

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 54.1-3304.1 of the Code of Virginia and to amend the Code of Virginia by*  
 3 *adding a section numbered 54.1-3222.1, relating to TPA-certified optometrists; selling and dispensing*  
 4 *Schedule VI controlled substances; requirements.*

5 [H 1006]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 54.1-3304.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is**  
 9 **amended by adding a section numbered 54.1-3222.1 as follows:**10 **§ 54.1-3222.1. *Selling and dispensing Schedule VI controlled substances by TPA-certified optometrist;***  
 11 ***requirements.***12 *A. A TPA-certified optometrist may sell and dispense any Schedule VI controlled substances, as defined in*  
 13 *§ 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), directly to a patient for the treatment of conditions*  
 14 *of the eye and its adnexa, provided that:*15 *1. The TPA-certified optometrist is authorized to prescribe the Schedule VI controlled substance pursuant*  
 16 *to § 54.1-3222; and*17 *2. Such selling or dispensing is extended only to the optometrist's own patients, and such sale or*  
 18 *dispensation complies with the provisions of this section.*19 *B. A TPA-certified optometrist shall not engage in selling or dispensing a Schedule VI controlled*  
 20 *substance unless he is licensed to do so by the Board of Pharmacy. The premises of a TPA-certified*  
 21 *optometrist who sells or dispenses a Schedule VI controlled substance shall be subject to inspection by the*  
 22 *Department of Health Professions to ensure compliance with Chapter 33 (§ 54.1-3300 et seq.), the Drug*  
 23 *Control Act (§ 54.1-3400 et seq.), and the Board of Pharmacy's regulations.*24 *C. A TPA-certified optometrist shall (i) be present on the premises at the time the Schedule VI controlled*  
 25 *substance is sold and dispensed to a patient and be actively involved in the dispensing process; (ii) inform the*  
 26 *patient of the appropriate use of the Schedule VI controlled substance being sold and dispensed; and (iii)*  
 27 *comply with all applicable Board of Optometry and Board of Pharmacy regulations concerning the storage,*  
 28 *packaging, labeling, recordkeeping, and reporting of the controlled substances sold and dispensed.*29 *D. Dispensing and selling pursuant to this section shall be limited to (i) finished pharmaceutical products*  
 30 *that are dispensed and sold strictly in accordance with the manufacturer's labeling and that are in the*  
 31 *manufacturer's original, unaltered form; (ii) drugs intended solely for patient self-administration outside the*  
 32 *optometrist's office; and (iii) prescriptions that are topical, ophthalmic, or oral in form. No pharmaceutical*  
 33 *product dispensed or sold pursuant to this section shall be compounded, repackaged, or otherwise altered by*  
 34 *the optometrist.*35 *E. Nothing in this section shall be construed to otherwise expand the administrative or prescriptive*  
 36 *authority of a doctor of optometry.*37 *F. The Board of Optometry, in consultation with the Board of Pharmacy, may promulgate regulations to*  
 38 *implement the provisions of this section, including provisions for the storage, packaging, labeling,*  
 39 *recordkeeping, and reporting of controlled substances dispensed by a TPA-certified optometrist.*40 **§ 54.1-3304.1. Authority to license and regulate practitioners; permits.**41 *A. The Board of Pharmacy shall have the authority to license and regulate the dispensing of controlled*  
 42 *substances by practitioners of the healing arts. Except as prescribed in this chapter or by Board regulations, it*  
 43 *shall be unlawful for any practitioner of the healing arts to dispense controlled substances within the*  
 44 *Commonwealth unless licensed by the Board to sell controlled substances.*45 *B. Facilities from which practitioners of the healing arts dispense controlled substances shall obtain a*  
 46 *permit from the Board and comply with the regulations for practitioners of the healing arts to sell controlled*  
 47 *substances. Facilities in which only one practitioner of the healing arts is licensed by the Board to sell*  
 48 *controlled substances shall be exempt from fees associated with obtaining and renewing such permit.*49 *C. The Board of Pharmacy may issue a limited-use license for the purpose of dispensing Schedule VI*  
 50 *controlled substances, excluding the combination of misoprostol and methotrexate, and hypodermic syringes*  
 51 *and needles for the administration of prescribed controlled substances to a doctor of medicine, osteopathic*  
 52 *medicine, or podiatry, an advanced practice registered nurse, or a physician assistant, provided that such*  
 53 *limited-use licensee is practicing at a nonprofit facility. Such facility shall obtain a limited-use permit from*  
 54 *the Board and comply with regulations for such a permit.*55 *D. The Board of Pharmacy may issue a limited-use license to a TPA-certified optometrist for the purpose*  
 56 *of dispensing and selling of Schedule VI controlled substances consistent with the provisions of*

57 § 54.1-3222.1.

58 **2. That the Board of Optometry and the Board of Pharmacy may promulgate regulations as necessary**  
59 **to implement the provisions of this act and such initial regulations shall be exempt from the**  
60 **Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia). The Board of Pharmacy's**  
61 **regulations may include provisions for the issuance of a limited-use license consistent with the**  
62 **provisions of this act.**