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HOUSE BILL NO. 2453**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Health, Welfare, and Institutions)

(Patron Prior to Substitute—Delegate Sickles)

House Amendments in [] - February 9, 2009

A *BILL to amend the Code of Virginia by adding a section numbered 2.2-213.3 and to amend Chapter 635 of the Acts of Assembly of 2007 by adding a section numbered 2, relating to electronic prescribing.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-213.3 as follows:

§ 2.2-213.3. Secretary to coordinate electronic prescribing clearinghouse.

A. *In order to promote the implementation of electronic prescribing by health practitioners, health care facilities, and pharmacies in order to prevent prescription drug abuse, improve patient safety, and reduce unnecessary prescriptions, the Secretary of Health and Human Resources, in consultation with the Secretary of Technology, shall establish a website with information on electronic prescribing for health practitioners. The website shall contain (i) information concerning the process and advantages of electronic prescribing, including using medical history data to prevent drug interactions, prevent allergic reactions, and deter abuse of controlled substances; (ii) information regarding the availability of electronic prescribing products, including no-cost or low-cost products; (iii) links to federal and private-sector websites that provide guidance on selecting electronic prescribing products; and (iv) links to state, federal, and private-sector incentive programs for the implementation of electronic prescribing.*

B. *The Secretary of Health and Human Resources, in consultation with the Secretary of Technology, shall regularly consult with relevant public and private stakeholders to assess and accelerate the implementation of electronic prescribing in Virginia. For purposes of this section, relevant stakeholders include, but are not limited to, organizations that represent health practitioners, organizations that represent health care facilities, organizations that represent pharmacies, organizations that operate electronic prescribing networks, organizations that create electronic prescribing products, and regional health information organizations.*

2. That Chapter 635 of the Acts of Assembly of 2007 is amended by adding a section numbered 2 as follows:

§ 2. Beginning January 1, 2010, any health care provider who is authorized to prescribe controlled substances pursuant to Chapter 33 (§ 54.1-3303 et seq.) of Title 54.1 of the Code of Virginia and who contracts with the Commonwealth for the provision of health care-related services shall utilize electronic prescribing to the maximum extent practicable in providing such services to the Commonwealth. For purposes of this section, electronic prescribing shall mean, at a minimum, the electronic generation of the patient's prescription, and the electronic transmission of the patient's prescription to the pharmacy. However, no health care provider shall be prohibited from contracting with the Commonwealth for not utilizing electronic prescribing.

3. That the Department of Medical Assistance Services shall develop [a plan for] programs and incentives to encourage Medicaid providers in the Commonwealth to adopt and utilize electronic prescribing. Such programs and incentives shall consider the advantages of electronic prescribing in improved patient safety, as well as the efficiencies and cost savings that may be recognized by the Commonwealth in encouraging the adoption of electronic prescribing. The Department shall report to the Governor and the General Assembly no later than December 1, 2009, as to recommendations concerning programs and incentives. The Department is also encouraged to pursue opportunities with the private sector in implementing electronic prescribing programs.

ENGROSSED

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