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SENATE BILL NO. 207

Offered January 8, 2014

Prefiled January 3, 2014

A BILL to amend and reenact §§ 37.2-406 and 54.1-2522 of the Code of Virginia, relating to licensed providers of treatment for persons with opiate addiction; Prescription Monitoring Program.

Patron—McWaters

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-406 and 54.1-2522 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-406. Conditions for initial licensure of certain providers; reporting requirements of licensed providers.

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements, if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of methadone or other opioid replacements on Sunday except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of methadone or other opiate replacements.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of methadone or other opioid replacements, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section. No existing licensed provider shall be required to comply with the provisions of this section in any city or county in which it is currently providing such treatment.

F. The provisions of subsection A shall not apply to the jurisdictions in Planning District 8.

G. Licensed providers of treatment for persons with opiate addiction through the use of methadone or other opioid replacements shall comply with the reporting requirements of the Prescription Monitoring Program as set forth in § 54.1-2521.

§ 54.1-2522. Reporting exemptions.

The dispensing of covered substances under the following circumstances shall be exempt from the reporting requirements set forth in § 54.1-2521:

1. Dispensing of manufacturers' samples of such covered substances or of covered substances dispensed pursuant to an indigent patient program offered by a pharmaceutical manufacturer.

2. Dispensing of covered substances by a practitioner of the healing arts to his patient in a bona fide medical emergency or when pharmaceutical services are not available.

3. Administering of covered substances.

4. Dispensing of covered substances within an appropriately licensed narcotic maintenance treatment program.

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- 59 ~~5.~~ Dispensing of covered substances to inpatients in hospitals or nursing facilities licensed by the
60 Board of Health or facilities that are otherwise authorized by law to operate as hospitals or nursing
61 homes in the Commonwealth.
- 62 ~~6.~~ 5. Dispensing of covered substances to inpatients in hospices licensed by the Board of Health.
- 63 ~~7.~~ 6. Dispensing of covered substances by veterinarians to animals within the usual course of their
64 professional practice.
- 65 ~~8.~~ 7. Dispensing of covered substances as otherwise provided in the Department's regulations.