

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 2075**

By Delegates Griffith, Foggin, E. Pritt, Young and

Pushkin

[Originating in the Committee on Health and Human

Resources; Reported on February 7, 2023]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
2 designated §30-5-7, relating to requiring medication status information be provided to a  
3 patient's pharmacy when updating prescriptions or changing medications; and authorizing  
4 the Board of Pharmacy to propose a legislative rule.

*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 §29A-3-1 *et seq.* of this code, to implement the provisions of this article and §60A-2-  
3 201 *et seq.*, §60A-3-301 *et seq.*, §60A-8-1 *et seq.*, §60A-9-1 *et seq.*, and §60A-10-1 *et seq.* of this  
4 code, including:

5 (1) Standards and requirements for a license, permit, and registration;

6 (2) Educational and experience requirements;

7 (3) Procedures for examinations and reexaminations;

8 (4) Requirements for third parties to prepare, administer or prepare, and administer  
9 examinations and reexaminations;

10 (5) The passing grade on the examination;

11 (6) Procedures for the issuance and renewal of a license, permit, and registration;

12 (7) A fee schedule;

13 (8) Continuing education requirements;

14 (9) Set standards for professional conduct;

15 (10) Establish equipment and facility standards for pharmacies;

16 (11) Approve courses and standards for training pharmacist technicians;

17 (12) Regulation of charitable clinic pharmacies;

18 (13) Regulation of mail-order pharmacies: *Provided*, That until the board establishes  
19 requirements that provide further conditions for pharmacists who consult with or who provide  
20 pharmacist care to patients regarding prescriptions dispensed in this state by a mail-order  
21 pharmacy, the pharmacist in charge of the out-of-state mail-order pharmacy shall be licensed in  
22 West Virginia and any other pharmacist providing pharmacist care from the mail-order pharmacy  
23 shall be licensed in the state where the pharmacy is located;

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

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

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

28 (17) Regulation of telepharmacy;

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

33 (19) Establish standards for substituted drug products;

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

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

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

38 (23) Regulation of pharmacies;

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

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

42 (26) Regulations on prescription paper, ~~as provided in §16-5-27 of this code~~ which include:

43           (A) prescription shall include two check boxes. The first box is to be labeled "Continue all  
44 other medications." The label for second box shall contain a blank for the prescriber to indicate any  
45 medications that should be discontinued: "Discontinue [ \_\_\_\_\_ ]." Prescriptions  
46 transmitted orally by phone shall include this same information when dictated to the pharmacy;  
47 and

48           (B) the purpose of the medication;

49           (27) Regulations on controlled substances as provided in §60A-2-201 *et seq.* of this code;

50           (28) Regulations on manufacturing, distributing, or dispensing any controlled substance as  
51 provided in §60A-3-301 of this code;

52           (29) Regulations on wholesale drug distribution as provided in §60A-8-1 *et seq.* of this  
53 code;

54           (30) Regulations on controlled substances monitoring as provided in §60A-9-1 *et seq.* of  
55 this code;

56           (31) Regulations on Methamphetamine Laboratory Eradication Act as provided in §60A-  
57 10-1 *et seq.* of this code;

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

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

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

62           (c) The board, the Board of Medicine, and the Board of Osteopathic Medicine shall jointly  
63 agree and propose rules concerning collaborative pharmacy practice for legislative approval in  
64 accordance with the provisions of §29A-3-1 *et seq.* of this code.

65           (d) The board, with the advice of the Board of Medicine and the Board of Osteopathic  
66 Medicine, shall propose rules for legislative approval in accordance with the provisions of §29A-3-  
67 1 *et seq.* of this code to perform influenza and pneumonia immunizations on a person of 18 years  
68 of age or older. These rules shall provide, at a minimum, for the following:

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

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

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

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

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

82 (6) Reporting requirements for pharmacists administering immunizations to report to the  
83 West Virginia Statewide Immunization Information;

84 (7) That a pharmacist may not delegate the authority to administer immunizations to any  
85 other person, unless administered by a licensed pharmacy intern under the direct supervision of a  
86 pharmacist of whom both pharmacist and intern have successfully completed all board-required  
87 training; and

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

89 (e) The Board of Medicine and the Board of Osteopathic Medicine shall propose joint rules  
90 for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code to permit  
91 a licensed pharmacist or pharmacy intern to administer immunizations in accordance with  
92 definitive treatment guidelines for immunizations promulgated by the latest notice from the U.S.  
93 Department of Health and Human Services, Centers for Disease Control and Prevention (CDC),  
94 including, but not limited to, the CDC's recommended immunization schedule for adults, children,

95 and adolescents. In addition, the joint rules shall permit a licensed pharmacist or pharmacy intern  
96 to administer immunizations in accordance with definitive treatment guidelines for immunizations  
97 promulgated by the latest notice from the CDC, including, but not limited to, the CDC's  
98 recommended immunization schedule for adults, children, and adolescents to a person age 11  
99 through 17, with written informed parental consent when presented with a prescription from a  
100 physician and there are no contraindications to that patient receiving that vaccine. These rules  
101 shall provide, at a minimum, the same provisions contained in subsections (d)(1) through (d)(8),  
102 inclusive, of this section.

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

NOTE: The purpose of this bill is to require regular updates to a patient's medication regimen be provided to the patient's pharmacy.

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