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## HOUSE BILL NO. 2453

Offered January 14, 2009

Prefiled January 14, 2009

A BILL to amend and reenact § 54.1-2510 of the Code of Virginia, to amend the Code of Virginia by adding a section numbered 2.2-213.3, and to amend Chapter 635 of the Acts of Assembly of 2007 by adding a section numbered 2, relating to electronic prescribing.

Patron—Sickles

Referred to Committee on Health, Welfare and Institutions

**Be it enacted by the General Assembly of Virginia:**

1. That § 54.1-2510 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-213.3 as follows:

§ 2.2-213.3. Secretary to coordinate electronic prescribing clearinghouse.

A. In order to promote the implementation of electronic prescribing by health practitioners, health care facilities, and pharmacies in order to prevent prescription drug abuse, improve patient safety, and reduce unnecessary prescriptions, the Secretary of Health and Human Resources, in consultation with the Secretary of Technology, shall establish a website with information on electronic prescribing for health practitioners. The website shall contain (i) information concerning the process and advantages of electronic prescribing, including using medical history data to prevent drug interactions, prevent allergic reactions, and deter abuse of controlled substances; (ii) information regarding the availability of electronic prescribing products, including no-cost or low-cost products; (iii) links to federal and private-sector websites that provide guidance on selecting electronic prescribing products; and (iv) links to state, federal, and private-sector incentive programs for the implementation of electronic prescribing.

B. The Secretary of Health and Human Resources, in consultation with the Secretary of Technology, shall regularly consult with relevant public and private stakeholders to assess and accelerate the implementation of electronic prescribing in Virginia. For purposes of this section, relevant stakeholders include, but are not limited to, organizations that represent health practitioners, organizations that represent health care facilities, organizations that represent pharmacies, organizations that operate electronic prescribing networks, organizations that create electronic prescribing products, and regional health information organizations.

§ 54.1-2510. Powers and duties of Board of Health Professions.

The Board of Health Professions shall have the following powers and duties:

1. To evaluate the need for coordination among the health regulatory boards and their staffs and report its findings and recommendations to the Director and the boards;

2. To evaluate all health care professions and occupations in the Commonwealth, including those regulated and those not regulated by other provisions of this title, to consider whether each such profession or occupation should be regulated and the degree of regulation to be imposed. Whenever the Board determines that the public interest requires that a health care profession or occupation which is not regulated by law should be regulated, the Board shall recommend to the General Assembly a regulatory system to establish the appropriate degree of regulation;

3. To review and comment on the budget for the Department;

4. To provide a means of citizen access to the Department;

5. To provide a means of publicizing the policies and programs of the Department in order to educate the public and elicit public support for Department activities;

6. To monitor the policies and activities of the Department, serve as a forum for resolving conflicts among the health regulatory boards and between the health regulatory boards and the Department and have access to departmental information;

7. To advise the Governor, the General Assembly and the Director on matters relating to the regulation or deregulation of health care professions and occupations;

8. To make bylaws for the government of the Board of Health Professions and the proper fulfillment of its duties under this chapter;

9. To promote the development of standards to evaluate the competency of the professions and occupations represented on the Board;

10. To review and comment, as it deems appropriate, on all regulations promulgated or proposed for issuance by the health regulatory boards under the auspices of the Department. At least one member of the relevant board shall be invited to be present during any comments by the Board on proposed board regulations;

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59 11. To review periodically the investigatory, disciplinary and enforcement processes of the  
60 Department and the individual boards to ensure the protection of the public and the fair and equitable  
61 treatment of health professionals;

62 12. To examine scope of practice conflicts involving regulated and unregulated professions and  
63 advise the health regulatory boards and the General Assembly of the nature and degree of such conflicts;

64 13. To receive, review, and forward to the appropriate health regulatory board any departmental  
65 investigative reports relating to complaints of violations by practitioners of Chapter 24.1 (§ 54.1-2410 et  
66 seq.) of this subtitle;

67 14. To determine compliance with and violations of and grant exceptions to the prohibitions set forth  
68 in Chapter 24.1 of this subtitle; ~~and~~

69 15. To take appropriate actions against entities, other than practitioners, for violations of Chapter  
70 24.1 of this subtitle; *and*

71 16. *To collect, review, and analyze information from health practitioners, health care facilities, and*  
72 *pharmacies concerning the adoption and implementation of electronic prescribing. The Board shall*  
73 *report to the Governor, the Secretary of Health and Human Services, and the Secretary of Technology*  
74 *annually on the progress of implementation of electronic prescribing in the Commonwealth, the*  
75 *availability of federal and private-sector electronic prescribing initiatives, and to the extent the data is*  
76 *available, the number of health practitioners in the Commonwealth using electronic prescribing and the*  
77 *number of prescriptions transmitted electronically in the Commonwealth.*

78 **2. That Chapter 635 of the Acts of Assembly of 2007 is amended by adding a section numbered 2**  
79 **as follows:**

80 § 2. *Beginning January 1, 2010, any health care provider who is authorized to prescribe controlled*  
81 *substances pursuant to Chapter 33 (§ 54.1-3303 et seq.) of Title 54.1 of the Code of Virginia and who*  
82 *contracts with the Commonwealth for the provision of health care-related services shall utilize electronic*  
83 *prescribing in providing such services to the Commonwealth. For purposes of this section, electronic*  
84 *prescribing shall mean, at a minimum, the electronic generation of the patient's prescription, and the*  
85 *electronic transmission of the patient's prescription to the pharmacy.*

86 **3. That the Department of Medical Assistance Services shall develop programs and incentives to**  
87 **encourage Medicaid providers in the Commonwealth to adopt and utilize electronic prescribing.**  
88 **Such programs and incentives shall consider the advantages of electronic prescribing in improved**  
89 **patient safety, as well as the efficiencies and cost savings that may be recognized by the**  
90 **Commonwealth in encouraging the adoption of electronic prescribing. The Department shall report**  
91 **to the Governor and the General Assembly no later than December 1, 2009, as to**  
92 **recommendations concerning programs and incentives. The Department is also encouraged to**  
93 **pursue opportunities with the private sector in implementing electronic prescribing programs.**