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H. B. 2670

(By Delegates Rodighiero and Hicks)
[Introduced February 9, 2015; referred to the
Committee on Health and Human Resources then the Judiciary.]

10 A BILL to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended, relating
11 to prescription authority for physician assistants; directing the West Virginia Board of
12 Medicine and the West Virginia Board of Osteopathic Medicine to promulgate legislative
13 rules; and allowing physician assistants to issue nonrenewable prescriptions for a seventy-
14 two hour supply of drugs listed on Schedule II and a three-month supply of drugs listed on
15 Schedule III of the Uniform Controlled Substances Act.

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

17 That §30-3E-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
18 to read as follows:

19 **ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.**

20 **§30-3E-3. Rulemaking.**

21 (a) The boards shall propose rules for legislative approval in accordance with the provisions
22 of article three, chapter twenty-nine-a of this code to implement the provisions of this article,

1 including:

2 (1) The extent to which physician assistants may practice in this state;

3 (2) The extent to which physician assistants may pronounce death;

4 (3) Requirements for licenses and temporary licenses;

5 (4) Requirements for practice agreements;

6 (5) Requirements for continuing education;

7 (6) Conduct of a licensee for which discipline may be imposed;

8 (7) The eligibility and extent to which a physician assistant may prescribe at the direction of
9 his or her supervising physician, including the following:

10 (A) A list of drugs and pharmacologic categories, or both, the prescription of which may not
11 be delegated to a physician assistant, including all drugs listed in Schedules I and II of the Uniform
12 Controlled Substances Act, antineoplastic and chemotherapeutic agents, or both, used in the active
13 treatment of current cancer, radiopharmaceuticals, general anesthetics, radiographic contrast
14 materials and any other limitation or exclusions of specific drugs or categories of drugs as
15 determined by the boards;

16 (B) Authority to include, in a practice agreement, the delegation of prescribing authority for
17 up to a seventy-two hour supply of drugs listed under ~~Schedule III~~ Schedule II of the Uniform
18 Controlled Substances Act so long as the prescription is nonrefillable, up to three-months supply of
19 any drug listed under Schedules III, IV or V of the Uniform Controlled Substances Act, and an
20 annual supply of any drug, with the exception of controlled substances, which is prescribed for the
21 treatment of a chronic condition, other than chronic pain management, with the chronic condition
22 being treated identified on the prescription; and

1 (C) A description of the education and training requirements for a physician assistant to be
2 eligible to receive delegated prescriptive writing authority as part of a practice agreement;

3 (8) The authority a supervising physician may delegate for prescribing, dispensing and
4 administering of controlled substances, prescription drugs or medical devices if the practice
5 agreement includes:

6 (A) A notice of intent to delegate prescribing of controlled substances, prescription drugs or
7 medical devices;

8 (B) An attestation that all prescribing activities of the physician assistant shall comply with
9 applicable federal and state law governing the practice of physician assistants;

10 (C) An attestation that all medical charts or records shall contain a notation of any
11 prescriptions written by a physician assistant;

12 (D) An attestation that all prescriptions shall include the physician assistant's name and the
13 supervising physician's name, business address and business telephone number legibly written or
14 printed; and

15 (E) An attestation that the physician assistant has successfully completed each of the
16 requirements established by the appropriate board to be eligible to prescribe pursuant to a practice
17 agreement accompanied by the production of any required documentation establishing eligibility;

18 (9) A fee schedule; and

19 (10) Any other rules necessary to effectuate the provisions of this article.

20 (b) The boards may propose emergency rules pursuant to article three, chapter twenty-nine-a
21 of this code to ensure conformity with this article.

NOTE: The purpose of this bill is to authorize physician assistants to prescribe a limited supply of drugs that are listed at a higher level in the schedules of the Uniform Controlled Substances Act.

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