

WVHA LEGISLATIVE UPDATE

May 10, 2023

Legislature wraps-up May interim meetings in Huntington

The Legislature hit the road to Huntington this week for May interim committee meetings. Below is a brief wrap-up of some of the action during the 3-day meetings.

[The Legislative Oversight Commission on Health and Human Resources Accountability \(LOCHHRA\)](#) heard presentations from DHHR about the number of residents with intellectual and developmental disabilities (IDD) being placed in state-run psychiatric hospitals. Speakers included Christina Mullins, DHHR's deputy secretary of Mental Health and Substance Use Disorders and Bob Hansen former director of the [West Virginia Office of Drug Control Policy](#) for DHHR.

- Mullins noted workforce shortages in the behavioral health arena and said that only 13% of the state's behavioral health needs are being met based on the number of professionals per the state's population. According to Mullins, the state has 225 available psychiatrists, less than half of the recommended number of 567. Psychologists, too, are lacking, with 526 available and 1,214 recommended. The state has 1,015 available counselors, and is recommended to have 8,123. Addressing the workforce shortage is among the Bureau's priorities. Mullins said acute mental health care beds for children are a prioritized service gap. The state has only 52 of those beds now, and the backlog is affecting emergency departments across the state. The WVHA is continuing to work with the DHHR to address pediatric mental health. The Bureau is working with Highland-Clarksburg Hospital to open what will eventually be a 24-bed children's unit. The Bureau is also developing a children's psychiatric unit in Elkins.
- Hansen discussed the DHHR's management of the state's 2 psychiatric hospitals: William R. Sharpe Jr. Hospital and Mildren Mitchell-Bateman Hospital. The hospitals have been increasingly used to house non-violent IDD patients for long periods of time. The Legislature passed [Senate Bill 232](#) during the 2023 session to create a multi-disciplinary study group to make recommendations regarding the diversion of IDD patients in the state's prisons, jails, and court-ordered placement in the state's psychiatric hospitals. The WVHA is a statutory member of the study group which is required to develop recommendations for inmates and persons with IDD. The bill also requires development of a plan to coordinate care, treatment, and placement for persons with IDD in the criminal justice system and in the community. Hansen said he wants to work on a better discharge planning process for IDD patients, work with both hospitals to make sure patients are ready for discharge and transition back into their communities and reduce the number of future commitments.

[The Joint Standing Committee on Insurance and PEIA](#) continued its focus on pharmacy benefit managers (PBMs) and the state's current contract with Express Scripts Inc. The focus this month was on independent pharmacies. The Committee heard testimony from Matt Walker, executive director of the Independent Pharmacy Association about the state's PBM program and independent pharmacy reimbursements. PEIA uses Express Scripts Inc., to process prescription drug claims and issues have come up from the regulatory and reimbursement perspective. According to Walker, pharmacies are reimbursed by PEIA well below the costs of purchasing the prescription drugs of 95% of brand drugs. While pharmacy reimbursements for generic drugs allow pharmacies to make a small profit, those profits are wiped out due to the losses ordering brand name prescription drugs. Kroger recently left Express Scripts, meaning it no longer accepts PEIA to fill prescriptions and Walker said smaller pharmacies are also considering dropping PEIA coverage, but to do so they also

must leave Express Scripts. Walker recommended PEIA consider a model used by West Virginia's Medicaid program using the National Average Drug Acquisition Cost (NADOC) plus \$10.49 reimbursement system. NADOC is a national survey showing what pharmacies are paying for prescription drugs.

[The Joint EMS Committee](#) continues to look at funding opportunities for emergency medical services (EMS) around the state. The Committee advanced a working draft of a bill that did not pass this session ([HB 3153](#)) which would have increased funding for the state's volunteer fire departments and emergency medical service units. The revised bill would increase the 0.45% fire protection surcharge on casualty insurance policies to a full 1%, with the money to be placed in the fire protection fund and divided between the state's volunteer fire departments and emergency medical services. The increase would generate about \$12 million annually, enough for each department to receive around \$15,000 in additional annual funding. The committee is also asking the Governor to add the legislation to the agenda if he calls a special session of the Legislature to address a staffing shortage in the state's jails and prisons. Worth noting that the WVHA continues to work with the state EMS office and other stakeholders on administrative remedies to address various EMS issues – such as EMS Treat-in-Place opportunities.

[The Joint Health Committee](#) heard from Abby Reale, Director of Government and External Affairs for Mountain Health Network regarding two child care facilities for staff. One facility will be a renovation of the Highlawn Medical Building in Huntington and will have a capacity for 175 children. The second location will be the former Infocision Center, located off the Hal Greer exit of I-64, and will have a capacity of 300 children. The new facilities will be for staff of Mountain Health Network, Marshall Health and the Marshall University School of Medicine. In 2022, the Legislature passed [SB 656](#) which provides a tax credit against the state corporate net income tax and the state personal income tax for expenditures related to the establishment and operation of employer-provided or sponsored child-care facilities. The Committee also heard from Dr. Stephen Loyd, vice president of the Tennessee Medical Board. Loyd discussed support services for substance use disorder and described his own experiences dealing with addiction and treatment. Michael Keaton's character in the [Hulu series "Dopesick"](#) is based in part on the life story of Dr. Loyd.

The Legislature will take a brief hiatus from interim committee action until August when they return to the State Capitol for another round of interim meetings Aug. 6-8. For more information about legislative activity, please contact [me](#). Thanks.

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