

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 629

BY SENATORS TAKUBO, MAYNARD, MULLINS, STOLLINGS

AND PLYMALE

[Introduced February 18, 2016;

Referred to the Committee on Health and Human
Resources; and then to the Committee on Government

Organization.]

1 A BILL to amend and reenact §60A-9-3 of the Code of West Virginia, 1931, as amended; and to
 2 amend said code by adding thereto a new section, designated §60A-9-4b, all relating to
 3 reports by the Board of Pharmacy; requiring the board to include in its reports any patients
 4 in a pain management clinic and individuals admitted to a hospital or emergency room for
 5 a drug overdose; and requiring information from those reports be part of a patient's
 6 hospital chart.

Be it enacted by the Legislature of West Virginia:

1 That §60A-9-3 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted; and that said code be amended by adding thereto a new section, designated §60A-9-
 3 4b, all to read as follows:

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-3. Reporting system requirements; implementation; central repository requirement.

1 (a) The Board of Pharmacy shall implement a program wherein a central repository is
 2 established and maintained which shall contain: ~~such~~

3 (1) Such information as is required by the provisions of this article regarding Schedule II,
 4 III, and IV controlled substance prescriptions written or filled in this state;

5 (2) Individuals participating in or patients of a "pain management clinic" pursuant to article
 6 five-h, chapter sixteen of this code; and

7 (3) Individuals or patients admitted to a hospital or emergency room related to a drug
 8 overdose.

9 In implementing this program, the Board of Pharmacy shall consult with the West Virginia
 10 State Police, the licensing boards of practitioners affected by this article and affected practitioners;

11 (b) The program authorized by subsection (a) of this section shall be designed to minimize
 12 inconvenience to patients, prescribing practitioners and pharmacists while effectuating the
 13 collection and storage of the required information. The board shall allow reporting of the required

14 information by electronic data transfer where feasible, and where not feasible, on reporting forms
15 promulgated by the board. The information required to be submitted by the provisions of this
16 article shall be required to be filed no more frequently than within twenty-four hours.

17 (c) (1) The board shall provide for the electronic transmission of the information required
18 to be provided by this article by and through the use of a toll-free telephone line.

19 (2) A dispenser, who does not have an automated record-keeping system capable of
20 producing an electronic report in the established format may request a waiver from electronic
21 reporting. The request for a waiver shall be made to the board in writing and shall be granted if
22 the dispenser agrees in writing to report the data by submitting a completed "Pharmacy Universal
23 Claim Form" as defined by legislative rule.

§60A-9-4b. Reports on hospital charts.

1 The Board of Pharmacy shall also make its reports required by this article available to
2 hospitals and out-patient surgery centers which in turn shall place the appropriate information
3 from those reports on the patient's chart in order to assist health care providers to more ably treat
4 their patients.

NOTE: The purpose of this bill concerns reports by the Board of Pharmacy. The bill requires the board to include in its reports any patients in a pain management clinic and individuals admitted to a hospital or emergency room for a drug overdose. The bill requires information from those reports be part of a patient's chart in a hospital or out-patient surgery center.

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