### **WEST VIRGINIA LEGISLATURE**

#### **2020 REGULAR SESSION**

## **Originating**

## House Bill 4419

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

A BILL to amend and reenact §60A-9-5a of the Code of West Virginia, 1931, as amended, relating to requiring pharmacist to check the Controlled Substance Monitoring Database.

Be it enacted by the Legislature of West Virginia:

#### CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

#### ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

# §60A-9-5a. Practitioner requirements to access database and conduct annual search of the database; required rulemaking.

- (a) All practitioners, as that term is defined in §60A-2-101 of this code who prescribe or dispense Schedule II, III, or IV controlled substances shall register with the West Virginia Controlled Substances Monitoring Program and obtain and maintain online or other electronic access to the program database: *Provided*, That compliance with the provisions of this subsection must be accomplished within 30 days of the practitioner obtaining a new license: *Provided*, *however*, That the Board of Pharmacy may renew a practitioner's license without proof that the practitioner meet the requirements of this subsection.
- (b) All persons with prescriptive or dispensing authority and in possession of a valid Drug Enforcement Administration registration identification number and who are licensed by the Board of Medicine as set forth in §30-3-1 *et seq.* of this code, the Board of Registered Professional Nurses as set forth in §30-7-1 *et seq.* of this code, the Board of Dental Examiners as set forth in §30-7-1 *et seq.* of this code, the Board of Osteopathic Medicine as set forth in §30-14-1 *et seq.* of this code, the West Virginia Board of Veterinary Medicine as set forth in §30-10-1 *et seq.* of this code, the West Virginia Board of Optometrists as set forth in §30-8-1 *et seq.*, and pharmacists licensed by the West Virginia Board of Pharmacy as set forth in §30-5-1 *et seq.* of this code, upon initially prescribing or and prior to dispensing any Schedule II controlled substance, any opioid or any benzodiazepine to a patient who is not suffering from a terminal illness, and at least annually thereafter should the practitioner or dispenser continue to treat the patient with a controlled

- substance, shall access query the West Virginia Controlled Substances Monitoring Program Database for information regarding specific patients. The information obtained from accessing the West Virginia Controlled Substances Monitoring Program Database for the patient shall be documented in the patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to the provisions of chapter 16 of this code. A pain-relieving controlled substance shall be defined as set forth in §30-3A-1 of this code.
- (c) The various boards mentioned in §60A-9-5(b) of this code shall promulgate both emergency and legislative rules pursuant to the provisions of §29A-3-1 *et seq.* of this code to effectuate the provisions of this article.

NOTE: The purpose of this bill is to require a pharmacist to check the CSMD.

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