WEST VIRGINIA CODE: §60B-1-1

§60B-1-1. Definitions.

As used in this chapter:

"Board" means the West Virginia Board of Pharmacy.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through V of §60A-2-1 *et seq*. of this code, and Schedules I through V of 21 CFR Part 1308.

"Donor" means any person, including an individual member of the public, or any entity legally authorized to possess drugs with a license or permit in good standing in the state in which it is located, including, but not limited to, a wholesaler or distributor, third party logistic provider, pharmacy, dispenser, clinic, surgical or health center, detention and rehabilitation center, laboratory, medical or pharmacy school, prescriber or other health care professional, or healthcare facility. Donor also means government agencies and entities that are federally authorized to possess drugs including, but not limited to, drug manufacturers, repackagers, relabelers, outsourcing facilities, Veteran Affairs hospitals, and prisons.

"Drugs" means both prescription and nonprescription ("over-the-counter") drugs.

"Eligible patient" means an indigent person. However, if the recipient's supply of donated drugs exceeds the need for donated drugs by indigent patients, then any other person in need of a particular drug can be an eligible patient.

"Eligible recipient" means a pharmacy, wholesaler, reverse distributor, hospital, federally qualified health center, nonprofit clinic, healthcare facility, an entity participating in a drug donation or repository program pursuant to another state's law, or private office of a healthcare professional that has been authorized by the West Virginia Board of Pharmacy.

"Healthcare facility" means a facility licensed by the State of West Virginia as a:

(1) Nursing home;

(2) Personal care home;

(3) Assisted living community;

(4) Residential care facility for the elderly;

(5) Hospice;

(6) Hospital;

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(7) Home health agency; or

(8) A similar entity licensed in the state in which it is located.

“Health care professional” means a person who is licensed by the State of West Virginia to practice as a:

(1) Physician;

(2) Registered nurse or licensed practical nurse;

(3) Physician assistant;

(4) Dentist or dental hygienist;

(5) Optometrist; or

(6) Pharmacist

“Indigent patient” means a patient whose income is at or below the income eligibility requirements of the West Virginia Medicaid program, or who is uninsured, underinsured, or enrolled in a public assistance health benefits program.

“Program” means the donated drug repository program established by rule pursuant to §60B-1-8 of this code.

“Transaction date” means the date on which ownership of the drugs is transferred between two participants of the program as established by contract or other arrangement. If no such contract or arrangement exists, the transaction date shall be the date the drug was accepted into inventory by the recipient.

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