

013580624

HOUSE BILL NO. 2782

Offered January 19, 2001

A BILL to amend and reenact §§ 54.1-3301 and 54.1-3408 of the Code of Virginia, relating to dispensing by practitioners; exceptions.

Patrons—Baskerville, Amundson, Brink, Crittenden, Hull, Rhodes, Van Landingham and Watts

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-3301 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:**

§ 54.1-3301. Exceptions.

This chapter shall not be construed to:

1. Interfere with any legally qualified practitioner of dentistry, or veterinary medicine or any physician acting on behalf of the Virginia Department of Health or local health departments, in the compounding of his prescriptions or the purchase and possession of drugs as he may require;

2. Prevent any legally qualified practitioner of dentistry, or veterinary medicine or any physician acting on behalf of the Virginia Department of Health or local health departments, from administering or supplying to his patients the medicines that he deems proper under the conditions of § 54.1-3303;

3. Prohibit the sale by merchants and retail dealers of proprietary medicines as defined in Chapter 34 (§ 54.1-3400 et seq.) of this title;

4. Prevent the operation of automated drug dispensing systems in hospitals pursuant to Chapter 34 (§ 54.1-3400 et seq.) of this title;

5. Prohibit the employment of ancillary personnel to assist a pharmacist as provided in the regulations of the Board;

6. Interfere with any legally qualified practitioner of medicine, osteopathy, or podiatry from purchasing, possessing or administering controlled substances to his own patients or providing controlled substances to his own patients in a bona fide medical emergency or providing manufacturers' professional samples to his own patients;

7. Interfere with any legally qualified practitioner of optometry, certified or licensed to use diagnostic pharmaceutical agents, from purchasing, possessing or administering those controlled substances as specified in § 54.1-3221 or interfere with any legally qualified practitioner of optometry certified to prescribe therapeutic pharmaceutical agents from purchasing, possessing, or administering to his own patients those controlled substances as specified in § 54.1-3222 and the TPA formulary or providing manufacturers' samples of these drugs to his own patients; or

8. Interfere with any physician assistant with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of those Schedule VI controlled substances and devices which he is authorized to prescribe.

9. Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients manufacturers' professional samples of controlled substances and devices that he is authorized, in compliance with the provisions of § 54.1-2957.01, to prescribe according to his practice setting and a written agreement with a physician.

10. *Notwithstanding the provisions of § 54.1-3304, interfere with any licensed physician receiving and dispensing to his own patients emergency contraceptives, in compliance with definitions and procedures developed by the Board of Medicine.*

11. *Interfere with any licensed nurse practitioner with prescriptive authority receiving and dispensing to his own patients emergency contraceptives that he is authorized to prescribe, in compliance with the provisions of § 54.1-2957.01 and definitions and procedures developed by the Board of Medicine for emergency contraception, and in compliance with a written agreement with a physician.*

12. *Interfere with any licensed physician assistant with prescriptive authority receiving and dispensing to his own patients emergency contraceptives that he is authorized to prescribe, in compliance with the provisions of § 54.1-2952.1 and definitions and procedures developed by the Board of Medicine for emergency contraception, and in compliance with a written agreement with a physician.*

This section shall not be construed as exempting any person from the licensure, registration, permitting and record keeping requirements of this chapter or Chapter 34 of this title.

§ 54.1-3408. (Effective January 1, 2001) Professional use by practitioners

A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of this title shall

INTRODUCED

HB2782

59 only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic
60 purposes within the course of his professional practice.

61 The prescribing practitioner's order may be on a written prescription or pursuant to an oral
62 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may
63 cause them to be administered by a nurse, physician assistant or intern under his direction and
64 supervision, or he may prescribe and cause drugs and devices to be administered to patients in
65 state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or
66 psychiatric hospitals licensed by the State Mental Health, Mental Retardation and Substance Abuse
67 Services Board by other persons who have been trained properly to administer drugs and who administer
68 drugs only under the control and supervision of the prescriber or a pharmacist or a prescriber may cause
69 drugs and devices to be administered to patients by emergency medical services personnel who have
70 been certified and authorized to administer such drugs and devices pursuant to Board of Health
71 regulations governing emergency medical services and who are acting within the scope of such
72 certification. A prescriber may authorize a certified respiratory therapy practitioner as defined in
73 § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

74 Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or
75 federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a
76 nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the
77 diagnosis or treatment of disease.

78 Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of
79 his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to
80 possess (i) epinephrine for administration in treatment of emergency medical conditions and (ii) heparin
81 and sterile normal saline to use for the maintenance of intravenous access lines.

82 Pursuant to a written order or standing protocol issued by the prescriber within the course of his
83 professional practice, such prescriber may authorize, with the consent of the parents as defined in
84 § 22.1-1, an employee of a school board who is trained in the administration of insulin and glucagon to
85 assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes
86 and who requires insulin injections during the school day or for whom glucagon has been prescribed for
87 the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed
88 nurse, nurse practitioner, physician or physician assistant is not present to perform the administration of
89 the medication.

90 A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the
91 administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is
92 not physically present, (i) by licensed pharmacists, (ii) by registered nurses, or (iii) licensed practical
93 nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of
94 and in accordance with established protocols of the Department of Health may authorize the
95 administration of vaccines to any person by a pharmacist or nurse when the prescriber is not physically
96 present.

97 *A prescriber may authorize, pursuant to a protocol developed and approved by the Board of*
98 *Medicine, the dispensing of emergency contraceptives by licensed pharmacists to women, including*
99 *women who are not patients of the prescriber, when a practitioner with prescriptive authority is not*
100 *physically present. A licensed pharmacist is authorized to dispense emergency contraceptives to women*
101 *upon such order or protocol pursuant to regulations adopted by the Board of Pharmacy.*

102 A dentist may cause Schedule VI topical drugs to be administered under his direction and
103 supervision by either a dental hygienist or by an authorized agent of the dentist.

104 This section shall not prevent the administration of drugs by a person who has satisfactorily
105 completed a training program for this purpose approved by the Board of Nursing and who administers
106 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of
107 administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to
108 security and record keeping, when the drugs administered would be normally self-administered by ~~(i)~~(a)
109 a resident of a facility licensed or certified by the State Mental Health, Mental Retardation and
110 Substance Abuse Services Board; ~~(ii)~~(b) a resident of any assisted living facility which is licensed by the
111 Department of Social Services; ~~(iii)~~(c) a resident of the Virginia Rehabilitation Center for the Blind and
112 Vision Impaired; ~~(iv)~~(d) a resident of a facility approved by the Board or Department of Juvenile Justice
113 for the placement of children in need of services or delinquent or alleged delinquent youth; ~~(v)~~(e) a
114 program participant of an adult day-care center licensed by the Department of Social Services; or ~~(vi)~~(f)
115 a resident of any facility authorized or operated by a state or local government whose primary purpose
116 is not to provide health care services.

117 In addition, this section shall not prevent the administration of drugs by a person who administers
118 such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of
119 administration and with written authorization of a parent, and in accordance with school board
120 regulations relating to training, security and record keeping, when the drugs administered would be

normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

Nothing in this title shall prohibit the administration of normally self-administered oral or topical drugs by unlicensed individuals to a person in his private residence.

This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

Nothing in this title shall prevent dialysis care technicians, in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions and sterile normal saline solution for the purpose of facilitating renal dialysis treatment, provided such administration of medications occurs under the orders of a licensed physician and under the immediate and direct supervision of a licensed registered nurse. The dialysis care technician administering the medications must have been trained in renal dialysis practices and procedures by a licensed nurse, and must have demonstrated competency as evidenced by satisfactory completion of a training program in accordance with the Core Curriculum for the Dialysis Technician, also known as the Amgen Core Curriculum, or a comparable education and training curriculum.