Virginia Regulatory Town Hall

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Exempt Action Final Regulation Agency Background Document

Agency name	Department of Health Professions
Virginia Administrative Code (VAC) citation	18VAC76-20-10 et seq.
Regulation title	Regulations Governing the Prescription Monitoring Program
Action title	Conformity with the Code of Virginia
Final agency action date	7/17/14
Document preparation date	7/17/14

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006 of the Virginia Administrative Process Act (APA), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act, Executive Orders 14 (2010) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

Summary

Please provide a brief summary of all regulatory changes, including the rationale behind such changes. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation.

Amendments to regulations include the following:

Section 20.
Covered substances that must be reported to the Prescription Monitoring Program (PMP) now include "drugs of concern" in addition to Schedules II, III and IV controlled substances as specified in the Drug Control Act. A drug of concern is defined as a drug or substance that has been or has the potential for abuse as identified by the Board of Pharmacy. Therefore, general provisions are amended to include any "drugs of concern" under the program to conform to § 54.1-2520 of the Code of Virginia.

Section 60.

Subsection B 1 is amended to conform to changes in § 54.1-2523, in which the recipient who requests a report of his own PMP information is allowed to specify on the request form the street or mailing address to which the report is to be sent. The report no longer has to be sent to the address on the license (photo identification).

Subsection B 5 is amended to conform to an amendment to § 54.1-2523.2, which now allows dispensers to delegate queries to the PMP under the same provisions previously allowed for prescribers. Subsection B 2 of the regulations currently specifies delegation by prescribers, so the provisions are repeated in B 5 for dispensers.

Subsection D is amended because it is inconsistent with the provision in § 54.1-2525 C, which allows a prescriber or dispenser to redisclosing information obtained from the PMP to other prescribers or dispensers.

Statement of final agency action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

On July 17, 2014 the Director amended 18VAC76-20-10 et seq., Regulations Governing the Prescription Monitoring Program, to conform regulations to changes made in Chapter 25.2 of Title 54.1.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on the family.