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## HOUSE BILL NO. 2782

House Amendments in [ ] — January 31, 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.*

Patron Prior to Engrossment—Delegate Baskerville

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.*

[ 13. *Post intercourse synthetic ovarian hormones, also known as "emergency contraception," may not be dispensed, prescribed, given, or otherwise provided to any minor without the consent of the minor's legal guardian or at least one custodial parent. ]*

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. Professional use by practitioners

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59 A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse  
60 practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a  
61 TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of this title shall  
62 only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic  
63 purposes within the course of his professional practice.

64 The prescribing practitioner's order may be on a written prescription or pursuant to an oral  
65 prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may  
66 cause them to be administered by a nurse, physician assistant or intern under his direction and  
67 supervision, or he may prescribe and cause drugs and devices to be administered to patients in  
68 state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or  
69 psychiatric hospitals licensed by the State Mental Health, Mental Retardation and Substance Abuse  
70 Services Board by other persons who have been trained properly to administer drugs and who administer  
71 drugs only under the control and supervision of the prescriber or a pharmacist or a prescriber may cause  
72 drugs and devices to be administered to patients by emergency medical services personnel who have  
73 been certified and authorized to administer such drugs and devices pursuant to Board of Health  
74 regulations governing emergency medical services and who are acting within the scope of such  
75 certification. A prescriber may authorize a certified respiratory therapy practitioner as defined in  
76 § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

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

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

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

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

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

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

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

120 In addition, this section shall not prevent the administration of drugs by a person who administers

such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board 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.

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