

Delegate Bud Phillips' prescription drug bill passes subcommittee

By [Mac McLean](#) | Reporter / Bristol Herald Courier
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Part of a local delegate's plan to beef up the state's prescription drug laws and fight a problem that has plagued Southwest Virginia advanced Monday in the Virginia General Assembly.

A subcommittee in the House of Delegates unanimously approved a bill that would require doctors to report anyone they suspect of prescription drug diversion, or trying to get a prescription drug through false pretenses, to the police within three days.

"Doctors have been reluctant to do that because of HIPAA," and other privacy concerns, said Delegate Bud Phillips, who was referring to the Health Insurance Portability and Accountability Act of 1996. Phillips, a Democrat from Castlewood, sponsored the bill, which cleared the House Courts of Justice Committee's Criminal Law Subcommittee. It includes a "shall report" clause that requires doctors and other health-care workers to turn in someone they suspect is diverting drugs. But like a piece of legislation the Tennessee General Assembly passed last year, Phillip's bill would not penalize doctors who fail to meet this requirement.

The act of obtaining drugs through false pretenses is a Class VI felony in Virginia and punishable by up to five years in prison.

Phillips' reporting bill would also protect those who report suspected doctor shoppers from being sued in civil court. It is one of eight prescription drug bills the Russell County delegate has sponsored this year.

Other Phillips' bills would: make tramadol and carisoprodol Schedule IV drugs subject to stiffer regulation; force health-care providers to take classes on pain management and addiction; and require people who are taking certain medications for more than 31 days to undergo random drug tests.

Phillips said he decided to sponsor the bills after meeting with representatives from One Care of Southwest Virginia, a coalition of 16 substance abuse prevention groups and other agencies that serve the 22 counties in Virginia's western half.

"There's a problem [with drug diversion] and it's a significant problem," said Carl Mitchell, the group's executive director. "We have anecdotal evidence from everyone: doctors, registered nurses, pharmacists and dentists."

Mitchell said Phillips' reporting bill would allow the state government to collect more detailed information on prescription drug diversion. He hopes this information would help One Care come up with a blueprint for fighting prescription drug abuse in Southwest Virginia.

Four prescription drugs – oxycodone, methadone, fentanyl and hydrocodone – were behind 159 of western Virginia's 246 drug overdose or poisoning deaths in 2008, according to a report from the state's chief medical examiner.

"People have begun to realize that diversion is a key to this problem," Mitchell said. "The more we can do to prevent it the more it's going to help us."

After clearing its first hurdle Monday, Phillip's bill will go before the full Courts of Justice Committee for a review later this week. If it passes this committee, the legislation will head to the full House for a vote and then to the state Senate.

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