

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-2523.1 of the Code of Virginia, relating to the Prescription*
3 *Monitoring Program; prescriber and dispenser patterns; annual review; report.*

4 [S 728]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-2523.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-2523.1. Criteria for indicators of misuse; Director's authority to disclose information;**
9 **intervention.**

10 A. The Director shall develop, in consultation with an advisory panel which shall include
11 representatives of the Boards of Medicine and Pharmacy, *the Department of Health, the Department of*
12 *Medical Assistance Services, and the Department of Behavioral Health and Developmental Services,*
13 *criteria for indicators of unusual patterns of prescribing or dispensing of covered substances by*
14 *prescribers or dispensers and misuse of covered substances by recipients and a method for analysis of*
15 *data collected by the Prescription Monitoring Program using the criteria for indicators of misuse to*
16 *identify unusual patterns of prescribing or dispensing of covered substances by individual prescribers or*
17 *dispensers or potential misuse of a covered substance by a recipient. The Director, in consultation with*
18 *the panel, shall annually review controlled substance prescribing and dispensing patterns and shall (i)*
19 *make any necessary changes to the criteria for unusual patterns of prescribing and dispensing required*
20 *by this subsection and (ii) report any findings and recommendations for best practices to the Joint*
21 *Commission on Health Care by November 1 of each year.*

22 B. In cases in which analysis of data collected by the Prescription Monitoring Program using the
23 criteria for indicators of misuse indicates an unusual pattern of prescribing or dispensing of a covered
24 substance by an individual prescriber or dispenser or potential misuse of a covered substance by a
25 recipient, the Director may, in addition to the discretionary disclosure of information pursuant to
26 § 54.1-2523:

27 1. Disclose information about the unusual prescribing or dispensing of a covered substance by an
28 individual prescriber or dispenser to the Enforcement Division of the Department of Health Professions;
29 or

30 2. Disclose information about the specific recipient to (i) the prescriber or prescribers who have
31 prescribed a covered substance to the recipient for the purpose of intervention to prevent misuse of such
32 covered substance or (ii) an agent who has completed the Virginia State Police Drug Diversion School
33 designated by the Superintendent of State Police or designated by the chief law-enforcement officer of
34 any county, city, or town or campus police department for the purpose of an investigation into possible
35 drug diversion.