

23103915D

HOUSE BILL NO. 1952

Offered January 11, 2023

Prefiled January 10, 2023

A BILL to amend the Code of Virginia by adding in Article 2 of Chapter 34 of Title 54.1 sections numbered 54.1-3434.06 and 54.1-3434.07, relating to pharmacies; reporting of processing delays impacting patient safety; centralized or remote processing of prescriptions.

Patron—Hodges

Committee Referral Pending

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 34 of Title 54.1 sections numbered 54.1-3434.06 and 54.1-3434.07 as follows:

§ 54.1-3434.06. *Required reporting of prescription processing delays impacting public health and safety.*

A. To protect the health of the public, a permitted pharmacy that, on average, during any one-week period is unable to prepare a prescription to be dispensed to a patient within two days of receipt shall immediately report the prescription backlog to the Board. In making its report, the pharmacy shall submit a corrective action plan detailing its staffing, workflow, technology, and patient communication strategies to timely address the prescription backlog.

B. The Board may (i) investigate any reported or suspected backlog; (ii) accept, amend, or reject a corrective action plan; and (iii) impose disciplinary action against the permitted pharmacy for failure to comply with this section.

§ 54.1-3434.07. *Centralized or remote processing of prescriptions.*

A. A pharmacy may perform centralized or remote processing of prescriptions in accordance with Board regulations.

B. Notwithstanding the provisions of § 54.1-3321, an employee registered as a pharmacy technician in the Commonwealth may access the employer pharmacy's database from a remote location for the purpose of performing duties of a pharmacy technician for centralized or remote processing of a prescription as authorized by the Board, provided that the pharmacy establishes controls for protecting the privacy and security of confidential records and provided that adequate remote supervision is provided by a pharmacist licensed in the Commonwealth.

C. A pharmacy technician performing centralized or remote processing of a prescription in another state on behalf of a pharmacy located in the Commonwealth shall hold registration in the Commonwealth or licensure in compliance with the resident state and possess evidence that he has successfully passed a national certification examination administered by the Pharmacy Technician Certification Board or the National Healthcareer Association. A pharmacist licensed in the Commonwealth or in another state wherein the remote processing of a prescription is being performed and who has satisfied licensure requirements substantially comparable to the Commonwealth shall perform a check for accuracy of all processing done remotely.

2. That the Board of Pharmacy (the Board) shall promulgate regulations authorizing a pharmacy to outsource to a central fill pharmacy the performance of all tasks associated with dispensing a prescription drug, including final verification for accuracy by a pharmacist, and alternate delivery to the pharmacy that received the prescription. The regulations shall include an expanded pharmacist-to-pharmacy technician ratio for a central fill pharmacy performing duties exclusive of a central fill pharmacy that does not dispense drugs to patients in person and incorporates sufficient technology to limit distractions to pharmacy personnel. Unless prohibited under federal law, the transfer of the prescription shall not be required if the pharmacies share a common electronic file or have technology that allows sufficient information necessary for dispensing the prescription. The regulations shall include notification to the public of the service and verification of accuracy by a pharmacist licensed in the Commonwealth or pharmacist licensed in another state practicing at a central fill pharmacy holding registration as a nonresident pharmacy.

3. That the Board of Pharmacy shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

INTRODUCED

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