

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

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FILED

1992 APR -9 AM 7:57

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 6

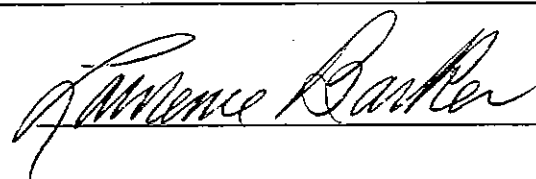
TITLE OF RULE BEING PROPOSED: Mail Order House

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) Senate Bill 1

SECTION 64-9-20(f), PASSED ON March 14, 1992

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: April 9, 1992



Bill Pharmacy Mail Order 15-6

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H. B. 4342

(By Delegate Grubb)

(Introduced January 27, 1992) referred to the

Committee on Health and Human Resources then the
Judiciary

10 A BILL to amend and reenact section twenty, article nine, chapter
11 sixty-four of the code of West Virginia, one thousand nine
12 hundred thirty-one, as amended, relating to authorizing the
13 board of pharmacy to promulgate legislative rules relating to
14 mail order houses.

15 Be it enacted by the Legislature of West Virginia:

16 That section twenty, article nine, chapter sixty-four of the
17 code of West Virginia, one thousand nine hundred thirty-one, as
18 amended, be amended and reenacted, to read as follows:

19 **ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS BOARDS AND AGENCIES**
20 **TO PROMULGATE LEGISLATIVE RULES.**

21 §64-9-20. Board of pharmacy.

22 (a) The legislative rules filed in the state register on the
23 second day of October, one thousand nine hundred eighty-four,
24 modified by the board of pharmacy to meet the objections of the

1 legislative rule-making review committee and refiled in the state
2 register on the ninth day of January, one thousand nine hundred
3 eighty-five, relating to the board of pharmacy
4 (parenteral/enteral compounding), are authorized.

5 (b) The legislative rules filed in the state register on the
6 twelfth day of September, one thousand nine hundred eighty-nine,
7 modified by the board of pharmacy to meet the objections of the
8 legislative rule-making review committee and refiled in the state
9 register on the fifteenth day of November, one thousand nine
10 hundred eighty-nine, relating to the board of pharmacy (board of
11 pharmacy), are authorized.

12 - (c) The legislative rules filed in the state register on the
13 sixth day of May, one thousand nine hundred ninety, modified by
14 the board of pharmacy to meet the objections of the legislative
15 rule-making review committee and refiled in the state register on
16 the fifth day of June, one thousand nine hundred ninety, relating
17 to the board of pharmacy (continuing education for the licensure
18 of pharmacists), are authorized.

19 - (d) The legislative rules filed in the state register on the
20 twenty-eighth day of August, one thousand nine hundred ninety-
21 one, modified by the board of pharmacy to meet the objections of
22 the legislative rule-making review committee and refiled in the
23 state register on the eighth day of January, one thousand nine
24 hundred ninety-two, relating to the board of pharmacy (mail order
25 house), are authorized with the amendment set forth below:

1 On page two, after section 7, by adding a new section to read
2 as follows:

3 "15-6-8. Freedom of Choice.

4 No licensed pharmacist or pharmacy or any other person,
5 partnership, corporation or entity that is regulated by the Board
6 shall enter into any agreement or arrangement with any private or
7 public third party payor, insurance company, health maintenance
8 organization, health care service corporation, hospital or
9 medical service corporation or employee benefit plan whereby, in
10 any way, a patient is denied, limited or restricted to choose a
11 pharmacist, pharmacy or pharmaceutical service or whereby, in any
12 way, a patient is denied face-to-face oral consultation with a
13 pharmacist licensed by the Board."

14

15 NOTE: The purpose of this bill is to authorize the Board of
16 Pharmacy to promulgate legislative rules relating to mail order
17 houses.

18

19 ~~Strike-throughs indicate language that would be stricken from~~
20 ~~the present law, and underscoring indicates new language that~~
21 ~~would be added.~~



KEN HECHLER
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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770

TO: Betty Jo Payne

AGENCY: Board of Pharmacy

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: December 29, 1992

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 6 TITLE: 15 Board of Pharmacy

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Betty Jo Payne

TITLE OF PERSON SIGNING: Office Administrator

DATE: 1/5/93

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.