

2018 SESSION

LEGISLATION NOT PREPARED BY DLS
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18104224D

HOUSE BILL NO. 197

Offered January 10, 2018

Prefiled December 28, 2017

A BILL to amend and reenact §§ 54.1-2519, 54.1-2521 and 54.1-3420.1 of the Code of Virginia, relating to prescription monitoring program.

Patron—Mullin

Referred to Committee on Health, Welfare and Institutions

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2519, 54.1-2521 and 54.1-3420.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2519. Definitions.

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

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion or any other means, to the body of a patient or research subject by (i) a practitioner or, under the practitioner's direction, his authorized agent or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Bureau" means the Virginia Department of State Police, Bureau of Criminal Investigation, Drug Diversion Unit.

"Controlled substance" means a drug, substance or immediate precursor in Schedules I through VI of the Drug Control Act, Chapter 34 (§ 54.1-3400 et seq.) of this title.

"Covered substance" means all controlled substances included in Schedules II, III, and IV and all drugs of concern that are required to be reported to the Prescription Monitoring Program, pursuant to this chapter.

"Department" means the Virginia Department of Health Professions.

"Director" means the Director of the Virginia Department of Health Professions.

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

"Dispenser" means a person or entity that (i) is authorized by law to dispense a covered substance or to maintain a stock of covered substances for the purpose of dispensing, and (ii) dispenses the covered substance to a citizen of the Commonwealth regardless of the location of the dispenser, or who dispenses such covered substance from a location in Virginia regardless of the location of the recipient.

"Drug of concern" means any drug or substance, including any controlled substance or other drug or substance, where there has been or there is the potential for abuse and that has been identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

"Prescriber" means a practitioner licensed in the Commonwealth who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance or a practitioner licensed in another state to so issue a prescription for a covered substance.

"Receiver" means the person who physically obtains a covered substance from a dispenser.

"Recipient" means a the person for whom a prescription for a covered substance is written who receives a covered substance from a dispenser.

"Relevant health regulatory board" means any such board that licenses persons or entities with the authority to prescribe or dispense covered substances, including, but not limited to, the Board of Dentistry, the Board of Medicine, and the Board of Pharmacy.

§ 54.1-2521. Reporting requirements.

A. The failure by any person subject to the reporting requirements set forth in this section and the Department's regulations to report the dispensing of covered substances shall constitute grounds for disciplinary action by the relevant health regulatory board.

B. Upon dispensing a covered substance, a dispenser of such covered substance shall report the following information:

1. The recipient's name and address.

2. The recipient's date of birth.

3. The covered substance that was dispensed to the recipient.

4. The quantity of the covered substance that was dispensed.

5. The date of the dispensing.

6. The prescriber's identifier number.

INTRODUCED

HB197

59 7. The dispenser's identifier number.
60 8. The method of payment for the prescription.
61 9. *The Receiver's name if a schedule II is dispensed.*
62 10. *The Receiver's government issued or other identification number if a schedule II is dispensed.*
63 9- 11. Any other non-clinical information that is designated by the Director as necessary for the
64 implementation of this chapter in accordance with the Department's regulations.
65 10- 12. Any other information specified in regulations promulgated by the Director as required in
66 order for the Prescription Monitoring Program to be eligible to receive federal funds.
67 C. *(Effective until January 1, 2017) The reports required herein shall be made and transmitted in*
68 *such manner and format and according to the standards and schedule established in the Department's*
69 *regulations.*
70 C. *(Effective January 1, 2017) The reports required herein shall be made to the Department or its*
71 *agent within 24 hours or the dispenser's next business day, whichever comes later, and shall be made*
72 *and transmitted in such manner and format and according to the standards and schedule established in*
73 *the Department's regulations.*
74 **§ 54.1-3420.1. Identification required for filling prescriptions.**
75 A. Before dispensing any drug listed on Schedules III through V, a pharmacist may require proof of
76 identity from any patient presenting a prescription or requesting a refill of a prescription.
77 B. A pharmacist, or his agent, shall require proof of identity at the time of delivery from any person
78 seeking to take delivery of any drug listed on Schedule II pursuant to a valid prescription; ~~unless such~~
79 ~~person is known to the pharmacist or to his agent. If the person seeking to take delivery of a drug listed~~
80 ~~on Schedule II pursuant to a valid prescription is not the patient for whom the drug is prescribed, and~~
81 ~~the person is not known to the pharmacist or his agent, the~~ The pharmacist or his agent shall either
82 make an photocopy or electronic copy entry into the prescription monitoring program database of such
83 person's identification or record with the full name and address of such person receiving the
84 prescription. The pharmacist shall keep records of the names and addresses or copies of proof of
85 identity of persons taking delivery of drugs as required by this subsection for a period of at least one
86 month. For the purposes of this subsection, "proof of identity" means a driver's license,
87 government-issued identification card, or other photo identification along with documentation of the
88 person's current address.
89 C. Whenever any pharmacist permitted to operate in the Commonwealth or nonresident pharmacist
90 registered to conduct business in the Commonwealth delivers a prescription drug order for any drug
91 listed on Schedule II by mail, common carrier, or delivery service to a Virginia address, the method of
92 delivery employed shall require the signature of the recipient as confirmation of receipt.