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## SENATE BILL NO. 464

Offered January 10, 2018

Prefiled January 9, 2018

*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 opioid addiction; Prescription Monitoring Program.*

Patron—Reeves

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.**

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~~ *opioid* addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration 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~~ *opioid* addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration 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 (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration.

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~~ *opioid* addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration, 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~~ *opioid* addiction through the use of (i) methadone or (ii) opioid replacements other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration 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 with respect to the existing facility for which the certificate of occupancy was obtained. No existing licensed provider shall be required to comply with the provisions of ~~this section~~ *subsections A, B, C, D, and E* with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.

F. The provisions of subsections A and E shall not apply to the jurisdictions in Planning District 8 or to an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with ~~opiate~~ *opioid* addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board.

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SB464

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

62 **§ 54.1-2522. Reporting exemptions.**

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

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

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

69 3. Administering of covered substances.

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

72 ~~5.~~ Dispensing of covered substances to inpatients in hospitals or nursing facilities licensed by the  
73 Board of Health or facilities that are otherwise authorized by law to operate as hospitals or nursing  
74 homes in the Commonwealth.

75 ~~6.~~ 5. Dispensing of covered substances to inpatients in hospices licensed by the Board of Health.

76 ~~7.~~ 6. Dispensing of covered substances by veterinarians to animals within the usual course of their  
77 professional practice.

78 ~~8.~~ 7. Dispensing of covered substances as otherwise provided in the Department's regulations.