WEST VIRGINIA CODE: §16-54-2

§16-54-2. Voluntary nonopioid advanced directive form.

- (a) The office shall establish a voluntary nonopioid advanced directive form. The form shall be available on the office's web site. The form shall indicate to a health care practitioner that an individual may not be administered or offered a prescription or medication order for an opioid. The advance directive shall be filed in the individual's medical record in either a health care facility or a private office of a practitioner, or both, and shall be transferred with the person from one practitioner to another or from one health care facility to another.
- (b) An individual may revoke the voluntary nonopioid advanced directive form for any reason and may do so by written or oral means.
- (c) A practitioner without actual knowledge of an advance directive as set forth in §16-54-2(a) of this code and who prescribes an opioid in a medical emergency situation is not civilly or criminally liable for failing to act in accordance with the directives unless the act or omission was the result of a practitioner's gross negligence or willful misconduct. For purposes of this section, a "medical emergency situation" shall mean an acute injury or illness that poses an immediate risk to a person's life or long-term health.