

1 **COMMITTEE SUBSTITUTE**

2 **FOR**

3 **H. B. 4318**

4 (By Delegates Fleischauer, Longstreth, Campbell,
5 Pethtel, Barrett, Barill, Jones, Stephens,
6 Iaquina, Rowan and Ireland)

7
8 [Originating in the Committee on Government Organization.]
9

10 A BILL to amend and reenact §30-1-7a of the Code of West Virginia,
11 1931, as amended, relating to continuing education relevant to
12 mental health issues of veterans and their families; providing
13 certain boards adopt continuing education courses relevant to
14 mental health issues of veterans and their families as part
15 their continuing education requirements for licensure or
16 renewal; and requiring a minimum of two hours of continuing
17 education relevant to mental health issues of veterans and
18 their families for licensure renewal for certain professions.

19 *Be it enacted by the Legislature of West Virginia:*

20 That §30-1-7a of the Code of West Virginia, 1931, as amended,
21 be amended and reenacted to read as follows:

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

24 **§30-1-7a. Continuing education.**

25 (a) Each board referred to in this chapter shall establish
26 continuing education requirements as a prerequisite to license

1 renewal. Each board shall develop continuing education criteria
2 appropriate to its discipline, which shall include, but not be
3 limited to, course content, course approval, hours required and
4 reporting periods.

5 (b) Notwithstanding any other provision of this code or the
6 provision of any rule to the contrary, each person issued a license
7 to practice medicine and surgery or a license to practice podiatry
8 or licensed as a physician assistant by the West Virginia Board of
9 Medicine, each person issued a license to practice dentistry by the
10 West Virginia Board of Dental Examiners, each person issued a
11 license to practice optometry by the West Virginia Board of
12 Optometry, each person licensed as a pharmacist by the West
13 Virginia Board of Pharmacy, each person licensed to practice
14 registered professional nursing or licensed as an advanced nurse
15 practitioner by the West Virginia Board of Examiners for Registered
16 Professional Nurses, each person licensed as a licensed practical
17 nurse by the West Virginia State Board of Examiners for Licensed
18 Practical Nurses and each person licensed to practice medicine and
19 surgery as an osteopathic physician and surgeon or licensed or
20 certified as an osteopathic physician assistant by the West
21 Virginia Board of Osteopathy shall complete drug diversion training
22 and best practice prescribing of controlled substances training, as
23 the trainings are established by his or her respective licensing
24 board, if that person prescribes, administers, or dispenses a
25 controlled substance, as that term is defined in section one
26 hundred one, article one, chapter sixty-a of this code.

1 (1) Notwithstanding any other provision of this code or the
2 provision of any rule to the contrary, the West Virginia Board of
3 Medicine, the West Virginia Board of Dental Examiners, the West
4 Virginia Board of Optometry, the West Virginia Board of Pharmacy,
5 the West Virginia Board of Examiners for Registered Professional
6 Nurses, the West Virginia State Board of Examiners for Licensed
7 Practical Nurses and the West Virginia Board of Osteopathy shall
8 establish continuing education requirements and criteria
9 appropriate to their respective discipline on the subject of drug
10 diversion training and best practice prescribing of controlled
11 substances training for each person issued a license or certificate
12 by their respective board who prescribes, administers or dispenses
13 a controlled substance, as that term is defined in section one
14 hundred one, article one, chapter sixty-a of this code, and shall
15 develop a certification form pursuant to subdivision (b) (2) of this
16 section.

17 (2) Each person who receives his or her initial license or
18 certificate from any of the boards set forth in subsection (b)
19 shall complete the continuing education requirements set forth in
20 subsection (b) within one year of receiving his or her initial
21 license from that board and each person licensed or certified by
22 any of the boards set forth in subsection (b) who has held his or
23 her license or certificate for longer than one year shall complete
24 the continuing education requirements set forth in subsection (b)
25 as a prerequisite to each license renewal: *Provided*, That a person
26 subject to subsection (b) may waive the continuing education

1 requirements for license renewal set forth in subsection (b) if he
2 or she completes and submits to his or her licensing board a
3 certification form developed by his or her licensing board
4 attesting that he or she has not prescribed, administered, or
5 dispensed a controlled substance, as that term is defined in
6 section one hundred one, article one, chapter sixty-a of this code,
7 during the entire applicable reporting period.

8 (c) Notwithstanding any other provision of this code or the
9 provision of any rule to the contrary, each person issued a license
10 to practice medicine and surgery or a license to practice podiatry
11 or licensed as a physician assistant by the West Virginia Board of
12 Medicine, each person licensed to practice registered professional
13 nursing or licensed as an advanced nurse practitioner by the West
14 Virginia Board of Examiners for Registered Professional Nurses,
15 each person licensed as a licensed practical nurse by the West
16 Virginia State Board of Examiners for Licensed Practical Nurses,
17 each person licensed to practice medicine and surgery as an
18 osteopathic physician and surgeon or licensed or certified as an
19 osteopathic physician assistant by the West Virginia Board of
20 Osteopathy, each person issued a license to practice midwifery as
21 a nurse-midwife by the West Virginia Board of Examiners for
22 Registered Professional Nurses, each person issued a license to
23 practice chiropractic by the West Virginia Board of Chiropractic,
24 each person licensed to practice psychology by the Board of
25 Examiners of Psychologists, each person licensed to practice social
26 work by the West Virginia Board of Social Work, and each person

1 licensed to practice professional counseling by the West Virginia
2 Board of Examiners in Counseling, shall complete two hours of
3 continuing education for each reporting period on mental health
4 conditions common to veterans and family members of veterans, as
5 the continuing education is established or approved by his or her
6 respective licensing board. The two hours shall be part of the
7 total hours of continuing education required by each board and not
8 two additional hours.

9 (1) Notwithstanding any other provision of this code or the
10 provision of any rule to the contrary, on or before the end of the
11 reporting period next following the reporting period in effect on
12 July 1, 2014, the boards referred to in this subsection shall
13 establish continuing education requirements and criteria and
14 approve continuing education coursework appropriate to their
15 respective discipline on the subject of mental health conditions
16 common to veterans and family members of veterans, in cooperation
17 with the Secretary of the Department of Veterans Assistance. The
18 continuing education shall include training on inquiring about
19 whether the patients are veterans or family members of veterans,
20 and screening for conditions such as post-traumatic stress
21 disorder, risk of suicide, depression and grief, and prevention of
22 suicide.

23 (2) Each person who receives his or her initial license from
24 any of the boards set forth in this subsection shall complete the
25 continuing education requirements within one year of receiving his
26 or her initial license from that board, and each person licensed by

1 any of the boards set forth in this subsection who has held his or
2 her license for longer than one year shall complete the continuing
3 education as a prerequisite to his or her next license renewal.