WEST VIRGINIA CODE: §16b-7-5

§16B-7-5. Exemptions.

(a) The following facilities are not pain management clinics subject to the requirements of this article:

(1) A facility that does not prescribe or dispense controlled substances for the treatment of chronic pain;

(2) A hospital licensed in this state, a facility located on the campus of a licensed hospital that is owned, operated, or controlled by that licensed hospital, and an ambulatory health care facility as defined by §16-2D-2 of this code that is owned, operated, or controlled by a licensed hospital;

(3) A physician practice owned or controlled, in whole or in part, by a licensed hospital or by an entity that owns or controls, in whole or in part, one or more licensed hospitals;

(4) A hospice program licensed in this state;

(5) A nursing home licensed in this state;

(6) An ambulatory surgical facility as defined by §16-2D-2 of this code; and

(7) A facility conducting clinical research that may use controlled substances in studies approved by a hospital-based institutional review board or an institutional review board accredited by the association for the accreditation of human research protection programs.

(b) Any facility that is not included in this section may petition to the director for an exemption from the requirements of this article. All such petitions are subject to the administrative procedures requirements of §29A-1-1 *et seq*. of this code.

WV Legislature