

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2583

BY DELEGATES HILL, ELLINGTON, PUSHKIN, ROHRBACH,

FLEISCHAUER, WALKER, STAGGERS, MCGEEHAN,

SUMMERS AND DOYLE

[Passed March 9, 2019; in effect ninety days from
passage.]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §16-56-1, §16-56-2, §16-56-3, §16-56-4, §16-56-5 and §16-56-6, all relating
3 to permitting a pharmacist to dispense a self-administered hormonal contraceptive under
4 a standing prescription drug order; defining terms; providing certain authority to the State
5 Health Officer; clarifying that certain federal requirements are applicable; establishing
6 protocol to be followed; requiring the pharmacist to be trained; providing guidelines to
7 dispensing; and clarifying that the Board of Pharmacy regulates the actions of Pharmacist
8 acting under this article.

Be it enacted by the Legislature of West Virginia:

ARTICLE 57. FAMILY PLANNING ACCESS ACT.

§16-57-1. Definitions.

1 As used in this article:

2 “Dispense” means the same as that term is defined in §30-5-4 of this code.

3 “Patient counseling” means the same as that term is defined in §30-5-4 of this code.

4 “Pharmacist” means the same as that term is defined in §30-5-4 of this code.

5 “Self-administered hormonal contraceptive” means a self-administered hormonal
6 contraceptive that is approved by the United States Food and Drug Administration to prevent
7 pregnancy and does not include the class of emergency contraceptives commonly known as the
8 “morning after pill” or “Plan B”.

§16-57-2. Voluntary participation.

1 This article does not create a duty or standard of care for a person to prescribe or dispense
2 a self-administered hormonal contraceptive.

§16-57-3. Authorization to dispense self-administered hormonal contraceptives.

1 (a) A pharmacist licensed under §30-5-1 et seq. of this code may dispense a self-
2 administered hormonal contraceptive: (1) pursuant to a standing prescription drug order made in
3 accordance with §16-57-4 of this code without any other prescription drug order from a person

4 licensed to prescribe a self-administered hormonal contraceptive; (2) in accordance with the
5 dispensing guidelines in §16-57-6 of this code; and (3) to a patient who is 18 years old or older.

6 (b) All state and federal laws governing insurance coverage of contraceptive drugs,
7 devices, products, and services shall apply to self-administered contraceptives dispensed by a
8 pharmacist under a standing order pursuant to this section.

**§16-57-4. Standing prescription drug orders for a self-administered hormonal
contraceptive.**

1 The state health officer may prescribe on a statewide basis a self-administered hormonal
2 contraceptive by one or more standing orders in accordance with a protocol consistent with the
3 United States Medical Eligibility Criteria for Contraceptive Use (MEC) Centers for Disease Control
4 and Prevention, that requires:

- 5 (1) Use of the self-screening risk assessment questionnaire described below;
6 (2) Written and oral education;
7 (3) The timeline for renewing and updating the standing order;
8 (4) Who is eligible to utilize the standing order;
9 (5) The pharmacist to make and retain a record of each person to whom the self-
10 administered hormonal contraceptive is dispensed, including:

- 11 (A) The name of the person;
12 (B) The drug dispensed; and
13 (C) Other relevant information.

§16-57-5. Pharmacist education and training required.

1 (a) The Board of Pharmacy, in collaboration with the Bureau for Public Health, shall
2 approve a training program or programs to be eligible to participate in the utilization of the standing
3 prescription drug order for self-administered hormonal contraceptives by a pharmacist.

4 (b) Documentation of training shall be provided to the Board of Pharmacy upon request.

§16-57-6. Guidelines for dispensing a self-administered hormonal contraceptive.

1 (a) A pharmacist who dispenses a self-administered hormonal contraceptive under this
2 article:

3 (1) Shall obtain a completed self-screening risk assessment questionnaire that has been
4 approved by the state health officer in collaboration with the Board of Pharmacy, the Board of
5 Osteopathic Medicine, and the Board of Medicine from the patient before dispensing the self-
6 administered hormonal contraceptive;

7 (2) Shall notify the patient's primary care provider, if provided;

8 (3) If when dispensing within the guidelines it is unsafe to dispense a self-administered
9 hormonal contraceptive to a patient then the pharmacist:

10 (A) May not dispense a self-administered hormonal contraceptive to the patient; and

11 (B) Shall refer the patient to a health care practitioner or local health department;

12 (4) May not continue to dispense a self-administered hormonal contraceptive to the patient
13 for more than 12 months after the date of the initial prescription without evidence that the patient
14 has consulted with a health care practitioner during the preceding 12 months; and

15 (5) Shall provide the patient with:

16 (A) Written and verbal information regarding:

17 (i) The importance of seeing the patient's health care practitioner to obtain recommended
18 tests and screening; and

19 (ii) The effectiveness and availability of long-acting reversible contraceptives and other
20 effective contraceptives as an alternative to self-administered hormonal contraceptives; and

21 (B) A copy of the record of the encounter with the patient that includes:

22 (i) The patient's completed self-assessment tool; and

23 (ii) A description of the contraceptives dispensed, or the basis for not dispensing a
24 contraceptive.

25 (b) If a pharmacist dispenses a self-administered hormonal contraceptive to a patient, the
26 pharmacist shall, at a minimum, provide the patient counseling regarding:

27 (1) The appropriate administration and storage of the self-administered hormonal
28 contraceptive;

29 (2) Potential side effects and risks of the self-administered hormonal contraceptive;

30 (3) The need for backup contraception;

31 (4) When to seek emergency medical attention;

32 (5) The risk of contracting a sexually transmitted infection or disease, and ways to reduce
33 the risk of contraction; and

34 (6) Any additional counseling outlined in the protocol as prescribed in §16-57-4 of this
35 code.

36 (c) The Board of Pharmacy regulates a pharmacist who dispenses a self-administered
37 hormonal contraceptive under this article.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2019.

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Governor