

**ENROLLED**

**H. B. 2272**

(By Delegates Ellington, Householder, Arvon, Howell, Kurcaba,  
Sobonya, Stansbury and Summers)

[Passed March 9, 2015; in effect ninety days from passage.]

AN ACT repeal §16-5W-1, § §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6, §16-5W-7  
and §16-5W-8 of the Code of West Virginia, 1931, as amended; and to amend and reenact  
§30-5-7 of said code, all relating generally to the rule-making authority of the Board of  
Pharmacy; repealing the current statutory official prescription paper program and allowing  
the Board of Pharmacy to develop and maintain an official prescription paper program  
through rulemaking; and clarifying rule-making authority of the Board of Pharmacy to  
include the ability of pharmacy interns to administer certain immunizations.

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

That §16-5W-1, §16-5W-2, §16-5W-3, §16-5W-4, §16-5W-5, §16-5W-6, §16-5W-7, and  
§16-5W-8, of the Code of West Virginia, 1931, as amended, be repealed and that §30-5-7 of said  
code be amended and reenacted 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 provisions  
2 of article three, chapter twenty-nine-a of this code, to implement the provisions of this article, and  
3 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 pharmacy,  
20 the pharmacist in charge of the out-of-state mail order pharmacy shall be licensed in West Virginia  
21 and any other pharmacist providing pharmacist care from the mail order pharmacy shall be licensed  
22 in the state where the pharmacy is located.

- 1 (14) Agreements with organizations to form pharmacist recovery networks;
- 2 (15) Create an alcohol or chemical dependency treatment program;
- 3 (16) Establish a ratio of pharmacy technicians to on-duty pharmacist operating in any
- 4 outpatient, mail order or institutional pharmacy;
- 5 (17) Regulation of telepharmacy;
- 6 (18) The minimum standards for a charitable clinic pharmacy and rules regarding the
- 7 applicable definition of a pharmacist-in-charge, who may be a volunteer, at charitable clinic
- 8 pharmacies: *Provided*, That a charitable clinic pharmacy may not be charged any applicable
- 9 licensing fees and such clinics may receive donated drugs.
- 10 (19) Establish standards for substituted drug products;
- 11 (20) Establish the regulations for E-prescribing;
- 12 (21) Establish the proper use of the automated data processing system;
- 13 (22) Registration and control of the manufacture and distribution of controlled substances
- 14 within this state.
- 15 (23) Regulation of pharmacies;
- 16 (24) Sanitation and equipment requirements for wholesalers, distributors and pharmacies.
- 17 (25) Procedures for denying, suspending, revoking, reinstating or limiting the practice of a
- 18 licensee, permittee or registrant;
- 19 (26) Regulations on prescription paper as provided in section five, article five-w, chapter
- 20 sixteen;
- 21 (27) Regulations on controlled substances as provided in article two, chapter sixty-a;
- 22 (28) Regulations on manufacturing, distributing, or dispensing any controlled substance as

1 provided in article three, chapter sixty-a;

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

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

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

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

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

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

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

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

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

22 (2) Definitive treatment guidelines which shall include, but not be limited to, appropriate

1 observation for an adverse reaction of an individual following an immunization;

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

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

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

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

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

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

16 (e) The board, the Board of Medicine and the Board of Osteopathic Medicine shall propose  
17 joint rules for legislative approval in accordance with the provisions of article three, chapter twenty-  
18 nine-a of this code to permit a licensed pharmacist or pharmacy intern to administer other  
19 immunizations such as Hepatitis A, Hepatitis B, Herpes Zoster and Tetanus. These rules shall  
20 provide, at a minimum, the same provisions contained in subsection (d)(1) through (d)(8) of this  
21 section.

22 (f) All of the board's rules in effect and not in conflict with these provisions, shall remain in

1 effect until they are amended or rescinded.