

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 3317**

By Delegates Summers and Tully

[Originating in the Committee on Health and Human

Resources; Reported on February 9, 2023]



1 A BILL to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended, relating to  
2 removing specific continuing education requirements.

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

**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 as  
2 a prerequisite to license renewal. A board shall develop continuing education criteria appropriate  
3 to its discipline, which shall include, but not be limited to, course content, course approval, hours  
4 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 a person issued a an initial license to practice medicine and surgery, a license to  
7 practice podiatry or licensed as a physician assistant by the West Virginia Board of Medicine; each  
8 a person issued a license to practice dentistry by the West Virginia Board of Dental Examiners,  
9 each a person issued a license to practice optometry by the West Virginia Board of Optometry,  
10 each a person licensed as a pharmacist by the West Virginia Board of Pharmacy, each a person  
11 licensed to practice registered professional nursing or licensed as an advanced nurse practitioner  
12 by the West Virginia Board of Examiners for Registered Professional Nurses, each a person  
13 licensed as a licensed practical nurse by the West Virginia State Board of Examiners for Licensed  
14 Practical Nurses and each a person licensed to practice medicine and surgery as an osteopathic  
15 physician and surgeon or licensed or certified as an osteopathic as physician assistant by the  
16 West Virginia Board of Osteopathy shall complete drug diversion training, best-practice  
17 prescribing of controlled substances training, and training on prescribing and administration of an  
18 opioid antagonist and other relevant trainings as promulgated by the appropriate licensing board,  
19 as the trainings are established by his or her respective licensing board, if that person prescribes,

20 administers or dispenses a controlled substance, as that term is defined in §60A-1-101 of this  
21 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 sixty-~~  
32 ~~a of this code, and shall develop a certification form pursuant to subdivision (b)(2) of this section.~~

33 ~~(2) Each person who receives his or her initial license or certificate from any of the boards~~  
34 ~~set forth in subsection (b) of this section shall complete the continuing education requirements set~~  
35 ~~forth in subsection (b) of this section within one year of receiving his or her initial license from that~~  
36 ~~board and each person licensed or certified by any of the boards set forth in subsection (b) of this~~  
37 ~~section who has held his or her license or certificate for longer than one year shall complete the~~  
38 ~~continuing education requirements set forth in subsection (b) of this section as a prerequisite to~~  
39 ~~each license renewal: *Provided*, That a person subject to subsection (b) of this section may waive~~  
40 ~~the continuing education requirements for license renewal set forth in subsection (b) of this section~~  
41 ~~if he or she completes and submits to his or her licensing board a certification form developed by~~  
42 ~~his or her licensing board attesting that he or she has not prescribed, administered or dispensed a~~  
43 ~~controlled substance, as that term is defined in section one hundred one, article one, chapter sixty-~~  
44 ~~a of this code, during the entire applicable reporting period.~~

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

NOTE: The purpose of this bill is to remove specific 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.