

WEST VIRGINIA LEGISLATURE

2022 SECOND EXTRAORDINARY SESSION

ENROLLED

House Bill 214

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF

(BY REQUEST OF THE EXECUTIVE)

[Passed April 25, 2022; in effect from passage.]

FILED

2022 MAY -3 P 1:07

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

HB 214

WEST VIRGINIA LEGISLATURE
2022 SECOND EXTRAORDINARY SESSION

ENROLLED
House Bill 214

BY DELEGATES HANSHAW (MR. SPEAKER) AND SKAFF
(BY REQUEST OF THE EXECUTIVE)

[Passed April 25, 2022; in effect from passage.]

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

2022 MAY - 3 P 1:07

FILED

1 AN ACT to amend and reenact §30-3E-3 of the Code of West Virginia, 1931, as amended; and
2 to amend and reenact §30-7-15a of said code, all relating to prescriptive authority;
3 eliminating certain legislative rulemaking authority concerning the prescriptive authority of
4 a physician assistant; providing for prescriptive authority of physician assistants;
5 eliminating certain discretionary authority of the Board of Nursing; eliminating certain
6 legislative rulemaking authority of the Board of Nursing with respect to prescriptive
7 authority of an advanced practice registered nurse; eliminating certain emergency
8 rulemaking authority of the Board of Nursing; eliminating requirements regarding list of
9 advanced practice registered nurses with prescriptive authority; and providing for
10 prescriptive authority of advanced practice registered nurses.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.

§30-3E-3. Rulemaking.

1 (a) The boards shall propose rules for legislative approval in accordance with the
2 provisions of §29A-3-1 *et seq.* of this code to implement the provisions of this article, including:
3 (1) The extent to which physician assistants may practice in this state;
4 (2) The extent to which physician assistants may pronounce death;
5 (3) Requirements for licenses and temporary licenses;
6 (4) Requirements for practice notifications;
7 (5) Requirements for continuing education;
8 (6) Conduct of a licensee for which discipline may be imposed;
9 (7) The eligibility and extent to which a physician assistant may prescribe;
10 (8) A fee schedule; and
11 (9) Any other rules necessary to effectuate the provisions of this article.
12 (b) The boards may propose emergency rules pursuant to §29A-3-1 *et seq.* of this code
13 to ensure conformity with this article.

14 (c) (1) A physician assistant may not prescribe a Schedule I controlled substance as
15 provided in §60A-2-204 of this code.

16 (2) A physician assistant may prescribe up to a three-day supply of a Schedule II narcotic
17 as provided in §60A-2-206 of this code.

18 (3) There are no other limitations on the prescribing authority of a physician assistant,
19 except as provided in §16-54-1 *et seq.* of this code.

ARTICLE 7. REGISTERED PROFESSIONAL NURSES.

§30-7-15a. Prescriptive authority for prescription drugs.

1 (a) An advanced practice registered nurse may not prescribe a Schedule I controlled
2 substance as provided in §60A-2-204 *et seq.* of this code.

3 (b) An advanced practice registered nurse may prescribe up to a three-day supply of a
4 Schedule II narcotic as provided in §60A-2-206 *et seq.* of this code.

5 (c) There are no other limitations on the prescribing authority of an advanced practice
6 registered nurse, except as provided in §16-54-1 *et seq.* of this code.

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

Dean Jesse
.....
Chairman, House Committee

Marty Hines
.....
Chairman, Senate Committee

Originating in the House.

In effect from passage.

Steve Harris
.....
Clerk of the House of Delegates

Joe Linn
.....
Clerk of the Senate

Sean Hannon
.....
Speaker of the House of Delegates

C. P. Blair
.....
President of the Senate

FILED
2022 MAY -3 P 1:07
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

The within *is* approved this the *3rd*
May
day of 2022.

James Justice
.....
Governor

PRESENTED TO THE GOVERNOR

APR 27 2022

Time 2:44 pm