

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 4318**

5 (By Delegates Fleischauer, Longstreth, Campbell,
6 Pethtel, Barrett, Barill, Jones, Stephens,
7 Iaquinta, Rowan and Ireland)

8
9 [Passed March 8, 2014; in effect from passage.]

10

11 AN ACT to amend and reenact §30-1-7a of the Code of West Virginia,
12 1931, as amended, relating to continuing education relevant to
13 mental health issues of veterans and their families; providing
14 certain boards adopt continuing education courses relevant to
15 mental health issues of veterans and their families as part
16 their continuing education requirements for licensure or
17 renewal; and requiring a minimum of two hours of continuing
18 education relevant to mental health issues of veterans and
19 their families for licensure renewal for certain professions.

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

21 That §30-1-7a of the Code of West Virginia, 1931, as amended,
22 be amended and reenacted to read as follows:

23 **ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF**
24 **EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

25 **§30-1-7a. Continuing education.**

26 (a) Each board referred to in this chapter shall establish

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

6 (b) Notwithstanding any other provision of this code or the
7 provision of any rule to the contrary, each person issued a license
8 to practice medicine and surgery or a license to practice podiatry
9 or licensed as a physician assistant by the West Virginia Board of
10 Medicine, each person issued a license to practice dentistry by the
11 West Virginia Board of Dental Examiners, each person issued a
12 license to practice optometry by the West Virginia Board of
13 Optometry, each person licensed as a pharmacist by the West
14 Virginia Board of Pharmacy, each person licensed to practice
15 registered professional nursing or licensed as an advanced nurse
16 practitioner by the West Virginia Board of Examiners for Registered
17 Professional Nurses, each person licensed as a licensed practical
18 nurse by the West Virginia State Board of Examiners for Licensed
19 Practical Nurses and each person licensed to practice medicine and
20 surgery as an osteopathic physician and surgeon or licensed or
21 certified as an osteopathic physician assistant by the West
22 Virginia Board of Osteopathy shall complete drug diversion training
23 and best practice prescribing of controlled substances training, as
24 the trainings are established by his or her respective licensing
25 board, if that person prescribes, administers, or dispenses a
26 controlled substance, as that term is defined in section one

1 hundred one, article one, chapter sixty-a of this code.

2 (1) Notwithstanding any other provision of this code or the
3 provision of any rule to the contrary, the West Virginia Board of
4 Medicine, the West Virginia Board of Dental Examiners, the West
5 Virginia Board of Optometry, the West Virginia Board of Pharmacy,
6 the West Virginia Board of Examiners for Registered Professional
7 Nurses, the West Virginia State Board of Examiners for Licensed
8 Practical Nurses and the West Virginia Board of Osteopathy shall
9 establish continuing education requirements and criteria
10 appropriate to their respective discipline on the subject of drug
11 diversion training and best practice prescribing of controlled
12 substances training for each person issued a license or certificate
13 by their respective board who prescribes, administers or dispenses
14 a controlled substance, as that term is defined in section one
15 hundred one, article one, chapter sixty-a of this code, and shall
16 develop a certification form pursuant to subdivision (b) (2) of this
17 section.

18 (2) Each person who receives his or her initial license or
19 certificate from any of the boards set forth in subsection (b)
20 shall complete the continuing education requirements set forth in
21 subsection (b) within one year of receiving his or her initial
22 license from that board and each person licensed or certified by
23 any of the boards set forth in subsection (b) who has held his or
24 her license or certificate for longer than one year shall complete
25 the continuing education requirements set forth in subsection (b)
26 as a prerequisite to each license renewal: *Provided*, That a person

1 subject to subsection (b) may waive the continuing education
2 requirements for license renewal set forth in subsection (b) if he
3 or she completes and submits to his or her licensing board a
4 certification form developed by his or her licensing board
5 attesting that he or she has not prescribed, administered, or
6 dispensed a controlled substance, as that term is defined in
7 section one hundred one, article one, chapter sixty-a of this code,
8 during the entire applicable reporting period.

9 (c) Notwithstanding any other provision of this code or the
10 provision of any rule to the contrary, each person licensed to
11 practice registered professional nursing or licensed as an advanced
12 nurse practitioner by the West Virginia Board of Examiners for
13 Registered Professional Nurses, each person licensed as a licensed
14 practical nurse by the West Virginia State Board of Examiners for
15 Licensed Practical Nurses, each person issued a license to practice
16 midwifery as a nurse-midwife by the West Virginia Board of
17 Examiners for Registered Professional Nurses, each person issued a
18 license to practice chiropractic by the West Virginia Board of
19 Chiropractic, each person licensed to practice psychology by the
20 Board of Examiners of Psychologists, each person licensed to
21 practice social work by the West Virginia Board of Social Work, and
22 each person licensed to practice professional counseling by the
23 West Virginia Board of Examiners in Counseling, shall complete two
24 hours of continuing education for each reporting period on mental
25 health conditions common to veterans and family members of
26 veterans, as the continuing education is established or approved by

1 his or her respective licensing board. The two hours shall be part
2 of the total hours of continuing education required by each board
3 and not two additional hours.

4 (1) Notwithstanding any other provision of this code or the
5 provision of any rule to the contrary, on or before July 1, 2015,
6 the boards referred to in this subsection shall establish
7 continuing education requirements and criteria and approve
8 continuing education coursework appropriate to their respective
9 discipline on the subject of mental health conditions common to
10 veterans and family members of veterans, in cooperation with the
11 Secretary of the Department of Veterans Assistance. The continuing
12 education shall include training on inquiring about whether the
13 patients are veterans or family members of veterans, and screening
14 for conditions such as post-traumatic stress disorder, risk of
15 suicide, depression and grief, and prevention of suicide.

16 (2) On or after July 1, 2017, each person licensed by any of
17 the boards set forth in this subsection shall complete the
18 continuing education described herein as a prerequisite to his or
19 her next license renewal.