

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

Senate Bill 743

By Senator Takubo

[Introduced February 4, 2026; referred

to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §16-54-4 of the Code of West Virginia, 1931, as amended, relating to
2 creating an exemption to prescription limitations for mid-level providers; requiring mid-level
3 providers to be licensed and under the supervision of physician medical director; requiring
4 mid-level providers to be employed exclusively by a licensed hospice provider; permitting
5 exemption from prescription limitations in specified circumstances; and requiring physician
6 medical director to be responsible for auditing the prescribing practices of the mid-level
7 providers.

Be it enacted by the Legislature of West Virginia:

ARTICLE 54. OPIOID REDUCTION ACT.

§16-54-4. Opioid prescription limitations.

1 (a) When issuing a prescription for a Schedule II opioid drug to an adult patient seeking
2 treatment in an emergency room for outpatient use, a health care practitioner may not issue a
3 prescription for more than a four-day supply: *Provided*, That a prescription for a Schedule II opioid
4 drug issued to an adult patient in an emergency room for outpatient use is not considered to be an
5 initial Schedule II opioid prescription.

6 (b) When issuing a prescription for a Schedule II opioid drug to an adult patient seeking
7 treatment in an urgent care facility setting for outpatient use, a health care practitioner may not
8 issue a prescription for more than a four-day supply: *Provided*, That an additional dosing for up to
9 no more than a seven-day supply may be permitted, but only if the medical rationale for more than
10 a four-day supply is documented in the medical record.

11 (c) A health care practitioner may not issue an initial Schedule II opioid drug prescription to
12 a minor for more than a three-day supply and shall discuss with the parent or guardian of the minor
13 the risks associated with Schedule II opioid drug use and the reasons why the prescription is
14 necessary.

15 (d) A dentist or an optometrist may not issue a Schedule II opioid drug prescription for more
16 than a three-day supply.

17 (e) A practitioner, other than a dentist or an optometrist, may not issue an initial Schedule II
18 opioid drug prescription for more than a seven-day supply. The prescription shall be for the lowest
19 effective dose which in the medical judgement of the practitioner would be the best course of
20 treatment for this patient and his or her condition.

21 (f) Prior to issuing an initial Schedule II opioid drug prescription, a practitioner shall:

22 (1) Take and document the results of a thorough medical history, including the patient's
23 experience with nonopioid medication, nonpharmacological pain management approaches, and
24 substance abuse history;

25 (2) Conduct, as appropriate, and document the results of a physical examination. The
26 physical exam should be relevant to the specific diagnosis and course of treatment, and should
27 assess whether the course of treatment would be safe and effective for the patient.

28 (3) Develop a treatment plan, with particular attention focused on determining the cause of
29 the patient's pain; and

30 (4) Access relevant prescription monitoring information under the Controlled Substances
31 Monitoring Program Database.

32 (g) Notwithstanding any provision of this code or legislative rule to the contrary, no
33 medication listed as a Schedule II opioid drug as set forth in §60A-2-206 of this code, may be
34 prescribed by a practitioner for greater than a 30-day supply: *Provided*, That two additional
35 prescriptions, each for a 30-day period for a total of a 90-day supply, may be prescribed if the
36 practitioner accesses the West Virginia Controlled Substances Monitoring Program Database as
37 set forth in §60A-9-1 *et seq.* of this code: *Provided, however*, That the limitations in this section do
38 not apply to cancer patients, patients receiving hospice care from a licensed hospice provider,
39 patients receiving palliative care, a patient who is a resident of a long-term care facility, or a patient
40 receiving medications that are being prescribed for use in the treatment of substance abuse or
41 opioid dependence.

42 (h) A practitioner is required to conduct and document the results of a physical examination
43 every 90 days for any patient for whom he or she continues to treat with any Schedule II opioid
44 drug as set forth in §60A-2-206 of this code. The physical examination should be relevant to the
45 specific diagnosis and course of treatment, and should assess whether continuing the course of
46 treatment would be safe and effective for the patient.

47 (i) A veterinarian licensed pursuant to the provisions of §30-10-1 *et seq.* of this code may
48 not issue an initial Schedule II opioid drug prescription for more than a seven-day supply. The
49 prescription shall be for the lowest effective dose which in the medical judgment of the veterinarian
50 would be the best course of treatment for the patient and his or her condition.

51 (j) In conjunction with the issuance of the third prescription for a Schedule II opioid drug,
52 the patient shall execute a narcotics contract with the prescribing practitioner. The contract shall
53 be made a part of the patient's medical record. The narcotics contract is required to provide at a
54 minimum that:

55 (1) The patient agrees only to obtain scheduled medications from this particular
56 prescribing practitioner;

57 (2) The patient agrees he or she will only fill those prescriptions at a single pharmacy which
58 includes a pharmacy with more than one location;

59 (3) The patient agrees to notify the prescribing practitioner within 72 hours of any
60 emergency where he or she is prescribed scheduled medication;

61 (4) If the patient fails to honor the provisions of the narcotics contract, the prescribing
62 practitioner may either terminate the provider-patient relationship or continue to treat the patient
63 without prescribing a Schedule II opioid drug for the patient. Should the practitioner decide to
64 terminate the relationship, he or she is required to do so pursuant to the provisions of this code and
65 any rules promulgated hereunder. Termination of the relationship for the patient's failure to honor
66 the provisions of the contract is not subject to any disciplinary action by the practitioner's licensing
67 board; and

68 (5) If another physician is approved to prescribe to the patient.

69 (k) A pharmacist is not responsible for enforcing the provisions of this section and the

70 Board of Pharmacy may not discipline a licensee if he or she fills a prescription in violation of the

71 provisions of this section.

72 (l) Mid-level, licensed providers, under the direction of a physician medical director and

73 employed exclusively by a licensed hospice provider shall be exempt from the prescription

74 limitations contained in this section for the prescription of comfort medications to patients of the

75 licensed hospice provider including those medications contained in Schedule II-V of the West

76 Virginia Uniform Controlled Substances Act, §60A-1-101 et seq., for the purposes of end of life

77 comfort care. The physician medical director shall be responsible for auditing the prescribing

78 practices of the mid-level, licensed providers to ensure compliance with this exemption and proper

79 reporting with the controlled substances monitoring database.

NOTE: The purpose of this bill is to create an exemption to the prescription limitations contained in this section for mid-level providers under the supervision of a medical director offering comfort medications in hospice care settings. The physician medical director shall audit the prescribing practices of the mid-level providers to ensure compliance with the provisions of this section and compliance with reporting to 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.