

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]

1 A BILL amend and reenact §30-5-11a and §30-5-26 of the Code of West Virginia, 1931, as
2 amended, all relating to the practice of pharmacist care; relating to the qualifications for
3 pharmacy technician trainees; requiring certain information to be included on a
4 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.

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

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

4 (2) Pay the applicable fees;

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

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

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

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

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

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

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

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

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

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

29 ~~(c)~~ (d) The board shall promulgate an emergency rule and legislative rule pursuant §29A-
30 2-1 *et seq.* of this code to authorize the requirements of this section to permit pharmacy technician
31 trainees.

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

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

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

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