

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 2849

BY DELEGATES HOWELL, PACK, C. MARTIN, D. JEFFRIES,

DEAN AND HAMRICK

[Passed March 9, 2019; in effect ninety days from
passage.]

OFFICE WEST VIRGINIA
SECRETARY OF STATE

2019 MAR 26 P 1:35

FILED

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1 AN ACT to amend and reenact §30-5-11 and §30-5-12 of the Code of West Virginia, 1931, as
2 amended, all relating to establishing different classes of pharmacy technicians;
3 establishing an application process for a registered pharmacy technician to obtain an
4 endorsement as a pharmacy technician; establishing an application process for a nuclear
5 pharmacy technician endorsement; expanding the scope of practice for a registered
6 pharmacy technician endorsement; and defining the scope of practice for a nuclear
7 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) To be eligible to obtain a nuclear pharmacy technician endorsement, the applicant
30 shall:

31 (1) Submit a written application to the board;

32 (2) Pay the applicable fees;

33 (3) Have graduated from high school or obtained a Certificate of General Educational
34 Development (GED) or equivalent;

35 (4) Have successfully completed a pharmacy provided, competency-based nuclear
36 pharmacy technician education and training program approved by the board;

37 (5) Have all applicable national certifications and comply with all federal rules and
38 regulations;

39 (6) Not be an alcohol or drug abuser, as these terms are defined in §27-1A-11 of this code:
40 *Provided*, That an applicant in an active recovery process, which may, in the discretion of the
41 board, be evidenced by participation in a 12-step program or other similar group or process, may
42 be considered;

43 (7) Not have been convicted of a felony in any jurisdiction within 10 years preceding the
44 date of application for license, which conviction remains unreversed;

45 (8) Not have been convicted of a misdemeanor or felony in any jurisdiction if the offense
46 for which he or she was convicted bearing a rational nexus to the practice of pharmacist care,
47 which conviction remains unreversed; and

48 (9) Has fulfilled any other requirement specified by the board in any rule.

49 (d) A person whose license to practice pharmacist care has been denied, revoked,
50 suspended, or restricted for disciplinary purposes in any jurisdiction is not eligible to be registered
51 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;
- 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, where no clinical judgment is
12 necessary and the pharmacist makes the final verification; if the registered pharmacy technician

13 furnishes to the Board an affidavit signed and dated by the supervising pharmacist-in-charge of
14 the facility which will employ the applicant attesting to the applicant's competency in the
15 advanced areas of 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;

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.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Moore Capito
.....
Chairman, House Committee

E. J. T.
.....
Member Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

Steve Harrison
.....
Clerk of the House of Delegates

Joe Linn
.....
Clerk of the Senate

Ray Haskew
.....
Speaker of the House of Delegates

Walter B. Cunningham
.....
President of the Senate

The within *is approved* this the *26th*
March day of 2019.

James Justice
.....
Governor

OFFICE WEST VIRGINIA
SECRETARY OF STATE

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FILED

PRESENTED TO THE GOVERNOR

MAR 25 2019

Time 3:35 pm