

H. B. 2776

(BY DELEGATE(S) STANSBURY, CAMPBELL,
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LONGSTRETH, KURCABA AND ELLINGTON)

(Originating in the House Committee on Health and Human Resources)
[February 12, 2015]

A BILL to amend and reenact §30-3E-12 of the Code of West Virginia, 1931, as amended; to amend and reenact §30-7-15a of said code; and to amend and reenact §30-8-9 of said code, all relating to prescribing hydrocodone combination drugs for a duration of no more than three days.

Be it enacted by the Legislature of West Virginia:

That §30-3E-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted; that §30-7-15a of said code be amended and reenacted; and that §30-8-9 of said code be amended and reenacted, all to read as follows:

ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.

§30-3E-12. Scope of practice.

1 (a) A license issued to a physician assistant by the
2 appropriate state licensing board shall authorize the physician
3 assistant to perform medical acts:

4 (1) Delegated to the physician assistant as part of an
5 authorized practice agreement;

6 (2) Appropriate to the education, training and experience of
7 the physician assistant;

8 (3) Customary to the practice of the supervising physician;
9 and

10 (4) Consistent with the laws of this state and rules of the
11 boards.

12 (b) This article does not authorize a physician assistant to
13 perform any specific function or duty delegated by this code to
14 those persons licensed as chiropractors, dentists, dental
15 hygienists, optometrists or pharmacists, or certified as nurse
16 anesthetists.

17 (c) Notwithstanding any provision of this code to the
18 contrary, a licensed physician assistant may prescribe

19 hydrocodone combination drugs to a patient for a duration of no
20 more than three days per thirty day period.

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

**§30-7-15a. Prescriptive authority for prescription drugs;
coordination with Board of Pharmacy.**

1 (a) The board may, in its discretion, authorize an advanced
2 practice registered nurse to prescribe prescription drugs in a
3 collaborative relationship with a physician licensed to practice
4 in West Virginia and in accordance with applicable state and
5 federal laws. An authorized advanced practice registered nurse
6 may write or sign prescriptions or transmit prescriptions verbally
7 or by other means of communication, including prescriptions for
8 hydrocodone combination drugs to a patient for a duration of no
9 more than three days per thirty day period.

10 (b) For purposes of this section an agreement to a
11 collaborative relationship for prescriptive practice between a
12 physician and an advanced practice registered nurse shall be set
13 forth in writing. Verification of the agreement shall be filed with
14 the board by the advanced practice registered nurse. The board
15 shall forward a copy of the verification to the Board of Medicine

16 and the Board of Osteopathic Medicine. Collaborative
17 agreements shall include, but are not limited to, the following:

18 (1) Mutually agreed upon written guidelines or protocols for
19 prescriptive authority as it applies to the advanced practice
20 registered nurse's clinical practice;

21 (2) Statements describing the individual and shared
22 responsibilities of the advanced practice registered nurse and the
23 physician pursuant to the collaborative agreement between them;

24 (3) Periodic and joint evaluation of prescriptive practice; and

25 (4) Periodic and joint review and updating of the written
26 guidelines or protocols.

27 (c) The board shall promulgate legislative rules in
28 accordance with the provisions of chapter twenty-nine-a of this
29 code governing the eligibility and extent to which an advanced
30 practice registered nurse may prescribe drugs. Such rules shall
31 provide, at a minimum, a state formulary classifying those
32 categories of drugs which shall not be prescribed by advanced
33 practice registered nurse including, but not limited to, Schedules
34 I and II of the Uniform Controlled Substances Act,
35 antineoplastics, radiopharmaceuticals and general anesthetics.

36 Drugs listed under Schedule III shall be limited to a seventy-two
37 hour supply without refill. In addition to the above referenced
38 provisions and restrictions and pursuant to a collaborative
39 agreement as set forth in subsections (a) and (b) of this section,
40 the rules shall permit the prescribing of an annual supply of any
41 drug, with the exception of controlled substances, which is
42 prescribed for the treatment of a chronic condition, other than
43 chronic pain management. For the purposes of this section, a
44 “chronic condition” is a condition which lasts three months or
45 more, generally cannot be prevented by vaccines, can be
46 controlled but not cured by medication and does not generally
47 disappear. These conditions, with the exception of chronic pain,
48 include, but are not limited to, arthritis, asthma, cardiovascular
49 disease, cancer, diabetes, epilepsy and seizures, and obesity. The
50 prescriber authorized in this section shall note on the
51 prescription the chronic disease being treated.

52 (d) The board shall consult with other appropriate boards for
53 the development of the formulary.

54 (e) The board shall transmit to the Board of Pharmacy a list
55 of all advanced practice registered nurse with prescriptive
56 authority. The list shall include:

57 (1) The name of the authorized advanced practice registered
58 nurse;

59 (2) The prescriber's identification number assigned by the
60 board; and

61 (3) The effective date of prescriptive authority.

ARTICLE 8. OPTOMETRISTS.

§30-8-9. Scope of practice.

1 (a) A licensee may:

2 (1) Examine, diagnosis and treat diseases and conditions of
3 the human eye and its appendage within the scope established in
4 this article or associated rules;

5 (2) Administer or prescribe any drug for topical application
6 to the anterior segment of the human eye for use in the
7 examination, diagnosis or treatment of diseases and conditions
8 of the human eye and its appendages: *Provided*, That the
9 licensee has first obtained a certificate;

10 (3) (A) Administer or prescribe any drug from the drug
11 formulary, as established by the board pursuant to section six of
12 this article, for use in the examination, diagnosis or treatment of

13 diseases and conditions of the human eye and its appendages:

14 *Provided*, That the licensee has first obtained a certificate;

15 (B) New drugs and new drug indications may be added to
16 the drug formulary by approval of the board;

17 (4) Administer epinephrine by injection to treat emergency
18 cases of anaphylaxis or anaphylactic shock;

19 (5) Prescribe and dispense contact lenses that contain and
20 deliver pharmaceutical agents and that have been approved by
21 the Food and Drug Administration as a drug;

22 (6) Prescribe, fit, apply, replace, duplicate or alter lenses,
23 prisms, contact lenses, orthoptics, vision training, vision
24 rehabilitation;

25 (7) Perform the following procedures:

26 (A) Remove a foreign body from the ocular surface and
27 adnexa utilizing a noninvasive method;

28 (B) Remove a foreign body, external eye, conjunctival,
29 superficial, using topical anesthesia;

30 (C) Remove embedded foreign bodies or concretions from
31 conjunctiva, using topical anesthesia, not involving sclera;

32 (D) Remove corneal foreign body not through to the second
33 layer of the cornea using topical anesthesia;

34 (E) Epilation of lashes by forceps;

35 (F) Closure of punctum by plug; and

36 (G) Dilation of the lacrimal puncta with or without
37 irrigation;

38 (8) Furnish or provide any prosthetic device to correct or
39 relieve any defects or abnormal conditions of the human eye and
40 its appendages;

41 (9) Order laboratory tests rational to the examination,
42 diagnosis, and treatment of a disease or condition of the human
43 eye and its appendages;

44 (10) Use a diagnostic laser; and

45 (11) A licensee is also permitted to perform those procedures
46 authorized by the board prior to January 1, 2010.

47 (b) A licensee may not:

48 (1) Perform surgery except as provided in this article or by
49 legislative rule;

50 (2) Use a therapeutic laser;

- 51 (3) Use Schedule II controlled substances. However, an oral
52 pharmaceutical certified licensee may prescribe hydrocodone
53 combination drugs to a patient for a duration of no more than
54 three days per thirty day period;
- 55 (4) Treat systemic disease; or
- 56 (5) Present to the public that he or she is a specialist in
57 surgery of the eye.

NOTE: The purpose of this bill is to permit an oral pharmaceutical certified optometrists, advanced practice registered nurses and physician assistants to prescribe hydrocodone combination drugs for a duration of no more than three days per patient.

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

