

Senate Bill No. 270

(By Senators Stollings, Prezioso and Kirkendoll)

[Introduced January 21, 2015; referred to the Committee on Health and Human Resources; and

then to the Committee on the Judiciary.]

A BILL to amend and reenact §16-5H-2 of the Code of West Virginia, 1931, as amended, relating to raising from fifty to sixty percent the number of patients prescribed controlled substances for chronic pain to be designated a pain management clinic.

Be it enacted by the Legislature of West Virginia:

That §16-5H-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 5H. CHRONIC PAIN CLINIC LICENSING ACT.

§16-5H-2. Definitions.

(a) “Chronic pain” means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. For purposes of this article, “chronic pain” does not include pain associated with a terminal condition or with a progressive disease that, in the normal course of progression, may reasonably be expected to result in a terminal condition.

1 (b) “Director” means the Director of the Office of Health Facility Licensure and Certification
2 within the Office of the Inspector General.

3 (c) “Owner” means any person, partnership, association or corporation listed as the owner
4 of a pain management clinic on the licensing forms required by this article.

5 (d) “Pain management clinic” means all privately owned pain management clinics, facilities
6 or offices not otherwise exempted from this article and which meets both of the following criteria:

7 (1) Where in any month more than ~~fifty~~ sixty percent of patients of the prescribers or
8 dispensers are prescribed or dispensed opioids or other controlled substances specified in rules
9 promulgated pursuant to this article for chronic pain resulting from nonmalignant conditions;

10 (2) The facility meets any other identifying criteria established by the secretary by rule.

11 (e) “Physician” means an individual authorized to practice medicine or surgery or osteopathic
12 medicine or surgery in this state.

13 (f) “Prescriber” means an individual who is authorized by law to prescribe drugs or drug
14 therapy related devices in the course of the individual’s professional practice, including only a
15 medical or osteopathic physician authorized to practice medicine or surgery; a physician assistant
16 or osteopathic physician assistant who holds a certificate to prescribe drugs; or an advanced nurse
17 practitioner who holds a certificate to prescribe.

18 (g) “Secretary” means the Secretary of the West Virginia Department of Health and Human
19 Resources. The secretary may define in rules any term or phrase used in this article which is not
20 expressly defined.

NOTE: The purpose of this bill is to increase from 50% to 60% the number of patients treated with controlled substances to control chronic pain to be designated a pain management clinic.

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