

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-3300.1 of the Code of Virginia, relating to collaborative agreements;*
 3 *practitioners; diagnosis.*

4 [H 232]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 54.1-3300.1 of the Code of Virginia is amended and reenacted as follows:**8 **§ 54.1-3300.1. Participation in collaborative agreements; regulations to be promulgated by the**
 9 **Boards of Medicine and Pharmacy.**

10 A. A pharmacist and his designated alternate pharmacists involved directly in patient care may participate
 11 with (i) any person licensed to practice medicine, osteopathy, or podiatry together with any person licensed,
 12 registered, or certified by a health regulatory board of the Department of Health Professions who provides
 13 health care services to patients of such person licensed to practice medicine, osteopathy, or podiatry; (ii) a
 14 physician's office as defined in § 32.1-276.3, provided that such collaborative agreement is signed by each
 15 physician participating in the collaborative agreement; (iii) any licensed physician assistant working in
 16 accordance with the provisions of § 54.1-2951.1; or (iv) any licensed advanced practice registered nurse
 17 working in accordance with the provisions of § 54.1-2957, involved directly in patient care in collaborative
 18 agreements which authorize cooperative procedures related to treatment using drug therapy, laboratory tests,
 19 or medical devices, under defined conditions or limitations, for the purpose of improving patient outcomes
 20 for patients who meet the criteria set forth in the collaborative agreement. However, no person licensed to
 21 practice medicine, osteopathy, or podiatry, or licensed as an advanced practice registered nurse or physician
 22 assistant, shall be required to participate in a collaborative agreement with a pharmacist and his designated
 23 alternate pharmacists, regardless of whether a professional business entity on behalf of which the person is
 24 authorized to act enters into a collaborative agreement with a pharmacist and his designated alternate
 25 pharmacists.

26 B. A patient who meets the criteria for inclusion in the category of patients whose care is subject to a
 27 collaborative agreement and who chooses to not participate in a collaborative procedure shall notify the
 28 prescriber of his refusal to participate in such collaborative procedure. A prescriber may elect to have a
 29 patient not participate in a collaborative procedure by contacting the pharmacist or his designated alternative
 30 pharmacists or by documenting the same on the patient's prescription.

31 C. Collaborative agreements may include prescribing, modification, continuation, or discontinuation of
 32 drug therapy pursuant to written or electronic protocols, provided implementation of drug therapy occurs
 33 following diagnosis by the licensed physician, podiatrist, advanced practice registered nurse, ~~registered nurse,~~
 34 or physician assistant; the ordering of laboratory tests; or other patient care management measures related to
 35 monitoring or improving the outcomes of drug or device therapy. No such collaborative agreement shall
 36 exceed the scope of practice of the respective parties. Any pharmacist who deviates from or practices in a
 37 manner inconsistent with the terms of a collaborative agreement shall be in violation of § 54.1-2902; such
 38 violation shall constitute grounds for disciplinary action pursuant to §§ 54.1-2400 and 54.1-3316.

39 D. Collaborative agreements may only be used for conditions which have protocols that are clinically
 40 accepted as the standard of care, or are approved by the Boards of Medicine and Pharmacy. The Boards of
 41 Medicine and Pharmacy shall jointly develop and promulgate regulations to implement the provisions of this
 42 section and to facilitate the development and implementation of safe and effective collaborative agreements
 43 between the appropriate practitioners and pharmacists. The regulations shall include guidelines concerning
 44 the use of protocols, and a procedure to allow for the approval or disapproval of specific protocols by the
 45 Boards of Medicine and Pharmacy if review is requested by a practitioner or pharmacist.

46 E. Notwithstanding the provisions of §§ 54.1-3303 and 54.1-3408, a pharmacist may prescribe, modify,
 47 continue, or discontinue Schedule II through VI controlled substances in accordance with this section.

48 F. Prior to a pharmacist prescribing, modifying, continuing, or discontinuing a Schedule II through V
 49 controlled substance in accordance with this section, the pharmacist shall submit proof of the signed
 50 collaborative practice agreement to the Board and obtain authorization from the Board for such activity.