WEST virginia legislature

2022 regular session

Committee Substitute

for

House Bill 4348

By Delegates Reed, Martin, Westfall, Booth, Worrell, Riley, Pack, Mallow, Mandt, Queen, and Rowan

[Originating in the Committee on Health and Human Resources; reported on February 15, 2022]

A BILL amend and reenact §30-5-11a and §30-5-26 of the Code of West Virginia, 1931, as amended, all relating to the practice of pharmacist care; relating to the qualifications for pharmacy technician trainees; requiring certain information to be included on a prescription; and requiring a prescription change be communicated to a pharmacist.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. PHARMACISTS, PHARMACY TECHNICIANS, PHARMACY INTERNS AND PHARMACIES.

§30-5-11a. Pharmacy technician trainee qualifications.

(a) To be eligible for registration as a pharmacy technician trainee to assist in the practice of pharmacist care, the applicant shall:

(1) Submit a written application to the board;

(2) Pay the applicable fees;

(3) ~~(A) Have graduated from a high school or obtained a Certificate of General Educational Development (GED),~~ Be at least 16 years old and currently enrolled in high school; ~~or~~

~~(B) Be currently enrolled in a high school competency based pharmacy technician education and training program;~~

(4) (A) Be currently enrolled in a competency-based pharmacy technician education and training program of a learning institution or training center approved by the board; or

(B) Be an employee of a pharmacy in an on-the-job competency-based pharmacy technician training program.

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

(6) Not have been convicted of a felony in any jurisdiction within ten years preceding the date of application for registration, which conviction remains unreversed;

(7) Not have been convicted of a misdemeanor or felony in any jurisdiction which bears a rational nexus to the practice of pharmacist care, which conviction remains unreversed; and

(8) Have requested and submitted to the board the results of a fingerprint-based state and a national electronic criminal history records check.

(b) A person may be employed as a pharmacy trainee technician in an on-the-job competency-based technician training program immediately upon submission of an application and payment of the applicable fees to the board, for up to 90 days prior to being registered as a pharmacy technician trainee by the board.

~~(b)~~ (c) The rules, authorized duties and unauthorized prohibitions as set out in §30-5-12 of this code for pharmacy technicians apply to pharmacy technician trainees.

~~(c)~~ (d) The board shall promulgate an emergency rule and legislative rule pursuant §29A-2-1 *et seq.* of this code to authorize the requirements of this section to permit pharmacy technician trainees.

§30-5-26. Filling of prescriptions more than one year after issuance.

(a) A prescription order may not be dispensed after twelve months from the date of issuance by the practitioner. A pharmacist may fill the prescription after twelve months if the prescriber confirms to the pharmacist that he or she still wants the prescription filled and the pharmacist documents upon the prescription that the confirmation was obtained.

(b) (1) When a person licensed under this chapter issues a prescription for any medication or durable medical equipment, the IDC-10 code or any other equivalent diagnosis code’s shall be submitted on the prescription.

(2) If a person licensed under this chapter changes to the dosage, frequency, or manner of administration of a medication, the licensee shall, within 72 hours of that change inform the patient’s pharmacy of the change.