

H. B. 4169

(By Delegates Staggers, Perry, Pino,
Walker, P. Smith, Campbell, Eldridge
and L. Phillips)

[Introduced January 14, 2014; referred to the
Committee on Health and Human Resources then the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new article, designated §16-5X-1, §16-5X-2,
§16-5X-3 and §16-5X-4, all relating to emergency aid
medication for patients prescribed opiates or receiving
treatment for addiction; establishing a short title;
establishing objectives and a purpose; defining terms;
establishing the responsibilities of licensed prescribers;
and, providing for education of patient, family or caregivers.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new article, designated §16-5X-1, §16-5X-2,
§16-5X-3 and §16-5X-4, all to read as follows:

ARTICLE 5X. OFFER OF EMERGENCY AID MEDICATION TO PATIENTS

PRESCRIBED OPIATES.

§16-5X-1. Short title.

1 This article is known as and may be cited as the "Offer of
2 Emergency Aid Medication to Patients Prescribed Opiates".

3 **§16-5X-2. Definitions.**

4 As used in this article:

5 (1) "Opiates" or "opioid drugs" means drugs that are members
6 of the natural and synthetic opium family, including but not
7 limited to, heroin, morphine, codeine, methadone, oxycodone,
8 hydrocodone, fentanyl and hydromorphone.

9 (2) "Prescriber" means an individual currently licensed and
10 authorized by law to prescribe drugs or drug therapy devices, in
11 the course of their professional practice. These include but are
12 not limited to, allopathic and osteopathic physicians, physician
13 assistants or osteopathic physician assistants who hold a
14 certificate to prescribe drugs, advanced nurse practitioners who
15 hold a certificate to prescribe drugs, optometrists, podiatrists,
16 and others as allowed by law.

17 (3) "Naloxone" means naloxone hydrochloride, an opioid
18 antagonist approved by the federal Food and Drug Administration for
19 the treatment of an opiate or opioid drug overdose by intranasal
20 administration.

21 (4) "Necessary education and information" means the education
22 and training necessary to enable individuals to prevent, recognize
23 and respond to opiate overdose, and that provides at a minimum
24 training in:

1 (A) The cause of opiate overdose;

2 (B) How to recognize the symptoms of an opiate overdose;

3 (C) How and when to contact appropriate emergency medical
4 services; and

5 (D) How to administer an opioid antagonist.

6 (4) "Opioid antagonist" means a federal Food and Drug
7 Administration approved drug that, when administered, negates or
8 neutralizes, in whole or in part, the pharmacological effects of an
9 opioid in the body. The opioid antagonist is limited to Naloxone
10 or other medications approved for this purpose.

11 **§16-5X-3. Purpose and objectives.**

12 (a) The purpose of this article is to prevent deaths in
13 circumstances involving patients who have accidentally overdosed on
14 prescribed opioid medications.

15 (b) By offering the drug Naloxone to patients who are
16 prescribed opiates, the medication can be made available to
17 patients, their families or caregivers who are often
18 circumstantially best equipped to serve as first responders, in the
19 event of an accidental overdose.

20 (c) Prescribers may offer a prescription for Naloxone, a drug
21 that reverses the effects of opiate overdose, to patients who are
22 prescribed opiates for chronic pain or as part of a methadone or
23 suboxone treatment program.

24 (d) Prescribers shall make available or provide to patients,

1 their families, or caregivers, the necessary education and
2 information regarding the proper use of Naloxone.

3 **§16-5X-4. Prescriber responsibility.**

4 (a) All prescribers in the course of their professional
5 practice may offer to patients, to whom they also prescribe opiates
6 for chronic pain or, patients engaged in methadone or suboxone
7 treatment programs, a prescription for the drug Naloxone.

8 (b) All prescribers who may offer the prescription drug
9 Naloxone to their patients under this section shall make
10 information and educational material on the beneficial and proper
11 use of Naloxone available to patients, their family members, or
12 caregivers.

13 (c) When a prescription is written to a patient for Naloxone,
14 or a patient enters a methadone or suboxone addiction treatment
15 program, the educational component found in subsection-b of this
16 section is required to be given to the patient, his or her family
17 or caregiver as a condition of obtaining the prescription or
18 entering the addiction treatment program.

NOTE: The purpose of this bill is to ensure the emergency aid medication Naloxone is made available to patients prescribed opiates, establish responsibilities for licensed prescribers of opiates to follow, and provide for education of patients, their family members or caregivers.

This article is new; therefore, it has been completely underscored.