ENROLLED

HOUSE JOINT RESOLUTION NO. 734

Directing the Joint Commission on Health Care to study the issues relating to therapeutic interchange of chemically dissimilar drugs.

Agreed to by the House of Delegates, February 4, 1999
Agreed to by the Senate, February 18, 1999

WHEREAS, over the last decade issues relating to the pharmacy services have frequently been of prime importance to policy makers in Virginia; and

WHEREAS, chief among such issues has been the practice of therapeutic interchange of chemically dissimilar drugs; and

WHEREAS, the issues relating to therapeutic interchange of chemically dissimilar drugs are involved and difficult, including medical ethics, closed formularies, pharmacy company marketing, the practice of pharmacy, the operation of the business of pharmacy, patient rights, and appropriate medical treatment; and

WHEREAS, even the matter of defining "chemically dissimilar" presents many technical and highly charged discussions; and

WHEREAS, the significant and sometimes passionate reactions raised by the issues relating to the therapeutic interchange of chemically dissimilar drugs have resulted in many legislative initiatives; and

WHEREAS, several groups outside the legislature, both formal and informal, have examined these issues and have made some recommendations; and

WHEREAS, attempts to resolve the complex and intricate issues relating to therapeutic interchange of chemically dissimilar drugs have not, however, been completely successful; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Health Care be directed to study the issues relating to therapeutic interchange of chemically dissimilar drugs. In conducting its study, the Joint Commission shall:

1. Collect data on therapeutically dissimilar drugs which may be interchanged therapeutically to assess the efficacy of this practice;

2. Solicit input from experts in pharmacy and chemical composition of drugs and the mechanisms by which drugs work in the human body to treat disease;

3. Conduct a literature search for studies of the use of therapeutically dissimilar drugs for the same or similar therapies;

4. Receive input from all stakeholders, including, but not limited to, physicians, pharmacists, insurance companies, health maintenance organizations, third-party benefit managers, managed care pharmacy organizations, physicians, patients, and manufacturers;

5. Examine other states' laws and regulations to identify possible mechanisms for regulating the practice of therapeutic interchange of chemically dissimilar drugs;

6. Conduct a comprehensive review of the related issues at the national level;

7. Take such other actions as appear necessary and appropriate to collect sufficient data and analysis of the issues; and

8. Make recommendations concerning whether the practice of therapeutic interchange of chemically dissimilar drugs should be regulated; the components of any such regulation, if recommended; definitions of relevant terms; and the appropriate body for such regulation, if recommended.

All agencies of the Commonwealth shall provide assistance to the Joint Commission for this study, upon request.

The Joint Commission shall complete its work in time to submit its findings and recommendations to the Governor and the 2000 Session of the General Assembly as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents.