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HOUSE BILL NO. 858

Offered January 26, 1998

A *BILL to amend and reenact §§ 54.1-3408 and 63.1-73.1 of the Code of Virginia, relating to the Rehabilitation Center for the Blind.*

Patron—Rhodes

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

- 1. That §§ 54.1-3408 and 63.1-73.1 of the Code of Virginia are amended and reenacted as follows:**
§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of this title shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause them to be administered by a nurse, physician assistant or intern under his direction and supervision, or he may prescribe and cause drugs and devices to be administered to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the State Mental Health, Mental Retardation and Substance Abuse Services Board by other persons who have been trained properly to administer drugs and who administer drugs only under the control and supervision of the prescriber or a pharmacist or a prescriber may cause drugs and devices to be administered to patients by emergency medical services personnel who have been certified and authorized to administer such drugs and devices pursuant to Board of Health regulations governing emergency medical services and who are acting within the scope of such certification. A prescriber may authorize a certified respiratory therapy practitioner as defined in § 54.1-2954 to administer by inhalation controlled substances used in inhalation or respiratory therapy.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, (i) by licensed pharmacists, (ii) by registered nurses or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist or nurse when the prescriber is not physically present.

A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

No written prescription order form shall include more than one prescription. This provision shall not apply, however, to the entry of any order on a patient's chart in any hospital or any long-term care facility, as defined in Board regulations, in Virginia or to a prescription ordered through the pharmacy operated by the Department of Corrections, the central pharmacy of the Department of Health, or the central outpatient pharmacy operated by the Department of Mental Health, Mental Retardation and Substance Abuse Services.

Such a prescription shall be written, dated, and signed by the person prescribing on the day when issued, and shall bear the full name and address of the patient for whom the drug is prescribed, and the full name, address, and registry number under the federal laws of the person prescribing, if he is required by those laws to be so registered.

This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be normally self-administered by (i) a resident of a facility licensed or certified by the State Mental Health, Mental Retardation and Substance

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60 Abuse Services Board; (ii) a resident of any adult care residence which is licensed by the Department of
 61 Social Services; (iii) a resident of the Virginia Rehabilitation Center for the ~~Blind~~ *Visually Handicapped*;
 62 (iv) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement
 63 of children in need of services or delinquent or alleged delinquent youth; (v) a program participant of an
 64 adult day-care center licensed by the Department of Social Services; or (vi) a resident of any facility
 65 authorized or operated by a state or local government whose primary purpose is not to provide health
 66 care services.

67 Nothing in this title shall prohibit the administration of normally self-administered oral or topical
 68 drugs by unlicensed individuals to a person in his private residence.

69 This section shall not interfere with any prescriber issuing prescriptions in compliance with his
 70 authority and scope of practice and the provisions of this section to a Board agent for use pursuant to
 71 subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid
 72 prescriptions. This section shall not prohibit a prescriber from using preprinted prescriptions for drugs
 73 classified in Schedule VI if all requirements concerning dates, signatures, and other information specified
 74 above are otherwise fulfilled.

75 B. The written prescription referred to in subsection A of this section shall be written with ink or
 76 individually typed and each prescription shall be manually signed by the prescriber. The prescription
 77 may be prepared by an agent for his signature. The prescription shall contain the name, address,
 78 telephone number, and federal controlled substances registration number assigned to the prescriber. The
 79 prescriber's information shall be either preprinted upon the prescription blank, typewritten, rubber
 80 stamped, or printed by hand.

81 The oral prescription referred to in subsection A of this section shall be transmitted to the pharmacy
 82 of the patient's choice by the prescriber or his authorized agent. For the purposes of this section, an
 83 authorized agent of the prescriber shall be an employee of the prescriber who is under his immediate
 84 and personal supervision, or if not an employee, an individual who holds a valid license allowing the
 85 administration or dispensing of drugs and who is specifically directed by the prescriber.

86 C. Pursuant to § 32.1-87, the prescription form shall include two boxes, one labelled "Voluntary
 87 Formulary Permitted" and the other labelled "Dispense As Written." A prescriber may indicate his
 88 permission for the dispensing of a drug product included in the Formulary upon signing a prescription
 89 form and marking the box labelled "Voluntary Formulary Permitted." A Voluntary Formulary product
 90 shall be dispensed if the prescriber fails to indicate his preference. Whenever a pharmacist dispenses a
 91 Voluntary Formulary product when a prescription is written for a brand name product, the pharmacist
 92 shall label the drug with the generic name followed by the words "generic for" followed by the brand
 93 name of the drug for which the prescription is written. If no Voluntary Formulary product is
 94 immediately available, or if the patient objects to the dispensing of a generic drug, the pharmacist may
 95 dispense a brand name drug. On and after July 1, 1993, printed prescription forms shall provide:

96
 97 ☐ Dispense As Written
 98 ☐ Voluntary Formulary Permitted
 99
 100 Signature of prescriber
 101

102 If neither box is marked, a Voluntary Formulary product must be dispensed."

103 D. Prescribers' orders, whether written as chart orders or prescriptions, for Schedules II, III, IV and
 104 V controlled drugs to be administered to (i) patients or residents of long-term care facilities served by a
 105 Virginia pharmacy from a remote location or (ii) patients receiving parenteral, intravenous,
 106 intramuscular, subcutaneous or intraspinal infusion therapy and served by a home infusion pharmacy
 107 from a remote location, may be transmitted to that remote pharmacy by an electronic communications
 108 device over telephone lines which send the exact image to the receiver in hard-copy form, and such
 109 facsimile copy shall be treated as a valid, original prescription order.

110 § 63.1-73.1. Rehabilitation Center for the Visually Handicapped; operation and maintenance.

111 The Department shall have the authority and responsibility for the operation and maintenance of the
 112 Virginia Rehabilitation Center for the ~~Blind~~ *Visually Handicapped* for the purpose of providing services
 113 to eligible blind and visually handicapped individuals.