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SENATE BILL NO. 672

Offered January 20, 2022

A *BILL to amend and reenact §§ 54.1-3303.1 and 54.1-3321 of the Code of Virginia, relating to pharmacists and pharmacy technicians; prescribing, dispensing, and administering of controlled substances.*

Patron—Dunnavant

Referred to Committee on Education and Health

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3303.1 and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3303.1. Initiating of treatment with and dispensing and administering of controlled substances by pharmacists.

A. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer, *in person or through telehealth*, the following drugs, devices, controlled paraphernalia, and other supplies and equipment to persons 18 years of age or older in accordance with a statewide protocol developed by the Board in collaboration with the Board of Medicine and the Department of Health and set forth in regulations of the Board:

1. Naloxone or other opioid antagonist, including such controlled paraphernalia, as defined in § 54.1-3466, as may be necessary to administer such naloxone or other opioid antagonist;

2. Epinephrine;

3. Injectable or self-administered hormonal contraceptives, provided the patient completes an assessment consistent with the United States Medical Eligibility Criteria for Contraceptive Use;

4. Prenatal vitamins for which a prescription is required;

5. Dietary fluoride supplements, in accordance with recommendations of the American Dental Association for prescribing of such supplements for persons whose drinking water has a fluoride content below the concentration recommended by the U.S. Department of Health and Human Services;

6. Drugs as defined in § 54.1-3401, devices as defined in § 54.1-3401, controlled paraphernalia as defined in § 54.1-3466, and other supplies and equipment available over-the-counter, covered by the patient's health carrier when the patient's out-of-pocket cost is lower than the out-of-pocket cost to purchase an over-the-counter equivalent of the same drug, device, controlled paraphernalia, or other supplies or equipment;

7. Vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention or that have *approval or* a current emergency use authorization from the U.S. Food and Drug Administration;

8. Tuberculin purified protein derivative for tuberculosis testing; ~~and~~

9. Controlled substances for the prevention of human immunodeficiency virus, including controlled substances prescribed for pre-exposure and post-exposure prophylaxis pursuant to guidelines and recommendations of the Centers for Disease Control and Prevention;

10. *Nicotine replacement and other tobacco cessation therapies, including controlled substances as defined in the Drug Control Act (§ 54.1-3400 et seq.), together with providing appropriate patient counseling; and*

11. *Controlled substances or devices for the treatment of the following diseases or conditions for which clinical decision making can be guided by a clinical test that is classified as waived under the federal Clinical Laboratory Improvement Amendments of 1988: group A streptococcus bacteria, influenza virus, and urinary tract infection.*

B. Notwithstanding the provisions of § 54.1-3303, a pharmacist may initiate treatment with, dispense, or administer, *in person or through telehealth*, the following drugs and devices to persons three years of age or older in accordance with a statewide protocol developed by the Board in collaboration with the Board of Medicine and the Department of Health and set forth in regulations of the Board:

1. Vaccines included on the Immunization Schedule published by the Centers for Disease Control and Prevention or that have *approval or* a current emergency use authorization from the U.S. Food and Drug Administration;

2. Injectable or self-administered hormonal contraceptives, provided that the patient completes an assessment consistent with the United States Medical Eligibility Criteria for Contraceptive Use; and

3. Tests for COVID-19 and other coronaviruses.

~~B.~~ C. A pharmacist who initiates treatment with or dispenses or administers a drug or device

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59 pursuant to this section shall notify the patient's primary health care provider that the pharmacist has
60 initiated treatment with such drug or device or that such drug or device has been dispensed or
61 administered to the patient, provided that the patient consents to such notification. If the patient does not
62 have a primary health care provider, the pharmacist shall counsel the patient regarding the benefits of
63 establishing a relationship with a primary health care provider and, upon request, provide information
64 regarding primary health care providers, including federally qualified health centers, free clinics, or local
65 health departments serving the area in which the patient is located. If the pharmacist is initiating
66 treatment with, dispensing, or administering injectable or self-administered hormonal contraceptives, the
67 pharmacist shall counsel the patient regarding seeking preventative care, including (i) routine
68 well-woman visits, (ii) testing for sexually transmitted infections, and (iii) pap smears.

69 ~~C. D.~~ A pharmacist who administers a vaccination pursuant to ~~subdivision~~ *subdivisions A 7 and B 1*
70 shall report such administration to the Virginia Immunization Information System in accordance with the
71 requirements of § 32.1-46.01.

72 **§ 54.1-3321. Registration of pharmacy technicians.**

73 A. No person shall perform the duties of a pharmacy technician without first being registered as a
74 pharmacy technician with the Board. Upon being registered with the Board as a pharmacy technician,
75 the following tasks may be performed:

- 76 1. The entry of prescription information and drug history into a data system or other record keeping
77 system;
- 78 2. The preparation of prescription labels or patient information;
- 79 3. The removal of the drug to be dispensed from inventory;
- 80 4. The counting, measuring, or compounding of the drug to be dispensed;
- 81 5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;
- 82 6. The stocking or loading of automated dispensing devices or other devices used in the dispensing
83 process;

- 84 7. The acceptance of refill authorization from a prescriber or his authorized agency, so long as there
85 is no change to the original prescription; ~~and~~

86 8. *Under the supervision of a pharmacist and consistent with the requirements of § 54.1-3303.1,*
87 *administration of the following drugs and devices to persons three years of age or older as set forth in*
88 *regulations of the Board: vaccines included on the Immunization Schedule published by the Centers for*
89 *Disease Control and Prevention or that have approval or a current emergency use authorization from*
90 *the U.S. Food and Drug Administration; and*

- 91 ~~8-~~ 9. The performance of any other task restricted to pharmacy technicians by the Board's
92 regulations.

93 B. To be registered as a pharmacy technician, a person shall submit:

- 94 1. An application and fee specified in regulations of the Board;
- 95 2. (Effective July 1, 2022) Evidence that he has successfully completed a training program that is (i)
96 an accredited training program, including an accredited training program operated through the
97 Department of Education's Career and Technical Education program or approved by the Board, or (ii)
98 operated through a federal agency or branch of the military; and
- 99 3. Evidence that he has successfully passed a national certification examination administered by the
100 Pharmacy Technician Certification Board or the National Healthcareer Association.

101 C. The Board shall promulgate regulations establishing requirements for:

- 102 1. Issuance of a registration as a pharmacy technician to a person who, prior to the effective date of
103 such regulations, (i) successfully completed or was enrolled in a Board-approved pharmacy technician
104 training program or (ii) passed a national certification examination required by the Board but did not
105 complete a Board-approved pharmacy technician training program;

- 106 2. Issuance of a registration as a pharmacy technician to a person who (i) has previously practiced as
107 a pharmacy technician in another U.S. jurisdiction and (ii) has passed a national certification
108 examination required by the Board; and

- 109 3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy
110 technician.

111 D. The Board shall waive the initial registration fee for a pharmacy technician applicant who works
112 as a pharmacy technician exclusively in a free clinic pharmacy. A person registered pursuant to this
113 subsection shall be issued a limited-use registration. A pharmacy technician with a limited-use
114 registration shall not perform pharmacy technician tasks in any setting other than a free clinic pharmacy.
115 The Board shall also waive renewal fees for such limited-use registrations. A pharmacy technician with
116 a limited-use registration may convert to an unlimited registration by paying the current renewal fee.

117 E. Any person registered as a pharmacy technician prior to the effective date of regulations
118 implementing the provisions of this section shall not be required to comply with the requirements of
119 subsection B in order to maintain or renew registration as a pharmacy technician.

120 F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described

121 in subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining
122 practical experience required for completion of the training program, so long as such activities are
123 directly monitored by a supervising pharmacist.

124 G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee
125 specified in regulations of the Board. Such registration shall only be valid while the person is enrolled
126 in a pharmacy technician training program described in subsection B and actively progressing toward
127 completion of such program. A registration card issued pursuant to this section shall be invalid and shall
128 be returned to the Board if such person fails to enroll in a pharmacy technician training program
129 described in subsection B.

130 H. A pharmacy intern may perform the duties set forth for pharmacy technicians in subsection A
131 when registered with the Board for the purpose of gaining the practical experience required to apply for
132 licensure as a pharmacist.

133 **2. That the Board of Pharmacy, in collaboration with the Board of Medicine and the Department**
134 **of Health, shall establish a statewide protocol for the initiation of treatment with and dispensing**
135 **and administering of drugs and devices by pharmacists in accordance with § 54.1-3303.1 of the**
136 **Code of Virginia, as amended by this act, by November 1, 2022, and shall promulgate regulations**
137 **to implement the provisions of the first enactment of this act to be effective within 280 days of its**
138 **enactment. Such regulations shall include provisions for ensuring that physical settings in which**
139 **treatment is provided pursuant to this act shall be in compliance with the federal Health**
140 **Insurance Portability and Accountability Act, 42 U.S.C. § 1320d et seq., as amended.**