

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Form #3

Do Not Mark In This Box

RECEIVED

02 JUL 20 PM 3:37

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

**NOTICE OF AGENCY APPROVAL OF A PROPOSED RULE
AND
FILING WITH THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE**

AGENCY: West Virginia Board of Pharmacy TITLE NUMBER: 15

CITE AUTHORITY: WV Code 30-5-7c (d)- HB 4277

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 RULE BEING PROPOSED: 11

TITLE OF RULE BEING PROPOSED: Board of Pharmacy Fees for Pharmacist Recovery
Networks

THE ABOVE PROPOSED LEGISLATIVE RULE HAVING GONE TO A PUBLIC HEARING OR A PUBLIC COMMENT PERIOD IS HEREBY APPROVED BY THE PROMULGATING AGENCY FOR FILING WITH THE SECRETARY OF STATE AND THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE FOR THEIR REVIEW.

Will S. D.M.

Authorized Signature

558-0558

SCANNED



Board of Pharmacy

Phone (304) 558-0558
Fax (304) 558-0572

Office
232 Capitol Street
Charleston, West Virginia 25301

July 26, 2002

Joe Manchin, III, Secretary of State
State Capitol Complex, Building 1, Suite 157-K
1900 Kanawha Blvd, East
Charleston, WV 25305-0770

Dear Secretary Manchin:

I am writing to approve the filing of a proposed rule by the Board of Pharmacy which was filed as an emergency rule, 15 CSR 11, Board of Pharmacy Fees for Pharmacist Recovery Networks. These fees were also included in series 10 which was filed through the regular rulemaking process. Therefore Series 11 does not need to proceed through that process. Thank you for your cooperation in this matter.

Sincerely,

William T. Douglass, Jr.
Executive Director and
General Counsel

- e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

July 26, 2002

- f. **Name, title, address and phone/fax/e-mail numbers** of agency person(s) to receive all *written correspondence* regarding this rule: (Please type)

William T. Douglass, Jr.- Executive Director

232 Capitol Street

Charleston, WV 25301

Phone: 304-558-0558 Fax: 304-558-0572 Email: wdouglass@wvbop.com

- g. **IF DIFFERENT FROM ITEM 'f'**, please give **Name, title, address and phone number(s)** of agency person(s) who wrote and/or has responsibility for the contents of this rule: (Please type)

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

- a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

N/A

b. Date of hearing or comment period:

N/A

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefor?

N/A

d. Attach findings and determinations and reasons:

Attached N/A

SUMMARY OF PROPOSED RULE

Title 15

Legislative Rules

Series 11

Board of Pharmacy Fees for Pharmacist Recovery Networks

HB 4277 passed the Legislature on February 22, 2002 and authorized the Board of Pharmacy to enter into agreements with organizations to form pharmacist recovery networks for impaired pharmacists, interns, and technicians. The bill allowed the Board to assess fees to be added to each licensure renewal for the operation of the pharmacist recovery network and this rule established the amount of those fees.

STATEMENT OF CIRCUMSTANCES

Title 15

Legislative Rules

Series 11

Board of Pharmacy Fees for Pharmacist Recovery Networks

HB 4277 passed the Legislature on February 22, 2002 and authorized the Board of Pharmacy to enter into agreements with organizations to form pharmacist recovery networks for impaired pharmacists, interns, and technicians. The Board filed this rule as an emergency rule so that the fees could be collected when the renewal applications were sent and processed during the summer of 2002. The fees have now been included in Series 10, which is the complete set of rules regarding the operation of the pharmacist recovery network, that has been filed and will be going through review this session.

□
APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 15 CSR 11 Board of Pharmacy Fees for Pharmacist Recovery Networks

Type of Rule: Legislative Interpretive Procedural

Agency: West Virginia Board of Pharmacy

Address: 232 Capitol Street

Charleston, WV 25301

Phone: 304-558-0558

1. Effect of Proposed rule:

	ANNUAL FISCAL YEAR				
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	50,000		0	50,000	50,000
PERSONAL SERVICES	40,000			40,000	40,000
CURRENT EXPENSE					
REPAIRS & ALTERATIONS					
EQUIPMENT	2,000			2,000	0
OTHER	8,000			8,000	8,000

2. Explanation of Above Estimates:

The cost of the services for the pharmacist recovery network are not known but the above is an estimate for the payment of a part-time staff, a small amount of computer and office equipment, and office space.

3. Objectives of These Rules:

To allow the Board to collect fees to fund a pharmacist recovery network.

Rule Title: 15 CSR 11 Board of Pharmacy Fees for Pharmacist Recovery Networks

4. Explanation of Overall Economic Impact of Proposed Rule:

A. Economic Impact on State Government:

Will cost the Board of Pharmacy up to \$50,000 per year for PRN services.

B. Economic Impact on Political Subdivisions; Specific Industries; Specific Groups of Citizens: Pharmacists will pay an additional \$20 every 2 years with license renewal; interns will pay an additional \$5 per year; and technicians will pay an additional \$10 every 2 years with registration renewal.

C. Economic Impact on Citizens/Public at Large.

None

Date: 07-26-02

Signature of Agency Head or Authorized Representative:

William S. Linn

**TITLE 15
LEGISLATIVE RULES
BOARD OF PHARMACY**

RECEIVED

02 JUL 26 PM 3: 37

**SERIES 11
BOARD OF PHARMACY FEES FOR PHARMACIST RECOVERY NETWORKS**

§15-11-1. General.

- 1.1. Scope. – This rule establishes fees to be added to each licensure renewal for operation of pharmacist recovery networks.
- 1.2. Authority. – W.Va. Code §30-5-7c(d).
- 1.3. Filing Date. –
- 1.4. Effective Date. –

§15-11-2. Fees.

2.1. The Board shall assess the following fees to be added to each licensure renewal application fee payable to the Board with any revenue generated by the assessment dedicated to the operation of the pharmacist recovery network:

- 2.1.1. Pharmacist- \$20 with each biennial renewal;
- 2.1.2. Intern- \$5 with each annual renewal; and
- 2.1.3. Pharmacy Technician- \$10 with each biennial renewal.



Board of Pharmacy

Phone (304) 558-0558
Fax (304) 558-0572

Office
232 Capitol Street
Charleston, West Virginia 25301

Title 15

Legislative Rules

Series 11

Board of Pharmacy Fees for Pharmacist Recovery Networks

NO WRITTEN COMMENTS RECEIVED