

WVHA

LEGISLATIVE UPDATE

October 18, 2023

Legislative Wrap-Up of October Interim Meetings

Another round of interim meetings was held at the State Capitol this week and there were several health care topics discussed:

- Childhood Immunizations;
- Possible legislation related to access to medical records;
- The mental hygiene process; and
- On-going EMS issues around the state.

Other topics from the DHHR perspective focused on: DHHR Reorganization; and the ongoing efforts related to development of the State Health Plan through the Bureau for Public Health. Below is a summary of these and other key topics discussed throughout the interim period:

Childhood Immunizations

The [Joint Committee on Children and Families](#) heard from a representative of the [National Conference of State Legislatures \(NSCL\)](#) who provided an overview of the current landscape of vaccination exemptions in the US. According to NSCL:

- All 50 states have legislation requiring specified vaccines for students.
- Although exemptions vary from state to state, all school immunization laws grant exemptions to children for medical reasons.
- There are 45 states and D.C. that grant religious exemptions for people who have religious objections to immunizations.
- Currently, 15 states allow philosophical exemptions for children whose parents object to immunizations because of personal, moral or other beliefs.
- West Virginia is one of only a handful of states that allow for medical exemptions to vaccines but does not allow for exemptions based on religious or philosophical beliefs.

A second presentation was from Dr. Joe Edwards, pediatrician Marshall Health, who talked about the importance of childhood vaccinations. Legislators also heard from the State Epidemiologist who provided an overview of the process that a parent or guardian can go through to request a medical exemption. There's a [form](#) that a child's physician must submit to the Bureau for Public Health's Immunization Officer on behalf of the child and this triggers a review process. The Bureau has received 198 requests for medical vaccine requirement exemptions over the past five years. About 75% of requests were approved. Most of the denied requests were from physicians requesting an exemption based on religious and not medical reasons.

[Access to Medical Records](#)

There was a presentation by a representative of the American Civil Liberties Union (ACLU) regarding access to minor medical records. We're hearing there is legislative interest to pursue a bill this coming session that would grant parents access to the health records of minors under the age of 18 so it's a topic that WVHA and the medical community will be managing this upcoming session. There were no legislator questions following the presentation.

[Mental Hygiene Process](#)

Regarding the mental hygiene process, legislators heard from a representative of the West Virginia Supreme Court of Appeals on ways to streamline the mental hygiene process through the court system. Specifically, legislators are looking at ways to ensure the availability of mental hygiene commissioners – which has been an issue in the behavioral health and involuntary commitment process. The Supreme Court presented a model concept that would have 7 mental hygiene regions grouped by community mental health centers (CMHC). Each region would have one full-time commissioner and work regular office hours and would rotate "on-call" duties to provide 24/7 services. Legislators are looking at piloting the program in one region before moving to a statewide launch. Nothing is set in stone, so we'll be hearing more about this as we head into the Regular Session.

[EMS in WV](#)

The [Joint Committee on EMS](#) heard a presentation from Jody Ratcliff, [Director of WV EMS](#) regarding the minimum number of ambulances needed to cover 911 services in West Virginia. He noted that 911 coverage is only part of the issue due to challenges with hospital transports and staffing.

Chairman Joe Statler reaffirmed that West Virginia EMS is facing a critical situation due to staffing shortages and noted during a recent visit to *WVU Medicine Wetzel County Hospital*, he was told a patient needed to be transported to a higher level of care, but no transport was available. The patient coded 3 times and the only solution was for the State Police to transport a physician to care for the patient. The Chairman used this example to reinforce that transport is also a critical issue and citizens are not receiving the services they need.

During questions, it was noted that the EMS staffing crisis is not unique to West Virginia, so everyone is being required to think creatively on how to better utilize limited resources. Director Ratcliff indicated that based on existing data, models can predict with 93% accuracy future 911 requests, which would assist in planning the location of EMS resources based on population and topography.

In addition, other states are exploring technology to determine stress levels of 911 callers to assist in addressing inappropriate use of 911 services. Finally, it was noted that EMS is often providing services on site but cannot bill without bringing the patient to the emergency room so new models of care are needed.

[Autopsy Reporting](#)

Lawmakers heard from a representative of the [West Virginia Office of the Chief Medical Examiner](#) regarding the challenges in completing autopsy reports. The administrative director reported there are several vacancies for full-time forensic analysts, which results in delays with autopsies and death certificate paperwork. Currently, there are 308 autopsy cases pending that are greater than a year old. Of the 308, 46 are unidentified, so 262 cases have families waiting for autopsy completion. The office is expected to conduct a total of 3,600 to 3,800 autopsies with six full-time pathologists.

The National Medical Examiners Association standards recommend that pathologists perform no more than 250 autopsies a year. If pathologists perform more than 325 a year, the office risks losing accreditation.

Currently, the office is staffed with several part-time employees, which is the equivalent of six full-time employees. The office is funded for eight positions but would need at least 13 to be adequate. The director said he'd like around 12 pathologists to help split up the workload, but that recruiting and hiring is a challenge, as it is across the U.S. In the meantime, the office has been contracting with physicians on a part-time basis to try to mitigate the backlog.

West Virginia's current turnaround on autopsy reports is around 240 days, or about eight months. The [National Association of Medical Examiners](#), the office that accredits U.S. death investigations offices, dictates that 90% of autopsy reports should be returned within 60 to 90 days.

In other interim activity...

- **State Health Assessment** – Commissioner of DHHR's [Bureau for Public Health](#) and State Health Officer Dr. Mathew Christiansen provided an regarding the state's on-going efforts to [update the State Health Assessment Plan](#). The last Assessment was done in 2012. The DHHR plans to use results from a survey of the public, community groups, organizations and providers, to identify 3-5 priority areas to focus their efforts on going forward. Those areas will then be developed into a five-year plan. Legislators are growing anxious about developing a plan that will help improve the state's poor health outcomes.
- **DHHR Reorganization** – Lawmakers once again heard from the three new incoming secretaries of DHHR, and the primary focus this month was on [Child Protective Services \(CPS\)](#). Questions were addressed to Dr. Cynthia Persily, incoming Secretary, Department of Human Services regarding the agency's role in investigating child protective cases. Persily reassured legislators that if process failures exist, they would be reviewed immediately, and that quarterly reviews are in place to look at a broad picture such as how many investigations have been completed within 30 days. Other updates to legislators focused on child welfare and the various home and community services available. Legislators received an update on child placement: currently, there are 6,186 children in state custody; 58 percent are placed in kinship care within WV, 24 percent are in out-of-state kinship care, and 27 percent are in foster care. In 2021, 1,856 children were adopted with 2,454 waiting for adoption. In FY 2023, 1,443 children were adopted with 1,156 still eligible for adoption.
- **Medical Research Panel** – There was also a special panel discussion of health care research leaders from around the State to highlight real-time advanced medicine. Topics focused on preventive innovation in combating Dementia and Alzheimer's, and genetic technology to assess internal body functions to prevent health problems before they start. Panelists agreed the future of educating physicians must focus on working as medical teams, working in public-private collaborations, and embracing a culture of innovation.

If you have any questions regarding this month's legislative interim meetings, please contact me at tgregory@wvha.org or 304-545-0128