WEST VIRGINIA CODE CHAPTER 16 ARTICLE 56

WV Legislature

§16-56-1. Definitions.

As used in this article:

"Dispense" means the same as that term is defined in §30-5-4 of this code.

"Patient counseling" means the same as that term is defined in §30-5-4 of this code.

"Pharmacist" means the same as that term is defined in §30-5-4 of this code.

"Pharmacy intern" means the same as that term is defined in §30-5-4 of this code.

"Physician" means the same as that term is defined in §30-3E-1 of this code.

"Tobacco cessation therapy" means a tobacco cessation noncontrolled prescription medication, over-the-counter medication or other professional service, that is approved by the United States Food and Drug Administration for treating tobacco use including all of the of various dosage forms.

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§16-56-2. Voluntary participation.

This article does not create a duty or standard of care for a person to prescribe or dispense tobacco cessation therapy.

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§16-56-3. Authorization to dispense.

A pharmacist licensed under §30-5-1 et seq. of this code may initiate and dispense a noncontrolled prescription medication, over-the-counter medication, or other professional service to a patient who is 18 years old or older; pursuant to a standing prescription drug order made in accordance with §16-56-4 of this code without any other prescription drug order from a person licensed to prescribe a tobacco cessation therapy; and in accordance with the dispensing guidelines in §16-56-6 of this code.

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§16-56-4. Standing prescription drug orders for tobacco cessation therapy.

(a) The Commissioner of the Bureau for Public Health or designee shall prescribe on a statewide basis a tobacco cessation therapy by one or more standing orders permitting pharmacists to initiate the dispensing of noncontrolled prescription medications, over-the-counter medications, or other professional services to eligible individuals:

(b) A standing order must specify, at a minimum:

(1) Use of the Tobacco Cessation Therapy Protocol, that has been approved by the Commissioner of the Bureau for Public Health in collaboration with the Board of Pharmacy and the Board of Medicine;

(2) The eligible individuals to whom the tobacco cessation therapy may be dispensed;

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

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

The Board of Pharmacy shall approve a training program or programs to be eligible to participate in the utilization of the standing prescription drug order for tobacco cessation therapy by a pharmacist.

Documentation shall be provided to the Board of Pharmacy upon request.

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§16-56-6. Guidelines for dispensing a tobacco cessation therapy.

(a) A pharmacist who dispenses a tobacco cessation therapy under this article shall follow the Tobacco Cessation Therapy Protocol, that has been approved by the Commissioner of the Bureau for Public Health in collaboration with the Board of Pharmacy and the Board of Medicine, before dispensing the tobacco cessation therapy. The protocol shall include the:

(1) Criteria for identifying individuals eligible to receive the tobacco cessation therapy or other professional services under the protocol, and referral to an appropriate prescriber if the patient is high-risk or therapy is contraindicated;

(2) Medications authorized by the protocol;

(3) Procedures for initiation and monitoring of therapies, including a care plan based on clinical guidelines;

(4) Education requirements to be provided to the person receiving the medications and follow-up care;

(5) Documentation procedures in the pharmacy system; and

(6) Notification of the individual’s primary care provider, if provided, within two business days.

(b) If when following the protocol it is indicated that it is unsafe to dispense a tobacco cessation therapy to a patient, the pharmacist:

(A) May not dispense a tobacco cessation therapy to the patient; and

(B) Shall refer the patient to their primary care provider.

(c) The Board of Pharmacy regulates a pharmacist who dispenses a tobacco cessation noncontrolled prescription medication, over-the-counter medication, or other professional service.

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