

# WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENROLLED

House Bill 2518

BY DELEGATES ELLINGTON, SUMMERS, ROHRBACH,

ROWAN, HOLLEN AND ATKINSON

[Passed April 4, 2017; in effect ninety days from passage.]

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

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1 AN ACT to amend and reenact §30-5-7 of the Code of West Virginia, 1931, as amended, relating  
2 to authorizing the Board of Pharmacy to create a legislative rule to permit a pharmacist or  
3 pharmacy intern to administer certain immunizations.

*Be it enacted by the Legislature of West Virginia:*

1 That §30-5-7 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
2 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 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 ten of chapter sixty-a 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 consult with or who provide  
19 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 section five, article five-w, chapter  
42 sixteen;

43 (27) Regulations on controlled substances as provided in article two, chapter sixty-a;

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

46 (29) Regulations on wholesale drug distribution as provided in article eight, chapter sixty-  
47 a;

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

50 (31) Regulations on Methamphetamine Laboratory Eradication Act as provided in article  
51 ten, chapter sixty-a;

52 (32) Establish and maintain an official prescription paper program; and

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

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

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

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

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

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

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

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

74 (5) Reporting requirements for pharmacists administering immunizations to report to the  
75 primary care physician or other licensed health care provider as identified by the person receiving  
76 the immunization;

77 (6) Reporting requirements for pharmacists administering immunizations to report to the  
78 West Virginia Statewide Immunization Information (WVSII);

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

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

84 (e) The board, the Board of Medicine and the Board of Osteopathic Medicine shall propose  
85 joint rules for legislative approval in accordance with the provisions of article three, chapter  
86 twenty-nine-a of this code to permit a licensed pharmacist or pharmacy intern to administer other  
87 immunizations such as Hepatitis A, Hepatitis B, Herpes Zoster, Human Papilloma Virus, and  
88 Tetanus. In addition, the joint rules shall permit a licensed pharmacist or pharmacy intern to  
89 administer influenza and Human Papilloma Virus immunizations to a person age eleven through  
90 eighteen, with written informed parental consent when presented with a prescription from a  
91 physician and there are no contraindications to that patient receiving that vaccine. These rules  
92 shall provide, at a minimum, the same provisions contained in subsection (d)(1) through (d)(8) of  
93 this section.

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

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

*Roger Hornsby*  
.....  
Chairman, House Committee

*Mark R. Warner*  
.....  
Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Steph J. Harris*  
.....  
Clerk of the House of Delegates

*Clark A. Baran*  
.....  
Clerk of the Senate

*Tom Blanton*  
.....  
Speaker of the House of Delegates

*Walter B. Gooden*  
.....  
President of the Senate

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SECRETARY OF STATE

The within *is approved* this the *11th*  
*April*  
day of ..... 2017.

*Jim Justice*  
.....  
Governor

PRESENTED TO THE GOVERNOR

APR 06 2017

Time 9:18 am