

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

### **Originating**

## **House Bill 4417**

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[Originating in the Committee on Prevention and  
Treatment of Substance Abuse; Reported on January  
16, 2020.]



1 A BILL to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended; relating  
2 to permitting professional boards to approve different continuing education programs on  
3 drug diversion.

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

## **CHAPTER 30. PROFESSIONS AND OCCUPATIONS.**

### **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  
2 as a prerequisite to license renewal. A board shall develop continuing education criteria  
3 appropriate to its discipline, which shall include, but not be limited to, course content, course  
4 approval, hours required and reporting periods.

5 (b) Notwithstanding any other provision of this code or the provision of a legislative rule to  
6 the contrary, each person issued a license to practice medicine and surgery, a license to practice  
7 podiatry or licensed as a physician assistant by the West Virginia Board of Medicine; each person  
8 issued a license to practice dentistry by the West Virginia Board of Dental Examiners, each person  
9 issued a license to practice optometry by the West Virginia Board of Optometry, each person  
10 licensed as a pharmacist by the West Virginia Board of Pharmacy, each person licensed to  
11 practice registered professional nursing or licensed as an advanced nurse practitioner by the  
12 West Virginia Board of Examiners for Registered Professional Nurses, each person licensed as  
13 a licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical  
14 Nurses and each person licensed to practice medicine and surgery as an osteopathic physician  
15 and surgeon or licensed or certified as an osteopathic as physician assistant by the West Virginia  
16 Board of Osteopathy shall complete drug diversion training, best-practice prescribing of controlled  
17 substances training, and training on prescribing and administration of an opioid antagonist and

18 other relevant trainings as promulgated by the appropriate licensing board, as the trainings are  
19 established by his or her respective licensing board, if that person prescribes, administers or  
20 dispenses a controlled substance, as that term is defined in section one hundred one, article one,  
21 chapter sixty-a of this code.

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

34 (2) Each person who receives his or her initial license or certificate from any of the boards  
35 set forth in subsection (b) of this section shall complete the continuing education requirements  
36 set forth in subsection (b) of this section within one year of receiving his or her initial license from  
37 that board and each person licensed or certified by any of the boards set forth in subsection (b)  
38 of this section who has held his or her license or certificate for longer than one year shall complete  
39 the continuing education requirements set forth in subsection (b) of this section as a prerequisite  
40 to each license renewal: *Provided*, That a person subject to subsection (b) of this section may  
41 waive the continuing education requirements for license renewal set forth in subsection (b) of this  
42 section if he or she completes and submits to his or her licensing board a certification form  
43 developed by his or her licensing board attesting that he or she has not prescribed, administered

44 or dispensed a controlled substance, as that term is defined in section one hundred one, article  
45 one, chapter sixty-a of this code, during the entire applicable reporting period.

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

NOTE: The purpose of this bill is to permit different types of continuing education to qualify  
for completion of the drug diversion continuing education requirements.

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