

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend and reenact §§ 54.1-3300 and 54.1-3300.1 of the Code of Virginia, relating to  
 3 pharmacy; collaborative agreements.

4 [H 1501]

5 Approved

6 Be it enacted by the General Assembly of Virginia:

7 1. That §§ 54.1-3300 and 54.1-3300.1 of the Code of Virginia are amended and reenacted as  
 8 follows:

## 9 § 54.1-3300. Definitions.

10 As used in this chapter, unless the context requires a different meaning:

11 "Board" means the Board of Pharmacy.

12 "Collaborative agreement" means a voluntary, written, or electronic arrangement between one  
 13 pharmacist and his designated alternate pharmacists involved directly in patient care at a single physical  
 14 location where patients receive services and a practitioner of medicine, osteopathy, or podiatry and his  
 15 designated alternate practitioners (i) any person licensed to practice medicine, osteopathy, or podiatry  
 16 together with any person licensed, registered, or certified by a health regulatory board of the  
 17 Department of Health Professions who provides health care services to patients of such person licensed  
 18 to practice medicine, osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3,  
 19 provided such collaborative agreement is signed by each physician participating in the collaborative  
 20 practice agreement; (iii) any licensed physician assistant working under the supervision of a person  
 21 licensed to practice medicine, osteopathy, or podiatry; or (iv) any licensed nurse practitioner working as  
 22 part of a patient care team as defined in § 54.1-2900, involved directly in patient care which authorizes  
 23 cooperative procedures with respect to patients of such practitioners. Collaborative procedures shall be  
 24 related to treatment using drug therapy, laboratory tests, or medical devices, under defined conditions or  
 25 limitations, for the purpose of improving patient outcomes. A collaborative agreement is not required for  
 26 the management of patients of an inpatient facility.

27 "Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the  
 28 lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or  
 29 compounding necessary to prepare the substance for delivery.

30 "Pharmacist" means a person holding a license issued by the Board to practice pharmacy.

31 "Pharmacy" means every establishment or institution in which drugs, medicines, or medicinal  
 32 chemicals are dispensed or offered for sale, or a sign is displayed bearing the word or words  
 33 "pharmacist," "pharmacy," "apothecary," "drugstore," "druggist," "drugs," "medicine store," "drug  
 34 sundries," "prescriptions filled," or any similar words intended to indicate that the practice of pharmacy  
 35 is being conducted.

36 "Pharmacy intern" means a student currently enrolled in or a graduate of an approved school of  
 37 pharmacy who is registered with the Board for the purpose of gaining the practical experience required  
 38 to apply for licensure as a pharmacist.

39 "Pharmacy technician" means a person registered with the Board to assist a pharmacist under the  
 40 pharmacist's supervision.

41 "Practice of pharmacy" means the personal health service that is concerned with the art and science  
 42 of selecting, procuring, recommending, administering, preparing, compounding, packaging, and  
 43 dispensing of drugs, medicines, and devices used in the diagnosis, treatment, or prevention of disease,  
 44 whether compounded or dispensed on a prescription or otherwise legally dispensed or distributed, and  
 45 shall include the proper and safe storage and distribution of drugs; the maintenance of proper records;  
 46 the responsibility of providing information concerning drugs and medicines and their therapeutic values  
 47 and uses in the treatment and prevention of disease; and the management of patient care under the terms  
 48 of a collaborative agreement as defined in this section.

49 "Supervision" means the direction and control by a pharmacist of the activities of a pharmacy intern  
 50 or a pharmacy technician whereby the supervising pharmacist is physically present in the pharmacy or in  
 51 the facility in which the pharmacy is located when the intern or technician is performing duties  
 52 restricted to a pharmacy intern or technician, respectively, and is available for immediate oral  
 53 communication.

54 Other terms used in the context of this chapter shall be defined as provided in Chapter 34  
 55 (§ 54.1-3400 et seq.) of this title unless the context requires a different meaning.

56 § 54.1-3300.1. Participation in collaborative agreements; regulations to be promulgated by the

ENROLLED

HB1501ER

57 **Boards of Medicine and Pharmacy.**

58 A pharmacist and his designated alternate pharmacists involved directly in patient care may  
59 participate with a ~~practitioner of medicine, osteopathy, or podiatry and his designated alternate~~  
60 ~~practitioners~~ (i) any person licensed to practice medicine, osteopathy, or podiatry together with any  
61 person licensed, registered, or certified by a health regulatory board of the Department of Health  
62 Professions who provides health care services to patients of such person licensed to practice medicine,  
63 osteopathy, or podiatry; (ii) a physician's office as defined in § 32.1-276.3, provided such collaborative  
64 agreement is signed by each physician participating in the collaborative practice agreement; (iii) any  
65 licensed physician assistant working under the supervision of a person licensed to practice medicine,  
66 osteopathy, or podiatry; or (iv) any licensed nurse practitioner working as part of a patient care team  
67 as defined in § 54.1-2900, involved directly in patient care in collaborative agreements which authorize  
68 cooperative procedures related to treatment using drug therapy, laboratory tests, or medical devices,  
69 under defined conditions ~~and/or~~ or limitations, for the purpose of improving patient outcomes. However,  
70 no person licensed to practice medicine, osteopathy, or podiatry shall be required to participate in a  
71 collaborative agreement with a pharmacist and his designated alternate pharmacists, regardless of  
72 whether a professional business entity on behalf of which the person is authorized to act enters into a  
73 collaborative agreement with a pharmacist and his designated alternate pharmacists.

74 No patient shall be required to participate in a collaborative procedure without such patient's consent.  
75 A patient who chooses to not participate in a collaborative procedure shall notify the prescriber of his  
76 refusal to participate in such collaborative procedure. A prescriber may elect to have a patient not  
77 participate in a collaborative procedure by contacting the pharmacist or his designated alternative  
78 pharmacists or by documenting the same on the patient's prescription.

79 Collaborative agreements may include the implementation, modification, continuation, or  
80 discontinuation of drug therapy pursuant to written, patient-specific or electronic protocols, provided  
81 implementation of drug therapy occurs following diagnosis by the prescriber; the ordering of laboratory  
82 tests; or other patient care management measures related to monitoring or improving the outcomes of  
83 drug or device therapy. No such collaborative agreement shall exceed the scope of practice of the  
84 respective parties. Any pharmacist who deviates from or practices in a manner inconsistent with the  
85 terms of a collaborative agreement shall be in violation of § 54.1-2902; such violation shall constitute  
86 grounds for disciplinary action pursuant to §§ 54.1-2400 and 54.1-3316.

87 Collaborative agreements may only be used for conditions which have protocols that are clinically  
88 accepted as the standard of care, or are approved by the Boards of Medicine and Pharmacy. The Boards  
89 of Medicine and Pharmacy shall jointly develop and promulgate regulations to implement the provisions  
90 of this section and to facilitate the development and implementation of safe and effective collaborative  
91 agreements between the appropriate practitioners and pharmacists. The regulations shall include  
92 guidelines concerning the use of protocols, and a procedure to allow for the approval or disapproval of  
93 specific protocols by the Boards of Medicine and Pharmacy if review is requested by a practitioner or  
94 pharmacist.

95 Nothing in this section shall be construed to supersede the provisions of § 54.1-3303.