WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

ENGROSSED

House Bill 2518

By Delegates Ellington, Summers, Rohrbach,

Rowan, Hollen and Atkinson

[Introduced February 16, 2017; Referred

to the Committee on Health and Human Resources

then Government Organization.]

1   A BILL 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, distributers 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.

NOTE: The purpose of this bill is to give the Board of Pharmacy rule-making authority to permit a pharmacist or pharmacy intern to administer certain immunizations.

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