



April 9, 2025

The Honorable Evan Worrell
Chairman, Health and Human Services Committee
West Virginia House of Delegates
1900 Kanawha Blvd. East
Charleston, WV 25305

RE: ATA ACTION CONCERNS OVER WEST VIRGINIA SB 726

Dear Chairman Worrell and members of the Health and Human Services Committee,

On behalf of ATA Action, I am writing to you to request amendments to SB 726 related to providing medication-assisted treatment.

ATA Action, the American Telemedicine Association's affiliated trade association focused on advocacy, advances policy to ensure all individuals have permanent access to telehealth services across the care continuum. ATA Action supports the enactment of state and federal telehealth policies to secure telehealth access for all Americans, including those in rural and underserved communities. ATA Action recognizes that telehealth and virtual care have the potential to truly transform the health care delivery system – by improving patient outcomes, enhancing safety and effectiveness of care, addressing health disparities, and reducing costs – if only allowed to flourish.

ATA Action appreciates many of the changes made to SB 726 since its introduction. However, our organization has unresolved concerns with SB 726, primarily regarding the restrictions placed on provider's clinical decision-making.

First, ATA Action requests an amendment to the provision on page 3, lines 50-56, regarding "adherence" to the American Society of Addiction Medicine's (ASAM) *National Practice Guidelines for the Treatment of Opioid Use Disorder*. The ASAM guidelines were adopted by the ASAM Board of Directors on December 18, 2019, and published later in 2020. That document is a revision of the original ASAM guidelines from 2015. In addition, the ASAM itself states:

[t]he ASAM Practice Guideline is intended to aid clinicians in their clinical decision-making and patient management. The document strives to identify and define clinical decision-making junctures that meet the needs of *most* patients in most circumstances. The ultimate judgment about care of a particular patient must be made together by the clinician and the patient in light of all the circumstances presented by the patient. As a result, *situations may arise in which deviations from the Practice Guideline may be appropriate. Clinical decision-making should involve consideration of the quality and availability of expertise and services in the community wherein care is provided.*¹

(emphasis added). In response, ATA Action recommends the following amendment to SB 726, §16B-13-14(b)(7):

(7) Any medication-assisted treatment center or entity registered with the state pursuant to §16B-13-3 or §16B-13-4 of this code that prescribes buprenorphine for addiction, provides its patients

¹ ASAM National Practice Guidelines for the Treatment of Opioid Use Disorder, Page 18



with behavioral telehealth services, and adheres to practices consistent with the American Society of Addiction Medicine's National Practice Guidelines for the Treatment of Opioid Use Disorder as clinically appropriate shall be exempt from the provisions of this article except for (b)(3),(4),(5), and (6) and patients enrolled in these centers or entities will be expected to be referred every three months to a primary care provider during a continuous treatment episode.

The recommended amendment removes the statutory requirement of "adherence" to the ASAM guidelines. It replaces this requirement with one that the medication-assisted treatment center or entity practice "consistent with" the ASAM guidelines when clinically appropriate. This language, consistent with the ASAM guideline caveat, restores reliance on the independent professional clinical judgment for patient care on a case-by-case basis rather than requiring blanket treatment of all substance use patients.

Thank you for the opportunity to comment on this legislation. In order to preserve the clinical decision-making of substance-use treatment providers in West Virginia and expand patient access to quality medication-assisted treatment in the state, we encourage you to adopt this amendment. If you have any questions or would like to discuss the telemedicine industry's perspective further, please contact me at kzebley@ataaction.org.

Kind regards,

A handwritten signature in black ink, appearing to read "Kyle Zebley".

Kyle Zebley
Executive Director
ATA Action

CC:
The Honorable Brian Helton
Senator, District 9
West Virginia State Senate
Room 218W, Building 1
State Capitol Complex
Charleston, WV 25305