

**H. B. 2009**

(By Delegates Fast, Duke, Summers, Rohrback,  
Border, Hamilton, McGeehan, Storch, Arvon, Romine  
and Cowles )

[Introduced January 14, 2015; referred to the

Committee on Health and Human Resources then the Judiciary.]

**FISCAL  
NOTE**

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto two new sections, designated §16-4C-24 and §16-4C-25; and to amend and reenact §30-1-7a of said code, all relating generally to administration of an opioid antagonist; allowing State Police, police, sheriffs and fire and emergency service personnel to possess naloxone or other approved opioid antagonist to administer in opioid drug overdoses; defining terms; providing for training; establishing training requirements for first responders who may administer opioid antagonists; establishing criteria under which a first responder may administer an opioid antagonist; granting immunity to health care providers who prescribe, dispense or distribute naloxone or other approved opioid antagonist related to a training program; granting immunity to initial responders who administer or fail to administer an opioid antagonist; providing for data gathering and reporting; allowing a prescription for an opioid antagonist in certain circumstances; establishing responsibility of licensed prescribers; providing for patient, family and caregiver education; requiring continuing education of licensed prescribers for administration of an opioid antagonist; and authorizing emergency and legislative rulemaking.

1 *Be it enacted by the Legislature of West Virginia:*

2 That the Code of West Virginia, 1931, as amended, be amended by adding thereto two new  
3 sections, designated §16-4C-24 and §16-4C-25; and that §30-1-7a of said code be amended and  
4 reenacted, all to read as follows:

5 **CHAPTER 16. PUBLIC HEALTH.**

6 **ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.**

7 **§16-4C-24. Administration of an opioid antidote in an emergency situation.**

8 (a) For purposes of this section:

9 (1) "Initial responder" means an emergency medical service personnel covered under this  
10 article and a member of the State Police, a sheriff, a deputy sheriff, a municipal police officer, a  
11 volunteer or paid firefighter and any other similar person who responds to emergencies.

12 (2) "Licensed health care provider" means a person, partnership, corporation, professional  
13 limited liability company, health care facility or institution licensed by or certified in this state to  
14 provide health care or professional health care services, including, but not limited to, a physician,  
15 osteopathic physician, hospital or emergency medical service agency.

16 (3) "Opioid antagonist" means naloxone hydrochloride or other substance that is approved  
17 by the federal Food and Drug Administration for the treatment of a drug overdose by intranasal  
18 administration.

19 (4) "Opioid overdose prevention and treatment training program" or "program" means any  
20 program operated or approved by the Office of Emergency Medical Services as set forth in rules  
21 promulgated pursuant to subsection (f) of this section.

22 (b) A licensed health care provider who is permitted by law to prescribe an opioid antagonist

1 may, if acting with reasonable care, prescribe and subsequently dispense or distribute an opioid  
2 antagonist in conjunction with an opioid overdose prevention and treatment training program without  
3 being subject to civil liability or criminal prosecution unless the act was the result of the licensed  
4 health care provider's gross negligence or willful misconduct. This immunity applies only to the  
5 licensed health care provider even when the opioid antagonist is administered by and to someone  
6 other than the person to whom it is prescribed.

7 (c) An initial responder who is not otherwise authorized to administer an opioid antagonist  
8 may administer an opioid antagonist in an emergency situation if:

9 (1) The initial responder has successfully completed the training required by subdivision (4),  
10 subsection (a) of this section; and

11 (2) The administration of the opioid antagonist is done after consultation with medical  
12 command personnel: *Provided*, That an initial responder who otherwise meets the qualifications  
13 of this subsection may administer an opioid antagonist without consulting with medical command  
14 if he or she is unable to so consult due to an inability to contact medical command because of  
15 circumstances outside the control of the initial responder or if there is insufficient time for the  
16 consultation based upon the emergency conditions presented.

17 (d) An initial responder who meets the requirements of subsection (c) of this section, acting  
18 in good faith, is not, as a result of his or her actions or omissions, liable for any violation of any  
19 professional licensing statute, subject to criminal prosecution arising from or relating to the  
20 unauthorized practice of medicine or the possession of an opioid antagonist or subject to any civil  
21 liability with respect to the administration of or failure to administer the opioid antagonist unless the  
22 act or failure to act was the result of the initial responder's gross negligence or willful misconduct.

1 (e) Data regarding each opioid overdose prevention and treatment program that the Office  
2 of Emergency Medical Services operates or recognizes as an approved program shall be collected  
3 and reported by January 1, 2017, to the Legislative Oversight Commission on Health and Human  
4 Resources Accountability. The data collected and reported shall include:

5 (1) The number of training programs operating in an Office of Emergency Medical  
6 Services-designated training center;

7 (2) The number of individuals who have received training to administer an opioid antagonist;

8 (3) The number of individuals who received the opioid antagonist who were revived;

9 (4) The number of individuals who received the opioid antagonist who were not revived; and

10 (5) The number of adverse events associated with an opioid overdose prevention and  
11 treatment program, including a description of the adverse events.

12 (f) To implement the provisions of this section, including establishing the standards for  
13 certification and approval of opioid overdose prevention and treatment training programs and  
14 protocols regarding a refusal to transport, the office of Emergency Medical Services may promulgate  
15 emergency rules pursuant to the provisions of section fifteen, article three, chapter twenty-nine-a of  
16 this code and may propose rules for legislative approval in accordance with the provisions of article  
17 three, chapter twenty-nine-a of this code.

18 **§16-4C-25. Offer of emergency aid medication to patients prescribed opiates.**

19 (a) All prescribers in the course of their professional practice may offer to patients to whom  
20 they also prescribe opiates for chronic pain or patients engaged in methadone or suboxone treatment  
21 programs a prescription for an opioid antagonist such as Naloxone.

22 (b) All prescribers who may offer an opioid antagonist to their patients under this section

1 shall make information and education available to patients, their family members or caregivers on  
2 the beneficial and proper use of the opioid antagonist.

3 (c) When a prescription is written to a patient for an opioid antagonist, or if the patient enters  
4 a methadone or subonxone addiction treatment program, information and education is required to  
5 be given to the patient and his or her family or caregiver as a condition of receiving the prescription  
6 or entering an addiction treatment program.

7 **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

8 **ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF**  
9 **EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

10 **§30-1-7a. Continuing education.**

11 (a) Each board referred to in this chapter shall establish continuing education requirements  
12 as a prerequisite to license renewal. Each board shall develop continuing education criteria  
13 appropriate to its discipline, which shall include, but not be limited to, course content, course  
14 approval, hours required and reporting periods.

15 (b) Notwithstanding any other provision of this code or the provision of any rule to the  
16 contrary, each person issued a license to practice medicine and surgery or a license to practice  
17 podiatry or licensed as a physician assistant by the West Virginia Board of Medicine, each person  
18 issued a license to practice dentistry by the West Virginia Board of Dental Examiners, each person  
19 issued a license to practice optometry by the West Virginia Board of Optometry, each person  
20 licensed as a pharmacist by the West Virginia Board of Pharmacy, each person licensed to practice  
21 registered professional nursing or licensed as an advanced nurse practitioner by the West Virginia  
22 Board of Examiners for Registered Professional Nurses, each person licensed as a licensed practical

1 nurse by the West Virginia State Board of Examiners for Licensed Practical Nurses and each person  
2 licensed to practice medicine and surgery as an osteopathic physician and surgeon or licensed or  
3 certified as an osteopathic physician assistant by the West Virginia Board of Osteopathy shall  
4 complete drug diversion training, ~~and~~ best-practice prescribing of controlled substances training and  
5 training on prescribing and administration of an opioid antagonist, as the trainings are established  
6 by his or her respective licensing board, if that person prescribes, administers or dispenses a  
7 controlled substance, as that term is defined in section one hundred one, article one, chapter sixty-a  
8 of this code.

9 (1) Notwithstanding any other provision of this code or the provision of any rule to the  
10 contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners, the  
11 West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia Board  
12 of Examiners for Registered Professional Nurses, the West Virginia State Board of Examiners for  
13 Licensed Practical Nurses and the West Virginia Board of Osteopathy shall establish continuing  
14 education requirements and criteria appropriate to their respective discipline on the subject of drug  
15 diversion training, ~~and~~ best-practice prescribing of controlled substances training and prescribing and  
16 administration of an opioid antagonist training for each person issued a license or certificate by their  
17 respective board who prescribes, administers or dispenses a controlled substance, as that term is  
18 defined in section one hundred one, article one, chapter sixty-a of this code, and shall develop a  
19 certification form pursuant to subdivision (b)(2) of this section.

20 (2) Each person who receives his or her initial license or certificate from any of the boards  
21 set forth in subsection (b) of this section shall complete the continuing education requirements set  
22 forth in subsection (b) of this section within one year of receiving his or her initial license from that

1 board and each person licensed or certified by any of the boards set forth in subsection (b) of this  
2 section who has held his or her license or certificate for longer than one year shall complete the  
3 continuing education requirements set forth in subsection (b) of this section as a prerequisite to each  
4 license renewal: *Provided*, That a person subject to subsection (b) of this section may waive the  
5 continuing education requirements for license renewal set forth in subsection (b) of this section if  
6 he or she completes and submits to his or her licensing board a certification form developed by his  
7 or her licensing board attesting that he or she has not prescribed, administered or dispensed a  
8 controlled substance, as that term is defined in section one hundred one, article one, chapter sixty-a  
9 of this code, during the entire applicable reporting period.

10 (c) Notwithstanding any other provision of this code or the provision of any rule to the  
11 contrary, each person licensed to practice registered professional nursing or licensed as an advanced  
12 nurse practitioner by the West Virginia Board of Examiners for Registered Professional Nurses, each  
13 person licensed as a licensed practical nurse by the West Virginia State Board of Examiners for  
14 Licensed Practical Nurses, each person issued a license to practice midwifery as a nurse-midwife by  
15 the West Virginia Board of Examiners for Registered Professional Nurses, each person issued a  
16 license to practice chiropractic by the West Virginia Board of Chiropractic, each person licensed to  
17 practice psychology by the Board of Examiners of Psychologists, each person licensed to practice  
18 social work by the West Virginia Board of Social Work, and each person licensed to practice  
19 professional counseling by the West Virginia Board of Examiners in Counseling, shall complete two  
20 hours of continuing education for each reporting period on mental health conditions common to  
21 veterans and family members of veterans, as the continuing education is established or approved by  
22 his or her respective licensing board. The two hours shall be part of the total hours of continuing

1 education required by each board and not two additional hours.

2 (1) Notwithstanding any other provision of this code or the provision of any rule to the  
3 contrary, on or before July 1, 2015, the boards referred to in this subsection shall establish continuing  
4 education requirements and criteria and approve continuing education coursework appropriate to  
5 their respective discipline on the subject of mental health conditions common to veterans and family  
6 members of veterans, in cooperation with the Secretary of the Department of Veterans Assistance.  
7 The continuing education shall include training on inquiring about whether the patients are veterans  
8 or family members of veterans, and screening for conditions such as post-traumatic stress disorder,  
9 risk of suicide, depression and grief, and prevention of suicide.

10 (2) On or after July 1, 2017, each person licensed by any of the boards set forth in this  
11 subsection shall complete the continuing education described herein as a prerequisite to his or her  
12 next license renewal.

NOTE: The purpose of this bill is to allow police, fire and emergency service providers, to possess Naloxone or other opioid antagonists to administer in suspected narcotic drug overdoses. The bill sets guidelines for administration of these antagonists, establishes training requirements, provides immunities and outlines responsibilities.

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