

SECRETARY OF STATE

KEN HECHLER

ADMINISTRATIVE LAW DIVISION

Form #4

FILED

FEB 26 10 59 AM '97

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY West Virginia Code § 30-5-5 (a)

AMENDMENT TO AN EXISTING RULE: YES \_\_\_ NO XX

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: Registration of Pharmacy Technicians

THE ABOVE PROPOSED LEGISLATIVE RULE, 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.  
Executive Director

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OFFICE OF THE CLERK OF THE WEST VIRGINIA  
SECRETARY OF STATE

LEGISLATIVE RULES

15 C.S.R. 7

TITLE 15

WEST VIRGINIA BOARD OF PHARMACY

SERIES 7

REGISTRATION OF PHARMACY TECHNICIANS

§ 15-7-1. General.

1.1. Scope.---To establish standards 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. Definitions.

2.1 "Pharmacist-in-Charge" means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.

2.2 " Pharmacy Technician" means registered supportive personnel who work under the direct supervision of a pharmacist who have passed an approved training program.

2.3 "Pharmacy Technician Trainee" means an individual currently engaged in a pharmacy technician training program which has been approved by the Board and who is under the direct supervision of a pharmacist.

**§ 15-7-3. Qualifications For Registration as a Pharmacy Technician; 20 Hour Training Program.**

3.1 An individual who:

(a) 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

(b) is a registered technician in another state; or

(c) is certified by the Pharmacy Technician Certification Board (PTCB)

may apply to the board for registration as a pharmacy technician and shall complete a 20 hour training program as outlined in subsection 3.4 of this rule and shall be exempt from the examination requirement set forth under subsection 4.6 of this rule.

3.2 If an individual does not qualify under subsection 3.1 of this rule, then the individual shall complete the training program as outlined in section 4 of this rule and pass the examination set forth under subsection 4.6 of this rule.

3.3 The applicant shall:

(a) verify his or her 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 section 5 of this rule for 2,080 hours; or

(b) verify that he or she is a registered pharmacy technician in another state; or

(c) verify that he or she has been certified by the Pharmacy Technician Certification Board.

3.4. The pharmacist-in-charge shall create a 20 hour training program regarding the drug dispensing process which shall include the following:

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

3.5. The pharmacist-in-charge must certify that the pharmacy technician trainee has adequately completed the 20 hour training program.

#### **§ 15-7-4. Registration and Examination; 2,080 Hour Training Program**

4.1. A pharmacy shall submit its pharmacy technician training program to the Board for approval prior to its use. The training program shall be outlined in a training manual which shall be used throughout the program. The training program shall, at a minimum contain the following:

- (a) written procedures and guidelines for the use and supervision of pharmacy technicians. The procedures and guidelines shall:

- (A) specify the manner in which the pharmacist-in-charge responsible for the supervision of pharmacy technicians shall supervise the pharmacy technicians and verify the accuracy and completeness of all acts, and functions performed by them; and
  - (B) specify duties which may and may not be performed by pharmacy technicians; and
- (b) instruction in the following areas and any additional areas appropriate to the duties of pharmacy technicians in the pharmacy:
- (A) Orientation;
  - (B) Job descriptions;
  - (C) Communication techniques;
  - (D) Legislative rules of the West Virginia Board of Pharmacy;
  - (E) Security and safety;
  - (F) Prescription drugs, including:
    - (1) Basic pharmaceutical nomenclature; and
    - (2) Dosage forms;
  - (G) Prescription drug orders, including:
    - (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; and
- (H) Prescription drug order preparation, including:
- (1) the creation or updating of patient medication records;
  - (2) the entering of prescription drug order information into the computer or typing the label in a manual system;
  - (3) the selection of the correct stock bottle and the accurate counting of or pouring of the appropriate quantity of drug product;
  - (4) the selection of the proper container; and
  - (5) the preparation of the finished drug product for inspection, labelling, and final check by pharmacists;
- (I) Drug product prepackaging;
- (J) the compounding of non sterile pharmaceuticals; and
- (K) Written policy and guidelines for the use of and supervision of pharmacy technicians.

4.2. A pharmacy technician trainee shall complete initial training at a pharmacy as outlined by the pharmacist-in-charge in the training manual, prior to the regular performance of his or her duties. The training shall consist of 12 months of full-time employment or 2,080 hours of employment within 24 months under the direct supervision

of a pharmacist.

4.3. A pharmacy technician trainee shall notify the Board in writing within (30) days of starting to work in the pharmacy. The Board shall apply any hours worked by the pharmacy technician trainee during this interim period towards the 2,080 hours required for successful completion of the training program.

4.4. Within (24) months of beginning the training program, the pharmacy technician trainee must submit to the Board certification from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed the training program. If the pharmacy technician trainee fails to complete the required hours within (24) months, the Board shall require the pharmacy technician trainee to begin a training program again with no credit given for any previous hours. The Board may provide an extension of time for completion of the training program upon the showing of special circumstances by a pharmacy technician trainee.

4.5. The pharmacist-in-charge shall document that the pharmacy technician trainee has completed the training program and certify the competency of each technician completing the training. The pharmacist-in-charge shall maintain a written record of the initial training of each pharmacy technician. The written record shall contain the following information:

- (a) the name of the person receiving the training;
- (b) the date of the training;
- (c) a general description of the topics covered;
- (d) a statement or statements that certify that the

- pharmacy technician is competent to perform the duties assigned;
- (e) the name of the person supervising the training; and
  - (f) the signature of the pharmacy technician and the pharmacist-in-charge or other pharmacist employed by the pharmacy and designated by the pharmacist-in-charge as responsible for the training of pharmacy technicians.

4.6. Upon completion of the training program the pharmacy technician trainee shall apply for registration with the Board as a pharmacy technician and submit the registration fee of \$25.00 and the examination fee of \$25.00. A pharmacy technician trainee shall take a competency examination prepared and administered by the Board and obtain a passing score of 75%. If a pharmacy technician trainee fails to pass the examination satisfactorily, he or she is entitled at either the first or second succeeding examination conducted by the Board to a re-examination without paying any additional fees. If the pharmacy technician trainee fails the re-examination, he or she shall reapply for registration and submit the registration fee of \$25.00 and the examination fee of \$25.00.

**§ 15-7-5. Duties and restrictions of a pharmacy technician.**

- 5.1. A pharmacy technician may not:
- (a) receive verbal prescription drug orders and reduce these orders to writing either manually or electronically;
  - (b) interpret and evaluate prescription drug orders;

- (c) select drug products;
- (d) interpret patient medication records and perform drug regimen reviews;
- (e) deliver the prescription to the patient before a pharmacist performs the final check of the dispensed prescription to ensure that the prescription has been dispensed accurately as prescribed;
- (f) communicate to the patient or the patient's agent, information about the prescription drug or device which in the exercise of the pharmacist's professional judgement, the pharmacist considers significant;
- (g) communicate to the patient or the patient's agent, information concerning any prescription drugs dispensed to the patient by the pharmacy; or
- (h) receive or place a call for a transferred prescription.

5.2. The duties of a registered pharmacy technician 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;
- (c) the ordering and stocking of all pharmacy supplies;
- (d) the checking of all prescription and non-prescription stock for outdates and the processing of outdated returns;
- (e) the operation of the cash register. However the pharmacy technician 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;
- (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 drug product selection or advice to the pharmacist;
- (f) the filing of completed hard-copies of new prescriptions, (except schedule II drugs) in numerical order. A pharmacist shall file schedule II drug prescription hard-copies;
- (g) the placement of completed prescription orders on the will-call shelf;
- (h) the wrapping of completed orders for mailing and the logging of mailed and delivered orders into a record;
- (i) the printing of third-party billings, the processing of the billings for mailing and the transmission of electronically handled third-party billings;
- (j) the reconciliation of third-party payments;
- (k) the contacting of third-party billers and payers if problems arise while handling a patients' insurance transmissions;
- (l) the posting of patient purchases to private charge accounts and assisting with the printing and distribution of the monthly statements;
- (m) 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 shall refer any other inquiries by the prescribing physician's 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 the 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 patient profile information, where no interpretation or judgment is necessary and only after the pharmacy technician verifies to whom the information is being given.

- (n) 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 the method of payment;

- (o) the entering of prescription data and patient profile data into the computer. The pharmacy technician shall refer any information needing clarification or interpretation to the pharmacist. The pharmacy technician 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 entering the information.
- (p) the performance of tasks under the pharmacist's supervision, such as obtaining stock bottles for prescription filling;
- (q) the counting and pouring from stock bottles for individual prescriptions only under the direct supervision of a pharmacist. The pharmacist shall initial the hard copy of the prescription and the label to account for the accuracy of the prescription contents and the accuracy of the labeling;
- (r) 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 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 pharmacy technician; and

(s) 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.

5.3. The pharmacist-in-charge shall not allow anyone within the pharmacy area to perform pharmaceutical care other than, pharmacists, registered pharmacy technicians, pharmacy technician trainees and pharmacy interns.

5.4. A registered pharmacy technician shall not handle any telephone calls for new prescriptions from a physician's office and shall immediately transfer the calls to a pharmacist.

**§ 16-7-6. Identification of Technicians and Technician Trainees.**

6.1. Pharmacy technicians shall wear a name tag approved by the Board which contains 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 pharmacy technician trainees shall wear appropriate sanitary attire, other than a white coat.

6.2. During the period of training, a pharmacy technician trainee shall wear a name tag approved by the Board which contains the designation "Pharmacy Technician Trainee". The name tags shall contain lettering of a legible size.

**§ 15-7-7. Certificate of Registration; Transfer of Registration**

7.1 The Board shall provide a certificate of registration to a pharmacy technician trainee who completes the required training program and passes the examination, if required.

7.2 The registration of the pharmacy technician 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 the pharmacy at which the pharmacy technician intends to work certifies that the pharmacy technician is competent to perform the duties assigned in that pharmacy.



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OFFICE OF THE SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE  
Legislative Rule-Making Review Committee

State Capitol - Room MB-49  
Charleston, West Virginia 25305  
(304) 347-4840

Joseph A. Altizer, Associate Counsel  
Rita Pauley, Associate Counsel  
Audrey R. Ross, Admin. Assistant

Senator: Mike Ross, Co-Chairman  
Delegate: Mark Hunt, Co-Chairman  
Counsel: Debra A. Graham

February 10, 1997

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Mr. William T. Douglass, Jr.  
Executive Director  
WV Board of Pharmacy  
236 Capitol street  
Charleston, WV 25301

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: *Registration of Pharmacy Technicians*

15-7

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

1. Authorize the agency to promulgate the Legislative Rule
  - (a) as originally filed \_\_\_\_\_
  - (b) as modified by the agency       ✓
2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. \_\_\_\_\_
3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_
4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. \_\_\_\_\_

**Senate Bill No. 201**

(By Senator(s) Ross, Anderson, Macnaughtan,  
Boley and Buckalew)

[Introduced March 3, 1997; referred to the  
Committee on Health and Human Resources; and  
then to the Committee on the Judiciary.]

10 A BILL to amend article nine, chapter sixty-four of the  
11 code of West Virginia, one thousand nine hundred  
12 thirty-one, as amended, by adding thereto a new  
13 section, designated section eight, relating to  
14 authorizing the board of pharmacy to promulgate a  
15 legislative rule relating to the registration of  
16 pharmacy technicians.

17 *Be it enacted by the Legislature of West Virginia:*

18 That article nine, chapter sixty-four of the code of  
19 West Virginia, one thousand nine hundred thirty-one, as  
20 amended, be amended by adding thereto a new section,  
21 designated section eight, to read as follows:

22 ARTICLE 9. AUTHORIZATION FOR MISCELLANEOUS AGENCIES AND  
23 BOARDS TO PROMULGATE LEGISLATIVE RULES.

1 §64-9-8. Board of pharmacy.

2 The legislative rule filed in the state register on  
3 the seventh day of January, one thousand nine hundred  
4 ninety-seven, under the authority of section five-a,  
5 article three, chapter thirty, of this code, modified by  
6 the board of pharmacy to meet the objections of the  
7 legislative rule-making review committee and refiled in the  
8 state register on the twenty-sixth day of February, one  
9 thousand nine hundred ninety-seven, relating to the board  
10 of pharmacy (registration of pharmacy technicians, 15 CSR  
11 7), is authorized.

12

13 NOTE: The purpose of this bill is to authorize the  
14 Board of Pharmacy to promulgate a legislative rule relating  
15 to the Registration of Pharmacy Technicians.

16

17 This section is new; therefore, strike-throughs and  
18 underscoring have been omitted.

1364

H. B. 2364

1 Bill-Pharm, Pharm Tech (By Delegate(s) Douglas, Hunt, Compton,  
2 Faircloth, Linch and Riggs)

3  
4 [Introduced March 3, 1997; referred to the

5 Committee on Government Organization then the  
6 Judiciary.]  
7  
8  
9

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