

# **WEST VIRGINIA LEGISLATURE**

**2019 REGULAR SESSION**

**Committee Substitute**

**for**

**House Bill 2849**

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DEAN AND HAMRICK

[Originating in the Committee on Health and Human

Resources; Reported on February 12, 2019.]



A BILL to amend and reenact §30-5-11 and §30-5-12 of the Code of West Virginia, 1931, as amended, all relating to establishing different classes of pharmacy technicians; establishing an application process for a registered pharmacy technician to obtain an endorsement as a pharmacy technician; establishing an application process for a nuclear pharmacy technician endorsement; expanding the scope of practice for a registered pharmacy technician endorsement; and defining the scope of practice for a nuclear 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) Complete a list of a patient's current prescription and nonprescription medications to  
8 provide for medication reconciliation;

9 (6) Supervise registered pharmacy technicians and pharmacy technician trainees;

10 (7) Medical records screening; and

11 (8) Perform pharmacy technician product verification, also known as tech-check-tech,  
12 where no clinical judgment is necessary; if the registered pharmacy technician furnishes to the

13 Board an affidavit signed and dated by the supervising pharmacist-in-charge of the facility which  
14 will employ the applicant attesting to the applicant's competency in the advanced areas of  
15 practice that he or she will practice; and has either:

16 (A) Worked as a full-time registered pharmacy technician holding a pharmacy technician  
17 endorsement in West Virginia for at least the previous two years; or

18 (B) Worked as a full-time registered pharmacy technician holding a pharmacy technician  
19 license in good standing in another jurisdiction for at least the previous two years.

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

22 (1) Process medical coverage claims; and

23 (2) Cashier.

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

25 (1) Drug regimen review;

26 (2) Clinical conflict resolution;

27 (3) Contact a prescriber concerning prescription drug order clarification or therapy  
28 modification;

29 (4) Patient counseling;

30 (5) Dispense process validation;

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

32 (7) Receive new oral prescription drug orders;

33 (8) An act within the practice of pharmacist care that involves discretion or independent  
34 professional judgment; or

35 (9) A function which the registrant has not been trained and the function has not been  
36 specified in a written protocol with competency established.

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

39 The pharmacist may leave the pharmacy area but may not leave the building during the break.  
40 When a pharmacist is on break, a pharmacy technician may continue to prepare prescriptions for  
41 the pharmacist's verification. A prescription may not be delivered until the pharmacist has verified  
42 the accuracy of the prescription, and counseling, if required, has been provided to or refused by  
43 the patient.

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

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

50 (g) A registered pharmacy technician who has obtained a nuclear pharmacy technician  
51 endorsement, may under the direct supervision of the licensed nuclear pharmacist, perform the  
52 following:

53 (1) Assist in the dispensing process;

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

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

57 (4) Prepare radiopharmaceuticals;

58 (5) Record keeping;

59 (6) File and organize prescriptions;

60 (7) Create reports;

61 (8) Inventory tasks;

62 (9) Handle raw materials and intermediate or finished products;

63 (10) Perform general maintenance as required on pumps, homogenizers, filter presses,  
64 tablet compression machines, and other like machines;

- 65           (11) Perform standard operating procedures to meet current good manufacturing practices  
66 (GMP);  
67           (12) Maintain records;  
68           (13) Monitor and verify quality in accordance with statistical process or other control  
69 procedures; and  
70           (14) Stock medications.  
71           (h) A registered pharmacy technician who has obtained a nuclear pharmacy technician  
72 endorsement may not perform the following:  
73           (1) Drug regimen review;  
74           (2) Clinical conflict resolution;  
75           (3) Contact a prescriber concerning prescription drug order clarification or therapy  
76 modification;  
77           (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.