

1 **H. B. 2776**

2 (By Delegates Stansbury, Campbell, Rodighiero, Householder, Ashley, Fleischauer, Summers,
3 Longstreth, Kurcaba , Ellington and Eldridge)

4
5 (Originating in the House Committee on Health and Human Resources)

6 [February 12, 2015]

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10 A BILL to amend and reenact §30-3E-12 of the Code of West Virginia, 1931, as amended; to
11 amend and reenact §30-7-15a of said code; and to amend and reenact §30-8-9 of said
12 code, all relating to prescribing hydrocodone combination drugs for a duration of no more
13 than three days.

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

15 That §30-3E-12 of the Code of West Virginia, 1931, as amended, be amended and
16 reenacted; that §30-7-15a of said code be amended and reenacted; and that §30-8-9 of said code
17 be amended and reenacted, all to read as follows:

18 **ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.**

19 **§30-3E-12. Scope of practice.**

20 (a) A license issued to a physician assistant by the appropriate state licensing board shall
21 authorize the physician assistant to perform medical acts:

- 22 (1) Delegated to the physician assistant as part of an authorized practice agreement;
23 (2) Appropriate to the education, training and experience of the physician assistant;
24 (3) Customary to the practice of the supervising physician; and

1 (4) Consistent with the laws of this state and rules of the boards.

2 (b) This article does not authorize a physician assistant to perform any specific function
3 or duty delegated by this code to those persons licensed as chiropractors, dentists, dental
4 hygienists, optometrists or pharmacists, or certified as nurse anesthetists.

5 (c) Notwithstanding any provision of this code to the contrary, a licensed physician
6 assistant may prescribe hydrocodone combination drugs to a patient for a duration of no more
7 than three days per thirty day period.

8 **ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

9 **§30-7-15a. Prescriptive authority for prescription drugs; coordination with Board of**
10 **Pharmacy.**

11 (a) The board may, in its discretion, authorize an advanced practice registered nurse to
12 prescribe prescription drugs in a collaborative relationship with a physician licensed to practice
13 in West Virginia and in accordance with applicable state and federal laws. An authorized
14 advanced practice registered nurse may write or sign prescriptions or transmit prescriptions
15 verbally or by other means of communication, including prescriptions for hydrocodone
16 combination drugs to a patient for a duration of no more than three days per thirty day period.

17 (b) For purposes of this section an agreement to a collaborative relationship for
18 prescriptive practice between a physician and an advanced practice registered nurse shall be set
19 forth in writing. Verification of the agreement shall be filed with the board by the advanced
20 practice registered nurse. The board shall forward a copy of the verification to the Board of
21 Medicine and the Board of Osteopathic Medicine. Collaborative agreements shall include, but
22 are not limited to, the following:

23 (1) Mutually agreed upon written guidelines or protocols for prescriptive authority as it
24 applies to the advanced practice registered nurse's clinical practice;

1 (2) Statements describing the individual and shared responsibilities of the advanced
2 practice registered nurse and the physician pursuant to the collaborative agreement between them;

3 (3) Periodic and joint evaluation of prescriptive practice; and

4 (4) Periodic and joint review and updating of the written guidelines or protocols.

5 (c) The board shall promulgate legislative rules in accordance with the provisions of
6 chapter twenty-nine-a of this code governing the eligibility and extent to which an advanced
7 practice registered nurse may prescribe drugs. Such rules shall provide, at a minimum, a state
8 formulary classifying those categories of drugs which shall not be prescribed by advanced practice
9 registered nurse including, but not limited to, Schedules I and II of the Uniform Controlled
10 Substances Act, antineoplastics, radiopharmaceuticals and general anesthetics. Drugs listed under
11 Schedule III shall be limited to a seventy-two hour supply without refill. In addition to the above
12 referenced provisions and restrictions and pursuant to a collaborative agreement as set forth in
13 subsections (a) and (b) of this section, the rules shall permit the prescribing of an annual supply
14 of any drug, with the exception of controlled substances, which is prescribed for the treatment of
15 a chronic condition, other than chronic pain management. For the purposes of this section, a
16 "chronic condition" is a condition which lasts three months or more, generally cannot be
17 prevented by vaccines, can be controlled but not cured by medication and does not generally
18 disappear. These conditions, with the exception of chronic pain, include, but are not limited to,
19 arthritis, asthma, cardiovascular disease, cancer, diabetes, epilepsy and seizures, and obesity. The
20 prescriber authorized in this section shall note on the prescription the chronic disease being
21 treated.

22 (d) The board shall consult with other appropriate boards for the development of the
23 formulary.

24 (e) The board shall transmit to the Board of Pharmacy a list of all advanced practice

1 registered nurse with prescriptive authority. The list shall include:

- 2 (1) The name of the authorized advanced practice registered nurse;
- 3 (2) The prescriber's identification number assigned by the board; and
- 4 (3) The effective date of prescriptive authority.

5 **ARTICLE 8. OPTOMETRISTS.**

6 **§30-8-9. Scope of practice.**

7 (a) An licensee may:

8 (1) Examine, diagnosis and treat diseases and conditions of the human eye and its
9 appendage within the scope established in this article or associated rules;

10 (2) Administer or prescribe any drug for topical application to the anterior segment of the
11 human eye for use in the examination, diagnosis or treatment of diseases and conditions of the
12 human eye and its appendages: *Provided*, That the licensee has first obtained a certificate;

13 (3) (A) Administer or prescribe any drug from the drug formulary, as established by the
14 board pursuant to section six of this article, for use in the examination, diagnosis or treatment of
15 diseases and conditions of the human eye and its appendages: *Provided*, That the licensee has
16 first obtained a certificate;

17 (B) New drugs and new drug indications may be added to the drug formulary by approval
18 of the board;

19 (4) Administer epinephrine by injection to treat emergency cases of anaphylaxis or
20 anaphylactic shock;

21 (5) Prescribe and dispense contact lenses that contain and deliver pharmaceutical agents
22 and that have been approved by the Food and Drug Administration as a drug;

23 (6) Prescribe, fit, apply, replace, duplicate or alter lenses, prisms, contact lenses,
24 orthoptics, vision training, vision rehabilitation;

1 (7) Perform the following procedures:

2 (A) Remove a foreign body from the ocular surface and adnexa utilizing a noninvasive
3 method;

4 (B) Remove a foreign body, external eye, conjunctival, superficial, using topical
5 anesthesia;

6 (C) Remove embedded foreign bodies or concretions from conjunctiva, using topical
7 anesthesia, not involving sclera;

8 (D) Remove corneal foreign body not through to the second layer of the cornea using
9 topical anesthesia;

10 (E) Epilation of lashes by forceps;

11 (F) Closure of punctum by plug; and

12 (G) Dilation of the lacrimal puncta with or without irrigation;

13 (8) Furnish or provide any prosthetic device to correct or relieve any defects or abnormal
14 conditions of the human eye and its appendages;

15 (9) Order laboratory tests rational to the examination, diagnosis, and treatment of a disease
16 or condition of the human eye and its appendages;

17 (10) Use a diagnostic laser; and

18 (11) A licensee is also permitted to perform those procedures authorized by the board
19 prior to January 1, 2010.

20 (b) A licensee may not:

21 (1) Perform surgery except as provided in this article or by legislative rule;

22 (2) Use a therapeutic laser;

23 (3) Use Schedule II controlled substances. However, an oral pharmaceutical certified
24 licensee may prescribe hydrocodone combination drugs to a patient for a duration of no more than

1 three days per thirty day period;

2 (4) Treat systemic disease; or

3 (5) Present to the public that he or she is a specialist in surgery of the eye.

NOTE: The purpose of this bill is to permit an oral pharmaceutical certified optometrists, advanced practice registered nurses and physician assistants to prescribe hydrocodone combination drugs for a duration of no more than three days per patient.

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