WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED
1990 JAN 30 AM 9: 49
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: WEST VIRGINIA BOARD OF PHARMACY TITLE NUMBER: 15

RULE TYPE: LEGISLATIVE ; CITE AUTHORITY Chapter 30-5-19, Code of W. Va.

AMENDMENT TO AN EXISTING RULE: YES___ NO X

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 3

TITLE OF RULE BEING PROPOSED: CONTINUING EDUCATION FOR LICENSURE OF PHARMACISTS.

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON MARCH 5, 1990 AT 5:00 P. M.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

WEST VIRGINIA BOARD OF PHARMACY
236 CAPITOL STREET
CHARLESTON, WEST VIRGINIA 25301

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Lawrence Barker

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

State of West Virginia

Board of Pharmacy

Office
236 Capitol Street
Charleston, West Virginia 25301

Phone (304) 348-0558

January 30, 1990

The Honorable Ken Hechler
Secretary of State
Capitol Building
Charleston, West Virginia 25305

Dear Sir:

In accordance with Chapter 29A-3-5 of the Code of West Virginia, as amended, this letter is to serve notice of a comment period relating to Legislative finding under Chapter 30-5-3a, titled Continuing Education for pharmacists subject to licensure in the State of West Virginia.

A copy of the proposed Rules and Regulations is enclosed. A copy will be available for any interested persons in the Conference Room of the Board of Pharmacy at 236 Capitol Street, Charleston, West Virginia until the end of the comment period on March 5, 1990 at 5 p.m. Only written comments will be accepted during this comment period.

Very truly yours,

Lawrence Barker

Lawrence Barker
Vice President

LB/bjp

State of West Virginia

Board of Pharmacy

Phone (304) 348-0558

Office
235 Capitol Street
Charleston, West Virginia 25301

A BRIEF SUMMARY

THE LEGISLATURE HAS FOUND AND DECLARED THAT BECAUSE OF CONTINUOUS INTRODUCTIONS OF NEW THERAPEUTIC AND DIAGNOSTIC AGENT AND CHANGING CONCEPTS IN THE DELIVERY OF HEALTH CARE SERVICES IN THE PRACICE OF PHARMACY, IT IS ESSENTIAL FOR PHARMACISTS TO UNDERTAKE A CONTINUING EDUCATION PROGRAM IN ORDER TO MAINTAIN HIS OR HER PROFESSIONAL COMPETENCY AND IMPROVE HIS OR HER PROFESSIONAL SKILLS.

IT IS NECESSARY TO RECOGNIZE A NATIONAL ACCREDITATION ORGANIZATION DUE TO THE FACT THAT PHARMACISTS MAY TRANSFER CONTINUING PHARMACY EDUCATION FROM COOPERATING STATES.

THE WEST VIRGINIA BOARD OF PHARMACY WILL RECOGNIZE CONTINUING PHARMACEUTICAL EDUCATION SPONSORS, AFTER APPROVAL BY THE BOARD, FOR THE PURPOSE OF ADMINISTERING A CONTINUING PHARMACEUTICAL EDUCATION PROGRAM.

THE WEST VIRGINIA BOARD OF PHARMACY WILL COOPERATE WITH THE SCHOOL OF PHARMACY AT WEST VIRGINIA UNIVERSITY IN ESTABLISHING HIGHLY STRUCTURED EDUCATIONAL PROGRAMS.

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: Continuing Education for The Licensing of Pharmacists

Type of Rule: X Legislative _____ Interpretive _____ Procedural

Agency Board of Pharmacy Address 236 Capitol Street

Charleston, West Virginia 25301

1. Effect of Proposed Rule	ANNUAL Increase	ANNUAL Decrease	FISCAL YEAR Current	FISCAL YEAR Next	FISCAL YEAR Thereafter
Estimated Total Cost	$-0-	$-0-	$-0-	$-0-	$ -0-
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

The University and pharmacists are responsible for the certification of of all continuing education credits.

3. Objectives of these rules: To promote a program designed to enhance the continuing development of knowledge, skills, and attitudes on the part of the practioner.

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

Designed to further promote and protect the health and safety of our citizens.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific groups of citizens.

Repeat above statement

C. Economic Impact on Citizens/Public at Large.

Repeat above statement

Date: September 15, 1989

Signature of Agency Head or Authorized Representative

Tamara Barker

WE MADE NO CHANGES IN THE RULES AS ORIGINALLY FILED.
There were no comments, either written or oral.

Lawrence Barker

FILED
1990 MAR -6 AM 10: 25
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATIVE RULES
WEST VIRGINIA BOARD OF PHARMACY
CHAPTER 30-5

FILED
1998 JAN 30 AM 9:49
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

TITLE: Board of Pharmacy Rules for Continuing Education for Licensure of Pharmacists

Section 1. General

1.1 Scope - West Virginia Code 30-5-19 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 main their license to practice pharmacy in West Virginia.

1.2 Authority - These legislative rules are issued under the authority of West Virginia Code 30-5-19 .

1.3 Filing Date - _____

1.4 Effective Date - _____

Section 2 - DEFINITIONS

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

2.2 Annual course of study year shall be from July 1 of a given year through June 30 of the immediate following year.

2.3 Continuing Pharmaceutical Education (CPE) is 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 practitioner of pharmacy.

2.4 Continuing Pharmaceutical Education Committee (Committee) is 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 is 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) is 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 practitioners of pharmacy.

2.7 Continuing Pharmaceutical Education Sponsor (Sponsor) is 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 Continuing Education Unit (CEU) is defined as ten (10) contact hours of participation in a West Virginia Board of Pharmacy accredited continuing pharmacy education program under responsible sponsorship, capable direction and qualified instruction. In a highly structured educational experience, 50 minutes of contact represents 0.1 CEU.

2.9 Unit is defined as 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) is that state agency, created under Chapter 30 of the Code of West Virginia, responsible for licensure and discipline of practitioners of pharmacy in the State of West Virginia.

2.11 West Virginia Pharmacists Association (Association) is a statewide professional organization whose members are practitioners of pharmacy duly licensed by the West Virginia Board of Pharmacy.

Section 3 - PURPOSE

3.1 The purpose of Continuing Pharmacy 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.

Section 4 - CONTINUING PHARMACEUTICAL EDUCATION REQUIREMENTS

4.1 Each practitioner of pharmacy licensed by the West Virginia Board of Pharmacy shall be required to complete a minimum of: .5 CEU (five [5] contact hours) of CPE in order to renew his or her license to practice pharmacy in West Virginia by the annual course of study year ending June 30, 1990; 1.0 CEU (ten [10] contact hours) of CPE in order to renew his or her license to practice pharmacy in West Virginia by the annual course of study year ending June 30, 1991; and 1.5 CPE (fifteen [15] contact hours) of CPE in order to renew his or

her license to practice pharmacy in West Virginia by the annual course of study year ending June 30, 1992, and each subsequent year thereafter.

4.2 CEU's or contact hours in excess of the number required at the end of each annual course of study year shall not be transferred or applied to future annual course of study years to satisfy a future year or future years' requirements of CPE for licensure.

Section 5 - METHODS OF ACQUIRING CONTINUING PHARMACEUTICAL EDUCATION

5.1 Continuing pharmaceutical education hours of credit may be earned by practitioners of pharmacy in the following manner if the sponsor or provider grants the practitioner a certificate of completion of:

(a) cassette or audio-visual presentations;
(b) in-company professional seminars;
(c) accredited school of pharmacy continuing education programs;
(d) post-graduate courses in pharmaceutical science;
(e) correspondence courses;
(f) programs granted continuing education credit by other states;
(g) programs approved by the American Council of Pharmaceutical Education;
(h) continuing education television series;
(i) programs sponsored by professional health care organizations approved by the Board as providers or sponsors; and
(j) programs sponsored by or approved by association.

Section 6 - PROGRAM ADMINISTRATION

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

6.2 It is the responsibility of the Committee to perform the following:

(a) perform necessary correspondence and communication with professional groups, organizations and individuals who have interest in CPE;
(b) 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
(c) recommend to the Board for its approval those continuing education programs which have met the criteria established for that purpose.

Section 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.

Section 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 Programs shall be submitted in writing to the Board at least sixty (60) days prior to the date of presentation or date of making such programs available in order that potential participants will know whether the program is approved. In any case, however, all programs shall be submitted for approval no later than ten (10) days prior to presentation or availability.

8.3 Changes in approved programs shall be submitted in writing to the Board and such changes shall be approved by the Board or the approval of such programs shall be null and void.

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

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

8.6 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.

8.7 Providers and sponsors shall advise the Board in writing of the date, location, and continuing education unit of each program presented or made available along with the names and addresses of each participant successfully completing each program within 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 or successfully completes a program.

Section 9 - RESPONSIBILITIES OF PHARMACISTS

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

9.2 Submission of fraudulent statements or certificates concerning continuing pharmaceutical education will subject pharmacist to disciplinary action by the Board as provided in Chapter 30-5.

9.3 Pharmacists are responsible to submit on forms provided by the Board a list of accredited continuing pharmaceutical education programs completed in the preceding annual course of study year with their annual renewal license application.

9.4 In the event a pharmacist shall fail to submit a list of continuing pharmaceutical education programs by the 1st day of August, the Board shall notify such pharmacist at his or her last known address that disciplinary action shall be taken for failure to comply with requirements for continuing education for licensure.

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 annual license renewal only, from the continuing pharmaceutical education requirements.

9.7 All pharmacists shall keep the Board informed of their current mailing address.

9.8 A pharmacist may transfer CEU from another state to West Virginia if the transfer state recognizes West Virginia approval of CEU.

9.9 West Virginia licensed pharmacists who reside in states requiring continuing pharmaceutical education and who do not practice in West Virginia may renew their West Virginia license by certifying on their Continuing Pharmaceutical Education Annual Report that they have a current and valid license to practice pharmacy in the state in which they are residing. The following statement must be placed on the Continuing Pharmaceutical Education Annual Report, the Report 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: _____

9.10 A pharmacist may request CEU only once in an annual course of study year for each program attended or completed.

Section 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 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. The following criteria shall be used for the approval of providers:

(a) must have a qualified director or coordinator of continuing pharmaceutical education programs;
(b) must have qualified faculty to develop and present continuing pharmaceutical education programs, or shall have contracted or retained qualified people to develop and present programs;
(c) must have appropriate resources and materials, such as printing, projectors, and other suitable hardware and software for the development and presentation of programs;
(d) must have appropriate facility and/or mechanisms to record, store, and retrieve data concerning attendance, credit, and other relevant data for individuals participating in the programs; and

(e) must 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 criteria (a), (d) and (e) prescribed in Section 10.2.

10.4 Providers and sponsors need to be approved one time only. If a provider or sponsor has been disapproved after having been approved, the provider or sponsor may apply to the Board for re-approval if all applicable criteria are met.

10.5 Sponors 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 ACPE. Upon such verification, the Board shall approve the program.

Section 11 - APPROVAL OF CONTINUING PHARMACEUTICAL PROGRAMS

11.1 All continuing pharmaceutical education programs shall be submitted for approval by the Board except as noted in Sections 11.2 and 11.3.

11.2 Programs developed and presented by ACPE approved providers and Board approved providers shall be approved by the Board.

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

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

(a) The program content shall be within the scope of any one of the following subjects:

(1) Pharmaceutics: bioavilability, bioequivalency, product selection based on bioavailability and/or bioequivalency;

(2) Pharmacognosy: drugs of natural origin as related to therapeutics;

(3) Pharmaceutical Chemistry: chemistry of drugs as related to therapeutics;

(4) Pharmacology: as related to therapeutics, dosage regimen, etc.;

(5) Pharmacy Administration: as related to the managerial, behavioral, and social aspects of pharmacy practice;

(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

(7) Public Helath: as related to improving the pharmacist's role in public health and the health care system.

(b) Relevancy, i.e., timely, suited to practice.

(c) Practical, i.e., may be applied to practice in one setting or another.

(d) Content is well organized with stated objectives, orderly flow of material, with appropriate examples and/or illustrations.

(e) Appropriately presented, with the mode/method of presentation appropriate to the topic.

(f) Certificate of participation/completion shall be awarded each participant by the provider.

Section 12 - PROGRAM EVALUATION

12.1 An evaluation mechanism shall be provided for the purpose of allowing the participant to assess achievement of personal objectives.

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

12.3 The provider or sponsor shall compile the results of participants' evalua tions and submit same to the Board upon request.

Section 13 - CREDITS AND RECORDS

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

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

13.3 All records shall be stored for three (3) 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 are not required to provide addtional documentation of participation in CPE. Should a student discontinue his or her pursuit of graduate study, the prevailing CPE requirements will apply for his or her continued licensure.