

**Senate Bill No. 428**

(By Senators Stollings, Takubo and Kessler)

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[Introduced February 6, 2015; referred to the Committee Health and Human Resources; and then  
to the Committee on the Judiciary.]

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A BILL to amend and reenact §30-3E-12 of the Code of West Virginia, 1931, as amended; to amend  
and reenact §30-7-15a of said code; and to amend and reenact §30-8-9 of said code, all  
relating to permitting oral pharmaceutical certified licensees, advanced practice registered  
nurses and physician assistants to prescribe hydrocodone combination drugs for a duration  
of no more than three days.

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

That §30-3E-12 of the Code of West Virginia, 1931, as amended, be amended and reenacted;  
that §30-7-15a of said code be amended and reenacted; and that §30-8-9 of said code be amended  
and reenacted, all to read as follows:

**ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.**

**§30-3E-12. Scope of practice.**

(a) A license issued to a physician assistant by the appropriate state licensing board shall

1 authorize the physician assistant to perform medical acts:

2 (1) Delegated to the physician assistant as part of an authorized practice agreement;

3 (2) Appropriate to the education, training and experience of the physician assistant;

4 (3) Customary to the practice of the supervising physician; and

5 (4) Consistent with the laws of this state and rules of the boards.

6 (b) This article does not authorize a physician assistant to perform any specific function or  
7 duty delegated by this code to those persons licensed as chiropractors, dentists, dental hygienists,  
8 optometrists or pharmacists, or certified as nurse anesthetists.

9 (c) Notwithstanding any provision of this code to the contrary, a licensed physician assistant  
10 may prescribe hydrocodone combination drugs for a duration of no more than three days.

11 **ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

12 **§30-7-15a. Prescriptive authority for prescription drugs; coordination with Board of**  
13 **Pharmacy.**

14 (a) The board may, in its discretion, authorize an advanced practice registered nurse to  
15 prescribe prescription drugs in a collaborative relationship with a physician licensed to practice in  
16 West Virginia and in accordance with applicable state and federal laws. An authorized advanced  
17 practice registered nurse may write or sign prescriptions or transmit prescriptions verbally or by other  
18 means of communication, including prescriptions for hydrocodone combination drugs for a duration  
19 of no more than three days.

20 (b) For purposes of this section an agreement to a collaborative relationship for prescriptive  
21 practice between a physician and an advanced practice registered nurse shall be set forth in writing.

1 Verification of the agreement shall be filed with the board by the advanced practice registered nurse.  
2 The board shall forward a copy of the verification to the Board of Medicine and the Board of  
3 Osteopathic Medicine. Collaborative agreements shall include, but are not limited to, the following:  
4 (1) Mutually agreed upon written guidelines or protocols for prescriptive authority as it  
5 applies to the advanced practice registered nurse's clinical practice;  
6 (2) Statements describing the individual and shared responsibilities of the advanced practice  
7 registered nurse and the physician pursuant to the collaborative agreement between them;  
8 (3) Periodic and joint evaluation of prescriptive practice; and  
9 (4) Periodic and joint review and updating of the written guidelines or protocols.  
10 (c) The board shall promulgate legislative rules in accordance with the provisions of chapter  
11 twenty-nine-a of this code governing the eligibility and extent to which an advanced practice  
12 registered nurse may prescribe drugs. Such rules shall provide, at a minimum, a state formulary  
13 classifying those categories of drugs which shall not be prescribed by advanced practice registered  
14 nurse including, but not limited to, Schedules I and II of the Uniform Controlled Substances Act,  
15 antineoplastics, radiopharmaceuticals and general anesthetics. Drugs listed under Schedule III shall  
16 be limited to a seventy-two hour supply without refill. In addition to the above referenced provisions  
17 and restrictions and pursuant to a collaborative agreement as set forth in subsections (a) and (b) of  
18 this section, the rules shall permit the prescribing of an annual supply of any drug, with the exception  
19 of controlled substances, which is prescribed for the treatment of a chronic condition, other than  
20 chronic pain management. For the purposes of this section, a "chronic condition" is a condition  
21 which lasts three months or more, generally cannot be prevented by vaccines, can be controlled but

1 not cured by medication and does not generally disappear. These conditions, with the exception of  
2 chronic pain, include, but are not limited to, arthritis, asthma, cardiovascular disease, cancer,  
3 diabetes, epilepsy and seizures, and obesity. The prescriber authorized in this section shall note on  
4 the prescription the chronic disease being treated.

5 (d) The board shall consult with other appropriate boards for the development of the  
6 formulary.

7 (e) The board shall transmit to the Board of Pharmacy a list of all advanced practice  
8 registered nurse with prescriptive authority. The list shall include:

9 (1) The name of the authorized advanced practice registered nurse;

10 (2) The prescriber's identification number assigned by the board; and

11 (3) The effective date of prescriptive authority.

12 **ARTICLE 8. OPTOMETRISTS.**

13 **§30-8-9. Scope of practice.**

14 (a) An licensee may:

15 (1) Examine, diagnosis and treat diseases and conditions of the human eye and its appendage  
16 within the scope established in this article or associated rules;

17 (2) Administer or prescribe any drug for topical application to the anterior segment of the  
18 human eye for use in the examination, diagnosis or treatment of diseases and conditions of the  
19 human eye and its appendages: *Provided*, That the licensee has first obtained a certificate;

20 (3)(A) Administer or prescribe any drug from the drug formulary, as established by the board  
21 pursuant to section six of this article, for use in the examination, diagnosis or treatment of diseases

1 and conditions of the human eye and its appendages: *Provided*, That the licensee has first obtained  
2 a certificate;

3 (B) New drugs and new drug indications may be added to the drug formulary by approval of  
4 the board;

5 (4) Administer epinephrine by injection to treat emergency cases of anaphylaxis or  
6 anaphylactic shock;

7 (5) Prescribe and dispense contact lenses that contain and deliver pharmaceutical agents and  
8 that have been approved by the Food and Drug Administration as a drug;

9 (6) Prescribe, fit, apply, replace, duplicate or alter lenses, prisms, contact lenses, orthoptics,  
10 vision training, vision rehabilitation;

11 (7) Perform the following procedures:

12 (A) Remove a foreign body from the ocular surface and adnexa utilizing a noninvasive  
13 method;

14 (B) Remove a foreign body, external eye, conjunctival, superficial, using topical anesthesia;

15 (C) Remove embedded foreign bodies or concretions from conjunctiva, using topical  
16 anesthesia, not involving sclera;

17 (D) Remove corneal foreign body not through to the second layer of the cornea using topical  
18 anesthesia;

19 (E) Epilation of lashes by forceps;

20 (F) Closure of punctum by plug; and

21 (G) Dilation of the lacrimal puncta with or without irrigation;

1 (8) Furnish or provide any prosthetic device to correct or relieve any defects or abnormal  
2 conditions of the human eye and its appendages;

3 (9) Order laboratory tests rational to the examination, diagnosis, and treatment of a disease  
4 or condition of the human eye and its appendages;

5 (10) Use a diagnostic laser; and

6 (11) A licensee is also permitted to perform those procedures authorized by the board prior  
7 to January 1, 2010.

8 (b) A licensee may not:

9 (1) Perform surgery except as provided in this article or by legislative rule;

10 (2) Use a therapeutic laser;

11 (3) Use Schedule II controlled substances. However, an oral pharmaceutical certified  
12 licensee may prescribe hydrocodone combination drugs for a duration of no more than three days;

13 (4) Treat systemic disease; or

14 (5) Present to the public that he or she is a specialist in surgery of the eye.

NOTE: The purpose of this bill is to permit an oral pharmaceutical certified licensees, advanced practice registered nurses and physician assistants to prescribe hydrocodone combination drugs for a duration of no more than three days.

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