



## VIRGINIA

### State-Specific Controlled Substance Requirements

**Updated 5/31/23**

<b>Biennial Inventory (DEA):</b>	<p>A physical inventory of all controlled substances on hand must be taken at least every <u>two years</u>. The biennial inventory may be taken on any date, which is within two years of the previous biennial or initial inventory. [<a href="#">21 CFR 1304.11</a>]</p> <p>NOTE:</p> <ul style="list-style-type: none"> <li>• Separate biennial inventories must be completed for schedule II and schedule III-V controlled substances.</li> <li>• Biennials may be conducted more frequently than every two years. As a recommendation, conduct your DEA biennial inventory at the same time you conduct your state biennial inventory.</li> <li>• Biennial inventories must be conducted by the DEA registrant, or their designee who has been granted Power of Attorney, along with an authorized witness.</li> </ul> <p>Biennial inventories must indicate whether they are conducted at the start or close of business.</p> <p><b>VA follows DEA biennial inventory requirements</b></p> <p>The biennial inventory shall be taken on any date which is within <u>two years</u> of the previous biennial inventory <a href="#">§ 54.1-3404 B</a></p>
<b>CE:</b>	<p><u>Veterinarians</u>: a minimum of 15 hours, of approved continuing education for each annual renewal of licensure.</p> <p><u>Veterinary Technicians</u>: a minimum of <u>eight hours</u>, of approved continuing education for each annual renewal of licensure.</p> <p>Continuing education credits or hours may not be transferred or credited to another year. <a href="#">§ 54.1-3805.2</a></p> <p>Original documents must be maintained for a period of two years following renewal</p> <p><b>Virginia does not currently require controlled substance CE</b></p>
<b>Compounding:</b>	<p><u>Compounding</u> is <u>any manipulation</u> of a drug beyond that stipulated on the drug label. Veterinary drugs should only be compounded based on a licensed veterinarian's prescription, and to meet the medical needs of a specific patient. Manipulation might include mixing, diluting, concentrating, flavoring, or changing a drug's dosage form. Examples of compounding include:</p> <ul style="list-style-type: none"> <li>• Mixing two injectable drugs in the same syringe</li> <li>• Creating an oral suspension from crushed tablets or an injectable solution</li> <li>• Adding flavoring to a commercially available drug</li> <li>• Creating a transdermal gel for a drug typically taken through other routes</li> <li>• Mixing two solutions for instilling into the ear</li> </ul> <p><u>VA Compounding</u>: A Virginia licensed veterinarian may prescribe a compounded drug product by preparing a valid prescription pursuant to federal and state laws and regulations for an individual patient with which there exists a valid veterinarian-client-patient relationship. The client may obtain the compounded drug product from a pharmacy of their choice that is properly licensed by the Virginia Board of Pharmacy.</p>



## VIRGINIA

### State-Specific Controlled Substance Requirements

	<p><u>In-Office dispensing:</u> A Virginia licensed veterinarian may obtain compounded drug products from a pharmacy that is properly licensed by the Virginia Board of Pharmacy for administration in the course of their professional practice.</p> <p>A veterinarian may dispense a compounded drug produce if it is compounded by the veterinarian pursuant to <a href="#">Virginia Code § 54.1-3410.2(J)</a></p> <p>A veterinarian may only dispense a compounded drug obtained from a pharmacy under the conditions set forth in <a href="#">§ 54.1-3301</a> which states "... a veterinarian shall only be authorized to dispense a compounded drug distributed from a pharmacy when (i) the animal is his own patient, (ii) the animal is a companion animal as defined in regulations promulgated by the Board of Veterinary Medicine, (iii) the quantity dispensed is no more than a 72-hour supply, (iv) the compounded drug is for the treatment of an emergency condition, and (v) timely access to a compounding pharmacy is not available, as determined by the prescribing veterinarian;..."</p> <p><u>Labeling:</u> Pharmacists shall label all compounded drug products that are dispensed pursuant to a prescription in accordance with this chapter and the Board's [Pharmacy] regulations, and shall include on the labeling an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding.</p>
<p><b>Diversion Reporting:</b></p>	<p>Virginia law requires the reporting of any theft or unusual loss of any Schedule I – V controlled substances to the Board of Pharmacy, as follows: from <a href="#">Code of Virginia, Drug Control Act §54.1-3404</a></p> <p><i>E. Whenever any registrant or licensee discovers a theft or any other unusual loss of any controlled substance, he shall immediately report such theft or loss to the Board. If the registrant or licensee is unable to determine the exact kind and quantity of the drug loss, he shall immediately make a complete inventory of all Schedule I through V drugs. <b>Within thirty days after the discovery of a loss of drugs, the registrant or licensee shall furnish the Board with a listing of the kind, quantity and strength of such drugs lost.</b></i></p> <p><a href="https://www.dhp.virginia.gov/pharmacy/guidelines/110-5.pdf">https://www.dhp.virginia.gov/pharmacy/guidelines/110-5.pdf</a></p>
<p><b>Dispensing:</b></p>	<p>Virginia includes veterinarians as dispensers, with the caveat that a veterinarian must dispense to animals within the usual course of his or her professional practice for a course of treatment to last seven days or less or if such substance is feline buprenorphine or canine butorphanol.</p> <p><u>Prescriptions must be reported to the Virginia PMP within 24 hours of dispensing or the next business day, whichever comes later.</u></p> <p>If you <u>dispense</u> covered substances for any course of treatment to last more than seven days, you must complete an <a href="#">Account Development Form</a> (Note: feline buprenorphine and canine butorphanol are excluded.)</p> <p><u>Note:</u> In order to dispense gabapentin for a course of treatment to last more than seven days, a prescriber's DEA registration is needed for accurate reporting to the Virginia PMP.</p>
<p><b>Euthanasia:</b></p>	<p>Euthanasia may only be performed by Licensed Veterinarians, Certified Euthanasia Technicians, Animal Control Officers or a Humane Investigator (<a href="#">AVMA Guidelines for the Euthanasia of Animals: 2020 Edition</a>).</p>
<p><b>Ownership:</b></p>	<p>Non-veterinarian practice ownership is allowed but a licensed veterinarian is required to be on the clinics veterinary premise permit as the responsible licensee for the clinic.</p>



## VIRGINIA

### State-Specific Controlled Substance Requirements

<b>Recordkeeping:</b>	<p><u>Controlled substance records</u>: <u>two years</u> per DEA requirements.</p> <p><u>Patient Records</u>: VA requires that patient records be maintained on-site <u>for three years</u> from the last office visit or discharge of such animal from a veterinary establishment.</p>
<b>Power of Attorney Notarization:</b>	<p>While Virginia <u>does not technically require you to get your POA notarized</u>, notarization is <u>very strongly recommended</u>. Under Virginia law, when you sign your POA in the presence of a notary public, your signature is presumed to be genuine—meaning your POA is more ironclad. <a href="#"><u>§ 64.2-1603</u></a>.</p>
<b>Prescriptions:</b>	<p><u>Written prescriptions</u> shall be legibly written with ink or individually typed or printed. Written prescriptions may be prepared by an agent for the prescriber's signature, but shall be manually signed by the prescriber. Computer-generated prescriptions that are printed out shall be manually signed by the prescriber.</p> <p>A. <u>pain</u>: Evaluation of the patient and need for prescribing a controlled substance for pain.</p> <ol style="list-style-type: none"> <li>1. For the purposes of this section, a controlled substance shall be a Schedules II through V drug, as set forth in the Drug Control Act (§ 54.1-3400 et seq. of the Code of Virginia), which contains an opioid, to include tramadol and buprenorphine.</li> <li>2. Nonpharmacologic and non-opioid treatment for pain shall be given consideration prior to treatment with opioids. Prior to initiating treatment with a controlled substance, as defined, the prescriber shall perform a history and physical examination appropriate to the complaint and conduct an assessment of the patient's history as part of the initial evaluation.</li> <li>3. If a controlled substance is necessary for treatment of pain, the veterinarian shall prescribe it in the lowest effective dose appropriate to the size and species of the animal for the least amount of time. The initial dose shall not exceed a 14-day supply.</li> </ol> <p>B. <u>opioids</u>: If the prescribing is within the accepted standard of care, a veterinarian may prescribe a controlled substance containing an opioid for management of pain, terminal illnesses, or certain chronic conditions, such as chronic heart failure, chronic bronchitis, osteoarthritis, collapsing trachea, or related conditions.</p> <ol style="list-style-type: none"> <li>1. For prescribing a controlled substance for management of pain after the initial 14-day prescription, the patient shall be seen and evaluated for the continued need for an opioid. For the prescribing of a controlled substance for terminal illnesses or certain chronic conditions, it is not required to see and reevaluate the patient for prescribing beyond 14 days.</li> <li>2. For any prescribing of a controlled substance beyond 14 days, the veterinarian shall develop a treatment plan for the patient, which shall include measures to be used to determine progress in treatment, further diagnostic evaluations or modalities that might be necessary, and the extent to which the pain or condition is associated with impairment.</li> <li>3. For continued prescribing of a controlled substance, the patient shall be seen and reevaluated at least every six months, and the justification for such prescribing documented in the patient record.</li> </ol> <p>C. <u>documentation</u>: Prior to prescribing or dispensing a controlled substance, the veterinarian shall document a discussion with the owner about the responsibility for the security of the drug and proper disposal of any unused drug.</p> <p>D. <u>continued treatment</u>: Continuation of treatment with controlled substances shall be supported by documentation of continued benefit from the prescribing. If the patient's progress is unsatisfactory, the veterinarian shall assess the appropriateness of continued use of the current treatment plan and consider the use of other therapeutic modalities.</p>



## VIRGINIA

### State-Specific Controlled Substance Requirements

	<p>E. <u>prescribing records</u>: The medical record for prescribing controlled substances shall include signs or presentation of the pain or condition, a presumptive diagnosis for the origin of the pain or condition, an examination appropriate to the complaint, a treatment plan, and the medication prescribed to include the date, type, dosage, and quantity prescribed.</p> <p><a href="#">18 Va. Admin. Code § 150-20-174</a></p>
<b>State CS's License:</b>	<p>Virginia <u>does not</u> require DEA registrant practitioners to obtain a second state controlled substance license, just a DEA registration and an active Veterinary Medical Professional License to practice in Virginia.</p>
<b>State Scheduled CS's:</b>	<p>Gabapentin is a schedule V controlled substance.</p>
<b>Telemedicine:</b>	<p>For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies if certain conditions are first met (VA ST § 54.1-3303). <a href="https://law.lis.virginia.gov/vacode/title54.1/chapter33/section54.1-3303/">https://law.lis.virginia.gov/vacode/title54.1/chapter33/section54.1-3303/</a></p> <p>"Telemedicine services," as it pertains to the delivery of health care services, means the use of electronic technology or media, <b>including interactive audio or video, for the purpose of diagnosing or treating a patient or consulting with other health care providers regarding a patient's diagnosis or treatment.</b> "Telemedicine services" does not include an audio-only telephone, electronic mail message, facsimile transmission, or online questionnaire (<a href="#">VA Code Ann. § 38.2-3418.16</a>).</p>
<b>VCPR:</b>	<p>A bona fide "<u>veterinarian-client-patient relationship</u>" is one in which a veterinarian, another veterinarian within the group in which he practices, or a veterinarian with whom he is consulting. The definition of a VCPR includes other veterinarians within same practice group:</p> <p>2. A client who is the owner or other caretaker of the animal, group of agricultural animals, or bees has consented to such treatment and agreed to follow the instructions of the veterinarian.</p> <p>Evidence that a veterinarian has assumed responsibility for making medical judgments regarding the health of and providing medical treatment to an animal, group of agricultural animals, or bees shall include evidence that the veterinarian:</p> <ul style="list-style-type: none"> <li>a) Has sufficient knowledge of the animal, group of agricultural animals, or bees to provide a general or preliminary diagnosis of the medical condition of the animal, group of agricultural animals, or bees;</li> <li>b) Has made an examination of the animal, group of agricultural animals, or bees, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically or has become familiar with the care and keeping of that species of animal or bee on the premises of the client, including other premises within the same operation or production system of the client, through medically appropriate and timely visits to the premises at which the animal, group of agricultural animals, or bees are kept; and</li> <li>c) Is available to provide follow- up care (<a href="#">VA Code Ann. § 54.1-3303</a>).</li> </ul>
<b>VA Veterinary License:</b>	<p>Virginia law requires veterinary practitioners working with controlled substances to have a valid DEA registration and Veterinary Medical Professional License for the State of Virginia.</p> <p>Every person licensed by the board shall, by January 1 of every year, submit to the board a completed renewal application and pay to the board a renewal fee as prescribed in <a href="#">18VAC150-20-100</a>. Failure to renew shall cause the license to lapse and become invalid, and practice with a lapsed license may subject the licensee to disciplinary action by the board.</p>



## VIRGINIA

### State-Specific Controlled Substance Requirements

	<p>Failure to receive a renewal notice does not relieve the licensee of his responsibility to renew and maintain a current license.</p>
<p><b>Virginia's Prescription Monitoring Program (Virginia PMP):</b></p>	<p>Veterinarians who are dispensing a covered substance must report to the Virginia PMP. "Covered substance" means all controlled substances included in Schedules II, III, and IV; controlled substances included in Schedule V <u>for which a prescription is required</u>; naloxone; and all drugs of concern that are required to be reported to the Prescription Monitoring Program. <a href="#">§54.1-2519 in the Code of Virginia</a></p> <p>The Virginia PMP has several exemptions from reporting of dispensing, one of which applies to veterinarians. <b>If veterinarians do not dispense any covered substances from the veterinary establishment, they may complete a <a href="#">Waiver Form</a></b>, and they are considered exempt from reporting.</p> <p>A <a href="#">Waiver Form</a> is appropriate for the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Complete a waiver form if you ONLY administer covered substances</li> <li>▪ Complete a waiver form if you ONLY write prescriptions for covered substances to be filled at a pharmacy</li> </ul> <p>A veterinary establishment may report on behalf of all veterinarians working at that establishment</p> <p>The Veterinarian-in-Charge (VIC) may submit an Account Development Form and all other employed veterinarians should submit a Waiver Form</p> <p>Staff at the veterinary establishment may report on behalf of veterinarians by adding users to the Clearinghouse (CH) account</p> <p><b>Relief veterinarians must coordinate dispensing and reporting with each veterinary establishment where they are employed.</b></p> <p><u>Reporting Requirements</u></p> <ul style="list-style-type: none"> <li>▪ Prescriptions must be reported within 24 hours of dispensing or the next business day, whichever comes later</li> <li>▪ If there is no dispensing on any given day, a zero report is required for that date</li> <li>▪ The name and date of birth of the OWNER of the animal must be reported, not the name and date of birth of the animal</li> </ul> <p>Species code 02 must be reported, which indicates the prescription is for an animal</p> <p><b>VA requires PMP reporting of schedule V CS's as well as Cannabidiol oil or THC-A oil</b></p>

### Information and Resources

**FEDERAL:**

Drug Enforcement Administration, Washington, DC Division  
 800 K Street, N.W, Suite 500  
 Washington, DC 20001  
 Phone: (202) 305-8500



## VIRGINIA

### State-Specific Controlled Substance Requirements

#### Local DEA Offices:

- Bristol - (276) 466-4057
- Hampton - (757) 825-5799
- Norfolk - (757) 314-2200
- Richmond - (571) 362-5766
- Roanoke - (540) 857-2555
- Winchester - (540) 662-5879

Federal Law: [www.dea.gov](http://www.dea.gov)

Controlled Substances Act: [21 USC 801 – 904](#)

Code of Federal Regulations: [21 CFR Part 1300 – 1399](#)

NDC Drug: [www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829](http://www.fda.gov/Drugs/DevelopmentApprovalProcess/UCM070829)

Diversion Control Division: <https://www.dea.gov/schedules/>

#### **STATE:**

Virginia Board of Veterinary Medicine: <https://www.dhp.virginia.gov/Boards/VetMed/>

Virginia Board of Pharmacy: <https://www.dhp.virginia.gov/pharmacy/>