

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2583

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SUMMERS AND DOYLE

[Originating in the House Committee on Health and

Human Resources; February 5, 2019]

1 A BILL 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 56. FAMILY PLANNING ACCESS ACT.

§16-56-1. Definitions.

1 As used in this article:

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

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

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

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 that includes an oral hormonal contraceptive, a hormonal vaginal ring, and a hormonal
8 contraceptive patch.

§16-56-2. 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.

§16-56-3. 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: to a patient who is 18 years old or older; pursuant to a
3 standing prescription drug order made in accordance with §16-56-4 this code without any other

4 prescription drug order from a person licensed to prescribe a self-administered hormonal
5 contraceptive; and in accordance with the dispensing guidelines in §16-56-6 of this code.

6 (b) Self-administered hormonal contraceptives prescribed under a standing order are not
7 exempt from Federal law which indicates insurance providers shall cover a full range of
8 contraceptive methods.

§16-56-4. Standing prescription drug orders for a self-administered hormonal
contraceptive.

9 The state health officer may prescribe on a statewide basis a self-administered hormonal
10 contraceptive by one or more standing orders in accordance with a protocol that requires:

11 (1) Use of the self-screening risk assessment questionnaire described below,

12 (2) Written and oral education;

13 (3) The timeline for renewing and updating the standing order.

14 (4) Who is eligible to utilize the standing order.

15 (5) The pharmacist to make and retain a record of each person to whom the self-
16 administered hormonal contraceptive is dispensed, including:

17 (A) The name of the person;

18 (B) The drug dispensed; and

19 (C) Other relevant information.

§16-56-5. Pharmacist education and training required.

1 (a) The Board of Pharmacy in collaboration with the Bureau for Public Health shall approve
2 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.

§16-56-6. 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 individual's primary care provider, if provided, within two business days.

8 (3) If the results of the evaluation indicate that 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 (3) May not continue to dispense a self-administered hormonal contraceptive to a 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 (4) 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 patient counseling to the patient 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 §16-56-4.
35 (c) The Board of Pharmacy regulates a pharmacist who dispenses a self-administered
36 hormonal contraceptive under this article.

NOTE: The purpose of this bill is to permit a pharmacist to dispense a self-administered hormonal contraceptive under a standing prescription drug order.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.