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HOUSE BILL NO. 1637

Offered January 13, 2025

Prefiled January 3, 2025

A BILL to amend and reenact § 54.1-3408 of the Code of Virginia, relating to opioid antagonists; dispensing and administration by person acting on behalf of an organization.

 Patron—Hope

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-3408 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-3408. Professional use by practitioners.**

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine, a licensed advanced practice registered nurse pursuant to § 54.1-2957.01, a licensed certified midwife pursuant to § 54.1-2957.04, 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 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice. A licensed midwife pursuant to § 54.1-2957.7 shall only obtain, possess, and administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. 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 drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices 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 Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol;

4. Persons who are employed or engaged at a medical care facility, as defined in § 32.1-3, who have a valid emergency medical services provider certification issued by the Board of Health as a requirement of being employed or engaged at the medical care facility within the scope of such certification, pursuant to an oral or written order or standing protocol to administer drugs and devices at the medical care facility; or

5. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. 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 and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or standing protocol that shall be issued by the local health director within the course of his professional practice, any school nurse, licensed athletic trainer under contract with a local school division, school board employee, employee of a local governing body, or employee of a local health department who is authorized by the local health director and trained in the administration of albuterol inhalers and valved holding chambers or nebulized albuterol may possess or administer an albuterol inhaler and a valved holding chamber or nebulized albuterol to a student diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed to be experiencing or about to experience an asthmatic crisis.

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59 Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional
60 practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the
61 Board of Education, or any employee of a private school that is accredited pursuant to § 22.1-19 as
62 administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in
63 the administration of (a) epinephrine may possess and administer epinephrine and (b) albuterol inhalers or
64 nebulized albuterol may possess or administer an albuterol inhaler or nebulized albuterol to a student
65 diagnosed with a condition requiring an albuterol inhaler or nebulized albuterol when the student is believed
66 to be experiencing or about to experience an asthmatic crisis.

67 Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional
68 practice, any nurse at an early childhood care and education entity, employee at the entity, or employee of a
69 local health department who is authorized by a prescriber and trained in the administration of epinephrine
70 may possess and administer epinephrine.

71 Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional
72 practice, any employee of a public institution of higher education or a private institution of higher education
73 who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer
74 epinephrine.

75 Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional
76 practice, any employee of an organization providing outdoor educational experiences or programs for youth
77 who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer
78 epinephrine.

79 Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional
80 practice, and in accordance with policies and guidelines established by the Department of Health, such
81 prescriber may authorize any employee of a restaurant licensed pursuant to Chapter 3 (§ 35.1-18 et seq.) of
82 Title 35.1 to possess and administer epinephrine on the premises of the restaurant at which the employee is
83 employed, provided that such person is trained in the administration of epinephrine.

84 Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of
85 a provider licensed by the Department of Behavioral Health and Developmental Services or a person
86 providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health
87 and Developmental Services may possess and administer epinephrine, provided such person is authorized and
88 trained in the administration of epinephrine.

89 Pursuant to an order or standing protocol issued by the prescriber within the course of his professional
90 practice, any employee of a place of public accommodation, as defined in subsection A of § 2.2-3904, who is
91 authorized by a prescriber and trained in the administration of epinephrine may possess and administer
92 epinephrine.

93 Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his
94 professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for
95 administration in treatment of emergency medical conditions.

96 E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of
97 his professional practice, such prescriber may authorize licensed physical therapists to possess and administer
98 topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

99 F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of
100 his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer
101 topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen and IV saline for use in
102 emergency situations; subcutaneous lidocaine for wound closure; epinephrine for use in emergency cases of
103 anaphylactic shock; and naloxone or other opioid antagonist for overdose reversal.

104 G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of
105 his professional practice, and in accordance with policies and guidelines established by the Department of
106 Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses
107 under the supervision of a registered nurse to possess and administer tuberculin purified protein derivative
108 (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent
109 with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing
110 transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently
111 implemented standards of the Occupational Safety and Health Administration and the Department of Labor
112 and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines.
113 Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be
114 administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The
115 prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in
116 the practice and principles underlying tuberculin screening.

117 The Health Commissioner or his designee may authorize registered nurses, acting as agents of the
118 Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein
119 derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies

established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize the possession and administration of undesignated glucagon as set forth in subsection F of § 22.1-274.2.

Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a public institution of higher education or a private institution of higher education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administration of glucagon to a student diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. 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, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the 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, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. 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.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, or his remote supervision, as defined in subsection E or F of § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, and any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. 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 professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. 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 prescriber'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) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility

approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 22.1-289.02 and regulated by the Board of Education or a local government pursuant to § 15.2-914, or (ii) a student of a private school that is accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, a licensed practical nurse, an advanced practice registered nurse, a physician assistant, a doctor of medicine or osteopathic medicine, or a pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency, the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency, or the Board of Health has made an emergency order pursuant to § 32.1-13 for the purpose of suppressing nuisances dangerous to the public health and communicable, contagious, and infectious diseases and other dangers to the public life and health and for the limited purpose of administering vaccines as an approved countermeasure for such communicable, contagious, and infectious diseases; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

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

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site

anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, an advanced practice registered nurse, or a physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse, dental hygienist, or authorized agent of a doctor of medicine, osteopathic medicine, or dentistry may possess and administer topical fluoride varnish pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist, a health care provider providing services in a hospital emergency department, and emergency medical services personnel, as that term is defined in § 32.1-111.1, may dispense naloxone or other opioid antagonist used for overdose reversal and a person to whom naloxone or other opioid antagonist has been dispensed pursuant to this subsection may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opioid overdose. Law-enforcement officers as defined in § 9.1-101, employees of the Department of Forensic Science, employees of the Office of the Chief Medical Examiner, employees of the Department of General Services Division of Consolidated Laboratory Services, employees of the Department of Corrections designated by the Director of the Department of Corrections or designated as probation and parole officers or as correctional officers as defined in § 53.1-1, employees of the Department of Juvenile Justice designated as probation and parole officers or as juvenile correctional officers, employees of regional jails, employees of any state agency, school nurses, local health department employees that are assigned to a public school pursuant to an agreement between the local health department and the school board, school board employees who have completed training and are certified in the administration of an opioid antagonist for overdose reversal by a program administered or authorized by the Department of Health, other school board employees or individuals contracted by a school board to provide school health services, and firefighters may also possess and administer naloxone or other opioid antagonist used for overdose reversal and may dispense naloxone or other opioid antagonist used for overdose reversal pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber or a standing order issued by the Commissioner of Health or his designee authorizing the dispensing of naloxone or other opioid antagonist used for overdose reversal in the absence of an oral or written order for a specific patient issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, any person may possess and administer naloxone or other opioid antagonist used for overdose reversal, other than naloxone in an injectable formulation with a hypodermic needle or syringe, in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

Y. Notwithstanding any other law or regulation to the contrary, a person who is acting on behalf of an organization that provides services to individuals at risk of experiencing an opioid overdose or training in the

303 administration of naloxone *or other opioid antagonist* for overdose reversal may dispense naloxone *or other*
304 *opioid antagonist*, provided that such dispensing is (i) pursuant to a standing order issued by a prescriber and
305 (ii) in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of
306 Medicine and the Department of Health. If the person acting on behalf of an organization dispenses naloxone
307 *or other opioid antagonist* in an injectable formulation with a hypodermic needle or syringe, he shall first
308 obtain authorization from the Department of Behavioral Health and Developmental Services to train
309 individuals on the proper administration of naloxone *or other opioid antagonist* by and proper disposal of a
310 hypodermic needle or syringe, and he shall obtain a controlled substance registration from the Board of
311 Pharmacy. The Board of Pharmacy shall not charge a fee for the issuance of such controlled substance
312 registration. The dispensing may occur at a site other than that of the controlled substance registration
313 provided the entity possessing the controlled substances registration maintains records in accordance with
314 regulations of the Board of Pharmacy. No person who dispenses naloxone *or other opioid antagonist* on
315 behalf of an organization pursuant to this subsection shall charge a fee for the dispensing of naloxone *or*
316 *other opioid antagonist* that is greater than the cost to the organization of obtaining the naloxone *or other*
317 *opioid antagonist* dispensed. A person to whom naloxone *or other opioid antagonist* has been dispensed
318 pursuant to this subsection may possess naloxone *or other opioid antagonist* and may administer naloxone *or*
319 *other opioid antagonist* to a person who is believed to be experiencing or about to experience a
320 life-threatening opioid overdose.

321 Z. A person who is not otherwise authorized to administer naloxone or other opioid antagonist used for
322 overdose reversal may administer naloxone or other opioid antagonist used for overdose reversal to a person
323 who is believed to be experiencing or about to experience a life-threatening opioid overdose.

324 AA. Pursuant to a written order or standing protocol issued by the prescriber within the course of his
325 professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an
326 employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by
327 the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the
328 Virginia Council for Private Education who is trained in the administration of injected medications for the
329 treatment of adrenal crisis resulting from a condition causing adrenal insufficiency to administer such
330 medication to a student diagnosed with a condition causing adrenal insufficiency when the student is believed
331 to be experiencing or about to experience an adrenal crisis. Such authorization shall be effective only when a
332 licensed nurse, an advanced practice registered nurse, a physician, or a physician assistant is not present to
333 perform the administration of the medication.