

## Legislative Session Summary

### *Dear Colleagues in NASW West Virginia,*

The 2009 session of the West Virginia Legislature is over (for now!) and as Charles Dickens wrote, *“It was the best of times; it was the worst of times.”* Since the Legislature is coming back together in May, and Governor Joe Manchin, III can choose to sign, veto or allow bills to become law without his signature, to Dickens’ you could add Yogi Berra’s famous quote, *“It ain’t over ‘til it’s over!”*

The legislature recessed at midnight on April 11, 2009 after passing 227 bills, or about ten percent of those introduced. Legislators did NOT pass a budget bill to fund state government for FY 2009-2010. The uncertainty of the economy caused them to wait for 3<sup>rd</sup> quarter revenue results before they move forward. The session will resume on May 26 to work on the budget and possibly other measures.

In January Governor Manchin presented a budget and revenue estimate of about \$4 billion. He has since reduced estimates by 4 ½ percent, or approximately \$200 million, and required state agencies to perform targeted budget reductions. The Legislature must pass a balanced budget based on the Governor’s projections, so at this point at least \$200 million will be cut from the initial budget request or additional revenues must be raised. Funds available through the federal American Recovery and Reinvestment Act (ARRA or “stimulus funds”) could be used to mitigate the shortfall. However the rules for the use of these funds are new and unfamiliar.

Although Gov. Manchin’s administration is committed to making use of every available federal dollar appropriately and quickly when it comes to such things as construction projects, they seem less willing to maximize available federal dollars for unemployment benefits, Medicaid and similar human services programs. For example, a bill (SB246) was passed to bring in just \$11 million of the potential \$33 million available for unemployment programs. NASW is working in coalition with other organizations to encourage the administration to make use of federal funds available for unemployment, health care and other critical human needs.

## Major Initiatives

### **Social Work Day, March 4, 2009**

#### *150 Attend Social Work Day at the Legislature / Legislative Reception Honoring the Contributions of Social Work Professionals to the Citizens of West Virginia*

**2009 Social Work Day**, attended by **150** social workers and social work students and faculty from seven schools and off-campus programs, was a fabulous success! Participants enjoyed expert orientation to health care reform legislation by **Senator Dan Foster** (D-Kanawha), met with their elected officials on matters important to our profession and those we serve, witnessed Social Work Day proclamations in both the House and Senate, had a photo op with **Governor Joe Manchin, III** at which he read his proclamation declaring March as Professional Social Work Month in West Virginia, and attended a debriefing with the NASW WV Board of Directors. Many positive comments were received from those who planned and participated alike.

Kudos to planning committee members **Larry Beckett**, MSW (chair), **Nancy Burkhammer**, MA, MSW (Legislative Action chair), **Steve Burton**, MSW (Capitol Branch chair), **Susan Sobkoviak**, BSSW (consultant) and NASW WV Program Associate **Elena Bailey**, MSW.

The day concluded with our annual legislative **reception** at the Charleston Marriott Hotel. This year approximately **300** leaders and citizens attended the event, co-sponsored by **NASW WV**, the **WV Division of Social Work**, the **WV Coalition Against Domestic Violence** and the **WV Network of Child Advocacy Centers**.

Special thanks to **1-800-GAMBLER** for providing refreshments for participants!

Susan writes: *“It really is such a benefit to NASW and to our profession for Legislators and policy makers to see that social workers and social work students are involved in public policy issues. Again, THANK YOU TO ALL WHO PARTICIPATED!”*

### **Social Worker Safety Legislation Passes**

We are very pleased to report that **HB2566 passed the Legislature on April 11<sup>th</sup>**, the final night of the session, and has been sent to the Governor. Here is a summary we submitted for an upcoming issue of the national *NASW News*:

*HB2566, regarding the malicious assault law and protected persons... which we refer to internally as the **Social Worker Safety Bill**, passed the West Virginia Legislature on the final night of the 60-day session. The bill is awaiting the signature of Governor Joe Manchin, III. NASW WV will contact the Governor’s chief counsel to express its desire that the Governor sign the bill into law.*

*HB2566 expands and redrafts the state’s malicious assault law to make it clear that an assault on a social worker like Brenda Lee Yeager would be a covered offense. Yeager was brutally beaten, raped, murdered and her body mutilated on July 30, 2008. She provided Right From the Start services for infants under the auspice of a for-profit provider. Her services were reimbursed by the state’s Medicaid program. In years past a social worker who was a state employee might typically have provided such care, but these and similar services are now commonly performed by providers under contract with the state or on a fee for service basis.*

*“The passage of this significant piece of legislation is a fitting tribute to the memory of our colleague Brenda Lee Yeager, and an important tool for social workers across West Virginia,” said NASW WV Chapter CEO Sam Hickman, ACSW. ‘Although no law can guarantee safety and much remains to be done, this bill is an appropriate first step.’ The perpetrators and accomplice charged in Yeager’s murder are awaiting trial.*

### **Protecting the Best Interests of Children Involved in Divorce Custody Disputes**

SB438 would have fundamentally changed the legal and court standards of determining disputed custody issues in divorce in favor of the best interests of the child, to nebulous and undefined measures that seemed to favor the competing interests of parents. Although an Interim Study of this issue was performed last fall, no legislative changes were recommended. **NASW WV worked intensively with the Coalition for Safe Families to successfully defeat the measure.** A more appropriate dialogue involving all constituents will now occur, outside of the pressured legislative session, to determine whether changes in custody proceedings are necessary. NASW

WV will continue to support the best interest of the child standard. **NASW WV CEO Sam Hickman was quoted in several newspaper stories related to SB438.**

### **Mental Health Parity Bill Passes**

HB2588 regarding **Mental Health Parity also passed.** This bill, put forward by the state Insurance Commission, reaffirms West Virginia's commitment to providing mental health care insurance coverage in parity with physical health benefits, and applies its provisions to PEIA (state employee's insurance).

### **Health Care Reform Legislation**

SB414 was the most significant piece of health care reform legislation to pass, established a health care reform oversight office under the Governor and authorizes four patient centered medical home pilot projects. **More on this in the bill summaries below.** SB419, the menu labeling bill, passed the Senate in a weakened form. It failed in the House in an embarrassing PR moment for the Legislature; House members munched on biscuits and donuts as they debated, and eventually killed the bill. The committee chairman said he was reminded of the old adage that *"nobody is worthless; they can always serve as a horrible example."* HB2885, a centralized provider certification bill that was part of the "Roadmap to Health" package, also passed. For more perspective on this please visit [www.WVAHC.org](http://www.WVAHC.org) and/or [www.whealthyfuture.com](http://www.whealthyfuture.com) **Senator Roman Prezioso** of Marion Co. and **Delegate Don Perdue** of Wayne Co. deserve our heartfelt appreciation for their heroic effort of the past year on the Roadmap to Health project!

### **Bill Expanding Equality in Housing and Employment Fails**

SB238 would have prevented discrimination in housing and employment on the basis of age or sexual orientation. The Senate passed the bill by a fair margin but despite our best efforts, the bill failed to advance in the House. **NASW WV was privileged to be in coalition with the ACLU of WV, Fairness WV, the WV Coalition Against Domestic Violence, NOW WV and MANY other organizations** that worked effectively and respectfully against often vehement opposition from other groups. In the end, supporters in the House could not find quite enough votes to pass the bill on the floor and determined it would be better to let it lay in committee than put it to a failing vote. The efforts of **Senator Jeff Kessler** of Ohio Co. and **Delegates Carrie Webster** (Kanawha) and **Barbara Fleischauer** (Monongalia) are especially appreciated.

### **Mandatory Drug Testing Bill Rejected**

Delegate Craig Blair of Jefferson Co. introduced HB3007 to require recipients of unemployment compensation, Medicaid, food stamps, etc to undergo random drug testing as a condition of receiving benefits. This appeared to be a classic example of "blaming the victim" to us, especially because there were no provisions for effective prevention and treatment programs mentioned in the bill, and the possibility of benefits designed primarily to provide for dependent children could be withdrawn precipitously. **NASW WV helped to spearhead a PR campaign against the bill** in cooperation with the WV Council of Churches, the Partnership of African American Churches, the American Friends Service Committee, WV AFL-CIO and others, resulting in a well covered press conference, letter writing campaign and an op-ed in The Charleston Gazette by NASW WV Legislative Action Chair **Nancy Burkhammer**, MSW. Member **Mary Aldred-Crouch**, MSW wrote an op-ed for the Charleston Daily Mail in her role as Legislative Coordinator for the WV Alcoholism and Drug Abuse Counselors Association.

## **Reproductive Health Restrictions Rejected**

HB31 51 would have placed unreasonable and likely unconstitutional restrictions on the reproductive health choices of low income women. NASW WV worked with organizations such as WV FREE and NOW WV to successfully deflect the bill. **NASW WV CEO Sam Hickman provided testimony at a public hearing on the bill.**

## **Staying Involved: Here's How You Can Continue to be Involved!**

The 2009 Legislative Session was a very busy time for us. **WV-NASW continues to establish our profession as a viable force in policy making** and we are often sought out for recommendations and testimony. As social workers, we need to stay involved in public policy issues. Legislative Interims Meetings will be held on a monthly basis between June and January. At Interims, issues for the next regular legislative session are discussed. Many important public policy decisions are made outside of the regular session at such meetings. **NOW is the time to contact and develop relationships with your representatives.** Legislators often do not have a lot of time to meet with constituents during the session. Now that they're back in their home districts, contact them and let them know you are a social worker and you are concerned about public policy. **YOU have expertise in many issues with which legislators are totally unfamiliar!**

**How?** Invite legislators to your workplace to learn about the problems faced by the people you work with, and the expertise of the professionals who care for them. Attend town meetings and let your concerns be known. Take the time to meet with your legislators. **They make decisions every day that affect YOU and the people YOU serve.** Throughout the year, NASW WV works with Chapter leaders, members and coalition partners to formulate good public policy options.

For additional information about our approach to legislation or how you can become more involved with issues and politics, give us a call at 345-NASW (6279) or visit our website: [www.NASWWV.org](http://www.NASWWV.org)

## **Special Thanks for Expanding our Legislative Presence!**

Several members took it upon themselves to help increase NASW WV's presence at the Legislature by coming to the Capitol on multiple days to discuss important bills with legislators, follow committee proceedings, etc. In particular, we thank **Nancy Burkhammer**, MSW and **Larry Beckett**, MSW who attended often, and also **Steve Burton**, MSW, Capitol Branch chair, for rallying local members, and **Kathy Pauley**, MSW who responded to our special requests for targeted assistance. If we have forgotten to mention anyone, please forgive.

**LOTS OF MEMBERS LIKE YOU** responded to the email Action Alerts sent from **Susan Sobkoviak**, BSSW, **Elena Bailey**, MSW and/or me. **THANK YOU!** Without your help, we could not accomplish much. **It is SO important that legislators hear from the people they represent in their home communities and districts!**

## **A Word About Coalitions**

Much of what we are able to accomplish is a result of joining forces with like-minded organizations. Among the organizations and groups we have been pleased to act in concert with this year are:

- The Coalition for Safe Families
- Legislative Action Team for Children and Families
- West Virginians for Affordable Health Care
- Health Care for America Now – WV
- WV: FREE
- WV Coalition Against Domestic Violence
- WV Council of Churches
- ACLU – WV
- West Virginian’s Campaign for a Healthy Future

I will sign off, but read on for a summary of bills that passed, many that did not and a summary of health care reform legislation.

***THANK YOU again for your participation and encouragement! It is always gratifying to know that members like YOU support the important work of our association!***

*Sincerely,*  
**Sam Hickman, ACSW, LCSW**  
**CEO**

**Below is a summary of bills that passed, and key issues for which bills were introduced but were not successful**

*(Special thanks to member and government relations professional extraordinaire **Nancy Tonkin, MSW**, owner of Tonkin Management Group for major portions of the following bill summary. Also to **Perry Bryant**, Executive Director of West Virginians for Affordable Health Care for his summary of health care reform legislation that also appears below.)*

*(Please keep in mind that it is often as important (and sometimes more important) to keep a poorly written or ill-intended bill from passing than it is to pass a good piece of legislation.)*

**Visit the legislative website <http://www.legis.state.wv.us/>** to pull up specific bills and select the “enrolled (final) version. Enrolled bills are awaiting the Governor’s signature (or veto). From the WV Legislative Reference & Information Center website (above) you can check on bill status, create a bill tracking center for yourself, get committee agenda, etc.

**Health Care/Children’s Health/Public Safety**

**SB 307**--Creates the Maternal Screening Act and establishes an advisory council on maternal risk assessment charged with developing a maternal risk screening tool. All health care providers offering maternity services shall be required to utilize the uniform maternal risk screening tool in their examinations of any pregnant woman. Additionally they shall notify the woman of any high-risk condition which they identify along with any necessary referral, and report the results to the Bureau for Public Health, Office of Maternal, Child and Family Health in the manner provided in the legislative rule.

**SB 321**--Certificate of Need (CON) process changes increases the thresholds for capital expenditures, eliminates lithotripsy from CON review and puts a new cap on fees paid by CON applicants. It also eliminates CON review for non-health related projects developed by a health

care facility, among other provisions. The development or acquisition of health care services in states that border West Virginia are exempted from CON review, but hospitals are prohibited from making up any revenues losses from such projects by raising future rates in this state.

**SB 322**--Exempts certain life insurance policies from Medicaid assignment – This bill provides that the death benefit of up to \$25,000 of any life insurance policy would qualify for the Medicaid assignment exemption.

**SB 326**--Requires insurers to provide to insureds on or after July 1, 2009, certain general anesthesia benefits for dental procedures and associated outpatient hospital or ambulatory facility charges.

**SB 408**--Allows the Insurance Commissioner to waive the 12-month waiting period for eligibility for coverage under the state's high risk health insurance plan and to use surpluses in the program to subsidize premiums of certain low income persons.

**SB 414** --Establishes the GO-HELP Office in the Governor's Office—Major piece of health reform that passed. This bill now includes provisions of SB 412 which creates the Governor's Office of Health Enhancement & Lifestyle Planning. GO-HELP would have responsibility for coordination of all health care reform initiatives and development of a 5-year strategic plan. The director of GO-HELP assumes the drug company marketing and advertising annual reporting requirements of the repealed WV Pharmaceutical Cost Management Council. The GO-HELP director would review all current medical home pilots at PEIA and Medicaid and make recommendations for possible expansion. An Advisory HELP panel of 5 governmental health officials and 9 public members is to be appointed by the Governor to advise him and the legislature on the delivery of health care services. There are also 2 ex-officio legislative members.

The bill defines 4 types of medical home pilot projects:

- Chronic Care Model for smaller practices;
- Individual Model for larger practices;
- Community Centered Model for FQHC primary care practices;
- Uninsured Model for practices serving persons without health insurance.

**SB 724**--Health care provider tax changes as requested by the State Tax Department to clarify the methodology for determining physician services provided in hospital settings and the resultant application of the physician provider tax or the hospital provider tax. The Tax Department estimates in excess of \$300 million in total Medicaid loss without the passage of this bill.

**SB 456**--Creates Reduced Cigarette Ignition Propensity Standard Prevention Act. The bill creates a fire safety standard for cigarettes sold in the state and sets a reduced cigarette ignition propensity performance test and standard.

**SB 464**--Allows PEIA to charge fee for paper transactions up to \$5 to transact business with them by paper when more efficient Electronic Medical Record transactions are available.

**SB 470**-- Regulates ATVs on Hatfield-McCoy Trail

**SB 481**--Requires employers to provide certain documentation, including employment records to PEIA.

**SB 552**--Repeals the existing provisions on limited benefit plans and creates a new program under which insurance companies would submit limited individual or group benefit plans for approval by the Insurance Commissioner. The bill is intended to provide subsidies to certain persons who have lost their employer-sponsored health insurance coverage as part of the

American Recovery and Reinvestment Act of 2009, where certain involuntarily terminated employees and their dependents are given a second opportunity to elect subsidized COBRA coverage.

**SB 632**--Requires insurers to share certain information with Bureau for Medical Services on claims that may have been paid by Medicaid when the individual was covered by other insurance.

**SB 669**--Extends the Preventative Care Pilot Program for 2 more years under certain conditions, with expansion of the number of pilot participants allowed from 3 to 6 by the Health Care Authority and the Insurance Commissioner.

**HB 2360**--Prohibits cigarettes from being sold individually or in any other packaging.

HB 2660--Expands definition of limited health care service to include dental, vision, podiatric and pharmaceutical services.

**HB 2885** -- Creates the Credentialing Verification Organization (CVO) to establish a central review of medical professionals' education and training. The original bill was significantly changed by the Senate to assign the design and creation of a CVO system to an existing advisory council which currently serves the DHHR and Insurance Commissioner. The advisory council will submit a report to LOCHHRA by January 1, 2010 with recommendations for CVO legislation. The legislation would include one or more CVOs to administer primary source verification with electronic accessibility; payment system; data confidentiality, required use; timelines for credentialing; and modifications to the uniform credentialing form. The advisory council's current members would continue to serve along with new members from the WV Hospital Association and the WV State Medical Association.

**HB 3047**--Allows the PEIA Director to enter into capitated provider arrangements

**HB 3083** --Permits blood donations by persons age 16 or older with parental consent – Any person 17 years of age or older may donate blood without the permission of a parent or guardian and persons 16 years of age may donate blood with the permission of a parent or legal guardian.

**HB 3195**-- Establishes funding mechanism for aid for local health departments by authorizing authorizes legislative and emergency rules.

**HB 3288**--Complies with recent federal law changes with respect to mental health parity. Effective October 3, 2009, an insurer providing a "group health plan," with an average of more than fifty employees on business days during the preceding calendar year, may not apply cost containment measures unless the insurer can demonstrate an increase of 2% of the actual total costs of coverage for the plan year involved with respect to medical-surgical benefits and mental health benefits under the plan.

**HB 3336** - Continues Birth to Three early intervention services to families with developmentally delayed infants and toddlers but eliminates the cost-free provision. This allows for the development of a sliding fee scale.

**Bills that failed:**

- Increasing the tax on tobacco products.
- Changes to clean indoor air regulations.
- Posting of calories for food items sold in chain restaurants.
- Eliminating Medicaid payment for abortions.
- Public notice of any Medicaid plan amendment prior to submission to the feds and increasing the membership of the Medicaid Advisory Board.
- Tax credit to small businesses that provide health insurance.

- Changes to the school nurse/student ratio.
- Low cost primary care services for uninsured adults.
- Insurance coverage for autism services.
- Caregivers Consent Act.
- Dental exams prior to school attendance.
- Parental consent for minors using tanning facilities.
- Prohibiting cell phone use and text-messaging while driving.

### **Family and Child Welfare/Juvenile Justice/Education**

**SB 246**—Increases the taxable wage base for the Unemployment Compensation Trust Fund to the first \$12,000 of salary until the Fund is at \$220 million, then decreased the taxable wage base to \$9,000. This will help offset the increase in the number of applicants for unemployment benefits that is causing the Fund to be depleted. It also moves \$40 million from a worker's compensation fund to match the employers' contributions. The taxable wage base had remained at \$8,000 since 1981.

**SB 373**--Caps the PROMISE scholarship at \$4750/year for students.

**SB 498**--Establishes the West Virginia's childcare quality rating and improvement system and retains the requirement for collaboration between the public schools and private child care agencies.

**HB 2504**--Establishes Silver Alert Plan for missing cognitively impaired adults.

**HB 2566**--Increases penalties for assault against state employees who perform home-visiting services.

**HB 2701**--Relating to an escape of any person from the custody of the Division of Juvenile Services.

**HB 2788**--Protects incapacitated persons and the elderly who, reliant upon the care of others, are vulnerable to certain abuse and neglect by caregivers, guardians or custodians.

**HB 2884**--Provides for the financing of long-term care through a combination of private insurance and Medicaid in accordance with federal requirements on qualified state long-term care insurance partnerships

**HB 2913**--Clarifies that ex-officio members of the West Virginia Independent Living Council are appointed by the Governor and are subject to term limits, in order to comply with federal law.

### **Bills that Failed:**

- Prohibiting discrimination based on sexual orientation.
- Changes to child custody laws.
- State Earned Income Tax Credit.
- Mandatory drug testing to receive unemployment, TANF, food stamps, etc.
- Private provider rate review.
- Tax credit for adoptions.
- Increasing penalties for failure to report child abuse/neglect.
- Ban on the sale of Barbie dolls.
- Changes to the school calendar to ensure 180 days of classroom time.
- School innovation zones.
- Teacher pay raises.

## **State Budget/Governmental Issues/State Employees**

SB 239--Reduces the percent needed to adopt metro government from 55% to a 51% majority vote.

SB 244--Fixes a loophole in state pensions to prevent double-dipping.

HB 3011--Repeals the section of code relating to limitation on political activity of officers or employees in the administration of the Vocational Rehabilitation Program.

### **Bills that failed:**

- Public employee pay raises.

## **Substance Abuse/Behavioral Health**

**SB 493**—Transfers the central head injury registry to the Center for Excellence in Disabilities from the Division of Vocational Rehabilitation.

**SB 672**—“Behavioral Health Crisis Stabilization Act . An innovative bill to increase funding for community behavioral health centers by citing billing codes in statute for mandatory increased reimbursement if funds are available. The bill does not encompass billing codes increases for clinics, hospital-based services or private practitioners such as psychiatrists & psychologists.

**SB 687**--Reestablishes the Comprehensive Behavioral Health Commission until 2011.

**SB 767**—Releases the Medicaid program from the competitive bid process of the Division of Purchasing, but establishes procedures and requirements for competitive bidding and awarding of such contracts by the DHHR Cabinet Secretary. The bill also adds members to the Medicaid Fund Advisory Council representing the state Primary Care Association and Behavioral Health Providers Association, and adds the co-chairs of the Legislative Oversight Commission on Health and Human Resources Accountability (LOCHHRA), or their designees, as non-voting ex-officio members.

**HB 2684**--Provides accountability and treatment through drug courts to address the impact of substance abuse on public safety, personal health and health care costs, the spread of communicable disease, educational performance and attainment, work force reliability & productivity, family safety & financial stability.

**HB 2771**--Includes political subdivisions and others in WV Alcohol & Drug-Free Workplace Act – This bill also requires certain contractors to submit documentation that they have complied with the requirements of this new law for drug testing prior to final payment being made.

### **Bills that failed:**

- WV Partnership for Community Well-Being
- Taxes on beer and methadone to fund prevention services.
- Changes and removal of the provider tax on behavioral health services.

## **Professions/Boards/Non-Profits**

**HB 2532**--Establishes licensure for Marriage and Family Therapists under the WV Board of Counseling.

**HB 2539**—Allows Professional licensing boards to combine staff functions.

**HB 2819**—Rules for 24 professional boards including physical therapy, architects, dentists, dental hygienists, physicians and social workers. One will need to secure a final, approved copy of the rules from the board or from their websites

**HB 2839** –Establishes a new definition of pain that is already used by the Federation of State Medical Boards for recommended policies on pain management, was developed by the International Association for the Study of Pain, and is the most widely used definition of pain in the world.

**HB 3017**--Exempts non-profits from consumer sales tax for the sale of used clothing and accessories.

**Bills that failed:**

- Removing antiquated language from many licensing boards and removed old sunset dates.

**Miscellaneous**

**SB 279**-Requires reporting of industrial accidents within 15 minutes.

**SB 297**—Governor's alternative and renewable energy plan requires power utilities to produce one-fourth of their electricity from alternative sources by 2025

**SB 575**--Authorizes table games, slot machines, video lottery machines and certain games of chance to be permitted for participation by guests at The Greenbrier Resort. The bill sets the same standards for games at the Greenbrier that are already in affect at other gambling establishments in West Virginia

**HB 2464**—Allows for early voting expansion by allowing counties to create additional early voting locations.

**HB 2335**--Allows veterans to attend WV colleges at in-state tuition.

**Study Resolutions**

Hundreds of study resolutions are introduced each year. Some of these serve to commemorate certain individuals through the naming of bridges, etc. Others, like the ones listed below, direct the legislature to study specific issues.

Most study resolutions will not have passed both Houses of the Legislature, so the (Interim) Joint Committee on Government and Finance will determine which topics are assigned to certain Interim Committees. During Interim meetings legislators meet in joint committees made up of members of both Houses to discuss issues, hear testimony and suggest bills for the next regular session beginning in January 2010. This is how HB2566 was developed. Two Legislative Interim meetings are usually held outside of Charleston. They provide an excellent opportunity for NASW WV members to view and impact the legislative process. We will let you know when such opportunities arise.

The following is a sampling of the study resolutions introduced this session. By June 1<sup>st</sup> we will learn which topics have been assigned for study during the June - January Interim Legislative Meeting schedule.

- DHHR employees' home visiting safety issues
- Reconstitute Select Committee A on Children & Juveniles
- Providing low income veterans a medical prescription card
- Reciprocal hospice care agreements with bordering states
- Drug diversion and unintentional pharmaceutical overdoses
- Legislative initiatives on low cost health care programs
- Perinatal health education models
- Substance abuse and public assistance

- Board of Social Work Examiners
- Proper disposal of pharmaceuticals
- Oral health status in rural communities
- Community services for disabled
- Permit certified medicine aides to administer certain drugs
- Requiring school-based health centers in new schools
- Methadone treatment centers
- Mental health needs of students
- Contraceptive insurance coverage for children
- Funding of community-based services and supports for individuals with disabilities
- Assist county boards of education with facility needs
- Programs to keep children in schools
- Federal prevailing wage laws
- Tax structure

**From West Virginian's for Affordable Health Care:  
Regarding SB414 and Health Care Reform in General:**

*The Governor's Office of Health Enhancement and Lifestyle Planning, or GO HELP. GO HELP will coordinate health care initiatives across state agencies, plan for future health care reform efforts, take over some of the duties of the Pharmaceutical Cost Management Council, and develop pilot projects for medical homes. The details of GO HELP are spelled out below.*

*Virtually, all of the other health care reforms recommended by Select Committee D and Ken Thorpe, a health care economist from Emory University and consultant to the legislature, were rejected or ignored by the legislature. These measures include:*

*\* Neither Finance Committee considered increasing the cigarette tax to the national average. Currently, West Virginia taxes cigarettes at 55¢ per pack, while the national average is \$1.20 per pack. Raising the tax to the national average would generate over \$100 million in badly needed state revenues, keep 30,000 kids from ever beginning to smoke, convince almost 20,000 current smokers to quit, and save more than \$700 million in future health care expenditures.*

*Imagine 50,000 fewer smokers in West Virginia. No public policy would produce greater benefits in the health status of West Virginians than increasing our cigarette tax to the national average. The failure of the cigarette tax means that West Virginia will continue to have the second highest smoking rate in the country. Even Kentucky, the state with the highest smoking rate, increased their cigarette tax to 60¢ a pack, which is higher than West Virginia's current rate.*

*\* Despite the tireless efforts of Senator Dan Foster, the Senate first weakened and then the House killed the menu labeling bill. SB 419 would have required fast food restaurants and other chain restaurants to post on their menu and menu board the calorie content of the food they sell.*

*Since 1990, the number of obese West Virginians has doubled, going from less than 15 percent to more than 30 percent of the population. And like smoking rates, West Virginia has the second highest rate of both childhood obesity and adults who are overweight or obese.*

*The Senate first rejected the menu labeling bill, then reconsidered the bill and added an amendment to exempt the restaurants owned by former Senator Oshel Craigo. When SB 419 got to the House of Delegates, the bill was referred to the Health Committee and then Government Organization Committee. The House Health Committee quickly stripped out the Craigo amendment, and passed a very good menu labeling bill.*

*However, in the House Government Organization Committee the bill was in trouble. Delegate Jim Morgan, Chair of the committee, offered a very decent compromise. Fast food chain restaurants could provide caloric information in any manner they preferred - through the Internet, on wrappers of the food, etc. However, by 2012 these restaurants would be required to post the calorie information on their menus and menu boards, where it has the greatest impact on behavior.*

*While members of the committee ate donuts and Tudor's biscuits, this compromise was rejected by a majority of committee members, and the bill was dead.*

*Those to be applauded for voting for the compromise menu labeling approach were:*

*Sam Cann (D-Harrison)*

*Bobby Hatfield (D-Kanawha)*

*Jim Morgan (D-Cabell)*

Danny Polling (D-Wood)  
Margaret Staggers (D-Fayette)  
Doug Skaff (D-Kanawha)

*Those who voted to kill the compromise menu labeling bill included:*

Sam Argento (D-Nicholas)  
Tom Azinger (R-Wood)  
Greg Butcher (D-Logan)  
Daryl Cowles (R-Morgan)  
Roy Givens (D-Brooke)  
Daniel Hall (D-Wyoming)  
Bill Hartman (D-Randolph)  
Dale Martin (D-Putnam)  
Pat McGeehan (R-Hancock)  
Carol Miller (R-Cabell)  
Jonathan Miller (R-Berkeley)  
Mike Potter (R-Mercer)  
Mike Ross (D-Randolph)  
Ruth Rowan (R-Hampshire)  
Randy Swartzmiller (D-Hancock)  
Joe Talbott (D-Webster)

*It is interesting to note that every Republican on the Senate floor and in the House Government Organization Committee voted against the menu labeling bill, as did every legislator from the northern panhandle regardless of whether they were Republicans or Democrats.*

*\* In his State of the State address, Governor Manchin directed Medicaid to seek a waiver to cover adults up to 50% of federal poverty level. "This is such an important step toward addressing our state's growing healthcare concerns...that, if necessary in the future, I will propose an increase in our state's cigarette tax to pay for its continuation." When the tobacco tax failed, there was no additional money for Medicaid, and Governor Manchin's proposal to expand Medicaid died.*

*\* The Senate Finance Committee refused to take up HB 3022, which would allow uninsured individuals and employers who don't currently provide health insurance coverage to their employees to purchase primary care-only coverage. HB 3022 would pay providers a set fee per person per month (called a capitated rate). This is an innovative approach that moves away from paying doctors on a per procedure basis, where the more procedures they perform the more they get paid, to a system where physicians are paid a fix rate. A capitated rate also allows payers to begin to pay doctors based on performance, rather than on the number of procedures they perform. Ironically, the legislature passed a bill allowing PEIA to pay a capitated rate for PEIA-insured individuals, but denied the opportunity for uninsured individuals to participate in a capitated program.*

*GO HELP is not health care reform. It is an opportunity for future health care reform.*

*Throughout the year-long process that Select Committee D undertook to study health care reform and develop proposals, they made repeated efforts to engage the Governor and get his support for the process and recommendations. They failed. If Governor Manchin signs SB 414, he will own the process and the results. If the Governor signs SB 414, who he appoints as the director of GO HELP will send a clear message of how serious he is in achieving meaningful health care reform. Stay tuned.*

*While this legislative session did not live up to expectations, there are some legislators who worked extremely hard to reform health care and deserve special recognition. The two chairs of the Health Committees, in particular, were outstanding. Senator Roman Prezioso (D-Marion) and Delegate Don Perdue (D-Wayne) provided outstanding leadership and determination in their efforts to achieve health care reform. Please drop each20a note of thanks at roman.prezioso@wvsenate.gov and DPerduerx@aol.com. Thanks.*

Perry Bryant  
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***You've come to the end of the NASW WV report. Members, THANK YOU again for your support and assistance during this very successful legislative agenda for social workers and those we serve!***

*Take care,*  
**Sam**