WEST VIRGINIA CODE: §16b-7-2

§16B-7-2. Definitions.

(a) As used in this article, unless a different meaning appears from the context:

(1) "Chronic pain" means pain that has persisted after reasonable medical efforts have been made to relieve the pain or cure its cause and that has continued, either continuously or episodically, for longer than three continuous months. For purposes of this article, "chronic pain" does not include pain directly associated with a terminal condition.

(2) "Director" means the Director of the Office of Health Facility Licensure and Certification, or his or her designee.

(3) "Inspector General" means the Inspector General of the Office of the Inspector General as described in §16B-2-1 of this code, or his or her designee.

(4) "Office of Health Facility Licensure and Certification" means the West Virginia Office of Health Facility Licensure and Certification within the Office of the Inspector General.

(5) "Owner" means any person, partnership, association, or corporation listed as the owner of a pain management clinic on the licensing forms required by this article.

(6) "Pain management clinic" means all privately-owned pain management clinics, facilities, or offices not otherwise exempted from this article and which meet both of the following criteria:

(A) Where in any month more than 50 percent of patients of the clinic are prescribed or dispensed Schedule II opioids or other Schedule II controlled substances specified in rules promulgated pursuant to this article for chronic pain resulting from conditions that are not terminal; and

(B) The facility meets any other identifying criteria established by the Inspector General by rule.

(7) "Physician" means an individual authorized to practice medicine or surgery or osteopathic medicine or surgery in this state.

(8) "Prescriber" means an individual who is authorized by law to prescribe drugs or drug therapy related devices in the course of the individual’s professional practice, including only a medical or osteopathic physician authorized to practice medicine or surgery; a physician assistant, or osteopathic physician assistant who holds a certificate to prescribe drugs; or an advanced nurse practitioner who holds a certificate to prescribe.

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(b) The Inspector General may define in rules any term or phrase used in this article which is not expressly defined.

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