

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Originating

House Bill 4419

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[Originating in the Committee on Prevention and
Treatment of Substance Abuse; Reported on January
16, 2020.]

1 A BILL to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating
2 to requiring pharmacist to check the Controlled Substance Monitoring Database.

Be it enacted by the Legislature of West Virginia:

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-5a. Practitioner requirements to access database and conduct annual search of the database; required rulemaking.

1 (a) All practitioners, as that term is defined in §60A-2-101 of this code who prescribe or
2 dispense Schedule II, III, or IV controlled substances shall register with the West Virginia
3 Controlled Substances Monitoring Program and obtain and maintain online or other electronic
4 access to the program database: *Provided*, That compliance with the provisions of this subsection
5 must be accomplished within 30 days of the practitioner obtaining a new license: *Provided*,
6 *however*, That the Board of Pharmacy may renew a practitioner's license without proof that the
7 practitioner meet the requirements of this subsection.

8 (b) All persons with prescriptive or dispensing authority and in possession of a valid Drug
9 Enforcement Administration registration identification number and who are licensed by the Board
10 of Medicine as set forth in §30-3-1 *et seq.* of this code, the Board of Registered Professional
11 Nurses as set forth in §30-7-1 *et seq.* of this code, the Board of Dental Examiners as set forth in
12 §30-7-1 *et seq.* of this code, the Board of Osteopathic Medicine as set forth in §30-14-1 *et seq.*
13 of this code, the West Virginia Board of Veterinary Medicine as set forth in §30-10-1 *et seq.* of
14 this code, the West Virginia Board of Optometrists as set forth in §30-8-1 *et seq.*, and pharmacists
15 licensed by the West Virginia Board of Pharmacy as set forth in §30-5-1 *et seq.* of this code, upon
16 initially prescribing or and prior to dispensing any Schedule II controlled substance, any opioid or
17 any benzodiazepine to a patient who is not suffering from a terminal illness, and at least annually
18 thereafter should the practitioner or dispenser continue to treat the patient with a controlled

19 substance, shall access query the West Virginia Controlled Substances Monitoring Program
20 Database for information regarding specific patients. The information obtained from accessing the
21 West Virginia Controlled Substances Monitoring Program Database for the patient shall be
22 documented in the patient's medical record maintained by a private prescriber or any inpatient
23 facility licensed pursuant to the provisions of chapter 16 of this code. A pain-relieving controlled
24 substance shall be defined as set forth in §30-3A-1 of this code.

25 (c) The various boards mentioned in §60A-9-5(b) of this code shall promulgate both
26 emergency and legislative rules pursuant to the provisions of §29A-3-1 *et seq.* of this code to
27 effectuate the provisions of this article.

NOTE: The purpose of this bill is to require a pharmacist to check the CSMD.

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