

E N R O L L E D

H. B. 2272

(BY DELEGATE(S) ELLINGTON,
HOUSEHOLDER, ARVON, HOWELL, KURCABA, STANSBURY,
SOBONYA AND SUMMERS)

[Passed March 9, 2015;
in effect ninety days from passage.]

AN ACT to repeal §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6, §16-5W-7 and §16-5W-8, of the Code of West Virginia, 1931, as amended; and to amend and reenact §30-5-7 of said code, all relating generally to the rule-making authority of the Board of Pharmacy; repealing the current statutory official prescription paper program and allowing the Board of Pharmacy to develop and maintain an official prescription paper program through rule-making; and clarifying rule-making authority of the Board of Pharmacy to include the ability of pharmacy interns to administer certain immunizations.

Be it enacted by the Legislature of West Virginia:

That §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6, §16-5W-7, and §16-5W-8, of the Code of West Virginia, 1931, as amended, be repealed and that §30-5-7 of said code be amended and reenacted to read as follows:

ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.

§30-5-7. Rule-making authority.

1 (a) The board shall propose rules for legislative approval, in
2 accordance with the provisions of article three, chapter twenty-
3 nine-a of this code, to implement the provisions of this article,
4 and articles two, three, eight, nine and ten of chapter sixty-A
5 including:

6 (1) Standards and requirements for a license, permit and
7 registration;

8 (2) Educational and experience requirements;

9 (3) Procedures for examinations and reexaminations;

10 (4) Requirements for third parties to prepare, administer or
11 prepare and administer examinations and reexaminations;

12 (5) The passing grade on the examination;

13 (6) Procedures for the issuance and renewal of a license,
14 permit and registration;

15 (7) A fee schedule;

16 (8) Continuing education requirements;

17 (9) Set standards for professional conduct;

18 (10) Establish equipment and facility standards for
19 pharmacies;

20 (11) Approve courses and standards for training pharmacist
21 technicians;

22 (12) Regulation of charitable clinic pharmacies;

23 (13) Regulation of mail order pharmacies: *Provided*, That
24 until the board establishes requirements that provide further
25 conditions for pharmacists whom consult with or who provide
26 pharmacist care to patients regarding prescriptions dispensed in
27 this state by a mail order pharmacy, the pharmacist in charge of
28 the out-of-state mail order pharmacy shall be licensed in West
29 Virginia and any other pharmacist providing pharmacist care
30 from the mail order pharmacy shall be licensed in the state where
31 the pharmacy is located.

32 (14) Agreements with organizations to form pharmacist
33 recovery networks;

34 (15) Create an alcohol or chemical dependency treatment
35 program;

36 (16) Establish a ratio of pharmacy technicians to on-duty
37 pharmacist operating in any outpatient, mail order or
38 institutional pharmacy;

39 (17) Regulation of telepharmacy;

40 (18) The minimum standards for a charitable clinic
41 pharmacy and rules regarding the applicable definition of a
42 pharmacist-in-charge, who may be a volunteer, at charitable
43 clinic pharmacies: *Provided*, That a charitable clinic pharmacy
44 may not be charged any applicable licensing fees and such
45 clinics may receive donated drugs.

- 46 (19) Establish standards for substituted drug products;
- 47 (20) Establish the regulations for E-prescribing;
- 48 (21) Establish the proper use of the automated data
49 processing system;
- 50 (22) Registration and control of the manufacture and
51 distribution of controlled substances within this state.
- 52 (23) Regulation of pharmacies;
- 53 (24) Sanitation and equipment requirements for wholesalers,
54 distributors and pharmacies.
- 55 (25) Procedures for denying, suspending, revoking,
56 reinstating or limiting the practice of a licensee, permittee or
57 registrant;
- 58 (26) Regulations on prescription paper as provided in section
59 five, article five-w, chapter sixteen;
- 60 (27) Regulations on controlled substances as provided in
61 article two, chapter sixty-a;
- 62 (28) Regulations on manufacturing, distributing, or
63 dispensing any controlled substance as provided in article three,
64 chapter sixty-a;
- 65 (29) Regulations on wholesale drug distribution as provided
66 in article eight, chapter sixty-a;
- 67 (30) Regulations on controlled substances monitoring as
68 provided in article nine, chapter sixty-a;
- 69 (31) Regulations on Methamphetamine Laboratory
70 Eradication Act as provided in article ten, chapter sixty-a;
- 71 (32) Establish and maintain an official prescription paper
72 program; and

73 (33) Any other rules necessary to effectuate the provisions
74 of this article.

75 (b) The board may provide an exemption to the pharmacist-
76 in-charge requirement for the opening of a new retail pharmacy
77 or during a declared emergency;

78 (c) The board, the Board of Medicine and the Board of
79 Osteopathic Medicine shall jointly agree and propose rules
80 concerning collaborative pharmacy practice for legislative
81 approval in accordance with the provisions of article three,
82 chapter twenty-nine-a of the code;

83 (d) The board with the advice of the Board of Medicine and
84 the Board of Osteopathic Medicine shall propose rules for
85 legislative approval in accordance with the provisions of article
86 three, chapter twenty-nine-a of this code to perform influenza
87 and pneumonia immunizations, on a person of eighteen years of
88 age or older. These rules shall provide, at a minimum, for the
89 following:

90 (1) Establishment of a course, or provide a list of approved
91 courses, in immunization administration. The courses shall be
92 based on the standards established for such courses by the
93 Centers for Disease Control and Prevention in the public health
94 service of the United States Department of Health and Human
95 Services;

96 (2) Definitive treatment guidelines which shall include, but
97 not be limited to, appropriate observation for an adverse reaction
98 of an individual following an immunization;

99 (3) Prior to administration of immunizations, a pharmacist
100 shall have completed a board approved immunization
101 administration course and completed an American Red Cross or
102 American Heart Association basic life-support training, and
103 maintain certification in the same.

104 (4) Continuing education requirements for this area of
105 practice;

106 (5) Reporting requirements for pharmacists administering
107 immunizations to report to the primary care physician or other
108 licensed health care provider as identified by the person
109 receiving the immunization;

110 (6) Reporting requirements for pharmacists administering
111 immunizations to report to the West Virginia Statewide
112 Immunization Information (WVSII);

113 (7) That a pharmacist may not delegate the authority to
114 administer immunizations to any other person; unless
115 administered by a licensed pharmacy intern under the direct
116 supervision of a pharmacist of whom both pharmacist and intern
117 have successfully completed all board required training; and

118 (8) Any other provisions necessary to implement the
119 provisions of this section.

120 (e) The board, the Board of Medicine and the Board of
121 Osteopathic Medicine shall propose joint rules for legislative
122 approval in accordance with the provisions of article three,
123 chapter twenty-nine-a of this code to permit a licensed
124 pharmacist or pharmacy intern to administer other
125 immunizations such as Hepatitis A, Hepatitis B, Herpes Zoster
126 and Tetanus. These rules shall provide, at a minimum, the same
127 provisions contained in subsection (d)(1) through (d)(8) of this
128 section.

129 (f) All of the board's rules in effect and not in conflict with
130 these provisions, shall remain in effect until they are amended or
131 rescinded.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman, House Committee

Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Clerk of the House of Delegates

Clerk of the Senate

Speaker of the House of Delegates

President of the Senate

The within _____ this the _____
day of _____, 2015.

Governor

