

**From:** [Jeremy Bennett](#)  
**To:** [Jeremy Bennett](#)  
**Cc:** [Dean Lynch](#)  
**Subject:** Comment Period for Board of Pharmacy Emergency Regulations-Drug Kit Exchange Program  
**Date:** Thursday, April 18, 2024 3:45:00 PM  
**Attachments:** [VA BOP EMS related regulation draft 03\\_28\\_24.pdf](#)

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Dear County Administrators,

VACo recently learned that the Virginia Office of Emergency Medical Services (OEMS), in coordination with the leadership of the Virginia Department of Health (VDH), regional EMS Councils, and other interested stakeholder groups, have been actively working to advocate for Virginia's EMS agencies and providers due to U.S. Food and Drug Administration (FDA) and U.S. Drug Enforcement Administration (DEA) federal regulatory changes that will change existing regional and Virginia EMS agency hospital drug kit exchange programs. These Federal regulatory changes may go into effect as early as November 27th, 2024, and will likely impact the handling of Schedule II - V controlled substances and existing regional drug kit programs utilized by numerous EMS agencies. This has the potential to directly impact EMS providers across Virginia and their funding partners in local government by increasing costs to provide these services.

In anticipation of these regulatory changes, OEMS has been working with leadership from the state Board of Pharmacy and others to facilitate discussions about the development of emergency regulations which will make implementation of new processes easier to move forward. Additionally, the Regional EMS Councils assembled a workgroup comprised of representatives from numerous fire, EMS, pharmacy and hospital stakeholder groups to develop recommendations for EMS agencies across the Commonwealth.

On March 28, 2024, the [Virginia Board of Pharmacy](#) met and released draft emergency regulations to support the EMS drug kit transition project (see attached document). Prior to the March 28<sup>th</sup> meeting, a number of stakeholders provided written comment that was considered and incorporated into the initial draft emergency regulations.

The Virginia Board of Pharmacy and their regulations work group are planning to [meet](#) again on May 2, 2024 to consider incorporating further comments into the draft emergency regulations. To assist the Board of Pharmacy with having all suggestions and recommendations prior to their May 2 meeting, you are invited to provide feedback to [pharmbd@dhp.virginia.gov](mailto:pharmbd@dhp.virginia.gov) with the subject line: Public Comments on EMS Emergency Regulations. Comments should be as specific as possible, including recommended language as appropriate. If you have previously submitted comments, there is no need to resubmit. Prior to the May 2, 2024, Board of Pharmacy meeting, it is anticipated an updated version of the new draft emergency regulation will be released for additional feedback from the EMS community.

Once emergency regulations are adopted by the Board of Pharmacy and enacted, they are sent to the Virginia Registrar and will remain in effect for up to 18 months or until new regulations are promulgated. The enactment of emergency regulations automatically starts a process for a traditional full regulatory review of the regulations.

If you have further questions or desire additional information, please contact Mr. Ron Passmore, Director, Division of Regulation, Compliance and Enforcement at OEMS by email at [ron.passmore@vdh.virginia.gov](mailto:ron.passmore@vdh.virginia.gov).

Thank you for your attention and participation in this extremely important matter impacting our EMS agencies across the Commonwealth.

Sincerely,

Jeremy R. Bennett

Director of Intergovernmental Affairs

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