

## ***2012 WEST VIRGINIA LEGISLATURE UPDATE – February 20***

Below is a brief description of bills of interest to pharmacy. A complete text of each bill can be accessed on the WV Legislature's Website: [www.legis.state.wv.us](http://www.legis.state.wv.us)

“>” Identifies bills advancing through committee approval or passage by the Senate or House.

Senate Bill 2 – Creates a medication therapy management services program for Medicaid beneficiaries. It authorizes pharmacists to consult with patients to ensure they are taking the appropriate drugs and the drugs are not conflicting with each other. The bill sets forth the specific services to be provided by a pharmacist and eligibility requirements. It establishes a pilot program for an intensive medication therapy management program for Medicaid patients with multiple chronic conditions and a high number of medications.

Senate Bill 24 – This bill prohibits sales of tobacco products by pharmacies.

Senate Bill 45 – This requires a prescription for dispensing drug products containing as an active ingredient ephedrine, pseudoephedrine, phenylpropanolamine and other chemical and other precursors of methamphetamine.

Senate Bill 109 – Allows unlicensed personnel to administer medications when the patient is physically unable to place the medication in their mouths. (Same as HB 2021)

Senate Bill 114 – This creates a medication therapy management program and sets out funding sources for paying for the program. MTM means a one-on-one encounter between a pharmacist and patient to optimize therapeutic outcomes of the patient's medication. Third party payers shall pay a fee to pharmacy providers for MTM.

Senate Bill 201 – Creates the Unintentional Pharmaceutical Drug Overdose Fatality Review Team to examine cases involving unintentional overdose deaths. Among those to serve on the Team is a pharmacist recommended by the WV Pharmacists Association.

>Senate Bill 312 – Authorizes the Board of Pharmacy to implement its pending rule expanding the types of immunizations that may be administered by pharmacists. (Approved by Health Committee; now in Judiciary Committee where it is to be bundled with other rules bills and sent to the House of Delegates for final approval.)

>Senate Bill 313 – Authorizes the Board of Pharmacy to implement its pending rule relating to the Uniform Controlled Substance Act. (Approved by Health Committee; now in Judiciary Committee where it is to be bundled with other rules bills and sent to the House of Delegates for final approval.)

>Senate Bill 314 – Authorizes the Board of Pharmacy to implement its pending rule relating to continuing education of pharmacists. (Approved by Health Committee; now in Judiciary Committee where it is to be bundled with other rules bills and sent to the House of Delegates for final approval.)

>Senate Bill 315 – Authorizes the Board of Pharmacy to implement its pending rule relating to the licensure of wholesale drug distributors. (Approved by Health Committee; now in Judiciary Committee where it is to be bundled with other rules bills and sent to the House of Delegates for final approval.)

Senate Bill 346 – Enacts “The Larry Border Act” requiring a prescription to dispense drug products that contain ephedrine, pseudoephedrine, phenylpropanolamine or other precursors of methamphetamine. (Similar to HB 4025)

Senate Bill 358 – Prohibits a person from possessing more than two prescriptions for a specific controlled substance or any other controlled substance of the same or similar therapeutic use if any of the prescriptions are filled within 72 hours of each other, unless the patient can provide an affidavit from a practitioner explaining why the multiple prescriptions are medically necessary.

Senate Bill 423 – Requires providers to furnish one copy of a person’s health records at no cost.

Senate Bill 426 – Calls for pharmacies to submit to the Board of Pharmacy’s Controlled Substance Monitoring Program data base required information within 24 hours instead of the current one week. It also calls for the name and address of the person receiving the controlled substance prescription if the prescription is written for another person.

>Senate Bill 437 – Introduced at the request of Governor Earl Ray Tomlin this bills implements several provisions to the Controlled Substance Act, Pharmacy Practice Act, Public Health laws and Pain Clinic Licensing Act to cease the illegal use of prescription drugs. (Same as HB 4336) (Committee Substitute approved by Senate Health Committee. Sent to Judiciary then Finance Committees.)

Senate Bill 438 – Adds elected Sheriffs to authorized persons who can access the Board of Pharmacy’s Controlled Substance Monitoring data base. (Same as HB 4285)

>Senate Bill 524 – Requires health professionals with prescriptive authority to conduct an initial search of the Controlled Substance Monitoring Program data base when prescribing a course of treatment that includes prescribing of pain-control controlled substances and an annual search of the data base for certain patients. (Approved by Health Committee; now in Judiciary Committee.)

Senate Bill 535 – Expands prescription authority for physician assistants, advanced nurse practitioners and osteopathic physician assistants to include medications for chronic health conditions.

Senate Bill 588 – This updates the Wholesale Drug Distribution Act of 1991. It specifies wholesale drug distribution licensing requirements and powers of the Board of Pharmacy. It authorizes the Board to take certain disciplinary action against licensees, including civil penalty fines. It provides for the register of wholesale and pharmacy distributors of prescription drugs. (Same as HB 4514)

Senate Bill 656 – This bill requires health care providers to inform patients of their name, title and licensure information by wearing an identification badge when providing direct patient care.

Senate Bill 667 – This bill updates the schedule of controlled substances in WV code to match the federal schedule of controlled substance.

House Bill 2021 – Allows unlicensed personnel to administer medications when a patient is physically unable to do so. (Same as SB 109)

House Bill 2123 – Permits pharmacists to prescribe certain medications without an order by a practitioner.

House Bill 2162 – Requires licensure and regulation of pharmaceutical benefit managers.

House bill 2292 – Requires Medicaid to annual review and adjust rates paid providers.

House Bill 2447 – Includes pharmacists and pharmacies in the definition of “health care provider” under the Medical Professional Liability Act.

House bill 2506 – Prohibits pharmacists from refusing to dispense medications without a valid reason.

House Bill 2794 – Requires mail order and delivery services to distribute controlled substances to only persons who are 18 years of age or older.

House Bill 3031 – Requires licensing boards to conduct criminal background check on all applicants for license.

House Bill 3139 – Prohibits prescriptions for oxycontin extended release or fentanyl patches unless these items contain naloxone to be released only on alteration of the delivery vehicle.

House Bill 3170 – Prohibits a pharmacist from refusing to dispense a prescription unless the pharmacist has provided their employer the reasons they may decline to dispense.

>House Bill 4001 – Authorizes licensing boards to implement fees by legislative rule. (Passed by House of Delegates; sent to Senate Government Organization Committee.)

House Bill 4008 – Requires prescribers to offer a prescription of the medication Naloxone to patients for whom opioids are prescribed.

House Bill 4023 – Requires a prescription for products containing as an active ingredient ephedrine, pseudoephedrine, phenlpropanolamine and other precursors of methamphetamine. (Similar to SB 346)

House Bill 4025 – Requires provider to provide one copy of a person’s health records at no cost. (Same as SB 423)

>House Bill 4034 – Prohibits a person from obtaining or possessing controlled substances from more than one health practitioner. (Approved by Health Committee; now in Judiciary.)

>House Bill 4036 – Prohibits a person from crushing medications for the purpose of snorting unless the label on the medication container allows crushing. (Approved by Health Committee; now in Judiciary.)

House Bill 4047 – Revises and modernizes the Pharmacy Practice Act by creating a scope of practice by pharmacists.

House Bill 4104 – Authorizes licensing boards to exempt licensees who have been continuously licensed for 20 years or more from continuing education requirements.

House Bill 4109 – Clarifies that a “sunrise” application and review is required for establishing, revising or expanding the professional scope of practice.

House Bill 4296 – Requires licensing board to conduct criminal background checks of all applicants for license. (Similar to HB 3031)

House Bill 4301 – Requires one copy of a person’s health records be provider the person at no cost. (Similar to HB 4023 and SB 423)

House Bill 4336 – Introduced at the request of Governor Earl Ray Tomblin this bill makes revisions to various current law relating to licensing of pain clinics, Controlled Substance Act, Pharmacy Practice Act, physician licensing, continuing education of all health care practitioners who prescribe, administer and dispense controlled substances in efforts to cease illegal use of prescription drugs. (Same as SB 437)

House Bill 4471 – Relating to controlled substance monitoring this bill permits specific law enforcement officials access to the data base to identify unusual prescription drug behavior; requires Board of Pharmacy to issue reports to law enforcement; identifies prescribers with abnormal prescription practices; and requires Board of Pharmacy to implement a real-time tracking data base.

House Bill 4514 – This bill updates the Wholesale Drug Distribution Act of 1991, including specifying additional purpose of the article and definition of terms. It specifies wholesale drug distribution licensing requirements and powers of the Board of Pharmacy. It authorizes the Board to take certain disciplinary action against licensees, including civil penalty fines. It provides for the register of wholesale and pharmacy distributors of prescription drugs. (Same as SB 588)

House Bill 4527 – This prohibits an third party plan from changing a prescription drug on a benefit plan from one tier to another tier, or change the deductible or copay during the policy or benefit year.

House Bill 4606 – This implements use of NPLEx by pharmacies and imposes limits on sales of PSE products.

House Bill 4638 – This new law will implement measures for Medicaid to undertake to assure appropriate billings and payment of health care services. It calls for state-of-the-art clinical code editing technology solutions to further automate claims resolutions and enhance cost containment through improved claim accuracy and appropriate code correction.

House Bill 4640 – This establishes the Unused Pharmaceutical Disposal Pilot Program. The two-year pilot program is to be administered by the Bureau for Public Health. The Program is to provide prepaid mailing envelopes into which unused pharmaceuticals are placed and returned to a single collection location. The envelopes will be made available to the public at pharmacies, physicians' offices and post offices. Only Bureau officials shall have access to returned products, which are to be disposed of in compliance with local, state and federal environmental requirements.