WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Committee Substitute

for

House Bill 4183

(BY DELEGATES WALTERS, PERDUE, J. NELSON,

ROHRBACH, STANSBURY, PHILLIPS, BATES, ELLINGTON,

HANSHAW, FRICH AND CAMPBELL)

[Originating in the House Committee on Health and

Human Resources on February 24, 2016.]

CS for H.B. 4183

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-4C-24; and to amend and reenact §60A-9-4, all relating generally to reporting opioid overdoses; requiring emergency medical service agencies and emergency medical service providers to report nonlethal opioid overdoses to the Board of Pharmacy; establishing that the information reported be added to the West Virginia Controlled Substance Monitoring Program.

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 section, designated §16-4C-24; and to amend and reenact §60A-9-4 of said code, all to read as follows:

CHAPTER 16. PUBLIC HEALTH.

ARTICLE 4C. EMERGENCY MEDICAL SERVICES ACT.

§16-4C-24. Reporting opioid overdoses.

An opioid overdose shall be reported by Office of Emergency Medical Services to the Board of Pharmacy to be incorporated into the Controlled Substance Monitoring Program, as provided in article nine, chapter sixty-a of this code.

CHAPTER 60A. UNIFORM CONTROLLED SUBSTANCES ACT.

ARTICLE 9. CONTROLLED SUBSTANCES MONITORING.

§60A-9-4. Required information.

(a) Whenever a medical services provider dispenses a controlled substance listed in Schedule II, III or IV as established under ~~the provisions of~~ article two of this chapter or whenever a prescription for the controlled substance is filled by: (i) A pharmacist or pharmacy in this state; (ii) a hospital, or other health care facility, for out-patient use; or (iii) a pharmacy or pharmacist licensed by the Board of Pharmacy, but situated outside this state for delivery to a person residing in this state, the medical services provider, health care facility, pharmacist or pharmacy shall, in

a manner prescribed by rules promulgated by the board under this article, report the following information, as applicable:

(1) The name, address, pharmacy prescription number and Drug Enforcement Administration controlled substance registration number of the dispensing pharmacy or the dispensing physician or dentist;

(2) The full legal name, address and birth date of the person for whom the prescription is written;

(3) The name, address and Drug Enforcement Administration controlled substances registration number of the practitioner writing the prescription;

(4) The name and national drug code number of the Schedule II, III, and IV controlled substance dispensed;

(5) The quantity and dosage of the Schedule II, III, and IV controlled substance dispensed;

(6) The date the prescription was written and the date filled;

(7) The number of refills, if any, authorized by the prescription;

(8) If the prescription being dispensed is being picked up by someone other than the patient on behalf of the patient, the first name, last name and middle initial, address and birth date of the person picking up the prescription as set forth on the person's government-issued photo identification card shall be retained in either print or electronic form until such time as otherwise directed by rule promulgated by the board; and

(9) The source of payment for the controlled substance dispensed.

(b) Whenever an emergency medical service agency or emergency medical service provider treats or responds to an individual who has suffered an opioid overdose the agency or provider shall, in a manner prescribed by emergency and legislative rules promulgated by the board under this article, report the following information, to the extent known:

(1) The full legal name, address and birth date of the person for whom the prescription is written;

(2) The name, address, pharmacy prescription number and Drug Enforcement Administration opioid registration number of the dispensing pharmacy or the dispensing physician or dentist;

(3) The name, address and Drug Enforcement Administration opioid registration number of the practitioner writing the prescription;

(4) The name and national drug code number of the opioid dispensed;

(5) The quantity and dosage of the opioid dispensed;

(6) The date the prescription was written and the date filled; and

(7) Whether a opioid antagonist was administered, by whom and the patient's repsonse.

~~(b)~~ (c) The board may prescribe by rule promulgated under this article the form to be used in prescribing a Schedule II, III, and IV substance if, in the determination of the board, the administration of the requirements of this section would be facilitated.

~~(c)~~ (d) Products regulated by ~~the provisions of~~ article ten of this chapter shall be subject to reporting pursuant to the provisions of this article to the extent set forth in said article.

~~(d)~~ (e) Reporting required by this section is not required for a drug administered directly to a patient by a practitioner. Reporting is, however, required by this section for a drug dispensed to a patient by a practitioner: *Provided,* That the quantity dispensed may not exceed an amount adequate to treat the patient for a maximum of seventy-two hours with no greater than two seventy-two-hour cycles dispensed in any fifteen-day period of time.