

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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JAN 18 10 22 AM '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 Sections 29A-3-15, 30-5-2

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: 7

TITLE OF RULE BEING PROPOSED: 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 February 23, 1996 AT 5:00 P.M.

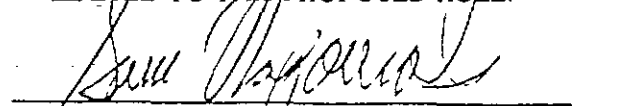
ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Board of Pharmacy

236 Capitol Street

Charleston, WV 25301

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



Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

4.00

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

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

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Pharmacy

Address: 236 Capitol Street
Charleston, WV 25301

1. Effect of Proposed Rule Not Applicable.

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

2. Explanation of above estimates: Not Applicable

3. Objectives of these rules:

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

Not Applicable.

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

Applicants will pay a \$100.00 fee to the Board for the competency examination.

C. Economic Impact on Citizens/Public at Large.

Not Applicable.

Date: 1/18/96

Signature of Agency Head or Authorized Representative

SUMMARY OF PROPOSED LEGISLATIVE RULE

15 C.S.R. 7.

Registration of Pharmacy Technicians.

West Virginia Code § 30-5-5(a) passed by the West Virginia Legislature in 1995 states that, on or after the first day of July 1996, any person practicing as a pharmacy technician in the State of West Virginia shall be registered with the Board of Pharmacy and in order to become registered as a pharmacy technician they must satisfactorily complete a Board approved pharmacy technician program. The statute also states that the training program shall be designed to train individuals to perform non-professional functions as described in legislative rules and also that pharmacy technicians shall be identified by a name tag and designation as a pharmacy technician while working in a pharmacy. The following rule establishes the qualifications for registration as a pharmacy technician and sets up the core requirements of the pharmacy technician training program. This rule also elaborates on the duties and restrictions of a pharmacy technician or technician trainee and states how the identification of the technicians and technician trainees will be accomplished.

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OFFICE OF 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 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. Qualifications for registration as a pharmacy technician.

2.1 In order to become registered as a pharmacy technician in this State, an individual shall:

- a) be at least eighteen (18) years old;
- b) be a high school graduate or its equivalent;
- c) present to the Board satisfactory evidence that he or she is of good moral character, is not addicted to alcohol or controlled substances and is free of any felony convictions; and

d) satisfactorily complete a Board-Approved Pharmacy Technician Training Program.

§ 15-7-3. Pharmacy Technician Training Program.

3.1. A pharmacy technician trainee must register with the board and make application prior to any on-the-job training program.

3.2. An applicant for registration as a pharmacy technician shall complete 2,080 hours of on-the-job training within a pharmacy under the direct supervision of a pharmacist within a period of twenty-four (24) months.

3.3. Upon completion of the on-the-job training the applicant shall be required to take a competency examination prepared and administered by the Board and obtain a passing score of 75%.

3.4. A manual shall be used during the course of the on the job training program and such training manual shall be approved by the Board prior to its use.

§ 15-7-4. Duties and restrictions.

4.1. During the course of their employment the duties of a registered pharmacy technician or technician trainee may include the following:

(a) Place, receive, unpack, and store drug orders.

(b) Maintain work area and equipment in a clean and orderly condition. Order and stock all pharmacy supplies.

(c) Check all prescription and non-prescription stock for outdates and process outdated returns.

(d) Operate the cash register.

1. May 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.

2. May only handle the transactions on new prescriptions after counseling by the pharmacist has been offered. New prescriptions packaged for the will-call shelf shall be clearly marked by the pharmacist completing the order.

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

(e) File completed hard-copies of new prescriptions (except schedule II drugs) in numerical order. Pharmacists shall file the C-II hard-copies.

(f) Place completed prescription orders on the will-call shelf.

(g) Wrap completed orders for mailing and log mailed and delivered orders into the record.

(h) Print out third-party billings and process them for mailing and transmit electronically handled third-party billings.

(i) Reconcile third-party payments.

(j) Contact third-party billers and payers if problems arise while handling patients' insurance transmissions.

(k) Post patient purchases to private charge accounts and assist with the printing and distribution of the monthly statements.

(l) Handle non-professional phone calls to/from:

1. Patients requesting refills of prescriptions by number and patient name.

2. Physicians' offices authorizing refills providing no changes in the prescription are involved, and in which the patient's name, medication and strength, number of doses, and date of prior fill is stated. Any other inquiries by the office shall be referred to the pharmacist.

3. Patients concerning price information as per computer calculated.

4. Patients concerning business hours, mailing and delivery services, and availability of goods and services.

5. 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.

6. Wholesalers and distributors dealing with the ordering of goods and supplies.

7. Physicians' offices dealing with profile information where no interpretation or judgment is necessary only after verifying to whom the information is being given.

(m) Accept refill requests and accept new written prescriptions from patients or their agents after determining the following- correct name, address, phone number, birth date, drug allergies, disease states, and method of payment.

(n) Enter prescription data and patient profile data into the computer. Any information needing clarification or interpretation shall be referred to the pharmacist.

1. Monitor label printing.

2. Alert 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) Perform tasks under pharmacist's supervision, such as obtaining stock bottles for prescription filling.

(p) Count and pour 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 and the label.

(q) Reconstitute-restoration of original form of medication previously altered for preservation and storage by the addition of a specific quantity of distilled water or provided diluent requiring no calculations. In all cases the accuracy of the assistant is checked and verified by a pharmacist.

(r) Weigh or measure specific ingredients for the pharmacist to use in extemporaneous compounding. In all cases the accuracy must be verified by the pharmacist.

4.2. 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.

4.3. 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.

4.4. Any pharmacy desiring to utilize registered technicians shall maintain written policies and procedures regarding the utilization of technicians stating their position and specific scope of duties. Such written policies and procedures shall be available for inspection at all times by the Board.

4.5. 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.

§ 16-7-5. Identification of Technicians and Technician Trainees.

5.1. 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 lettering on such name tags shall not be smaller than 3 1/2 inches by 2 1/4 inches and shall be permanent; no removable labels are permitted. Pharmacy technicians shall be required to wear a coat to identify themselves as a technician.

5.2. A pharmacy technician trainee during the period of on-the-job training, shall wear a coat and a name tag approved by the Board with the designation "Pharmacy Technician Trainee". The lettering on such name tags shall not be

smaller than 3 1/2 inches by 2 1/4 inches and shall be permanent; no removable labels are permitted.

§ 15-7-6. Grandfathering.

6.1. Any person who has been continuously employed in the State of West Virginia as a pharmacy technician for the two (2) years prior to the effective date of this rule shall be exempt from the on-the-job training requirement and the competency examination for registration. Such 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 the two (2) years prior to the effective date of this rule.

6.2. An applicant who has performed the duties of a pharmacy technician for less than two (2) years prior to the effective date of this rule may have the number of hours worked applied toward the 2,080 hour on-the-job training requirement upon submitting verification of such employment to the Board.

§ 15-7-7. Fees.

7.1. 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; and,
- (c) Competency Examination Fee -- \$100.00.