



STATE OF WEST VIRGINIA
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Office of Inspector General

Earl Ray Tomblin
Governor

Office of Health Facility Licensure and Certification

408 Leon Sullivan Way

Charleston, West Virginia 25301-1713

Telephone: (304) 558-0050 Fax: (304) 558-2515

Karen L. Bowling
Cabinet Secretary

May 12, 2016

Dear Stakeholder:

Re: Chronic Pain Management Clinic Licensing Act, W. Va. Code §16-5H-1, *et seq.* and
Chronic Pain Management Clinic Licensure Rule, W. Va. Code St. R. §69-8-1, *et seq.*

Please be advised that during the 2016 West Virginia Legislative Session, substantive changes were made to the statute and legislative rule governing licensure of chronic pain management clinics.

After a full year of inspecting pain clinics, the Department found it necessary to make certain amendments. Below is a synopsis of changes; however, the list does not include all modifications that were adopted. For a full review, links to the state code, legislative rule, and an application for chronic pain management clinics can be found at OHFLAC.wv.gov.

Changes to the Chronic Pain Management Clinic Legislative Rule include:

- Modifying certain definitions to provide clarity.
- Clarifying the patient calculation process and clearly defining “terminal condition.”
- Removing the exemption for facilities that treat an average of 20 or fewer patients a day.
- Requiring continued monitoring by OHFLAC of facilities whose patient calculations alone exempt them from licensure.
- Prohibiting clinics from offering any inducements in exchange for patient recruitment.
- Clarifying the process for OHFLAC to obtain an administrative inspection warrant.
- Providing clarity in the administrative due process.

The above modifications, as well as all other changes made to the Chronic Pain Management Clinic Licensure Rule, W. Va. Code St. R. §69-8-1, *et seq.* **are effective May 1, 2016.**

Changes to the Chronic Pain Management Clinic Licensing Act Statute include:

- Modifying the definitions of “chronic pain” and “pain management clinic.”
- Removing the medical school affiliation exemption.
- Providing clarity in the administrative due process.

The above modifications, as well as all other changes made to the Chronic Pain Management Clinic Licensing Act, W. Va. Code §16-5H-1, *et seq.* are **effective June 10, 2016.**

Please review the current laws and if applicable, submit an application for licensure to the Office of Health Facility Licensure and Certification according to the instructions. Thank you in advance for your cooperation and should you have any questions, please feel free to contact Sylvia Fields, Program Manager, at the above phone number or at 304-558-0585.

Sincerely,

A handwritten signature in blue ink, appearing to read "Jolynn Marra", with a long horizontal flourish extending to the right.

Jolynn Marra
Director

cc: M. Katherine Lawson, Inspector General
Sylvia Fields, Program Manager