

Question: What is Medication-Assisted Treatment (MAT)?

Answer: MAT is the use of medications and drug screens, in combination with counseling and behavioral therapies, to provide a holistic approach to the treatment of substance use disorders.

Question: Why are office-based medication-assisted treatment (OBMAT) programs in West Virginia required to be registered?

Answer: To ensure that all MAT programs conform to a common set of standards and meet the minimum requirements of care and that West Virginians will receive safe and appropriate care for substance use disorders and addiction.

Question: Why is this a new law?

Answer: This law provides for the regulation of all MAT programs. Current regulations cover only opioid treatment programs. This law recognizes the differences in practice types that offer MAT, opioid treatment programs and OBMAT programs. The companion rules are specific to the differences between the two types of programs.

Question: Are all OBMAT programs required to be registered?

Answer: Yes. All persons, partnerships, associations or corporations must first register before operating an OBMAT program in the state of West Virginia.

Question: I currently provide OBMAT services. How do I become registered?

Answer: The legislative emergency rules were effective as of September 14, 2016. An OBMAT program existing at that time must submit an initial application within six months of the effective date. Registration will be issued to programs found to be in substantial compliance with the rule and state law. A provisional registration, expiring no more than six months from the date of issuance, will be issued to an existing program that is not in substantial compliance with the rule, but that does not pose a significant risk to the rights, health and safety of a consumer.

Question: Where can I find more information about the regulation of health care facilities, including MAT?

Answer: The OHFLAC website can be located at: OHFLAC.wv.gov. For specific questions, you may also contact OHFLAC at 304-558-0050.

Question: I want to open a brand new program. How do I apply to be a registered OBMAT program?

Answer: An OBMAT program must submit an application for initial registration and fee to the Cabinet Secretary of DHHR not fewer than 30 days and not more than 60 days prior to the anticipated initiation of services.

Question: If I practice in multiple office locations, does each office location need to be registered?

Answer: Yes. Each OBMAT program location must be registered separately, regardless of whether the program is operated under the same business name or management as another program.

Question: Can I have an OBMAT program at the same location as a chronic pain management clinic?

Answer: No. An OBMAT program may not be located, operated, managed or owned at the same location where a chronic pain management clinic is located.

Question: Do OBMAT programs require a Certificate of Need (CON) from the West Virginia Health Care Authority?

Answer: Certain programs, such as private office practices, are exempt from CON review. For more information regarding whether a program requires a CON, please contact the West Virginia Health Care Authority at (304) 558-7000 or visit its website at www.hca.wv.gov.

Question: How will the public be assured that an OBMAT program meets the requirements of registration?

Answer: Registration will only be granted if a program meets all of the requirements set forth in the rules. Programs will be inspected for compliance with the rule and state law.

Question: How much does it cost to obtain an OBMAT registration?

Answer: There is an initial registration fee of \$250 that must be included with all applications. After inspection and prior to issuance of the registration, an OBMAT program must pay a \$250 initial inspection fee plus the actual cost of the inspection. Subsequent renewal registration fees are based on the number of patients being served by the program.

Question: How are inspections conducted at OBMATs to determine compliance with the regulations?

Answer: Inspections (or surveys) of OBMAT programs are conducted prior to registration, but may be conducted at any time for reasons such as complaint investigations. Survey activity by the regulatory agency may include: observation of the services provided; interviews with staff, owners and patients; review of the policies/procedures and documentation review of clinical records.

Question: What happens if an OBMAT program is not in compliance with the regulation(s) or if a complaint is substantiated?

Answer: The OBMAT program will receive a report of the regulatory violations identified during any review process. The program will have 10 working days to submit a plan of correction that must include any actions already taken. Any violations that may pose a severe risk to the health and safety of a patient must be immediately corrected by the program.

Question: How are complaints regarding OBMAT programs reported?

Answer: Anyone may file a complaint by contacting the Office of Health Facility Licensure and Certification (OHFLAC) at (304) 558-0050. All OBMAT programs must make OHFLAC's address and telephone number available to patients.

Question: If a complaint is filed against the program, will the person filing the complaint be notified of the findings?

Answer: The complainant will be notified of any violations identified, upon written request.

Question: If I am a patient of an OBMAT program, will my health information be protected?

Answer: All program patient records must be maintained in a secure area with lockable storage. All patients are also protected by the Health Insurance Portability and Accountability Act of 1996 (HIPAA). This Act provides security and privacy safeguards for the use and disclosure of protected health information.

Question: Is a physician always available at the OBMAT program?

Answer: During the hours of operation when patients are being medically treated, either a physician, physician assistant, advanced practice registered nurse, or registered nurse actively licensed in West Virginia must be on the premises. However, during all hours of operation, a physician must be on call and available for consultation with other staff members at any time.

Question: How are the qualifications of the program staff determined by the regulatory agency?

Answer: Physicians, physician assistants, advanced practice registered nurses, counselors, social workers and all other licensed or certified professional care staff members must comply with the credentialing requirements of their respective professions, maintain current licenses and complete all continuing education requirements of the professional licensing boards. Documentation of the requirements must be in the personnel file for each staff member. These documents are reviewed during inspections by the regulatory agency.

Question: As a patient of an OBMAT program, do I have any rights and if so, how will I be informed of these rights?

Answer: All patients of an OBMAT program have the right to be informed, both verbally and in writing, of patient rights prior to being provided care at any program. This will include the right to file a grievance and information on how the grievance can be filed. The grievance procedure must include the contact information for the OHFLAC.