

Keypoints
Chapter 60A. Uniform Controlled Substances Act
Article 9. Controlled Substances Monitoring

All practitioners who prescribe or dispense Schedule II, III, or IV controlled substances will have access to the West Virginia Controlled Substances Monitoring Program database, but they are not required to access it unless they need to use it for reporting purposes. There is a good-faith reliance by the practitioner on the information in the database in prescribing, dispensing, or refusing or declining to prescribe or dispense controlled substances. The prescribing or dispensing practitioner may notify law enforcement of a patient who may be in violation of prescribed controlled substance use.

Table 1.

60-A-9-3 Reporting system requirements; implementation; central repository requirement. West Virginia (W.Va.) Board of Pharmacy will implement a program wherein a central repository is established and maintained. Key points regarding this program are:	
-will contain information required regarding Schedule II, III, and IV controlled substance prescriptions written or filled in W.Va.	-based on consultation with W.Va. State Police, licensing boards of practitioners affected, and affected practitioners
-designed to minimize inconvenience to patients, prescribing practitioners, and pharmacists	-Required information will be submitted no more frequently than 24 hours
-provide effective collection and storage of required information through electronic data transfer where feasible	-Toll-free telephone line or waiver will be available for submitting required information when electronic data transfer is not an option

<p>(5)Quantity and dosage of the Schedule II, III, and IV controlled substance dispensed</p>							
<p>(6)Date the prescription was written and the date filled</p>							
<p>(7)Number of refills, if any, authorized by the prescription</p>							
<p>(8)If the prescription being dispensed is being picked up by someone other than the patient on behalf of the patient, the full legal name, address, and birth date of the person picking up the prescription as set forth on the person's government-issued photo ID card shall be retained in either print or electronic form until such time as otherwise directed.</p>							
<p>(9)The source of payment for the controlled substance dispensed</p>							

60A-9-3-(2)(d) Reporting is required for a drug dispensed to a patient by a practitioner. Provided that the quantity dispensed may not exceed an amount adequate to treat the patient for maximum of seventy-two hours with no greater than two severity-two-hour cycles dispensed in any fifteen-day period of time.

60A-9-7 Criminal Penalties		
Crime	Charge	Penalty
Failure to submit information to Board of Pharmacy	Misdemeanor	\$100-\$500
Knowingly and willfully refusing to submit information to Board of Pharmacy	Misdemeanor	County or regional jail for 6 months or less, \$1,000 or less, or both
Knowingly submitting false or fraudulent information to Board of Pharmacy	Misdemeanor	County or regional jail for 1 year or less, \$5,000 or less, or both
Refusal to access database as per rules of a licensing board	Discipline determined by licensing board	
Willfully disclosing information other than for a legitimate law-enforcement or professional regulatory purpose	Misdemeanor	County or regional jail for 6 months or less, \$1,000 or less, or both
Unauthorized access or use or disclosure of information from the database	Felony	State correctional facility for 1-5 years, \$3,000-\$10,000, or both

For further information please refer to the law directly at:

<http://www.legis.state.wv.us/WVCODE/Code.cfm?chap=60a&art=9#09>