

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2413

By Delegate C. Pritt

[Introduced January 11, 2023; 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 or
 2 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 in
 4 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 in
 10 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 a
 16 standardized information sheet written in plain language, which shall include, but is not limited to,
 17 the importance of follow-up care, and health care referral information. Nothing on the information

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

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

28 (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.