

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #1

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1991 JUN 27 PM 3:02

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF PUBLIC HEARING ON A PROPOSED RULE

AGENCY: Board of Pharmacy TITLE NUMBER: 15

RULE TYPE: Legislative; CITE AUTHORITY 30-5

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: 6

TITLE OF RULE BEING PROPOSED: Mail Order House

DATE OF PUBLIC HEARING: August 19, 1991 TIME: 10:30 A.M.

LOCATION OF PUBLIC HEARING: _____

COMMENTS LIMITED TO: ORAL ___ , WRITTEN ___ , BOTH X

COMMENTS MAY ALSO BE MAILED TO THE FOLLOWING ADDRESS: Board of Pharmacy

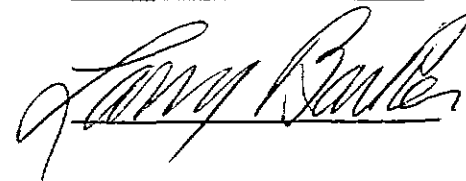
236 Capitol Street

Charleston, WV 25301

The Department requests that persons wishing to make comments at the hearing make an effort to submit written comments in order to facilitate the review of these comments.

The issues to be heard shall be limited to the proposed rule.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL



2-50



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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Board of Pharmacy

Phone (304) 348-0558

JUNE 24, 1991

Office
236 Capitol Street
Charleston, West Virginia 25301

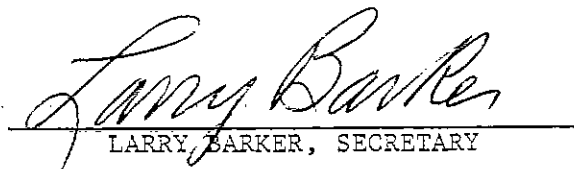
SPECIAL ORDER OF BUSINESS TO SET A DATE FOR A PUBLIC HEARING ON RULES AND REGULATIONS FOR MAIL ORDER HOUSES OR MAIL ORDER PHARMACIES.

THE WEST VIRGINIA BOARD OF PHARMACY BY A VOTE OF 7 FOR AND 0 AGAINST TO HOLD A PUBLIC HEARING ON THE SUBJECT RULES AND REGULATIONS ON August 19, 1991 AT 10:30 A. M. IN CHARLESTON, WEST VIRGINIA AT 236 CAPITOL STREET.

THIS IS TO FURTHER STATE THAT THE PROPOSED RULES AND REGULATIONS WERE APPROVED AS A PROPOSAL TO THE LEGISLATIVE RULE MAKING COMMITTEE AND THIS ACTION IS TO BE CERTIFIED TO THE SECRETARY OF STATE IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURES ACT OF THE CODE OF WEST VIRGINIA UNDER CHAPTER 29A.

THE DATE OF THE HEARING IS NOT LESS THAN 30 DAYS NOR MORE THAN 60 DAYS FROM THIS DATE.


SAM KAPOURALES, PRESIDENT


LARRY BARKER, SECRETARY



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1991 JUN 27 PM 3:02
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Board of Pharmacy

Phone (304) 348-0558

June 27, 1991

Office
236 Capital Street
Charleston, West Virginia 25301

Series 6
Licensure of Mail Order Houses
15-6 Circumstances which require

This regulation becomes necessary to implement the action of the West Virginia Legislature in its decision to regulate every mail order house which dispenses drugs from any point outside of the State of West Virginia to any point within the State of West Virginia by the United States mail or otherwise.

The important factor in this legislation and these rules and regulations is to require mail order houses to abide by the same rules that govern the pharmacies within the State of West Virginia.

The West Virginia Board of Pharmacy has the responsibility of protecting the health, safety and welfare of its citizens relative to the dispensing of drugs.

TITLE 15
LEGISLATIVE RULE
SERIES 6

FILED
1991 JUN 27 PM 3:02

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

15-6-1. GENERAL.

- 1.1. Scope. To establish rules for the Mail Order House.
- 1.2. West Virginia Code, Chapter 30, Article 5, Section 6a.
- 1.3. Filing date.
- 1.4. Effective date.

15-6-2. DEFINITIONS.

- 2.1. Mail Order House means a pharmacy which dispenses drugs or medicines through the United States mail or otherwise.
- 2.2. Mail Order Prescription means the drug or medicine prescribed by a practitioner on a prescription order as authorized under Chapter 30, Article 5, Sections 1 (6) and 12b (5) (b) of the Code of West Virginia.
- 2.3. Board means the West Virginia Board of Pharmacy.

15-6-3. PERMITS FOR MAIL ORDER HOUSES.

- 3.1. A Mail Order House is required to apply for a permit for authorization to dispense prescription drugs or medicines in West Virginia.
- 3.2. The application for such permit shall be submitted to the West Virginia Board of Pharmacy to indicate the following:
 - (a) The owner as an individual, or as a partnership, or as a corporation.
 - (b) The names and titles of such persons indicated in 3.1. (a).
 - (c) The pharmacy manager.
 - (d) The pharmacist-in-charge.
 - (e) The complete address, telephone number and fax number (if any).

- 15-6-4. THE PROVISIONS OF THIS ACT DO NOT APPLY TO A WHOLESALE DRUG DISTRIBUTOR AS DESCRIBED IN CHAPTER 60A, ARTICLE 8 OF THE CODE OF WEST VIRGINIA.
- 4.1. Separate permits are required of the Mail Order House if such facility operates more than one pharmacy.
 - 4.2. The Mail Order House shall maintain a permit or license as required by their respective home state.
 - 4.3. The manager-in-charge shall certify that the Mail Order House is in compliance with the standards of care relative to the dispensing of prescription drug orders.
 - 4.4. The pharmacist-in-charge shall submit the names of all pharmacists employed at the facility.
- 15-6-5. PRESCRIPTION RECORDS SHALL BE IDENTIFIED AND RETRIEVABLE AT THE REQUEST FOR REVIEW BY THE BOARD.
- 15-6-6. MAIL ORDER HOUSES SHALL TOLL FREE ACCESSIBLE TELEPHONE COUNSELING WITH A LICENSED PHARMACIST DURING REGULAR WORKING HOURS AND SUCH TELEPHONE NUMBER SHALL BE PROMINENTLY IDENTIFIED ON THE PRESCRIPTION CONTAINER OR ON THE PRESCRIPTION CONTAINER LABEL.
- 15-6-7. JURISDICTION. MAIL ORDER HOUSES SOLICITING, RECEIVING, AND DISPENSING AND DELIVERING ORDERS COMPRISING LEGEND DRUGS AND SCHEDULE CONTROLLED DRUG SUBSTANCES AS DEFINED IN 21 UCS 1 ET SEQ., AND 21 USCFR 1 ET SEQ., (1989) AND DELIVERED TO ULTIMATE CONSUMERS IN WEST VIRGINIA CONSTITUTES DOING BUSINESS IN WEST VIRGINIA.
- 15-6-8. AGENT. MAIL ORDER HOUSES DOING BUSINESS IN WEST VIRGINIA BY DISPENSING AND DELIVERING PRESCRIPTION ORDERS TO WEST VIRGINIA CONSUMERS SHALL DESIGNATE A RESIDENT AGENT, WHO SHALL BE A REGISTERED PHARMACY OR A REGISTERED PHARMACIST WHO SHALL ASSUME THE RESPONSIBILITY OF COMPLIANCE WITH THE PHARMACY LAWS OF WEST VIRGINIA.