

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2823

**FISCAL
NOTE**

BY DELEGATES MILEY, LONGSTRETH, PYLES, ISNER,
HORNBUCKLE, EVANS, E., BARRETT, WILLIAMS AND
ROBINSON

[Introduced March 8, 2017; referred
to the Committee on Health and Human Resources
then Finance.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §16-5W-1, §16-5W-2, §16-5W-3 and §16-5W-4, all relating to requiring the
 3 Commissioner of the Bureau for Public Health to establish an on-call center for state
 4 residents to receive assistance with healthcare.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 article designated §16-5W-1, §16-5W-2, §16-5W-3 and §16-5W-4, all to read as follows:

**ARTICLE 5W. STATEWIDE CALL-IN CENTER FOR HEALTH CARE ADVICE AND
 REFERRAL.**

§16-5W-1- Purpose.

1 The purpose of this article is to create a mechanism for residents of this state to receive a
 2 free assessment of a health condition over the phone by a nurse when a health issue arises, to
 3 determine what action should be taken and in many cases preventing the need to visit a hospital
 4 emergency room for an initial assessment. Establishing a statewide call-in center will reduce
 5 unnecessary emergency room and urgent care facilities visits for nonemergent health issues by
 6 creating a new initial diversion point for persons having a health care issue. Utilizing the call-in
 7 center will also provide a convenient option, especially in rural areas of the state, for residents to
 8 quickly receive a no cost health care assessment at home, on a twenty-four hour basis, therefore
 9 increasing availability to health care service while providing savings to residents and their
 10 insurers.

§16-5W-2. Creation of state-wide healthcare advice hotline and call-in center.

1 (a) The commissioner shall establish and administer a statewide call-in center. The call-in
 2 center shall be available to all residents of this state without charge by calling a toll free telephone
 3 number which shall be directed to a nurse. The call-in hotline will be available on a twenty-four

4 hour basis every day of the year. Any vendor selected to administer the call-in center must have
5 a minimum of three years' experience in providing this service.

6 (b)The call-in center may also provide a physician referral mechanism to allow the nurse
7 to refer the resident to a physician to further assess the patient and in limited circumstances write
8 a prescription for an acute illness. Types of illnesses that physicians may prescribe include
9 nonemergent acute illnesses such as allergies, respiratory infections, bronchitis, colds, ear
10 infections, gastroenteritis, urinary tract infections, and other acute illnesses as authorized by the
11 commissioner. A physician may not prescribe any narcotic drug or lifestyle medications such as
12 erectile dysfunction, sleeping aids or anti-depressants utilizing the provisions of this article.

§16-5W-3. Requirements for call-in center.

1 (a) All nurses employed by the call-in center must be a state resident and hold registered
2 nursing licensee by West Virginia with a minimum five years prior nursing experience. Any
3 physicians providing services via the call-in center must be a resident of and licensed in West
4 Virginia;

5 (b) The call-in center must be available twenty-four hours a day, seven days a week and
6 the call-in system may not allow any caller to get a busy signal. All calls must be answered within
7 three minutes. The commissioner shall establish requirements for the call-in center to assure that
8 assistance is provided only to state residents. All call records must be retained and submitted as
9 required by the commissioner; and

10 (c) The call-in center must meet all further requirements as established by the
11 commissioner.

§16-5W-4. Powers and duties of the commissioner.

1 (a) The commissioner shall develop guidance documents for nurses to conduct
2 assessments and protocols for when a caller may be referred to a physician for possible diagnosis
3 and issuance of a prescription, or other action. The commissioner shall also develop any other
4 protocols for referrals as medical conditions require. The commissioner shall also provide any

5 criteria for authorization for pharmacies to issue prescriptions from a physician contacted through
6 a call-in center.

7 (b) The commissioner may accept from any public or private source appropriations, grants,
8 gifts, bequests and contributions for use in establishing and maintaining the call-in center.

9 (c) The commission may propose rules for legislative approval in accordance with article
10 three, chapter twenty-nine-a of this code to effectuate the provisions of this article.

NOTE: The purpose of this bill is to establish a statewide call-in center for all state residents to utilize as an access point to get advice for medical conditions. The call-in center will allow an initial review of a health condition and may if authorized by the Commissioner of the Bureau of Public Health, allow reference by the nurse for assistance from a physician. The commissioner will establish protocols and contract with a vendor to administer the on-call center.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.