WEST VIRGINIA CODE: §60a-9-5A

§60A-9-5a. Practitioner requirements to access database and conduct annual search of the database; required rulemaking.

(a) All practitioners, as that term is defined in §60A-2-201 of this code who prescribe or dispense Schedule II, III, IV or V controlled substances shall register with the West Virginia Controlled Substances Monitoring Program and obtain and maintain online or other electronic access to the program database: *Provided*, That compliance with the provisions of this subsection must be accomplished within 30 days of the practitioner obtaining a new license: *Provided, however*, That the Board of Pharmacy may renew a practitioner's license without proof that the practitioner meet the requirements of this subsection.

(b) All persons with prescriptive or dispensing authority and in possession of a valid Drug Enforcement Administration registration identification number and who are licensed by the Board of Medicine as set forth in §30-3-1 *et seq*. of this code, the Board of Registered Professional Nurses as set forth in §30-7-1 *et seq*. of this code, the Board of Dental Examiners as set forth in §30-4-1 *et seq*. of this code, the Board of Osteopathic Medicine as set forth in §30-14-1 *et seq*. of this code, the West Virginia Board of Optometrists as set forth in §30-8-1 *et seq*. of this code, and a pharmacist licensed by the West Virginia Board of Pharmacy as set forth in §30-5-1 *et seq*. upon initially prescribing or dispensing any Schedule II controlled substance, any opioid or any benzodiazepine to a patient who is not suffering from a terminal illness, and at least annually thereafter should the practitioner or dispenser continue to treat the patient with a controlled substance, shall access the West Virginia Controlled Substances Monitoring Program Database for information regarding specific patients. The information obtained from accessing the West Virginia Controlled Substances Monitoring Program Database for the patient shall be documented in the patient's medical record maintained by a private prescriber or any inpatient facility licensed pursuant to the provisions of chapter 16 of this code. A pain-relieving controlled substance shall be defined as set forth in §30-3A-1 of this code.

(c) The various boards mentioned in §60A-9-5(b) of this code shall amend its legislative rules pursuant to the provisions of §29A-3-1 *et seq*. of this code to effectuate the provisions of this article.

WV Legislature