

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

ENROLLED

House Bill 4417

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2020 MAR 25 P 4: 26

FILED

BY DELEGATES ROHRBACH, KESSINGER, ROBINSON,
WALKER, BARTLETT, ELLINGTON, HANNA, HORNBUCKLE,
D. KELLY, MANDT AND PUSHKIN

[Passed March 4, 2020; in effect ninety days from
passage.]

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1 AN ACT to amend and reenact §30-1-7a of the Code of West Virginia, 1931, as amended; relating
2 to permitting professional boards to approve different continuing education programs on
3 drug diversion.

Be it enacted by the Legislature of West Virginia:

CHAPTER 30. PROFESSIONS AND OCCUPATIONS.

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

§30-1-7a. Continuing education.

1 (a) A board referred to in this chapter shall establish continuing education requirements
2 as a prerequisite to license renewal. A board shall develop continuing education criteria
3 appropriate to its discipline, which shall include, but not be limited to, course content, course
4 approval, hours required and reporting periods.

5 (b) Notwithstanding any other provision of this code or the provision of a legislative rule to
6 the contrary, each person issued a license to practice medicine and surgery, a license to practice
7 podiatry or licensed as a physician assistant by the West Virginia Board of Medicine; each person
8 issued a license to practice dentistry by the West Virginia Board of Dental Examiners, each person
9 issued a license to practice optometry by the West Virginia Board of Optometry, each person
10 licensed as a pharmacist by the West Virginia Board of Pharmacy, each person licensed to
11 practice registered professional nursing or licensed as an advanced nurse practitioner by the
12 West Virginia Board of Examiners for Registered Professional Nurses, each person licensed as
13 a licensed practical nurse by the West Virginia State Board of Examiners for Licensed Practical
14 Nurses and each person licensed to practice medicine and surgery as an osteopathic physician
15 and surgeon or licensed or certified as an osteopathic as physician assistant by the West Virginia
16 Board of Osteopathy shall complete drug diversion training, best-practice prescribing of controlled
17 substances training, and training on prescribing and administration of an opioid antagonist and

18 other relevant trainings as promulgated by the appropriate licensing board, as the trainings are
19 established by his or her respective licensing board, if that person prescribes, administers or
20 dispenses a controlled substance, as that term is defined in section one hundred one, article one,
21 chapter sixty-a of this code.

22 (1) Notwithstanding any other provision of this code or the provision of any legislative rule
23 to the contrary, the West Virginia Board of Medicine, the West Virginia Board of Dental Examiners,
24 the West Virginia Board of Optometry, the West Virginia Board of Pharmacy, the West Virginia
25 Board of Examiners for Registered Professional Nurses, the West Virginia State Board of
26 Examiners for Licensed Practical Nurses and the West Virginia Board of Osteopathy shall
27 establish continuing education requirements and criteria appropriate to their respective discipline
28 on the subject of drug diversion training, best-practice prescribing of controlled substances
29 training and prescribing and administration of an opioid antagonist training for each person issued
30 a license or certificate by their respective board who prescribes, administers or dispenses a
31 controlled substance, as that term is defined in section one hundred one, article one, chapter
32 sixty-a of this code, and shall develop a certification form pursuant to subdivision (b)(2) of this
33 section.

34 (2) Each person who receives his or her initial license or certificate from any of the boards
35 set forth in subsection (b) of this section shall complete the continuing education requirements
36 set forth in subsection (b) of this section within one year of receiving his or her initial license from
37 that board and each person licensed or certified by any of the boards set forth in subsection (b)
38 of this section who has held his or her license or certificate for longer than one year shall complete
39 the continuing education requirements set forth in subsection (b) of this section as a prerequisite
40 to each license renewal: *Provided*, That a person subject to subsection (b) of this section may
41 waive the continuing education requirements for license renewal set forth in subsection (b) of this
42 section if he or she completes and submits to his or her licensing board a certification form
43 developed by his or her licensing board attesting that he or she has not prescribed, administered

44 or dispensed a controlled substance, as that term is defined in section one hundred one, article
45 one, chapter sixty-a of this code, during the entire applicable reporting period.

46 (c) Notwithstanding any other provision of this code or the provision of any legislative rule
47 to the contrary, each person licensed to practice registered professional nursing or licensed as
48 an advanced nurse practitioner by the West Virginia Board of Examiners for Registered
49 Professional Nurses, each person licensed as a licensed practical nurse by the West Virginia
50 State Board of Examiners for Licensed Practical Nurses, each person licensed to practice
51 psychology by the Board of Examiners of Psychologists, each person licensed to practice social
52 work by the West Virginia Board of Social Work and each person licensed to practice professional
53 counseling by the West Virginia Board of Examiners in Counseling shall complete two hours of
54 continuing education for each reporting period on mental health conditions common to veterans
55 and family members of veterans, as the continuing education is established by his or her
56 respective licensing board. In cooperation with the Secretary of the Department of Veterans'
57 Assistance, the continuing education shall include training on inquiring about whether the patients
58 are veterans or family members of veterans, and screening for conditions such as post-traumatic
59 stress disorder, risk of suicide, depression and grief and prevention of suicide. The two hours
60 shall be part of the total hours of continuing education required by each board and not two
61 additional hours.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Noore Caputo
.....
Chairman, House Committee

Mark W. Spang
.....
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harrison
.....
Clerk of the House of Delegates

Jocelyn
.....
Clerk of the Senate

Leon Henderson
.....
Speaker of the House of Delegates

Walter B. Carmichael
.....
President of the Senate

FILED
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OFFICE WEST VIRGINIA
SECRETARY OF STATE

The within *is approved* this the *25th*
day of *March*, 2020.

James O. Eastman
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 17 2020

Time 10:05 am