

1 **H. B. 2123**

2  
3 (By Delegate Hunt)

4 [Introduced January 12, 2011; referred to the  
5 Committee on Health and Human Resources then Government  
6 Organization.]  
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10 A BILL to amend and reenact §30-5-2 of the Code of West Virginia,  
11 1931, as amended, relating to professions and occupations;  
12 pharmacists; and requiring the Board of Pharmacy to adopt  
13 guidelines to permit pharmacists to prescribe medications.

14 *Be it enacted by the Legislature of West Virginia:*

15 That §30-5-2 of the Code of West Virginia, 1931, as amended,  
16 be amended and reenacted to read as follows:

17 **ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS**  
18 **AND PHARMACIES.**

19 **§30-5-2. Board of pharmacy; appointment, qualifications and terms**  
20 **of members; compensation; powers and duties generally;**  
21 **meetings and notices.**

22 (a) There shall be a State Board of Pharmacy, known as the  
23 "West Virginia Board of Pharmacy," which shall consist of five

1 practicing pharmacists and two public members, who shall be  
2 appointed by the Governor, by and with the advice and consent of  
3 the Senate. Any vacancy which occurs in the membership of the  
4 board for any reason, including expiration of term, removal,  
5 resignation, death, disability or disqualification shall be  
6 immediately filled by the Governor as provided by this section.  
7 Nothing in this section shall require the Governor to change the  
8 composition of the board prior to the usual expiration of any  
9 member's term. The Governor may consider the diversity of pharmacy  
10 areas of practice when filling vacancies.

11 (b) Each pharmacist member of the board, at the time of his or  
12 her appointment, shall be a resident of this state, licensed and in  
13 good standing to engage in the practice of pharmacy in this state  
14 for a period of at least five years prior to their appointment.  
15 The public members shall be residents of this state who have  
16 attained the age of eighteen years and may not be a past or present  
17 pharmacist, the spouse of a pharmacist, a person who has ever had  
18 any material financial interest in providing pharmacy services or  
19 who has engaged in any activity directly related to the practice of  
20 pharmacy.

21 (c) Each member of the board shall receive \$200 for each day  
22 spent in attending to the duties of the board or of its committees,  
23 and shall be reimbursed for all actual and necessary expenses  
24 incurred in carrying out his or her duties.

1           (d) The members of the board in office on the date this  
2 section takes effect shall, unless sooner removed, continue to  
3 serve until their respective terms expire and until their  
4 successors have been appointed and have qualified. Board member  
5 terms shall be for five years with at least one pharmacist member's  
6 term expiring yearly. The Governor may, with the advice and  
7 consent of the Senate, reappoint any member for additional  
8 consecutive terms. Members as of July 1, 1995, are eligible for  
9 reappointment to additional terms regardless of the length of time  
10 they have previously served on the board.

11           (e) The board, in addition to the authority, powers and duties  
12 granted to the board by this chapter and chapter sixteen of this  
13 code, ~~shall have~~ has the authority to:

14           (1) Regulate the practice of pharmacy;

15           (2) Regulate the employment of licensed interns in pharmacy;

16           (3) Appoint, within the limit of appropriations, inspectors  
17 who shall be pharmacists, and investigators, to act as agents of  
18 the board within the provisions of this chapter and chapter sixteen  
19 of this code and rules as the board shall promulgate;

20           (4) Adopt rules of professional conduct; and

21           (5) Hire an attorney, as may be necessary.

22           (f) A majority of the membership of the board constitutes a  
23 quorum for the transaction of business, and any motion is approved  
24 by a majority vote of a quorum. All board members shall be given

1 advance notice of each board meeting.

2 (g) Meetings of the board shall be held in public session,  
3 except that the board may hold closed sessions to prepare, approve,  
4 grade or administer examinations. Disciplinary proceedings, prior  
5 to a finding of probable cause, as provided in section seven of  
6 this article shall be held in closed sessions, unless the party  
7 subject to discipline requests that the hearing be held in public  
8 sessions. All discussions or meetings of the board concerning  
9 personnel matters shall be held in closed session.

10 (h) Effective July 1, 2011, the board shall develop guidelines  
11 and an approved list of medications that pharmacists may prescribe  
12 without a lawful order of a practitioner.

NOTE: The purpose of this bill is to require the Board of Pharmacy to adopt guidelines to permit pharmacists to prescribe medications; and develop an approved list of those medications.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.