

1 **H. B. 2849**

2
3 (By Delegates Rodighiero and Reynolds)

4 [Introduced January 25, 2011; referred to the

5 Committee on Health and Human Resources then the

6 Judiciary.]

7
8
9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new article, designated §16-2L-1, §16-2L-2
12 and §16-2L-3, all relating to directing the Department of
13 Health and Human Resources and the state Board of Pharmacy to
14 implement a pilot program through which unused prescription
15 drugs, other than opiates, can be transferred from nursing
16 home facilities to pharmacies owned by local health
17 departments or county pharmacies for the purpose of
18 distributing medication to indigent people.

19 *Be it enacted by the Legislature of West Virginia:*

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new article, designated §16-2L-1, §16-2L-2 and
22 §16-2L-3, all to read as follows:

23 **ARTICLE 2L. UTILIZATION OF UNUSED PRESCRIPTION MEDICATION.**

24 **§16-2L-1. Short title.**

1 This article may be cited as the "Utilization of Unused
2 Prescription Medications Act."

3 **§16-2L-2. Pilot program.**

4 (a) The Department of Health and Human Resources and the state
5 Board of Pharmacy shall jointly develop and implement a pilot
6 program consistent with public health and safety through which
7 unused prescription drugs, other than prescription drugs defined as
8 controlled dangerous substances by section one hundred one, article
9 one, chapter sixty-a of this code, may be transferred from nursing
10 or assisted living facilities to pharmacies, operated by city-
11 county health departments or county pharmacies for the purpose of
12 distributing the medication to residents of this state who are
13 medically indigent.

14 (b) The Department of Health and Human Resources and the state
15 Board of Pharmacy shall review and evaluate the program no later
16 than eighteen months after its implementation and shall submit a
17 report and any recommendations to the Governor, the Speaker of the
18 House of Delegates, and the President of the Senate.

19 (c) The Department of Health and Human Resources and the state
20 Board of Pharmacy shall propose rules for legislative approval in
21 accordance with the provisions of article three, chapter twenty-
22 nine-a of this code. The rules and procedures shall provide:

23 (1) For a formulary for the medications to be distributed
24 pursuant to the program;

1 (2) For the protection of the privacy of the individual for
2 whom the medication was originally prescribed;

3 (3) For the integrity and safe storage and safe transfer of
4 the medication, which may include, but shall not be limited to,
5 limiting the drugs made available through the program to those that
6 were originally dispensed by unit dose or an individually sealed
7 dose or which remain in intact packaging;

8 (4) For the tracking of and accountability for the
9 medications; and

10 (5) For other matters necessary for the implementation of the
11 program.

12 (d) In accordance with the rules and procedures of a program
13 established pursuant to this section, the resident of a nursing
14 facility, or the representative or guardian of a resident may
15 donate unused prescription medications, other than prescription
16 drugs defined as controlled dangerous substances by section one
17 hundred one, article one, chapter sixty-a of this code, for
18 dispensation to medically indigent people.

19 (e) Physicians, pharmacists and other health care
20 professionals shall not be subject to liability for participation
21 in the program established by this article when acting within the
22 scope of practice of their license and in good faith compliance
23 with the rules promulgated pursuant to this article.

24 (f) For purposes of this section, "medically indigent" means

1 a person who has no health insurance or who otherwise lacks
2 reasonable means to purchase prescribed medications.

3 **§16-2L-3. Penalties.**

4 It is unlawful for any person, firm or corporation to sell,
5 offer for sale, barter or give away any unused quantity of drugs
6 obtained by prescription, except through a program pursuant to the
7 Utilization of Unused Prescription Medications Act or as otherwise
8 provided by the state Board of Pharmacy.

NOTE: The purpose of this bill is to direct the Department of Health and Human Resources and the state Board of Pharmacy to implement a pilot program through which unused prescription drugs, other than opiates, can be transferred from nursing home facilities to pharmacies owned by local health departments or county pharmacies for the purpose of distributing medication to indigent people.

This article is new; therefore, it has been completely underscored.