation for opioid treatment facilities
- Provisions were modeled on pain clinic regulations
Regulation of Medication-Assisted Treatment Programs for Substance Use Disorders (Continued)

- Creating licenses for opioid treatment programs while also creating categories of licenses; setting out licensing requirements
- Set operational requirements for medication-assisted treatment programs; providing for a program sponsor, medical director and setting staffing requirements;
- Licensing and regulations will be overviewed by Office of Health Facility Licensure and Certification
- Set prescribing minimum qualifications for a medical director, allowing enrollment as a Medicaid provider and providing billing requirements
Regulation of Medication-Assisted Treatment Programs for Substance Use Disorders (Continued)

- Bill provides rules for registration, fees and inspections
- Includes operational requirements
- Allows providers to apply for waivers or variances
- Final versions modified in effort to not put treatment facilities out of business
Regulation of Medication-Assisted Treatment Programs for Substance Use Disorders (Continued)

• The purpose of this act is to establish licensing and registration requirements for facilities and physicians that treat patients with substance use disorders to ensure that patients may be lawfully treated by the use of medication and drug screens, in combination with counseling and behavioral therapies, to provide a holistic approach to the treatment of substance use disorders and comply with oversight requirements developed by the Department of Health and Human Resources.
Raw Milk Legislation

• SB 387 Signed by Gov. Tomblin on March 3, 2016
• New section §19-1-7 relating to shared animal ownership agreements to consume raw milk
• Permits a responsible party to acquire a percentage ownership interest to consume raw milk
• Sets forth required provisions for shared animal ownership agreements
• Requires responsible parties to acquire percentage ownership interest in milk-producing animal
Raw Milk Legislation (Continued)

• Requires payment for percentage ownership for care and boarding of milk-producing animal
• Provides receipt of a share of raw milk per the agreement
• Requires written document to acknowledge the inherent dangers of consuming raw milk
Raw Milk Legislation (Continued)

• Provides immunity to herd seller for inherent dangers of consuming raw milk

• No waiver of immunity to herd seller for dangers caused by negligence of herd seller

• Prohibits responsible party from distributing, selling or reselling raw milk received
Raw Milk Legislation (Continued)

• Requires herd seller to meet animal health requirements established by State Veterinarian
• Requires individuals and physicians to report illnesses related to consumption of raw milk
• Requiring Commissioner of Agriculture contact other individuals consuming raw milk from same herd seller upon receipt of report of illness
Raw Milk Legislation (Continued)

• What should physicians know regarding raw milk and illness?

• Unpasteurized milk can cause the following illnesses:
  (1) Campylobacter
  (2) E. Coli (including H0157)
  (3) Listeria
  (4) Salmonella

• These illnesses are Category 1 Reportable Infectious Diseases and must be reported to Local Health Immediately
Resources

- Healthcare Highlights Volume 28, Issue 8, Stevens et al
- Legiscan.com/WV/bill
- CDC.gov
- Dhhr.wv.gov/oeps/Pages
Contact Information:

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