



State of West Virginia

Earl Ray Tomblin

Governor

April 2, 2015

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VIA HAND DELIVERY

The Honorable Natalie E. Tennant
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, West Virginia 25305-0770

Re: Enrolled House Bill No. 2776

Dear Secretary Tennant:

Pursuant to the provisions of section fourteen, article VII of the Constitution of West Virginia, I hereby disapprove Enrolled House Bill No. 2776.

This bill allows physician assistants, advance practice registered nurses, and optometrists to prescribe "hydrocodone combination drugs to a patient for a duration of no more than three days per thirty day period." The term "hydrocodone combination drug" is not defined in the West Virginia Code, nor is it defined in the bill. This creates ambiguity because it is not clear which drugs listed in the schedules contained in chapter sixty-a, article two of the Code may be prescribed. Further, the language added to the Code in this bill directly conflicts with other sections of the Code. For example, §§ 30-3E-3(a)(7), 30-7-15a(c), and 30-8-6 expressly prohibit these professionals from prescribing Schedule I and II drugs in contrast to the added language in the bill. Finally, and perhaps most importantly, this bill does not place any limit on the aggregate dosage that may be prescribed in a seventy-two hour period.

In an effort to continue combatting the substance abuse problem in West Virginia, it is critical that the law is clear in identifying what drugs our state's practitioners may prescribe and the amount thereof. Because this bill is ambiguous and in conflict with existing provisions of the code, I must disapprove it.

Sincerely,

A handwritten signature in cursive script that reads "Earl Ray Tomblin".

Earl Ray Tomblin
Governor

cc: The Hon. William P. Cole III
President of the Senate

The Hon. Tim Armstead
Speaker of the House of Delegates