

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2524**

BY DELEGATES ATKINSON, HILL, D. JEFFRIES, HOLLEN,

FLEISCHAUER AND STAGGERS

[Introduced January 18, 2019; Referred  
to the Committee on Health and Human Resources.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §30-5-35, relating to permitting a pharmacist to convert prescriptions  
 3 authorizing refills under certain circumstances.

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

**ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS  
 AND PHARMACIES.**

**§30-5-35. Conversion of prescriptions authorizing refills.**

1 (a) If a prescription authorizes a drug to be dispensed by refilling the prescription one or  
 2 more times and the total quantity of the drug does not exceed a 90-day supply of the drug, a  
 3 pharmacist who is filling or refilling the prescription may dispense a quantity of the drug that varies  
 4 from the quantity or amount of the drug originally written on the prescription, if all of these  
 5 conditions are met:

6 (1) The action taken by the pharmacist does not result in a quantity or amount of the drug  
 7 being dispensed that exceeds the total quantity that may be dispensed by filling and refilling the  
 8 prescription.

9 (2) The prescription is for one of the following:

10 (A) A maintenance drug to be taken on a regular, recurring basis to treat a chronic  
 11 condition;

12 (B) A drug to be taken on a regular, recurring basis to prevent disease; or

13 (C) A contraceptive.

14 (3) If the prescription is for a maintenance drug, the patient has used an initial 30-day  
 15 supply of the drug, or a 90-day supply of the drug has previously been prescribed to the patient,  
 16 and the pharmacist determines, after consulting with the patient, that the drug has stabilized the  
 17 patient's condition.

18 (4) The prescription is not for a controlled substance, as set forth in §60A-1-1 et seq.;

- 19           (5) The prescriber did not state, “Brand Medically Necessary”; and
- 20           (6) The pharmacist consults with the patient, and the pharmacist determines the action
- 21 authorized by this section is appropriate for the patient.
- 22           (b) This section does not require a health care insurer, government health care program,
- 23 pharmacy benefit manager, or other entity that offers health benefit plans to provide coverage for
- 24 a drug in a manner that is inconsistent with the patient's benefit plan.

NOTE: The purpose of this bill is to provide authority for pharmacists to convert prescriptions authorizing refills under certain circumstances.

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