



## WEST VIRGINIA

### State-Specific Controlled Substance Requirements

*updated 5/31/23*

<b>Biennial Inventory (DEA):</b>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [<a href="#">21 CFR 1304.11</a>]</p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your annual inventory for the state.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness. Biennial inventories must indicate whether they are conducted at the start or close of business.</li> </ul> <p><b>WV follows DEA biennial inventory requirements.</b></p>
<b>CE:</b>	<p><u>Veterinarians: Annual requirements</u></p> <ul style="list-style-type: none"> <li>▪ 18 (50 minute) WV Board approved CE hours in the field of veterinary medicine.</li> <li>▪ A minimum of 14 hours shall be in classroom scientific education or webinar CE programs related to the practice of veterinary medicine to include scientific, laboratory, regulatory, and medical record keeping.</li> <li>▪ No more than 4 hours shall be related to practice management.</li> <li>▪ No hours shall be accumulated, carried forward, or held over past the calendar year in which the hours were completed.</li> </ul> <p>New graduates are exempt from CE's the year they graduate</p> <p><u>RVT's: Annual Requirements</u></p> <ul style="list-style-type: none"> <li>▪ 8 WV Board approved CE hours in the field of veterinary technology.</li> <li>▪ A minimum of 4 hours shall be in classroom scientific education or webinar CE programs related to the practice of veterinary technology to include scientific, laboratory, regulatory, and medical record keeping.</li> <li>▪ No more than 4 hours shall be related to practice management.</li> <li>▪ No hours shall be claimed for listening to audio or reading journals.</li> </ul> <p>No hours shall be accumulated, carried forward, or held over past the calendar year in which the hours were completed.</p> <p>CE original documents must be maintained for a period of <b>two years</b> following the current renewal period.</p> <p style="text-align: center;"><b>No opioid specific CE requirements</b></p>
<b>Controlled Substance Automated Prescription Program (CSAPP):</b>	<p>WV Controlled Substance Automated Prescription Program (CSAPP): Per [<a href="#">§60a-9-5a (a)</a>], WV Veterinarians (practitioners) who prescribe or dispense controlled substances, must register with the WV CSMP database.</p> <p>Register: <a href="https://www.csappwv.com/Account/Login.aspx?ReturnUrl=%2f">https://www.csappwv.com/Account/Login.aspx?ReturnUrl=%2f</a></p>



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	<p>If you are not dispensing, registering is the only requirement.</p> <p>WV requires schedule V CS's to be reported. WV also considers Naloxone an Opioid Antagonists</p>
<p><b>Compounding:</b></p>	<p>Compounding is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><a href="https://www.avma.org/resources-tools/animal-health-and-welfare/animal-health/compounding/compounding-faq-veterinarians">https://www.avma.org/resources-tools/animal-health-and-welfare/animal-health/compounding/compounding-faq-veterinarians</a></p> <p>WV Compounding: 12.1.2. The compounding and preparation of sterile prescription orders shall be accomplished in a pharmacy environment subject to the West Virginia Code and the Rules of this Board and all Federal laws and regulations.</p> <p>12.1.3. Sterile compounding or mixing shall be under the supervision and control of a pharmacist who shall be present on duty during all hours of prescription preparation. <a href="#">W. Va. Code R. § 15-1-12</a></p>
<p><b>Dispensing:</b></p>	<p><u>Reporting:</u> WV law requires that all licensees who dispense Schedule II, III, IV and V controlled substances, along with opioid antagonists, to residents of West Virginia to provide the dispensing information to the West Virginia Board of Pharmacy each 24-hour period.</p> <p><a href="https://www.csappwv.com/Account/Login.aspx?ReturnUrl=%2f">https://www.csappwv.com/Account/Login.aspx?ReturnUrl=%2f</a></p> <p>you must search the WV CSAPP for any Schedule II controlled substance, any opioid or any benzodiazepine dispensed to a patient who is not suffering from a terminal illness.</p> <p>For any long term prescription use (90 consecutive days or longer), you must search the WV CSAPP initially and at least annually thereafter.</p> <p>If controlled substances are administered directly to a patient, those administrations are exempt from reporting <a href="#">Per §60A-9-2</a></p> <p><u>Labels:</u> The veterinarian shall provide appropriate instruction to clients on the storage and administration of drugs. 26-4-5.3.d.</p> <p>5.3.g. All drugs dispensed, including repacked drugs, shall be labeled with the following:</p> <p>5.3.g.1. The name, address and telephone number of the practice;</p> <p>5.3.g.2. The name of the prescribing veterinarian;</p> <p>5.3.g.3. The date dispensed;</p> <p>5.3.g.4. The client's name;</p> <p>5.3.g.5. The patient's name;</p> <p>5.3.g.6. The directions for use;</p> <p>5.3.g.7. The name of the drug;</p> <p>5.3.g.8. The strength of the drug if more than one dosage form exists;</p> <p>5.3.g.9. The quantity or volume dispensed;</p>



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	<p>5.3.g.10. The number of refills, if any; and            5.3.g.11. The expiration date.  <a href="#">26-4-5.3.g(1-11).</a></p> <p><u>Expired drugs:</u> The veterinarian shall maintain all drugs and biological agents in compliance with state and federal laws. No drugs shall be dispensed that are beyond the date of expiration. <a href="#">26-4-5.3.e.</a></p>
<b>Diversion Reporting:</b>	<p>Theft or loss of a controlled substance needs to be reported to the DEA within 1 business day and if warranted, a DEA Form 106 submitted. Any such incident shall also be reported in writing to local and/or state law enforcement (as appropriate).</p>
<b>Euthanasia:</b>	<p>(a) It is unlawful for any person to practice or offer to practice veterinary medicine, veterinary technology or animal euthanasia in this state without a license, registration or certificate issued under the provisions of this article, or advertise or use any title or description tending to convey the impression that they are a veterinarian, veterinary technician or animal euthanasia technician unless such person has been duly licensed, registered or certified under the provisions of this article. <a href="#">§ 30-10-1</a></p> <p><a href="#">§ 30-10-12. Requirements to be a certified animal euthanasia technician</a></p> <p>(a) To be eligible to be a certified animal euthanasia technician a person must:</p> <ol style="list-style-type: none"> <li>(1) Apply at least thirty days prior to the date the next written examinations are scheduled, using a form prescribed by the board;</li> <li>(2) Have a high school diploma or GED;</li> <li>(3) Pay application and examination fees;</li> <li>(4) Complete the certified animal euthanasia technician's program established by the board;</li> <li>(5) Pass the written and practical skills examinations;</li> <li>(6) Pass the prescribed background check; and</li> <li>(7) Complete all the other requirements established by the board.</li> </ol> <p>(b) A certified animal euthanasia technician may practice animal euthanasia at a legally operated animal control facility.</p> <p>(c) A person certified as an animal euthanasia technician by the board prior to July 1, 2010, shall for all purposes be considered certified under this article and may renew pursuant to the provisions of this article.</p> <p>(d) A person certified by another state or jurisdiction with certification requirements equivalent to, or exceeding, the certification standards of this state may be issued a certification under this section upon the submission of a completed application and the appropriate fees, as established by the board in legislative rules.</p>
<b>Ownership:</b>	<p>Non-veterinarian practice ownership is allowed but a licensed veterinarian is required to be on the clinics veterinary premise permit as the responsible licensee for the clinic.</p>
<b>Power of Attorney Notarization:</b>	<p>West Virginia requires Power of Attorney documents to be notarized by a Certified Notary Public.</p>



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<p><b>Prescriptions:</b></p>	<p>5.3.i. Veterinarians shall honor a client's request for a prescription in lieu of dispensing. <a href="#">§26-4-5.3.i.</a></p> <p><u>Refills:</u> Prescriptions may be refilled for up to one year or the maximum number of refills prescribed from the examination date at the prescribing veterinarian's discretion. After 1 year, the patient shall be re-examined before an additional prescription is validated. <a href="#">§26-4-5.3.j.</a></p> <p><u>Repackaged drugs:</u> Special handling requirements for drugs (eg. refrigeration or light sensitive) shall be included in your instructions. A veterinarian shall store all repackaged drugs dispensed for animals in approved safety closure containers. This provision does not apply to drugs dispensed to a person who requests that the medication not be placed in these containers, or to drugs in such form or size that they cannot be dispensed reasonably in these containers. 5.3.f.</p> <p>5.3.h. A veterinarian that has a Federal Drug Enforcement Administration (DEA) number and uses, dispenses, administers or prescribes controlled substances shall comply with the federal and state laws pertaining to the dispensing, prescribing, storage and usage of controlled substances; including maintaining a register, which shall indicate the following:</p> <ul style="list-style-type: none"> <li>5.3.h.1. The name of the prescribing veterinarian;</li> <li>5.3.h.2. The name of the medication dispensed or prescribed;</li> <li>5.3.h.3. The quantity dispensed or prescribed;</li> <li>5.3.h.4. The dosage of the medication, if applicable;</li> <li>5.3.h.5. The number of refills;</li> <li>5.3.h.6. The date of the dispensing or prescribing;</li> <li>5.3.h.7. The patient name and name of the client record;</li> <li>5.3.h.8. The expiration date;</li> <li>5.3.h.9. The method used for prescribing, such as written script, phone, fax or any other electronic means; and</li> <li>5.3.h.10. The name and phone number of the pharmacy or pharmaceutical agent which received the script from the veterinarian, if not delivered directly to the client. <a href="#">§26-4-5.3h(1-10)</a></li> </ul>
<p><b>Recordkeeping</b></p>	<p><u>controlled substance records:</u> All controlled substance records and inventories should be kept for a minimum of <b>5 years</b> per <a href="#">W. Va. Code R. § 15-2-7</a></p> <p>WV law requires a practice owner to keep and maintain current patient records on the business premises for a period of 3 years beyond the last patient visit and the records are the responsibility and property of the owner of the veterinary practice. If the practice is closing or being sold and the location of the practice moving, clients shall be notified a minimum of four weeks prior to a permanent practice closing or moving as to how they may acquire a copy of their animal's medical records. Records must be made available for client retrieval at convenient times and accessible locations for a period of no less than one month per <a href="#">§26-4-5.2.b</a></p> <p><u>Patient records:</u> The practice owner shall keep and maintain current patient records on the business premises for a period of <b>3 years</b> beyond the last patient visit.</p>
<p><b>State CS License:</b></p>	<p>West Virginia <b>does not</b> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in West Virginia.</p>
<p><b>State Scheduled CS's:</b></p>	<p><b>WV scheduled V controlled substances with mandatory reporting to the CSAPP:</b></p>



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	<ul style="list-style-type: none"> <li>▪ <u>Xylazine</u>: On March 29, 2023, West Virginia Governor Jim Justice signed <a href="#">WV S.B. 546</a> into law designating xylazine as a schedule IV controlled substance, <b>effective June 8, 2023</b>.</li> <li>▪ <u>Ephedrine</u>: classified as a DEA list chemical and a WV state-controlled substance.</li> <li>▪ <u>Gabapentin</u>: A DEA registration is required to prescribe or dispense gabapentin in WV. All dispensers must report the dispensing of gabapentin to the WV CSAPP as of June 7, 2018.</li> <li>▪ <u>Pseudoephedrine</u>: classified as a DEA list chemical and a WV state-controlled substance.</li> <li>▪ <u>Proin (Phenylpropanolamine PPA)</u>: classified as a DEA list chemical and a WV schedule V state-controlled substance.</li> </ul> <p>In inventory and storage, state-scheduled controlled substances must be segregated out from federally controlled substances since it is only scheduled at the state level (this could be a separate bin or shelf inside of secure storage as long as it is clearly separated out from federal controlled substances).</p>
<b>Supervision:</b>	<p>(i) "<u>General supervision</u>" means the supervising veterinarian is in the building where the animal is being treated, has given instructions for treatment and is quickly and easily available.</p> <p>(j) "<u>Indirect supervision</u>" means the performance of procedures on the orders of a supervising veterinarian.</p> <p>(t) "<u>Supervising veterinarian</u>" means a veterinarian, licensed under this article, who assumes responsibility for the professional care given to an animal by a person authorized by this article to work under his or her general or indirect supervision. <a href="#">§30-10-3</a></p>
<b>Telemedicine:</b>	No existing laws. Where telemedicine occurs is not defined.
<b>VCPR:</b>	<p>VCPR must be established in-person and only applies to one veterinarian.</p> <p>A veterinarian shall not prescribe, dispense or administer any prescription drug without the establishment of a veterinarian/client/patient relationship. <a href="#">§26-4-5.3.a.</a></p>
<b>Veterinary Professional License:</b>	<p>West Virginia law requires veterinary practitioners working with controlled substances to have a valid DEA registration and Veterinary Professional License for the State of West Virginia.</p> <p><u>Renewal</u>: A West Virginia vet license must be renewed <b>annually by December 31<sup>st</sup></b>. Online renewals: <a href="https://online.wvbvm.org/#/">https://online.wvbvm.org/#/</a></p>

### Information and Resources

**FEDERAL:**

Drug Enforcement Administration, Louisville Division  
 600 Dr. Martin Luther King Jr. Place  
 Suite #1006  
 Louisville, KY 40202  
 Phone: (502) 582-5908



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#### **Charleston Office**

2 Union Square Ste 300

Charleston, WV 25302

Phone: (304) 347-5209

#### **Local DEA Offices:**

- Charleston - (304) 347-5209
- Clarksburg - (304) 623-3700
- Wheeling - (304) 234-6092

Federal Law: [www.deadiversion.usdoj.gov](http://www.deadiversion.usdoj.gov)

Controlled Substances Act: 21 USC 801 – 904

Code of Federal Regulations: 21 CFR Part 1300 – 1399

NDC drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.deadiversion.usdoj.gov/schedules/>

#### **STATE:**

West Virginia Board of Veterinary Medicine website: <https://www.wvbvm.org>

West Virginia Board of Pharmacy website: <https://www.wvbop.com>