

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4455

BY DELEGATES PRITT, PAYNTER, FOSTER, LONGANACRE,

HOTT, KIMES, D. JEFFRIES, G. WARD, JENNINGS,

BRIDGES AND FAST

[Introduced January 31, 2022; 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 §30-5-37, relating to permitting pharmacists to dispense ivermectin by means
3 of a standing order; creating definitions; providing for guidelines, clarifying the role of the
4 West Virginia Board of Medicine; and providing for an effective date.

Be it enacted by the Legislature of West Virginia:

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

§30-5-37. Permitting pharmacists to dispense ivermectin by standing order.

1 (a) In this section, "standing order" means a written and signed protocol authored by one
2 or more physicians licensed in this state, or one or more advanced practice registered nurses
3 licensed in this state. Such agreement shall specify a protocol allowing the pharmacist licensed
4 in this state to dispense ivermectin under the delegated prescriptive authority of the physician or
5 APRN, specify a mechanism to document screening performed and the prescription in the
6 patient's medical record, and include a plan for evaluating and treating adverse events. Any such
7 prescription shall be regarded as being issued for a legitimate medical purpose in the usual course
8 of professional practice.

9 (b) Licensed pharmacists following standing orders may dispense ivermectin to persons
10 in this state without a prior prescription.

11 (c) A pharmacist, pharmacy, physician, or APRN issuing or following standing orders shall
12 be prohibited from seeking personal financial benefit by participating in any incentive-based
13 program or accepting any inducement that influences or encourages therapeutic or product
14 changes or the ordering of tests or services.

15 (d) The pharmacist shall provide each recipient of ivermectin pursuant to this section with
16 a standardized information sheet written in plain language, which shall include, but is not limited
17 to, the importance of follow-up care, and health care referral information. Nothing on the

18 information sheet shall discourage the recipient from using ivermectin for the treatment of COVID-
19 19.

20 (e) The West Virginia Board of Medicine shall not deny, revoke, suspend, or otherwise
21 take disciplinary action against a physician based on a pharmacist's failure to follow standing
22 orders provided the provisions of this section and the rules adopted under this section are
23 satisfied. The board of nursing shall not deny, revoke, suspend, or otherwise take disciplinary
24 action against an APRN based on a pharmacist's failure to follow standing orders provided the
25 provisions of this section and the rules adopted under this section are satisfied. The board of
26 pharmacy shall not deny, revoke, suspend, or otherwise take disciplinary action against a
27 pharmacist who follows standing orders based on a defect in those standing orders provided the
28 provisions of this section and the rules adopted under this section are satisfied.

29 (f) Effective Date. - This act shall take effect 60 days after its passage.

NOTE: The purpose of this bill is to allow licensed pharmacists to distribute the drug ivermectin by means of a standing order. The bill makes definitions, provides a framework for the distribute, clarifies the role of the Board of Medicine, and provides for an effective date.

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