

**WEST VIRGINIA  
SECRETARY OF STATE**

**JOE MANCHIN, III**

**ADMINISTRATIVE LAW DIVISION**

Form #4

Do Not Mark In This Box

FILED

2002 JAN 11 A 11:18

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**NOTICE OF RULE MODIFICATION OF A PROPOSED RULE**

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: WV Code 30-5-9a (b), HB 3051

AMENDMENT TO AN EXISTING RULE: YES  NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 3

TITLE OF RULE BEING AMENDED: Board of Pharmacy Rules for Continuing Education for  
Licensure of Pharmacists

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: \_\_\_\_\_

TITLE OF RULE BEING PROPOSED: \_\_\_\_\_

THE ABOVE PROPOSED LEGISLATIVE RULES, FOLLOWING REVIEW BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE, IS HEREBY MODIFIED AS A RESULT OF REVIEW AND COMMENT BY THE LEGISLATIVE RULE MAKING REVIEW COMMITTEE. THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

*William T. Douglass, Jr.*

Authorized Signature

William T. Douglass, Jr.

558-0558

\$3.80



## Board of Pharmacy

Phone (304) 558-0558  
Fax (304) 558-0572

Office  
232 Capitol Street  
Charleston, West Virginia 25301

January 9, 2002

Joe Manchin, III, Secretary of State  
State Capitol Building 1, Suite 157-K  
1900 Kanawha Blvd. East  
Charleston, WV 25305-0770

Dear Mr. Manchin:

I am writing to approve the filing of two sets of proposed rules as modified. The first proposed rule is 15 CSR 1, Board of Pharmacy Rules regarding Licensure and the Practice of Pharmacy; the other proposed rule is 15 CSR 3, Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists. Thank you for your cooperation in this matter.

Sincerely,

William T. Douglass, Jr.  
Executive Director and  
General Counsel

TITLE 15  
LEGISLATIVE RULES  
BOARD OF PHARMACY

FILED

2002 JAN 11 A 11:18

SERIES 3  
BOARD OF PHARMACY RULES FOR CONTINUING  
EDUCATION FOR LICENSURE OF PHARMACISTS

WEST VIRGINIA  
SECRETARY OF STATE

**§15-3-1. General.**

1.1. Scope. -- W. Va. Code §30-5-3A authorizes the Board of Pharmacy to promulgate rules which are necessary to perform the duties and responsibilities of the Board as they relate to requiring pharmacists to meet certain continuing education requirements in order to maintain their license to practice pharmacy in the State of West Virginia.

1.2. Authority. -- This legislative rule is issued under the authority of W. Va. Code §30-5-3A.

1.3. Filing Date. --

1.4. Effective Date. --

**§15-3-2. Definitions.**

2.1. American Council on Pharmaceutical Education (ACPE) means the national accreditation organization for continuing pharmaceutical education.

2.2. Continuing Education Unit (CEU) Hour means ~~ten (10)~~ one hour of participation in a West Virginia Board of Pharmacy accredited continuing pharmacy education program under responsible sponsorship, capable direction and qualified instruction. For the purposes of this definition, an hour equals fifty (50) minutes of participation and represents ~~0.1~~ 1.0 continuing education hour unit (CEU).

2.3. Continuing Pharmaceutical Education (CPE) means planned and accredited learning experiences beyond a formal degree program designed to promote the continual development of knowledge, skills, and attitudes on the part of the pharmacist.

2.4. Continuing Pharmaceutical Education Committee (Committee) means that committee appointed by the ~~West Virginia Board of Pharmacy~~ responsible for approval of the content of each continuing pharmaceutical education program offered by a provider of continuing pharmaceutical education.

2.5. Continuing Pharmaceutical Education Coordinator (Coordinator) means that individual or organization who may be retained by the ~~West Virginia Board of Pharmacy~~ for the purpose of coordinating continuing pharmaceutical education programming and licensure renewal requirements.

2.6. Continuing Pharmaceutical Education Provider (Provider) means an institution, organization, agency, corporation, company, or individual approved by the ~~West Virginia Board of Pharmacy~~ for the purpose of direct provision of continuing pharmaceutical education programs to pharmacists.

2.7. Continuing Pharmaceutical Education Sponsor (Sponsor) means an institution, organization, agency, corporation, company, or individual approved by the ~~West Virginia Board of Pharmacy~~ for the purpose of administering a continuing pharmaceutical education program.

2.8. The year reporting period means the two year licensure period beginning on from July 1 of a given year through June 30 of the immediate following two years later.

2.9. Unit means a measurement of value applied to particular continuing pharmacy education activity and is the estimate by the West Virginia Board of Pharmacy of the benefit it may contribute to competence in the practice of pharmacy.

2.10 West Virginia Board of Pharmacy (Board) means that state agency, created under Chapter 30 of the Code of West Virginia, responsible for the licensure and discipline of pharmacists in the State of West Virginia.

2.911. West Virginia Pharmacists Association (Association) means a statewide professional organization whose members are pharmacists duly licensed by the West Virginia Board of Pharmacy.

### **§15-3-3. Purpose.**

3.1. The purpose of Continuing Pharmaceutical Education (CPE) is to maintain and enhance the professional proficiency of pharmacists licensed to practice in West Virginia for the benefit and welfare of the people served by pharmacists in the State of West Virginia.

### **§15-3-4. Continuing Pharmaceutical Education Requirements.**

4.1. Beginning July 1, 2002, all a licensed pharmacists shall complete a minimum of: .5 CEU (five [5] thirty (30) continuing education hours) of CPE every two years in order to renew his or her license to practice pharmacy in West Virginia by the year ending June 30, 1990; 1.0 CEU (ten [10] hours) of CPE in order to renew his or her license to practice pharmacy in West Virginia by the year ending June 30, 1991; and 1.5 CEU (fifteen [15] hours) of CPE in order to renew his or her license to practice pharmacy in West Virginia by the year ending June 30, 1992, and each subsequent year reporting period thereafter; Provided, that a pharmacist that only receives a license valid for one year, from July 1, 2002 to June 30, 2003, shall submit only fifteen (15) continuing education hours for his or her subsequent renewal and thirty (30) continuing education hours for each reporting period thereafter.

4.2. ~~CEUs or~~ Hours in excess of the number required at the end of each year reporting period shall not be transferred or applied to future years reporting periods to satisfy a future year or future years' requirements of CPE for licensure.

4.3 Six (6) hours of the thirty (30) continuing education hours required every two (2) years shall be obtained through a live presentation requiring the physical presence of the pharmacist at the continuing education program.

### **§15-3-5. Methods of Acquiring Continuing Pharmaceutical Education.**

5.1. Continuing ~~pharmaceutical~~ education hours of credit may be earned by licensed pharmacists in the following manner if the sponsor or provider grants the pharmacist a certificate of completion of;

5.1.1. Cassette or audio-visual presentations;

5.1.2. In-company professional seminars;

5.1.3. Accredited school of pharmacy continuing education programs;

5.1.4. Post-graduate courses in pharmaceutical sciences;

- 5.1.5. Correspondence courses;
- 5.1.6. Programs granting continuing education credit by other states;
- 5.1.7. Programs approved by the American Council of Pharmaceutical Education;
- 5.1.8. Continuing education television series;
- 5.1.9. Programs sponsored by professional health care organizations approved by the Board as providers or sponsors; and
- 5.1.10. Programs sponsored by or approved by the West Virginia Pharmacists Association.

**§15-3-6. Program Administration.**

6.1. The Board has the statutory responsibility for the oversight of CPE as required for licensure renewal and to appoint a Continuing Education Committee.

6.2. The Committee shall;

6.2.1. perform necessary correspondence and communication with professional groups, organizations and individuals who have interest in CPE;

6.2.2. recommend to the Board for its approval those providers and sponsors of continuing education programs who have been certified as meeting the criteria established for this purpose; and

6.2.3. recommend to the Board for its approval those continuing education programs which have met the criteria established for that purpose.

**§15-3-7. Continuing Education Committee.**

7.1. The Continuing Education Committee shall be composed of equal representation from the West Virginia Board of Pharmacy, the West Virginia University School of Pharmacy, and the West Virginia Pharmacists Association.

7.2. The members of the Committee shall be selected by the Board and shall serve for a period of three (3) years.

7.3. The chairman of the Committee shall be selected by the members of the committee.

7.4. The Committee is responsible for approval of the content of each program offered by a provider of Continuing Education Credit.

7.5. In all other matters concerning the approval of Continuing Education providers. The role of the Committee is to advise and submit its recommendations to the Board.

**§15-3-8. Responsibilities of Providers and Sponsors.**

8.1. Continuing Pharmaceutical Education providers and sponsors are responsible for submitting continuing education programs to the Board for approval.

8.2. Potential applicants shall submit programs ~~shall be submitted~~ in writing to the Board at least

sixty (60) days prior to their offering in order that potential participants will know whether the program is approved. The Board may approve programs submitted later under certain circumstances but in no event may any program be submitted for approval less than ten (10) days prior to offering.

8.3. Providers and sponsors requesting approval of continuing pharmaceutical education programs shall submit an application containing such any information as the Board may require required on forms provided by the Board.

8.4. The Board may revoke or suspend approval of providers or sponsors for submission of fraudulent statements or certificates concerning continuing pharmaceutical education by providers or sponsors will subject such providers or sponsors to revocation or suspension of their approval by the Board.

8.5. Providers or sponsors of continuing pharmaceutical education programs shall submit changes in approved programs shall be submitted in writing to the Board and such the changes must be approved by the Board or such the Board shall revoke or suspend approval of the program shall be null and void.

8.6. Providers and sponsors shall retain a file of participants of each accredited program for four three (3 4) years.

8.7. Providers and sponsors shall advise the Board in writing of the date, location, and continuing education unit hours of each program presented or made available along with the names and addresses of each participant successfully completing each program within thirty (30) days following the presentation or completion of an approved program.

8.8. Providers and sponsors shall provide a certificate of participation/completion to each participant who attends and successfully completes a program.

#### **§15-3-9. Responsibilities of Pharmacists.**

9.1. Pharmacists ~~must~~ shall keep valid records, receipts, and certifications of continuing pharmacy education programs completed for three (3) four (4) years and submit certifications of participation and completion to the Board upon request.

9.2. The Board may take disciplinary action against a pharmacist for submission of fraudulent statements or certificates concerning continuing pharmaceutical education. will subject the pharmacist to disciplinary action by the Board as provided in W. Va. Code §30-5-1, et seq.

9.3. A ~~Pharmacists are responsible to~~ shall submit, on forms provided by the Board, a list of accredited continuing pharmaceutical education programs completed in the preceding year reporting period with their ~~annual~~ renewal license application.

9.4. In the event a pharmacist fails to submit a list of continuing pharmaceutical education programs by the 31st day of July of each year with his or her renewal application, the Board shall notify the pharmacist at his or her last known address that disciplinary action shall be taken for failure to comply with continuing education requirements.

9.5. A pharmacist may request a waiver from the Board for continuing pharmaceutical education for reasons of illness, injury, incapacity, retirement, or other extenuating circumstances.

~~9.6. A pharmacist first licensed by the Board within twelve (12) months immediately preceding the annual renewal date of their license is exempt, for the purpose of the first license renewal only, from the continuing pharmaceutical education requirements.~~

9.67. ~~All~~ A pharmacists shall keep the Board informed of ~~their~~ his or her current mailing address.

9.78. A pharmacist may transfer ~~CEUs~~ continuing education hours from another state to West Virginia if the ~~transfer other~~ state accepts the transfer of West Virginia ~~CEUs~~ continuing education hours.

9.89. A West Virginia licensed pharmacists who resides in another states requiring continuing pharmaceutical education and who does not practice in West Virginia may renew ~~their~~ his or her West Virginia license by certifying on ~~their~~ his or her Continuing Pharmaceutical Education report form that ~~they~~ he or she has ~~have~~ a current and valid license to practice in the state in which ~~they~~ he or she is ~~are~~ residing. The following statement ~~must~~ shall be placed on the form, the form signed, notarized and returned to the West Virginia Board of Pharmacy with renewal application and fee:

"I declare under penalties of falsification that I hold a current and valid pharmacist license, No. \_\_\_\_\_ in the State of \_\_\_\_\_ and that I do not presently practice pharmacy in the State of West Virginia. I hereby agree to notify the West Virginia Board of Pharmacy if I return and commence practice in West Virginia."

Signed: \_\_\_\_\_

Date: \_\_\_\_\_

Notarized: \_\_\_\_\_

9.91~~0~~. A pharmacist may request continuing education credit only once in a year-reporting period for each program attended or completed.

### §15-3-10. Approval of Providers and Sponsors.

10.1. The Board has established the policy that all continuing pharmaceutical education providers approved by the American Council on Pharmaceutical Education (ACPE) ~~shall be~~ are approved as providers of Continuing Pharmaceutical Education (CPE) in West Virginia unless experience with a particular provider proves to be unsatisfactory.

10.2. All other providers shall make application for approval as a provider on the form provided by the Board. Providers;

10.2.1. ~~Must~~ Shall have a qualified director or coordinator of continuing pharmaceutical education program;

10.2.2. ~~Must~~ Shall have qualified faculty to develop and present continuing pharmaceutical education programs, or shall have contracted or retained qualified people to develop and present programs;

10.2.3. ~~Must~~ Shall have appropriate resources and materials, such as printing, projectors, and other suitable hardware and software for the development and presentation of programs;

10.2.4. ~~Must~~ Shall have appropriate facilities and/or mechanisms to record, store, and retrieve data concerning attendance, credit, and other relevant data for individuals participating in the programs;and

10.2.5. ~~Must~~ Shall demonstrate their ability and willingness to provide any and all information

required by the Board or the Committee.

10.3. All sponsors who are not providers shall make application for approval as a sponsor on the form provided by the Board. Sponsors shall satisfy the provisions prescribed in ~~sections~~ subdivisions 10.2.1, 10.2.4, and 10.2.5 of this section.

10.4. Providers and sponsors need to be approved one time only. The Board shall withdraw approval if a provider or sponsor is found to be in violation of subsection 8.4 of this rule; ~~after having been approved, the provider or sponsor shall lose approval.~~ The provider or sponsor may apply for re-approval if all applicable criteria are met. The application for re-approval ~~must~~ shall be made within thirty (30) days after the notice of disapproval and the provider or sponsor ~~must~~ shall comply with the original procedure as prescribed in subsection 8.2 of this rule. The Board at its discretion may impose a period of probation if it approves the application for re-approval.

~~10.5. Sponsors of an ACPE approved provider program must submit the program to the Board for approval. Upon receipt of the program, the Board shall verify that the provider is approved by the ACPE. Upon verification, the Board shall approve the program.~~

#### **§15-3-11. Approval of Continuing Pharmaceutical Programs.**

11.1. Providers and sponsor shall submit all continuing pharmaceutical education programs ~~shall be submitted~~ for approval by the Board except as ~~noted~~ provided for in subsections 11.2 and 11.3 of this section.

11.2. The Board has approved all programs developed and presented by ACPE approved providers ~~and Board approved providers shall be approved by the Board.~~

11.3. ~~Once Approval of a continuing pharmaceutical education program has been approved by the Board, it need not be approved within~~ is valid for a three (3) year period if the content remains the same.

11.4. All programs shall meet the criteria utilized by ACPE and additionally shall meet the following criteria:

11.4.1. The program shall be within the scope of the following subjects:

11.4.1.1. Pharmaceutics: bioavailability, bioequivalency, product selection based on bioavailability and/or bioequivalency;

11.4.1.2. Pharmacognosy: drugs of natural origin as related to therapeutics;

11.4.1.3. Pharmacology: as related to therapeutics, dosage regimen, etc.;

11.4.1.4. Pharmaceutical Chemistry: chemistry of drugs as related to therapeutics;

11.4.1.5. Pharmacy Administration: as related to the managerial, behavioral, and social aspects of pharmacy practice;

11.4.1.6. Pharmacy Practice: as related to patient compliance, patient use and utilization of drugs, drug incompatibilities, proper selection and use of nonprescription drugs, and related topics; or

11.4.1.7. Public Health: as related to improving the pharmacist's role in public health and the health care system.;

11.4.2. The program shall be relevant Relevancy, i.e., timely, and suited to practice;

11.4.3. The program shall be Practical, i.e., may be applied to practice in one setting or another;

11.4.4. The program Content is shall be well organized with stated objectives, and an orderly flow of material, with appropriate examples and/or illustrations;

11.4.5. The program shall be appropriately presented, with the mode/method of presentation appropriate to the topic; and

11.4.6. A certificate of participation and completion shall be awarded each participant by the provider.

### **§15-3-12. Program Evaluation.**

12.1. The provider or sponsor shall have an evaluation mechanism shall be provided for the purpose of allowing the participant to assess achievement of personal objectives.

12.2. The provider or sponsor shall develop and employ evaluation techniques that will assess the effectiveness of the continuing education activities and the level of fulfillment of the stated objectives, with the goal of continual provide or sponsor and CPE improvement.

12.3. The provider or sponsor shall compile the results of participants' evaluations and submit them to the Board upon request.

### **§15-3-13. Credits and Records.**

13.1. Credits and records of continuing pharmaceutical Education shall be based on a continuing education ~~unit (CEU)~~ hour.

13.2. A pharmacist who develops and/or presents an approved continuing pharmaceutical education program shall receive credit for the ~~CEU~~ number of continuing education hours value of that program for his or her initial presentation.

13.3. All providers, sponsors, and pharmacists shall retain their records shall be retained for ~~three (3)~~ four (4) years in a manner that will enable their ready retrieval upon request of the Board, its authorized agent or Committee. ~~This applies to all providers, sponsors and pharmacists.~~

13.4. Students enrolled in graduate programs of health related fields or participating in a residency program in a health related field are not required to provide additional documentation of participation in CPE. ~~Should-If~~ a student discontinues his or her pursuit of graduate study, the prevailing CPE requirements ~~will~~ apply for his or her continued licensure.