

WEST VIRGINIA  
SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #2

FILED

SEP 26 2 01 PM '96

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 Section 30-5-5a

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: 7

TITLE OF RULE BEING PROPOSED: 15, Registration of Pharmacy Technicians

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 October 26, 1996 AT 5:00pm.

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 25302

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

William T. Douglass Jr.  
Authorized Signature William T.

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL Douglass Jr.,  
Executive Director

2.40

SUMMARY OF PROPOSED LEGISLATIVE RULE

15 C.S.R. 7

REGISTRATION OF PHARMACY TECHNICIANS

West Virginia Code § 30-5-5a passed by the West Virginia Legislature in 1995 states that the Board of Pharmacy shall register any person practicing as a pharmacy technician in this state on or after the first day of July 1996. The Board of Pharmacy is required to establish a pharmacy technician training program and curriculum designed to train individuals to perform non-professional functions. The following rule establishes the requirements of the technician training program and duties and restrictions of pharmacy technicians. The rule also elaborates on the identification of technicians and technician trainees in the work place.

STATEMENT OF CIRCUMSTANCES

15 C.S.R. 7

REGISTRATION OF PHARMACY TECHNICIANS

West Virginia Code § 30-5-5a passed by the West Virginia Legislature in 1995 states that the Board of Pharmacy shall register these individuals on or after the first day of July 1996 but the Board had to withdraw its original proposed rule filed in April 1996 due to conflicts with the statute. The Board has entirely redrafted the proposed legislative rule in order to conform with the statute. This rule must be approved so that training programs can begin and registration of technicians can occur although not by the July 1, 1996 date.

**APPENDIX B**

**FISCAL NOTE FOR PROPOSED RULES**

**Rule Title:** Registration of Pharmacy Technicians\_ Title 15 Series 7

**Type of Rule:** X **Legislative**      **Interpretive**      **Procedural**

**Agency** West Virginia Board of Pharmacy

**Address** 236 Capitol Street  
Charleston, West Virginia 25301

**1. Effect of Proposed Rule**      N/A

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	HEREAFTER
<u>ESTIMATED TOTAL COST</u>	\$	\$	\$	\$	\$
PERSONAL SERVICES					
CURRENT EXPENSE					
REPAIRS & ALTERNATIONS					
EQUIPMENT					
OTHER					

**2. Explanation of above estimates:**      N/A

**3. Objectives of these rules:**

Rule establishes the qualifications for registration as a pharmacy technician and sets up the core requirements of the pharmacy technicians training program.

**Rule Title:** Title 15, Series 7, Registration of Pharmacy Technicians

**4. Explanation of Overall Economic Impact of Proposed Rule.**

**A. Economic Impact on State Government.**

N/A - Application and renewal fees established by the State, go into Board's special revenue account to pay costs of processing applications.

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

Technician trainees will pay \$25.00 for competency Exam

**C. Economic Impact on Citizens/Public at Large.**

N/A

**Date:** September 26, 1996

**Signature of Agency Head or Authorized Representative**

William T. Douglas Jr.

William T. Douglas Jr, Executive Director

LEGISLATIVE RULES

15 C.S.R. 7

TITLE 15

WEST VIRGINIA BOARD OF PHARMACY

SERIES 7

REGISTRATION OF PHARMACY TECHNICIANS

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE  
SEP 29 2 01 PM '96  
FILED

§ 15-7-1. General.

1.1. Scope. --- To establish rules for the training and regulation of pharmacy technicians.

1.2. Authority. --- W. Va. Code § 30-5-5(a).

1.3. Filing Date. --- \_\_\_\_\_, 199\_\_.

1.4. Effective Date. --- \_\_\_\_\_, 199\_\_.

§ 15-7-2. Pharmacy Technician Training Program.

2.1. A pharmacy technician trainee shall complete initial training as outlined by the pharmacist-in-charge in a training manual, prior to the regular performance of their duties.

Such training:

- (a) shall include training and experience as outlined in Rule 2.4,
- (b) shall consist of 12 months of full-time employment or 2,080 hours of of employment within 24 months under the direct supervision of a pharmacist;
- (c) may not be transferred to another pharmacy unless:
  - (A) the pharmacies are under common ownership and control and have a common training program; or

(B) the pharmacist in charge of each pharmacy in which the technician works certifies that the technician is competent to perform the duties assigned in the pharmacy.

2.2. The pharmacist in charge shall assure the continuing competency of the technicians through in service education and training to supplement initial training.

2.3. The pharmacist in charge shall document the completion of the training program and certify the competency of technicians completing the training. A written record of initial and in service training of technicians shall be maintained and contain the following information:

- (a) name of the person receiving the training;
- (b) date (s) of the training;
- (c) general description of the topics covered;
- (d) a statement or statements that certifies that the technician is competent to perform the duties assigned;
- (e) name of the person supervising the training; and
- (f) signature of the technician and the pharmacist in charge or other pharmacist employed by the pharmacy and designated by the pharmacist in charge as responsible for training of technicians.

2.4 Pharmacy technician training shall be outlined in a training manual which has been approved by the Board prior to its use. Such training manual shall, at a minimum contain the following:

- (a) written procedures and guidelines for the use and supervision of technicians. Such procedures and guidelines shall:
  - (A) specify the manner in which the pharmacist responsible for the supervision of technicians will supervise such personnel and verify the accuracy and completeness of all acts, tasks and functions performed by such personnel; and
  - (B) specify duties which may and may not be performed by technicians; and
- (b) instruction in the following areas and any additional areas appropriate to the duties of technicians in the pharmacy:
  - (A) Orientation;
  - (B) Job descriptions;
  - (C) Communication techniques;
  - (D) Laws and rules;
  - (E) Security and safety;
  - (F) Prescription drugs:
    - (1) Basic pharmaceutical nomenclature;
    - (2) Dosage forms;
  - (G) Prescription drug orders:
    - (1) Prescribers;
    - (2) Directions for use;

- (3) Commonly used abbreviations and symbols;
  - (4) Number of dosage units;
  - (5) Strengths and systems of measurement;
  - (6) Routes of administration;
  - (7) Frequency of administration;
  - (8) Interpreting directions for use;
- (H) Prescription drug order preparation:
- (1) Creating or updating patient medication records;
  - (2) Entering prescription drug order information into the computer or typing the label in a manual system;
  - (3) Selecting the correct stock bottle; accurately counting or pouring the appropriate quantity of drug product;
  - (4) Selecting the proper container;
  - (5) Preparing the finished product for inspection, labelling, and final check by pharmacists;
- (I) Other functions;
- (J) Drug product prepackaging;
- (K) Compounding of non sterile pharmaceuticals;
- (L) Written policy and guidelines for use of and supervision of supportive pernnel.

2.5 A prospective pharmacy technician trainee may begin their initial orientation and evaluation by a licensed Pharmacist while their application forms are being processed by the Board. A pharmacy technician trainee must register with the Board immediately via letter and make application with submission of a \$25 registration fee within 30 days of starting to work in the pharmacy. Any hours worked during this interim period will be applied toward the 2,080 hour requirement upon the successful completion of the registration process.

2.6. After a period of 24 months has passed since a technician trainee has registered with the Board, the technician trainee must send in verification of completion of training. If the trainee has failed to complete the required hours, his/her registration expires and he/she can no longer perform the duties of a technician; Provided, that the Board may provide for an extension of time upon the showing of special circumstances by the trainee.

2.7. Upon completion of the training the applicant shall be required to take a competency examination prepared and administered by the Board and obtain a passing score of 75%. If the applicant takes and fails the examination then the applicant shall not be permitted to perform the duties of a technician until he/she successfully completes the examination.

2.8. In order to be registered as a pharmacy technician, an applicant who has been employed in the State of West Virginia as a pharmacy technician for 2,080 hours prior to the effective date of this rule, or is a registered technician in another state, or is certified

by the Pharmacy Technician Certification Board (PTCB), shall only be required to receive 20 hours of training regarding the dispensing process under the full-time supervision of the pharmacist-in-charge. An applicant must verify their employment by submitting to the Board an affidavit of the pharmacist-in-charge certifying that the applicant has performed the duties of a pharmacy technician as defined in § 15-7-4 of this rule for 2,080 hours, or the applicant must verify that he/she is a registered technician in another state or has been certified by PTCB.

2.9. The 20 hour training program regarding the dispensing process must include the following:

- (a) steps in receiving prescriptions;
- (b) creating or updating patient profiles;
- (c) entering prescriptions information into the computer;
- (d) updating files and printing labels;
- (e) pulling stock packages from shelves;
- (f) checking medications;
- (g) preparing medication;
- (h) having pharmacist check work;
- (i) refill procedures and regulations; and
- (j) record keeping.

2.10. Upon completion of 20 hours of training, the pharmacist-in-charge must certify that the applicant has adequately completed such training.

**§ 15-7-3. Duties and restrictions.**

3.1. Duties which may only be performed by a pharmacist include, but are not limited to the following:

- (a) receiving verbal prescription drug orders and reducing these orders to writing either manually or electronically;
- (b) interpreting and evaluating prescription drug orders;
- (c) selecting of drug products;
- (d) interpreting patient medication records and performing drug regimen reviews;
- (e) performing the final check of the dispensed prescription before delivery to the patient to ensure that the prescription has been dispensed accurately as prescribed;
- (f) communicating to the patient or patient's agent information about the prescription drug or device which in the exercise of the pharmacist's professional judgement, the pharmacist deems significant;
- (g) communicating to the patient or patient's agent information concerning any prescription drugs dispensed to the patient by the pharmacy;
- (h) assuring that a reasonable effort is made to obtain, record, and maintain patient medication records; and
- (i) receiving or placing a call for a transferred prescription.

3.2. The duties of a registered pharmacy technician or technician trainee may include, but are not limited, to the following:

(a) the placement, receipt, unpacking and storage of drug orders;

(b) maintenance of the work area and equipment in a clean and orderly condition, ordering and stocking all pharmacy supplies.

(c) the checking of all prescription and non-prescription stock for outdates and the processing of outdated returns;

(d) The operation of the cash register but the pharmacy technician or technician trainee shall:

A. only handle the complete transaction on refill prescriptions when specifically requested to do so by the pharmacist and when the patient has no questions for the pharmacist; and

B. only handle the transactions on new prescriptions after counseling by the pharmacist has been offered; and

C. refer all questions regarding over the counter and prescription product selection or advice to the pharmacist;

(e) the filing of completed hard-copies of new prescriptions (except schedule II drugs) in numerical order, pharmacists shall file schedule II hard-copies;

(f) the placement of completed prescription orders on the will-call shelf;

(g) the wrapping of completed orders for mailing and the logging of mailed and delivered orders into a record;

(h) the printing of third-party billings and the processing of the billings for mailing and the transmission of electronically handled third-party billings;

(i) the reconciliation of third-party payments;

(j) the contacting of third-party billers and payers if problems arise while handling patients' insurance transmissions;

(k) the posting of patient purchases to private charge accounts and assisting with the printing and distribution of the monthly statements;

(l) the handling of non-professional phone calls to or from:

A. patients requesting refills of prescriptions by number and patient name;

B. physicians' offices authorizing refills, if no changes in the prescription are involved, and where the patient's name, medication and strength, number of doses, and date of prior fill is stated. The pharmacy technician or technician trainee shall refer any other inquiries by the physicians office to the pharmacist;

C. patients concerning price information that has been calculated by computer;

D. patients concerning business hours, mailing and delivery services, and the availability of goods and services;

E. patients asking if their prescriptions are refillable and/or number of refills remaining. Any interpretation of the proper length of time between refills must be handled by the pharmacist;

F. wholesalers and distributors dealing with the ordering of goods and supplies; and

G. physicians' offices regarding profile information, where no interpretation or judgment is necessary and only after the pharmacy technician or technician trainee verifies to whom the information is being given.

(m) the acceptance of refill requests and the acceptance of new written prescriptions from patients or their agents after determining the following: the patient's correct name, address, phone number, birth date, drug allergies, disease state(s), and method of payment;

(n) the entering of prescription data and patient profile data into the computer. Any information needing clarification or interpretation shall be referred to the pharmacist. The pharmacy technician or technician trainee shall:

A. Monitor the label printing; and

B. Alert the pharmacist to any duplication of medication, drug therapy overlap, drug interactions, drug-disease state interactions, and any questions that arise from inputting the information.

(o) the performance of tasks under the pharmacist's supervision, such as obtaining stock bottles for prescription filling;

(p) the counting and pouring from stock bottles for individual prescriptions only under the direct supervision of a pharmacist. The accuracy of the prescription contents and the accuracy of the labeling must be accounted for by the initials of the pharmacist on the hard-copy of the prescription and on the label;

(q) the reconstitution and restoration of the original form of medication previously altered for preservation and storage by the addition of a specific quantity of an

appropriate diluent requiring no calculations. The pharmacy technician and technician trainee may assist in the preparation of sterile parenteral/enteral products under the direct supervision of a pharmacist. In all cases, the pharmacist shall check and verify the accuracy of the assistant; and

(r) the weighing or measuring of specific ingredients for the pharmacist to use in extemporaneous compounding. In all cases the accuracy of the weighing and measuring must be verified by the pharmacist.

3.3. The only personnel that shall be allowed within the pharmacy area to perform pharmaceutical care are, pharmacists, registered pharmacy technicians, technician trainees and pharmacy interns.

3.4. A registered pharmacy technician or technician trainee shall not receive any telephone calls for new prescriptions from a physician's office and such calls are to be immediately transferred to a pharmacist.

3.5. A ratio of no more than four (4) pharmacy technicians and/or technician trainees per on duty pharmacist operating in out-patient, mail order or institutional pharmacies shall be maintained.

#### **§ 16-7-4. Identification of Technicians and Technician Trainees.**

4.1. Pharmacy technicians shall be identified by a name tag approved by the Board with the designation "Pharmacy Technician" while working in a pharmacy within this State. The name tags shall contain lettering of a legible size. Pharmacy technicians and

technician trainees shall be required to wear appropriate sanitary attire other than a white coat.

4.2. A pharmacy technician trainee during the period of training, shall wear a name tag approved by the Board with the designation "Pharmacy Technician Trainee". The name tags shall contain lettering of a legible size.

**§ 15-7-6. Fees.**

6.1. The Board of Pharmacy shall charge and collect the following fees:

- (a) Application and Registration Fee for a Pharmacy Technician -- as established by statute;
- (b) Annual Renewal Fee -- as established by statute;
- (c) Competency Examination Fee -- \$25.00; and
- (d) Technician Trainee Registration --\$25.00.

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KEN HECHLER  
Secretary of State



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Chief of Staff

MARY P. RATLIFF  
Deputy Secretary of State

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Director, Administrative Law

JAN CASTO  
Deputy Secretary of State

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STATE OF WEST VIRGINIA

CATHERINE FREROTTE  
Executive Assistant

SECRETARY OF STATE

(Plus all the volunteer  
help we can get)

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

MAY 9 9 07 AM '97

FILED

TO: WILLIAM T DOUGLASS JR

AGENCY: BOARD OF PHARMACY

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 7, 1997

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: 7 TITLE: 15 BOARD OF PHARMACY

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: William T. Douglas Jr.

TITLE OF PERSON SIGNING: Executive Director

DATE: 5-8-97

\*\*\*\*\*

\* 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.