

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

Senate Bill 544

BY SENATORS IHLENFELD, ROMANO, AND STOLLINGS

[Introduced January 20, 2020; referred
to the Committee on Health and Human Resources]

1 A BILL to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating
2 to authorizing pharmacists and pharmacy interns to administer vaccines.

Be it enacted by the Legislature of West Virginia:

**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 accordance with the
2 provisions of article three, chapter twenty-nine-a of this code, to implement the provisions of this
3 article, and articles two, three, eight, nine and 10 of chapter 60A including:

- 4 (1) Standards and requirements for a license, permit and registration;
- 5 (2) Educational and experience requirements;
- 6 (3) Procedures for examinations and reexaminations;
- 7 (4) Requirements for third parties to prepare, administer or prepare and administer
8 examinations and reexaminations;
- 9 (5) The passing grade on the examination;
- 10 (6) Procedures for the issuance and renewal of a license, permit, and registration;
- 11 (7) A fee schedule;
- 12 (8) Continuing education requirements;
- 13 (9) Set standards for professional conduct;
- 14 (10) Establish equipment and facility standards for pharmacies;
- 15 (11) Approve courses and standards for training pharmacist technicians;
- 16 (12) Regulation of charitable clinic pharmacies;
- 17 (13) Regulation of mail order pharmacies: *Provided*, That until the board establishes
18 requirements that provide further conditions for pharmacists ~~whom~~ who consult with or who
19 provide pharmacist care to patients regarding prescriptions dispensed in this state by a mail-order

20 pharmacy, the pharmacist in charge of the out-of-state mail-order pharmacy shall be licensed in
21 West Virginia and any other pharmacist providing pharmacist care from the mail-order pharmacy
22 shall be licensed in the state where the pharmacy is located;

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

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

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

27 (17) Regulation of telepharmacy;

28 (18) The minimum standards for a charitable clinic pharmacy and rules regarding the
29 applicable definition of a pharmacist-in-charge, who may be a volunteer, at charitable clinic
30 pharmacies: *Provided*, That a charitable clinic pharmacy may not be charged any applicable
31 licensing fees and such clinics may receive donated drugs;

32 (19) Establish standards for substituted drug products;

33 (20) Establish the regulations for E-prescribing;

34 (21) Establish the proper use of the automated data processing system;

35 (22) Registration and control of the manufacture and distribution of controlled substances
36 within this state;

37 (23) Regulation of pharmacies;

38 (24) Sanitation and equipment requirements for wholesalers, distributors and pharmacies;

39 (25) Procedures for denying, suspending, revoking, reinstating or limiting the practice of a
40 licensee, permittee or registrant;

41 (26) Regulations on prescription paper as provided in §16-5-27. Regulations on controlled
42 substances as provided in article two, chapter sixty-a;

43 ~~(28)~~(27) Regulations on manufacturing, distributing, or dispensing any controlled
44 substance as provided in article three, chapter sixty-a;

45 ~~(29)~~(28) Regulations on wholesale drug distribution as provided in article eight, chapter

46 sixty-a;

47 ~~(30)~~(29) Regulations on controlled substances monitoring as provided in article nine,
48 chapter sixty-a;

49 ~~(34)~~(30) Regulations on Methamphetamine Laboratory Eradication Act as provided in;

50 ~~(32)~~(31) Establish and maintain an official prescription paper program; and

51 ~~(33)~~(32) Any other rules necessary to effectuate the provisions of this article.

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

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

57 (d) The board with the advice of the Board of Medicine and the Board of Osteopathic
58 Medicine shall propose rules for legislative approval in accordance with the provisions of article
59 three, chapter twenty-nine-a of this code to perform influenza and pneumonia immunizations, on
60 a person of 18 years of age or older. These rules shall provide, at a minimum, for the following:

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

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

67 (3) Prior to administration of immunizations, a pharmacist shall have completed a board
68 approved immunization administration course and completed an American Red Cross or
69 American Heart Association basic life-support training, and maintain certification in the same;

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

71 (5) Reporting requirements for pharmacists administering immunizations to report to the

72 primary care physician or other licensed health care provider as identified by the person receiving
73 the immunization;

74 (6) Reporting requirements for pharmacists administering immunizations to report to the
75 West Virginia Statewide immunization Information (WVSI);

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

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

81 (e) The Board of Medicine and the Board of Osteopathic Medicine shall propose joint rules
82 for legislative approval in accordance with the provisions of article three, chapter twenty-nine-a
83 of this code to permit a licensed pharmacist or pharmacy intern to administer ~~other~~ immunizations
84 ~~such as Hepatitis A, Hepatitis B, Herpes Zoster, Human Papilloma Virus, and Tetanus in~~ in
85 accordance with definitive treatment guidelines for immunizations promulgated by the latest notice
86 from the U.S. Department of Health and Human Services, Centers for Disease Control and
87 Prevention (CDC), including, but not limited to, CDC's recommended immunization schedule for
88 adults, children and adolescents. In addition, the joint rules shall permit a licensed pharmacist or
89 pharmacy intern to administer ~~influenza and Human Papilloma Virus immunizations to a person~~
90 ~~age eleven through eighteen, with written informed parental consent when presented with a~~
91 ~~prescription from a physician and there are no contraindications to that patient receiving that~~
92 ~~vaccine~~ immunizations in accordance with definitive treatment guidelines for immunizations
93 promulgated by the latest notice from the CDC, including, but not limited to, CDC's recommended
94 immunization schedule for adults, children and adolescents to a person age 11 through 17, with
95 written informed parental consent when presented with a prescription from a physician and there
96 are no contraindications to that patient receiving that vaccine. These rules shall provide, at a
97 minimum, the same provisions contained in subsection (d)(1) through (d)(8) of this section.

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

NOTE: The purpose of this bill is to authorize the Board of Pharmacy, the Board of Medicine and the Board of Osteopathic Medicine to propose joint rules for legislative approval to permit a licensed pharmacist or pharmacy intern to administer immunizations in accordance with definitive treatment guidelines for immunizations promulgated by the latest notice from the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention (CDC)

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