

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4185

BY DELEGATES FOSTER, PERDUE AND WAXMAN

[Introduced January 20, 2016;
referred to the Committee on Health and Human
Resources.]

1 A BILL to amend and reenact §30-5-12 of the Code of West Virginia, 1931, as amended, relating
2 to establishing the ratio of four pharmacy technicians to every one on-duty pharmacist
3 operating in a pharmacy.

Be it enacted by the Legislature of West Virginia:

1 That §30-5-12 of the Code of West Virginia, 1931, as amended, be amended to read as
2 follows:

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

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

- 9 (1) Process medical coverage claims; and
- 10 (2) Cashier.

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

- 12 (1) Drug regimen review;
- 13 (2) Clinical conflict resolution;
- 14 (3) Contact a prescriber concerning prescription drug order clarification or therapy
15 modification;
- 16 (4) Patient counseling;

17 (5) Dispense process validation;

18 (6) Prescription transfer; and

19 (7) Receive new oral prescription drug orders.

20 (d) A ratio of no more than four pharmacy technicians and/or pharmacy technician trainees
21 per on-duty pharmacist operating in any pharmacy shall be maintained.

22 ~~(d)~~ (e) Indirect supervision of a registered pharmacy technician is permitted to allow a
23 pharmacist to take one break of no more than thirty minutes during any contiguous eight-hour
24 period. The pharmacist may leave the pharmacy area but may not leave the building during the
25 break. When a pharmacist is on break, a pharmacy technician may continue to prepare
26 prescriptions for the pharmacist's verification. A prescription may not be delivered until the
27 pharmacist has verified the accuracy of the prescription, and counseling, if required, has been
28 provided to or refused by the patient.

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

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

NOTE: The purpose of this bill is to establish the ration of four pharmacy technicians to each on-duty pharmacist working in a pharmacy.

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