



**WEST VIRGINIA
SECRETARY OF STATE**

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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OFFICE OF
WEST VIRGINIA SECRETARY OF STATE

**FORM 6 -- NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY **Pharmacy**
RULE TYPE **Legislative** AMENDMENT TO EXISTING RULE **Yes** TITLE-SERIES **15-06**
RULE NAME **Mail-Order and Non-Resident Pharmacies**

CITE AUTHORITY **30-5-7**

HOUSE OR SENATE BILL NUMBER SECTION PASSED ON
HB2219 64-9-12(b) 04/08/2017

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE

Friday, April 28, 2017

THIS RULE SHALL TERMINATE AND HAVE NO FURTHER FORCE OF EFFECT FROM THE
FOLLOWING DATE

Wednesday, April 28, 2027

**David E Potters -- By my signature, I certify that I am the person authorized to file legislative rules, in
accordance with West Virginia Code §29A-3-11 and §39A-3-2.**



Title-Series: 15-06



Rule Id: 10212



Document: 49293

**TITLE 15
LEGISLATIVE RULE
BOARD OF PHARMACY**

**SERIES 6
MAIL-ORDER AND NON-RESIDENT PHARMACIES**

§15-6-1. General.

- 1.1. Scope. -- To establish rules for the Mail-order pharmacy and non-resident pharmacies.
- 1.2. Authority. -- W. Va. Code §30-5-7.
- 1.3. Filing Date. -- April 28, 2017.
- 1.4. Effective Date. -- April 28, 2017.
- 1.5. Sunset Date -- This rule shall terminate and have no further force or effect on April 28, 2027.

§15-6-2. Definitions.

2.1. "Mail-order pharmacy" means a pharmacy, regardless of its location, which dispenses greater than twenty-five percent prescription drugs via the mail or other delivery services.

2.2. "Non-resident pharmacy" means a pharmacy outside of this state where drugs are dispensed and pharmacist care is provided to residents into this state.

2.3. "Pharmacy" means a place within this state where drugs are dispensed and pharmacist care is provided and a place outside of this state where drugs are dispensed and pharmacist care is provided to residents of this state.

2.4. "Prescription or prescription drug order" means a lawful order from a practitioner for a drug or device for a specific patient, including orders derived from collaborative pharmacy practice, where a valid patient-practitioner relationship exists, that is communicated to a pharmacist in a pharmacy.

§15-6-3. Registrations for Mail-Order Pharmacies.

3.1. A mail-order pharmacy shall apply for a registration for authorization to dispense prescription drugs or medicines in West Virginia. A non-resident pharmacy shall be registered in this state in the same manner as a mail-order pharmacy pursuant to this Series by issuance of a mail order registration.

3.2. A mail-order pharmacy or non-resident pharmacy shall submit the application for the registration to the West Virginia Board of Pharmacy. The application shall contain the following information:

3.2.a. The owner of the mail-order pharmacy or non-resident pharmacy, whether an individual, a partnership, or a corporation.

3.2.b. The names and titles of all individual owners, partners or corporate officers.

3.2.c. The pharmacy manager.

3.2.d. The pharmacist-in-charge.

3.2.e. The complete address, telephone number and fax number of the mail-order pharmacy or non-resident pharmacy.

3.3. The mail-order pharmacy or non-resident pharmacy shall obtain separate registrations if it operates more than one pharmacy.

3.4. The mail-order pharmacy or non-resident pharmacy shall maintain a permit, registration, or license as required by the state where located.

3.5. The pharmacist-in-charge shall certify that the mail-order pharmacy or non-resident pharmacy is in compliance with the standards of care relative to the dispensing of prescription drug orders as required by the state where located.

3.6. The pharmacist in charge shall submit the names of all pharmacists employed at the mail-order pharmacy or non-resident pharmacy.

§15-6-4. Prescription record and reporting.

The mail-order pharmacy or non-resident pharmacy shall maintain prescription records which are available for review if required by the Board. The mail order pharmacy shall comply with the reporting requirements of the West Virginia Controlled Substances Monitoring Program as set forth in West Virginia Code § 60A-9-1 and the rules enacted in support thereof.

§15-6-5.

Mail-order pharmacies or non-resident pharmacies shall have a toll free accessible telephone for consumers to obtain counseling with a licensed pharmacist during regular working hours and the telephone number shall be prominently identified on the prescription container or on the prescription container label.

§15-6-6. Doing Business in West Virginia

Mail-order pharmacies or non-resident pharmacies soliciting, receiving, and dispensing and delivering orders comprising prescription drugs and scheduled controlled drug substances as defined in 21 USC 1 et seq., and 21 CFR 1 et seq., and delivered to ultimate consumers in West Virginia constitutes doing business in West Virginia.

§15-6-7. Resident Agent

Mail-order pharmacies or non-resident pharmacies doing business in West Virginia by dispensing and delivering prescription orders to West Virginia consumers shall designate a resident agent for purposes of service of process and notice.

§15-6-8. Pharmacist-In-Charge Licensure requirement

The pharmacist in charge or at least one designated pharmacist of the out-of-state mail order pharmacy or non-resident pharmacy shall be licensed to practice pharmacist care in West Virginia and act as the PIC of the registration, and any other pharmacist providing pharmacist care from the out-of-state mail order pharmacy or non-resident pharmacy shall be licensed in the state where the pharmacy is located.