

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Committee Substitute

for

Senate Bill 507

BY SENATORS CLINE, MAYNARD, OJEDA, RUCKER, SMITH,

SWOPE, TAKUBO AND STOLLINGS

[Originating in the Committee on Banking and

Insurance; reported on March 21, 2017]

1 A BILL to amend and reenact §30-5-10 of the Code of West Virginia, 1931, as amended; and to
2 amend said code by adding thereto a new section, designated §30-5-12c, all relating to
3 permitting pharmacists to inform customers about lower cost alternatives for their
4 prescription, dispense and deliver such alternatives, and to inform customers if their copay
5 exceeds the cost for their prescription; expanding permissible scope of practice for
6 licensed pharmacists; and declaring public policy.

Be it enacted by the Legislature of West Virginia:

1 That §30-5-10 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted; and to amend said code by adding thereto a new section, designated §30-5-12c, all
3 to read as follows:

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

§30-5-10. Scope practice for licensed pharmacist;

1 (a) A licensed pharmacist may:

2 (1) Provide care related to the interpretation, evaluation, and implementation of medical
3 orders;

4 (2) Dispense of prescription drug orders; participate in drug and device selection;

5 (3) Provide drug administration;

6 (4) Provide drug regimen review;

7 (5) Provide drug or drug-related research;

8 (6) Perform patient counseling;

9 (7) Provide pharmacy related primary care;

10 (8) Provide pharmacist care in all areas of patient care, including collaborative pharmacy
11 practice;

12 (9) Compound and label drugs and drug devices;

- 13 (10) Proper and safe storage of drugs and devices;
- 14 (11) Maintain proper records;
- 15 (12) Provide patient counseling concerning the therapeutic value and proper use of drugs
- 16 and devices;
- 17 (13) Order laboratory tests in accordance with drug therapy management; ~~and~~
- 18 (14) Provide medication therapy management;
- 19 (15) Inform customers about lower cost alternatives for their prescription, including but not
- 20 limited to biosimilar and generic drugs, and dispense and deliver such alternatives: *Provided:* That
- 21 any therapeutic equivalent drug is authorized by the prescriber before it is dispensed; and
- 22 (16) Inform customers if their copay exceeds the cost for their prescription.
- 23 (b) A licensee meeting the requirements as promulgated by legislative rule may administer
- 24 immunizations.
- 25 (c) The sale of any medicine, if the contents of its container, or any part thereof, taken at
- 26 one time, are likely to prove poisonous, deleterious, or habit-forming is prohibited by any person
- 27 other than a registered pharmacist, who shall take precautions to acquaint the purchaser of the
- 28 nature of the medicine at the time of sale.

§30-5-12c. Public policy declaration.

1 It is declared to be the public policy of the State of West Virginia that pharmacy customers

2 be able to receive information that enables them to make informed decisions about the cost to fill

3 their prescription.

NOTE: The purpose of this bill is to permit pharmacists to inform customers about lower cost alternatives for their prescription and whether their copay exceeds the prescription cost.

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