

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 2 P 1:39

FILED

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.]

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2019 MAR 26 P 1:39

FILED

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.

W. Mark Caputo
.....
Chairman, House Committee

E. E. Z
.....
Member Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harris
.....
Clerk of the House of Delegates

Joe Carr
.....
Clerk of the Senate

Ray Hunsler
.....
Speaker of the House of Delegates

Walter B. Carmichael
.....
President of the Senate

The within *is approved* this the *26th*
day of *March*, 2019.

James R. Dew
.....
Governor

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 26 P 1:39

FILED

PRESENTED TO THE GOVERNOR

1/23/10

Time 3:35 pm