

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 3171

By Delegates Howell, Hott, Clark, Phillips, Linville,
Cannon, Hornby, C. Pritt, Thorne, Ferrell, and Jeffries

[Introduced January 31, 2023; Referred to the
Committee on Government Organization]

1 A BILL to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, all
 2 relating to state boards of examination or registration; providing that continuing education
 3 credits shall be valid for three years; and providing that boards may choose to extend the
 4 amount of time credits may be valid, up to an additional three years.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF
 EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

§30-1-7a. Continuing education.

1 (a) A board referred to in this chapter shall establish continuing education requirements as
 2 a prerequisite to license renewal. A board shall develop continuing education criteria appropriate
 3 to its discipline, which shall include, but not be limited to, course content, course approval, hours
 4 required and reporting periods.

5 (b) Notwithstanding any other provision of this code or the provision of a legislative rule to
 6 the contrary, continuing education credits obtained to meet licensing requirements of this chapter
 7 shall be valid for three years. Each individual board under this chapter may choose to extend the
 8 time that continuing education credits are valid, up to an additional three years.

9 ~~(b)~~ (c) Notwithstanding any other provision of this code or the provision of a legislative rule
 10 to the contrary, each person issued a license to practice medicine and surgery, a license to
 11 practice podiatry or licensed as a physician assistant by the West Virginia Board of Medicine; each
 12 person issued a license to practice dentistry by the West Virginia Board of Dental Examiners, each
 13 person issued a license to practice optometry by the West Virginia Board of Optometry, each
 14 person licensed as a pharmacist by the West Virginia Board of Pharmacy, each person licensed to
 15 practice registered professional nursing or licensed as an advanced nurse practitioner by the West
 16 Virginia Board of Examiners for Registered Professional Nurses, each person licensed as a
 17 licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical

18 Nurses and each person licensed to practice medicine and surgery as an osteopathic physician
19 and surgeon or licensed or certified as an osteopathic as physician assistant by the West Virginia
20 Board of Osteopathy shall complete drug diversion training, best-practice prescribing of controlled
21 substances training, and training on prescribing and administration of an opioid antagonist and
22 other relevant trainings as promulgated by the appropriate licensing board, as the trainings are
23 established by his or her respective licensing board, if that person prescribes, administers or
24 dispenses a controlled substance, as that term is defined in §60A-1-101 of this code.

25 (1) Notwithstanding any other provision of this code or the provision of any legislative rule
26 to the contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners,
27 the West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia
28 Board of Examiners for Registered Professional Nurses, the West Virginia State Board of
29 Examiners for Licensed Practical Nurses and the West Virginia Board of Osteopathy shall
30 establish continuing education requirements and criteria appropriate to their respective discipline
31 on the subject of drug diversion training, best-practice prescribing of controlled substances
32 training and prescribing and administration of an opioid antagonist training for each person issued
33 a license or certificate by their respective board who prescribes, administers or dispenses a
34 controlled substance, as that term is defined in §60A-1-101 of this code, and shall develop a
35 certification form pursuant to subdivision (b)(2) of this section.

36 (2) Each person who receives his or her initial license or certificate from any of the boards
37 set forth in subsection (b) of this section shall complete the continuing education requirements set
38 forth in subsection (b) of this section within one year of receiving his or her initial license from that
39 board and each person licensed or certified by any of the boards set forth in subsection (b) of this
40 section who has held his or her license or certificate for longer than one year shall complete the
41 continuing education requirements set forth in subsection (b) of this section as a prerequisite to
42 each license renewal: *Provided*, That a person subject to subsection (b) of this section may waive
43 the continuing education requirements for license renewal set forth in subsection (b) of this section

44 if he or she completes and submits to his or her licensing board a certification form developed by
45 his or her licensing board attesting that he or she has not prescribed, administered or dispensed a
46 controlled substance, as that term is defined in §60A-1-101 of this code, during the entire
47 applicable reporting period.

48 (c) Notwithstanding any other provision of this code or the provision of any legislative rule
49 to the contrary, each person licensed to practice registered professional nursing or licensed as an
50 advanced nurse practitioner by the West Virginia Board of Examiners for Registered Professional
51 Nurses, each person licensed as a licensed practical nurse by the West Virginia State Board of
52 Examiners for Licensed Practical Nurses, each person licensed to practice psychology by the
53 Board of Examiners of Psychologists, each person licensed to practice social work by the West
54 Virginia Board of Social Work and each person licensed to practice professional counseling by the
55 West Virginia Board of Examiners in Counseling shall complete two hours of continuing education
56 for each reporting period on mental health conditions common to veterans and family members of
57 veterans, as the continuing education is established by his or her respective licensing board. In
58 cooperation with the Secretary of the Department of Veterans' Assistance, the continuing
59 education shall include training on inquiring about whether the patients are veterans or family
60 members of veterans, and screening for conditions such as post-traumatic stress disorder, risk of
61 suicide, depression and grief and prevention of suicide. The two hours shall be part of the total
62 hours of continuing education required by each board and not two additional hours.

NOTE: The purpose of this bill relates to boards of examination or registration; to provide that continuing education credits shall be valid for three years; and to provide that boards may choose to extend the amount of time credits may be valid, up to an additional three years.

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