

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Originating

House Bill 4033

BY DELEGATES ELLINGTON, SUMMERS, HOUSEHOLDER,
ROHRBACH, STANSBURY, WAXMAN, PERDUE AND
RODIGHERO

[Originating in the Committee on Health and Human
Resources; Reported on January 14, 2016]

1 A BILL to amend and reenact §30-5-34 of the Code of West Virginia, 1931, as amended, relating
 2 to establishing a criminal penalty; permitting the board to contact law enforcement with
 3 information concerning a criminal offense; prohibiting the practice of pharmacist care
 4 without a license; prohibiting assistance to practice of pharmacist care without a
 5 registration; permitting the fining of a person practicing with an encumbered license;
 6 permitting the fining of a person practicing with an encumbered registration; establishing
 7 a fine.

Be it enacted by the Legislature of West Virginia:

1 That §30-5-34 of the Code of West Virginia, 1931, as amended, be amended and
 2 reenacted to read as follows:

§30-5-34. Criminal offenses.

1 ~~When, as a result of an investigation under this article or otherwise, the board has reason~~
 2 ~~to believe that a person authorized under this article has committed a criminal offense the board~~
 3 ~~may bring its information to the attention of an appropriate law enforcement official.~~

4 (a) When, as a result of an investigation under this article or otherwise, the board has
 5 reason to believe that a person authorized under this article has committed a criminal offense
 6 under this article, the board may bring its information to the attention of an appropriate law-
 7 enforcement official.

8 (b) Any person who intentionally practices, or holds himself or herself out as qualified to
 9 practice pharmacist care or to assist in the practice of pharmacist care, or uses any title, word or
 10 abbreviation to indicate to or induce others to believe he or she is licensed to practice as a
 11 pharmacist or pharmacist technician without obtaining an active, valid West Virginia license to
 12 practice that profession; or

With a license that is:

13 (1) Expired, suspended or lapsed; or

14 (2) Inactive, revoked, suspended as a result of disciplinary action, or surrendered;

- 16 is guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than ten thousand
17 dollars.

NOTE: The purpose of this bill is to establish a criminal penalty for the unlawful practice of pharmaceutical care.

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