

WEST VIRGINIA LEGISLATURE
2022 SECOND EXTRAORDINARY SESSION

ENROLLED

House Bill 214

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

(BY REQUEST OF THE EXECUTIVE)

[Passed April 25, 2022; in effect from passage.]

1 AN ACT to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and
2 to amend and reenact §30-7-15a of said code, all relating to prescriptive authority;
3 eliminating certain legislative rulemaking authority concerning the prescriptive authority of
4 a physician assistant; providing for prescriptive authority of physician assistants;
5 eliminating certain discretionary authority of the Board of Nursing; eliminating certain
6 legislative rulemaking authority of the Board of Nursing with respect to prescriptive
7 authority of an advanced practice registered nurse; eliminating certain emergency
8 rulemaking authority of the Board of Nursing; eliminating requirements regarding list of
9 advanced practice registered nurses with prescriptive authority; and providing for
10 prescriptive authority of advanced practice registered nurses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.

§30-3E-3. Rulemaking.

1 (a) The boards shall propose rules for legislative approval in accordance with the
2 provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article, including:
3 (1) The extent to which physician assistants may practice in this state;
4 (2) The extent to which physician assistants may pronounce death;
5 (3) Requirements for licenses and temporary licenses;
6 (4) Requirements for practice notifications;
7 (5) Requirements for continuing education;
8 (6) Conduct of a licensee for which discipline may be imposed;
9 (7) The eligibility and extent to which a physician assistant may prescribe;
10 (8) A fee schedule; and
11 (9) Any other rules necessary to effectuate the provisions of this article.
12 (b) The boards may propose emergency rules pursuant to §29A-3-1 *et seq.* of this code
13 to ensure conformity with this article.

14 (c) (1) A physician assistant may not prescribe a Schedule I controlled substance as
15 provided in §60A-2-204 of this code.

16 (2) A physician assistant may prescribe up to a three-day supply of a Schedule II narcotic
17 as provided in §60A-2-206 of this code.

18 (3) There are no other limitations on the prescribing authority of a physician assistant,
19 except as provided in §16-54-1 *et seq.* of this code.

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-15a. Prescriptive authority for prescription drugs.

1 (a) An advanced practice registered nurse may not prescribe a Schedule I controlled
2 substance as provided in §60A-2-204 *et seq.* of this code.

3 (b) An advanced practice registered nurse may prescribe up to a three-day supply of a
4 Schedule II narcotic as provided in §60A-2-206 *et seq.* of this code.

5 (c) There are no other limitations on the prescribing authority of an advanced practice
6 registered nurse, except as provided in §16-54-1 *et seq.* of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

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day of, 2022.

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Governor