



## SUPREME COURT OF APPEALS OF WEST VIRGINIA

Narcan (Naloxone Hydrochloride) Storage and Use Policy  
Division of Probation Services  
31 January 2022

### 1. Introduction.

#### 1.1 Overview.

The Supreme Court of Appeals of West Virginia (“the Court”) through its Division of Probation Services (“DPS”) establishes this policy on Narcan (Naloxone Hydrochloride) Storage and Use. Pursuant to West Virginia Code §§ 16-46-1 and 16-46-3, licensed health care providers can prescribe opioid antagonists such as Narcan to initial responders and “person[s] in a position to assist a person at risk of experiencing an opiate-related overdose” in the hopes of preventing overdose deaths in West Virginia. Because Probation Officers are persons in a position to assist a person at risk of experiencing and opiate-related overdose, we are distributing Narcan kits to Probation Officers as described below.

Serious violations of this policy may result in disciplinary or other corrective action, including termination. Address any questions regarding this policy to the Director of DPS (or designee). This policy is guidance for probation officers, and does not create or confer any right, privilege, or benefit for any person, party or entity. *United States v. Caceres*, 440 U.S. 741 (1979). This policy is subject to modification by the DPS, and any updates shall be communicated to the Probation Offices in a timely manner.

#### 1.2 Terms. This policy uses the following defined terms:

(a) *Opioid Antagonist*. A federal Food and Drug Administration-approved drug for the treatment of an opiate-related overdose, such as naloxone hydrochloride or other substance, that, when administered, negates or neutralizes, in whole or in part, the pharmacological effects of an opioid in the body.” W. Va. Code § 16-46-2.

(b) *Universal Precautions*. This refers to the practice of avoiding contact with another’s bodily fluids, by means of wearing nonporous gloves, goggles, and or face shields.

### 2. Training and Maintenance.

#### 2.1 Training.

Several of the Division of Probation Services’ Firearms Instructors have been trained as instructors in the administration of Narcan. All sworn Probation Officers shall be trained in the administration of Narcan as soon as reasonably possible after being sworn in. Training can be provided by anyone trained to do so (e.g., firearms instructor, health department staff, EMS, pharmacy, etc...). Due to the fact that the Narcan will most likely be stored in or near the office, the support staff shall be trained as well. The Chief Probation

Officer will ensure this training occurs, however if s/he encounters any issue with securing this training the DPS shall be contacted for assistance.

## **2.2 Issuance and Storage.**

After a Probation Officer has been trained to administer Narcan, the DPS shall issue the officers two (2) naloxone kits, each containing two (2) doses of the 4mg nasal spray device, when available. These kits shall remain with the Probation Officer during both fieldwork and office visits. The kits should be stored at room temperature. Probation Officers shall **not** leave the kits in their cars or other areas that may cause extreme heat or freezing.

The Division of Probation Services will issue a replacement kit to Probation Officers when available and necessary, such as after use, tamper, or expiration of the kit. Additionally, the Chief Probation Officer, or designee, will maintain a written inventory documenting the quantities and expirations of the Narcan kits for each Circuit. He / She is responsible for notifying the DPS at least a month prior to expiration.

In the event that bulk replacement of Narcan is not available, the Chief PO may utilize local resources to obtain the Narcan, if those resources are available. If this occurs, the type of Narcan may be different than the nasal spray. The local resource should then ensure staff are trained to administer the different product.

## **3. Policy Standards.**

In the event a Probation Officer encounters someone who appears to be experiencing an opioid overdose, or observes another officer come into possible harmful contact with an opioid, the Probation Officer is to contact 911, when possible, and advise them of the situation. Next, the Probation Officer shall take note of his or her surroundings and then—if it is safe to do so—perform an assessment to determine unresponsiveness, absence of breathing or pulse. ***For Officer's safety, universal precautions should be followed during any medical emergency. The usage of safety items (e.g., gloves, mask) are to be used if readily available.*** Also, prior to the administration of Narcan, ensure the subject is in a safe location with all moveable objects out of reach.

When administering the Narcan, the Probation Officer will follow the protocol as outlined in training and in the manufacturer's instructions. Note the sudden onset of immediate opioid withdrawal may result in physical symptoms such as difficulty breathing, agitation, seizures, nausea, and a rapid heartbeat. If needed, administer additional doses of the Narcan, observing the subject until the EMS arrives. Once used, the Narcan nasal spray is to be disposed of properly, as it constitutes a biohazardous material.

The probation officer should, when possible and safe for all persons present, preserve any evidence of suspected illegal acts, but shall turnover all evidence to law enforcement upon

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their arrival. Should a Probation Officer believe or become aware that he or she has come into contact with fentanyl and/or any other unknown substance, special precautions shall be taken to avoid potentially lethal exposure. The Probation Officer shall make every effort to avoid touching his/her mouth, eyes, nose, etc., and to follow any procedures to ensure proper decontamination at the direction of EMS, law enforcement, hospital staff, fire department personnel, or any others who are specifically trained in decontamination procedures.

Immediately after the emergency, or as soon as time permits, the Probation Officer is to notify his or her supervisor of the incident, who in turn must notify the Director of Probation Services. Also, as soon as reasonably possible, the Probation Officer will write an incident report upon return to the office, but no later than 72 hours after the occurrence. This incident report shall then be submitted to the Chief Judge and the Director of Probation Services, in accordance with the usual procedure.