

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2849

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DEAN AND HAMRICK

[Introduced February 4, 2019; Referred
to the Committee on Health and Human Resources.]

1 A BILL to amend and reenact §30-5-11 and §30-5-12 of the Code of West Virginia, 1931, as
2 amended, all relating to establishing different classes of pharmacy technicians;
3 establishing an application process for a registered pharmacy technician to obtain an
4 endorsement as a pharmacy technician; establishing an application process for a nuclear
5 pharmacy technician endorsement; expanding the scope of practice for a registered
6 pharmacy technician endorsement; and defining the scope of practice for a nuclear
7 pharmacy technician endorsement.

Be it enacted by the Legislature of West Virginia:

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

§30-5-11. Registration of pharmacy technicians.

1 (a) To be eligible for registration as a pharmacy technician to assist in the practice of
2 pharmacist care, the applicant shall:

3 (1) Submit a written application to the board;

4 (2) Pay the applicable fees;

5 (3) Have graduated from high school or obtained a Certificate of General Educational
6 Development (GED) or equivalent.

7 (4) Have:

8 (A) Graduated from a competency-based pharmacy technician education and training
9 program as approved by legislative rule of the board;

10 (B) Completed a pharmacy-provided, competency-based education and training program
11 approved by the board; or

12 (C) Obtained a national certification as a pharmacy technician and have practiced in
13 another jurisdiction for a period of time as determined by the board.

14 (5) Have successfully passed an examination developed using nationally recognized and

15 validated psychometric and pharmacy practice standards approved by the board;

16 (6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code:

17 *Provided*, That an applicant in an active recovery process, which may, in the discretion of the
18 board, be evidenced by participation in a 12-step program or other similar group or process, may
19 be considered;

20 (7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the
21 date of application for license, which conviction remains unreversed;

22 (8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense
23 for which he or she was convicted bearing a rational nexus to the practice of pharmacist care,
24 which conviction remains unreversed; and

25 (9) Have fulfilled any other requirement specified by the board in rule.

26 (b) A person whose license to practice pharmacist care has been denied, revoked,
27 suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered
28 as a pharmacy technician.

29 ~~(c) A person registered to assist in the practice pharmacist care issued by the board shall~~
30 ~~for all purposes be considered registered under this article and may renew pursuant to the~~
31 ~~provisions of this article~~ To be eligible to obtain a nuclear pharmacy technician endorsement, the
32 applicant shall:

33 (1) Submit a written application to the board;

34 (2) Pay the applicable fees;

35 (3) Have graduated from high school or obtained a Certificate of General Educational
36 Development (GED) or equivalent;

37 (4) Have successfully completed a pharmacy provided, competency-based nuclear
38 pharmacy technician education and training program approved by the board;

39 (5) Have all applicable national certifications and comply with all federal rules and
40 regulations;

41 (6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code:
42 Provided, That an applicant in an active recovery process, which may, in the discretion of the
43 board, be evidenced by participation in a 12-step program or other similar group or process, may
44 be considered;

45 (7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the
46 date of application for license, which conviction remains unreversed;

47 (8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense
48 for which he or she was convicted bearing a rational nexus to the practice of pharmacist care,
49 which conviction remains unreversed; and

50 (9) Has fulfilled any other requirement specified by the board in any rule.

51 (d) A person whose license to practice pharmacist care has been denied, revoked,
52 suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered
53 as a nuclear pharmacy technician.

§30-5-12. Scope practice for registered pharmacy technician.

1 (a) A registered pharmacy technician shall, under the direct supervision of the licensed
2 pharmacist, perform at a minimum the following:

3 (1) Assist in the dispensing process;

4 (2) Receive new written or electronic prescription drug orders;

5 (3) Compound; ~~and~~

6 (4) Stock medications;

7 (5) Perform pharmacy technician product verification, also known as tech-check-tech,
8 where no clinical judgment is necessary;

9 (6) Complete a list of a patient's current prescription and nonprescription medications to
10 provide for medication reconciliation;

11 (7) Supervise registered pharmacy technicians and pharmacy technician trainees;

12 (8) Medical records screening; and

13 (9) Additional duties approved by the board.

14 (b) A registered pharmacy technician may perform the following under indirect supervision
15 of a licensed pharmacist:

16 (1) Process medical coverage claims; ~~and~~

17 (2) Cashier; and

18 (3) Additional duties approved by the board.

19 (c) A registered pharmacy technician may not perform the following:

20 (1) Drug regimen review;

21 (2) Clinical conflict resolution;

22 (3) Contact a prescriber concerning prescription drug order clarification or therapy
23 modification;

24 (4) Patient counseling;

25 (5) Dispense process validation;

26 (6) Prescription transfer; ~~and~~

27 (7) Receive new oral prescription drug orders;

28 (8) Any act within the practice of pharmacist care that involves discretion or independent
29 professional judgment; or

30 (9) Any function which the registrant has not been trained and the function has not been
31 specified in a written protocol with competency established.

32 (d) Indirect supervision of a registered pharmacy technician is permitted to allow a
33 pharmacist to take one break of no more than 30 minutes during any contiguous eight-hour period.

34 The pharmacist may leave the pharmacy area but may not leave the building during the break.

35 When a pharmacist is on break, a pharmacy technician may continue to prepare prescriptions for
36 the pharmacist's verification. A prescription may not be delivered until the pharmacist has verified

37 the accuracy of the prescription, and counseling, if required, has been provided to or refused by
38 the patient.

39 (e) A pharmacy that permits indirect supervision of a pharmacy technician during a
40 pharmacist's break shall have either an interactive voice response system or a voice mail system
41 installed on the pharmacy phone line in order to receive new prescription orders and refill
42 authorizations during the break.

43 (f) The pharmacy shall establish protocols that require a registered pharmacy technician
44 to interrupt the pharmacist's break if an emergency arises.

45 (g) Additional duties to be performed under either the direct or indirect supervision of a
46 licensed pharmacist must be approved by the board. These duties shall be submitted to the board
47 by the pharmacist-in-charge whom will oversee such duties and shall not be implemented prior to
48 being approved by the board. The submission must include at a minimum:

49 (1) The duties to be performed by the pharmacy technician;

50 (2) The parameters for the indirect supervision of the pharmacy technician by the
51 pharmacist;

52 (3) The specialized and advanced training of the pharmacy technician relative to the duties
53 to be performed; and

54 (4) The ongoing evaluation of the program to ensure quality outcomes.

55 (h) A registered pharmacy technician who has obtained a nuclear pharmacy technician
56 endorsement, may under the direct supervision of the licensed nuclear pharmacist, perform the
57 following:

58 (1) Assist in the dispensing process;

59 (2) Receive new written or electronic prescription drug orders;

60 (3) Mix compound ingredients for liquid products, suspensions, ointments, mixes, or blend
61 for tablet granulations and capsule powders;

62 (4) Prepare radiopharmaceuticals;

63 (5) Record keeping;

64 (6) File and organize prescriptions;

- 65 (7) Create reports;
- 66 (8) Inventory tasks;
- 67 (9) Handle raw materials and intermediate or finished products;
- 68 (10) Perform general maintenance as required on pumps, homogenizers, filter presses,
69 tablet compression machines, and other like machines;
- 70 (11) Perform standard operating procedures to meet current good manufacturing practices
71 (GMP);
- 72 (12) Maintain records;
- 73 (13) Monitor and verify quality in accordance with statistical process or other control
74 procedures; and
- 75 (14) Stock medications.
- 76 (i) A registered pharmacy technician who has obtained a nuclear pharmacy technician
77 endorsement may not perform the following:
- 78 (1) Drug regimen review;
- 79 (2) Clinical conflict resolution;
- 80 (3) Contact a prescriber concerning prescription drug order clarification or therapy
81 modification;
- 82 (4) Receive new oral prescription drug orders.

NOTE: The purpose of this bill is to specify the registration process of a registered pharmacy technician with an endorsement as a pharmacy technician or a registered pharmacy technician with a nuclear pharmacy technician certificate and to specify the duties each category is permitted to perform under direct or indirect supervision of a licensed pharmacist.

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