

**Title 69 Series 13  
Department of Health and Human Resources  
Office of Drug Control Policy  
Development of Methodologies to Examine Needs for  
Substance Use Disorder Treatment Facilities Within the State  
Summary of Public Comments**

**COMMENTS AND RESPONSES**

The descriptions of public comments below are a paraphrasing of the originally submitted comments. The full text of each public comment has been filed with the Secretary of State's Office.

**Section 1 – General**

**Comment**

Subsection 1.7. - Does this mean that all funding received by the BHHF has to be deposited into this account? If so, how will this affect funding for existing needs such Core, CES, and Residential programs?

**Response**

No, only the proceeds recovered for the state pursuant to settlement agreement dated January 9, 2017, in that certain civil action then pending in Boone County, designated Civil Action No. 12-C-141, are eligible for deposit in the Fund. The rule has no impact on funding for existing needs such Core, CES, and Residential programs.

**Comment**

Subsection 1.7. - The word "beds" is used explicitly but should be expanded to include funding for additional IS programs (formerly IOP).

**Response**

The H.B. 2428 mandates that the Secretary of the DHHR to ensure that beds for purposes of providing substance abuse treatment services in existing or newly constructed facilities are made available in locations throughout the state which the Bureau for Behavioral Health and Health Facilities determines to be the highest priority for serving the needs of the citizens of the state. Any such facilities shall:

- Give preference to West Virginia residents;
- Accept payment from private pay patients, third party payors or patients covered by Medicaid;
- Offer long term treatment, based upon need, of up to one year; and
- Work closely with the Adult Drug Court Program.

**Section 2 – Definitions**

**Comment**

Subsection 2.5 - It is imperative that a data collection program is utilized that will serve the entire state, and that data is collected and analyzed from each of the 6 regions in the state.

**Response**

The Department intends to comply with the provisions of the proposed rule as it applied to the collection of data necessary for the determination of need.

**Comment**

Subsection 2.7 - Will there be an ODCP for each of the six regions of the state? Harrison County is currently in the process of instituting an ODCP for the county. This office will include positions of Medical Director, Data analyst and Financial Director for the ODCP for Harrison County. I feel that this office could be expanded to include all of Region 4.

**Response**

The Office of Drug Control Policy is an office created within the Department by law.

**Section 4 – Community Participation**

**Comment**

Community Participation in developing a Needs Assessment should include the Comprehensive Mental Health Centers

**Response**

The list of entities contained in §4.2 are descriptive and are not intended to prohibit or limit the participation of Comprehensive Mental Health Centers.

**Comment**

If they are including the WV Hospital Association, I hope they are going to include other important affiliated Associations such as the WV BH Provider's Association

**Response**

The list of entities contained in §4 are descriptive and are not intended to prohibit or limit the participation of Comprehensive Mental Health Centers.

**Comment**

When they state "Other Statewide organizations that advocate for person with SUD and their families", I hope they plan to include the WV Behavioral Health Planning Council. This group's mission includes reviewing the Block Grant as well as advocating and reviewing the system to ensure that services are being provided as needed.

**Response**

The list of entities contained in §4 are descriptive and are not intended to prohibit or limit the participation of Comprehensive Mental Health Centers.

**Section 5 – Determination of Need**

**Comment**

Subsection 5.3 - The last sentence "licensed to provide additional and substance abuse services". Does this exclude existing services in some capacity?

**Response**

There is a typographical error in the subsection – “additional” should be “addiction”. This will be corrected when the rule is filed as an agency modified rule.

Also, this requirement is contained in H.B. 2428 as a condition for funding. It should not impact existing services that are licensed to provide addiction and substance abuse services.

## **General Comments**

### **Comment**

The entire document has an eery CON feel to it my opinion.

### **Response**

The proposed rule is not associated with the Certificate of Need process.

### **Comment**

Shouldn't there be some language for the BHHF to build upon what has already been with a Needs Assessment several years ago and the contributions of the Governor's SA Task Force?

### **Response**

The provisions of the proposed rule are in response to the requirements of H.B. 2428. The Department intends to utilize mechanisms currently place at the Bureau for Behavioral Health and Health Care Facilities and work of the Governors Committee on Substance Abuse in implementing the provisions of the bill.