

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **Senate Bill 333**

BY SENATORS TAKUBO, PALUMBO, STOLLINGS, ROMANO,

CLINE AND MARONEY

[Introduced February 16, 2017; Referred  
to the Committee on Health and Human Resources;  
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating  
2 to requiring any in- or out-patient facility licensed by the Secretary of the Department of  
3 Health and Human Resources to access the West Virginia Controlled Substances  
4 Monitoring Database; providing for inclusion in a patient's medical chart of the information  
5 obtained; and providing for rulemaking.

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

1 That §60A-9-5a of the Code of West Virginia, 1931, as amended, be amended and  
2 reenacted to read as follows:

**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 section one hundred-one, article two of this  
2 chapter who prescribe or dispense Schedule II, III or IV controlled substances shall register with  
3 the West Virginia Controlled Substances Monitoring Program and obtain and maintain online or  
4 other electronic access to the program database: *Provided*, That compliance with the provisions  
5 of this subsection must be accomplished within thirty days of the practitioner obtaining a new  
6 license: *Provided, however*, That no licensing board may renew a practitioner's license without  
7 proof that the practitioner meet the requirements of this subsection.

8 (b) Upon initially prescribing or dispensing any pain-relieving controlled substance for a  
9 patient and at least annually thereafter should the practitioner or dispenser continue to treat the  
10 patient with controlled substances, all persons with prescriptive or dispensing authority and in  
11 possession of a valid Drug Enforcement Administration registration identification number and,  
12 who are licensed by the Board of Medicine as set forth in article three, chapter thirty of this code,  
13 the Board of Registered Professional Nurses as set forth in article seven, chapter thirty of this  
14 code, the Board of Dental Examiners as set forth in article four, chapter thirty of this code and the  
15 Board of Osteopathic Medicine as set forth in article fourteen, chapter thirty of this code shall

16 access the West Virginia Controlled Substances Monitoring Program database for information  
17 regarding specific patients for whom they are providing pain-relieving controlled substances as  
18 part of a course of treatment for chronic, nonmalignant pain but who are not suffering from a  
19 terminal illness. The information obtained from accessing the West Virginia Controlled  
20 Substances Monitoring Program database for the patient shall be documented in the patient's  
21 medical record. A pain-relieving controlled substance shall be defined as set forth in section one,  
22 article three-a, chapter thirty of this code.

23 (c) (1) Any in-patient facility licensed pursuant to the provisions of chapter sixteen of this  
24 code shall access the West Virginia Controlled Substances Monitoring Program database for any  
25 patient for whom they are providing pain relieving controlled substances as part of a course of  
26 treatment for chronic, nonmalignant pain, but who are not suffering from a terminal illness. The  
27 information obtained from accessing the West Virginia Controlled Substances Monitoring  
28 Program database shall be documented in the patient's medical record, and made a part of the  
29 patient's chart. A pain relieving controlled substance shall be defined as said forth in section one,  
30 article three-a, chapter thirty of this code.

31 (2) The Secretary of the Department of Health and Human Resources shall promulgate  
32 rules pursuant to the provisions of article three, chapter twenty-nine-a of this code to effectuate  
33 proper accessing of the database as required by this section by those entities which he or she  
34 licenses pursuant to the provisions of chapter sixteen of this code.

35 ~~(e)~~ (d) The various boards mentioned in subsection (b) of this section above shall  
36 promulgate both emergency and legislative rules pursuant to the provisions of article three,  
37 chapter twenty-nine-a of this code to effectuate the provisions of this section.

NOTE: The purpose of this bill is to require all facilities licensed under the provisions of chapter sixteen to access the controlled substances monitoring database.

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