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HOUSE BILL NO. 2307

Offered January 13, 2025

Prefiled January 8, 2025

A BILL to amend and reenact §§ 54.1-2522.1, as it is currently effective and as it shall become effective, and 54.1-3321 of the Code of Virginia, relating to Prescription Monitoring Program; requirements of practitioners; pharmacy technicians; training programs.

Patron—Hodges

Referred to Committee on Health and Human Services

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2522.1, as it is currently effective and as it shall become effective, and 54.1-3321 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2522.1. (Effective until July 1, 2027) Requirements of practitioners.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of opioids anticipated at the onset of treatment to last more than seven consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. A prescriber shall not be required to meet the provisions of subsection B if:

- 1. The opioid is prescribed to a patient currently receiving hospice or palliative care;
- 2. The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;
- 3. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;
- 4. The opioid is prescribed to a patient for pain management related to sickle cell anemia;
- 5. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or
- 6. The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

D. Prior to issuing a written certification for the use of cannabis oil in accordance with § 4.1-1601, a practitioner shall request information from the Director for the purpose of determining what, if any, other covered substances have been dispensed to the patient.

§ 54.1-2522.1. (Effective July 1, 2027) Requirements of practitioners.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. Prescribers registered with the Prescription Monitoring Program shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate anticipated at the onset of treatment to last more than 90 consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified

59 benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a
60 prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from
61 pain management relating to dialysis, cancer treatments, or sickle cell anemia.

62 D. Prior to issuing a written certification for the use of cannabis oil in accordance with § 4.1-1601, a
63 practitioner shall request information from the Director for the purpose of determining what, if any, other
64 covered substances have been dispensed to the patient.

65 **§ 54.1-3321. Registration of pharmacy technicians.**

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

69 1. The entry of prescription information and drug history into a data system or other record keeping
70 system;

71 2. The preparation of prescription labels or patient information;

72 3. The removal of the drug to be dispensed from inventory;

73 4. The counting, measuring, or compounding of the drug to be dispensed;

74 5. The packaging and labeling of the drug to be dispensed and the repackaging thereof;

75 6. The stocking or loading of automated dispensing devices or other devices used in the dispensing
76 process;

77 7. The acceptance of refill authorization of a prescription for a Schedule III through Schedule VI drug and
78 clarification of quantity or refills for a prescription issued for a Schedule VI drug from a prescriber or his
79 authorized agent, so long as there is no other change to the original prescription;

80 8. The acceptance of an electronic transfer of a refill for a Schedule VI drug upon order of the pharmacist-
81 in-charge or pharmacist on duty if the refill is not an on-hold prescription;

82 9. Under the supervision of a pharmacist, meaning the supervising pharmacist is at the same physical
83 location of the technician or pharmacy intern, and consistent with the requirements of § 54.1-3303.1,
84 administration of the following drugs and devices to persons three years of age or older as set forth in
85 regulations of the Board: vaccines included on the Immunization Schedule published by the Centers for
86 Disease Control and Prevention and vaccines for COVID-19; and

87 10. The performance of any other task restricted to pharmacy technicians by the Board's regulations.

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

89 1. An application and fee specified in regulations of the Board;

90 2. Evidence that he has successfully completed a training program that is (i) an accredited training
91 program, including an accredited training program operated through the Department of Education's Career
92 and Technical Education program or approved by the Board; or (ii) *recognized by the Pharmacy Technician
93 Certification Board or the National Healthcareer Association; or (iii) operated through a federal agency or
94 branch of the military; and*

95 3. Evidence that he has successfully passed a national certification examination administered by the
96 Pharmacy Technician Certification Board or the National Healthcareer Association.

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

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

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

105 3. Evidence of continued competency as a condition of renewal of a registration as a pharmacy technician.

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

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

115 F. A pharmacy technician trainee enrolled in a training program for pharmacy technicians described in
116 subdivision B 2 may engage in the acts set forth in subsection A for the purpose of obtaining practical
117 experience required for completion of the training program, so long as such activities are directly monitored
118 by a supervising pharmacist.

119 G. To be registered as a pharmacy technician trainee, a person shall submit an application and a fee

120 specified in regulations of the Board. Such registration shall only be valid while the person is enrolled in a
121 pharmacy technician training program described in subsection B and actively progressing toward completion
122 of such program. A registration card issued pursuant to this section shall be invalid and shall be returned to
123 the Board if such person fails to enroll in a pharmacy technician training program described in subsection B.

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

127 I. A registered nurse or licensed practical nurse practicing at an opioid treatment program pharmacy may
128 perform the duties set forth for pharmacy technicians in subsection A, provided that all take-home medication
129 doses are verified for accuracy by a pharmacist prior to dispensing.