



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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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: Pharmacy TITLE-SERIES: 15-07
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No
RULE NAME: 15-07 Registration of Pharmacy Technicians

PRIMARY CONTACT

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CITE STATUTORY AUTHORITY: 30-5-7

EXPLANATION OF THE STATUTORY AUTHORITY FOR THE LEGISLATIVE RULE, INCLUDING A DETAILED SUMMARY OF THE EFFECT OF EACH PROVISION OF THE LEGISLATIVE RULE WITH CITATION TO THE SPECIFIC STATUTORY PROVISION WHICH EMPOWERS THE AGENCY TO ENACT SUCH RULE PROVISION:

Creation of 30-5-11a necessitated the amending of this rule

DATE eFiled FOR NOTICE OF HEARING OR PUBLIC COMMENT PERIOD: 6/12/2018

DATE OF PUBLIC HEARING(S) OR PUBLIC COMMENT PERIOD ENDED: 7/22/2018

COMMENTS RECEIVED: Yes

(IF YES, PLEASE UPLOAD IN THE COMMENTS RECEIVED FIELD COMMENTS RECEIVED AND RESPONSES TO COMMENTS)

PUBLIC HEARING: No

(IF YES, PLEASE UPLOAD IN THE PUBLIC HEARING FIELD PERSONS WHO APPEARED AT THE HEARING(S) AND TRANSCRIPTS)

RELEVANT FEDERAL STATUTES OR REGULATIONS: No

WHAT OTHER NOTICE, INCLUDING ADVERTISING, DID YOU GIVE OF THE HEARING?

None

SUMMARY OF THE CONTENT OF THE LEGISLATIVE RULE, AND A DETAILED DESCRIPTION OF THE RULE'S PURPOSE AND ALL PROPOSED CHANGES TO THE RULE:

This rule establishes standards for the training and regulation of pharmacy technicians and pharmacy technician trainees.

STATEMENT OF CIRCUMSTANCES WHICH REQUIRE THE RULE:

Creation of 30-5-11a

SUMMARIZE IN A CLEAR AND CONCISE MANNER THE OVERALL ECONOMIC IMPACT OF THE PROPOSED LEGISLATIVE RULE:

A. ECONOMIC IMPACT ON REVENUES OF STATE GOVERNMENT:

None

B. ECONOMIC IMPACT OF THE LEGISLATIVE RULE ON THE STATE OR ITS RESIDENTS:

None

C. FISCAL NOTE DETAIL:

Effect of Proposal	Fiscal Year		
	2018 Increase/Decrease (use "-")	2019 Increase/Decrease (use "-")	Fiscal Year (Upon Full Implementation)
1. Estimated Total Cost			
Personal Services			
Current Expenses			
Repairs and Alterations			
Assets			
Other			
2. Estimated Total Revenues			

D. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

N/A

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Ryan L Hatfield -- 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 15
LEGISLATIVE RULE
WEST VIRGINIA BOARD OF PHARMACY**

**SERIES 7
BOARD OF PHARMACY RULES FOR REGISTRATION OF PHARMACY
TECHNICIANS**

§15-7-1. General.

1.1. Scope. -- To establish standards for the training and regulation of pharmacy technicians and pharmacy technician trainees.

1.2. Authority. -- W. Va. Code §§ 30-5-7 and 30-5-11a.

1.3. Filing Date. -- =

1.4. Effective Date. --

1.5. Sunset Date -- This legislative rule shall terminate XXXX unless renewed prior to that date.

§15-7-2. Definitions.

2.1. "Certified Pharmacy Technician" or "CPhT" means a person who holds a current certification as a nationally certified pharmacy technician granted by NHA or PTCB.

2.2. "National Healthcareer Association" or "NHA" means the association which includes the ExCPT Certification Board, which develops, maintains, promotes, and administers a nationally accredited certification and recertification program for pharmacy technicians to become a CPhT, including its ExCPT Pharmacy Exam (ExCPT), which was originally established by the Institute for the Certification of Pharmacy Technicians.

2.3 "Pharmacy Technician" means a person registered with the board to practice certain tasks related to the practice of pharmacist care in this State within the scope of practice permitted by West Virginia Code Section 30-5-12, as provided, permitted, and limited by the laws and rules governing the practice of pharmacist care.

2.4. "Pharmacy Technician Certification Board" or "PTCB" means the entity established by its five governing organizations, the American Pharmacists Association, American Society of Health-System Pharmacists, Illinois Council of Health-System Pharmacists, Michigan Pharmacists Association, and National Association of Boards of Pharmacy, which develops, maintains, promotes, and administers a nationally accredited certification and recertification program for pharmacy technicians to become a CPhT, including its Pharmacy Technician Certification Exam (PTCE).

2.5. "Pharmacy Technician Trainee" means an individual currently engaged in a competency-based pharmacy technician education and training program which has been approved by the Board and who is performing the duties of a pharmacy technician under the direct supervision of a pharmacist.

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

3.1. To be eligible for registration as a pharmacy technician, an individual shall comply with West Virginia Code § 30-5-11, and shall submit an application on the forms provided by the board, together with the application fee of \$25.00, evidencing that the individual:

3.1.a. was registered as a pharmacy technician in the State of West Virginia prior to July 1, 2014, the registration was still active and in good standing through June 30, 2014, and he or she is otherwise eligible to renew his or her registration ; or

3.1.b. for those obtaining registration beginning July 1, 2014, and forward:

3.1.b.1 has either:

3.1.b.1.A. graduated from a competency-based pharmacy technician education and training program of a learning institution or training center approved by the Board; ~~or~~

3.1.b.1.B. completed a pharmacy-provided, on-the-job, competency-based education and training program approved by the Board; ~~and~~ or

3.1.b.1.C. Obtained a national certification as a pharmacy technician and have practiced in another jurisdiction for at least one year; and

3.1.b.2. successfully passed the ExCPT national examination administered by NHA or the PTCE national examination administered by PTCB, and holds a current certification from NHA or PTCB, respectively, as a CPhT;

3.1.b.3. completed a 20-hour training program as outlined in subsection 3.2 of this rule. The pharmacist-in-charge must submit to the Board certification in the form of an affidavit from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed this training program; and

3.1.b.4. complete a criminal history records check as prescribed in § 29 of Title 15, Series 1.

3.1.b.4.A. The criminal history records must have been requested within the twelve (12) months immediately before the application is filed with the board.

3.1.b.4.B. To be qualified for registration, the results of the criminal history

records check must be unremarkable, and verified by a source acceptable to the board other than the applicant.

3.1.b.4.C. The board may deny registration to any applicant who fails or refuses to submit the criminal history records checks required by this subsection.

3.1.c. If the individual is seeking registration pursuant to 3.1.b.1.C. then the individual must provide satisfactory proof to the Board of his or her licensure status with the board of pharmacy in the state in which the individual is licensed. In states where there is no Board oversight, then a notarized document of proof of satisfactory employment by previous pharmacist-in-charge will suffice.

3.2. The pharmacist-in-charge of each pharmacy shall create a 20-hour training program regarding the drug dispensing process in that pharmacy which shall include the following:

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

§15-7-4. Learning Institution or Training Center Provided and On-the-Job Pharmacy-Provided Competency-Based Training Program

4.1. In order for pharmacies to be able to train and hire competent pharmacy technicians, a pharmacy may employ an individual as a pharmacy technician trainee and provide on-the-job, competency-based pharmacy technician training for the individual to become qualified for registration as a pharmacy technician. A pharmacy shall submit its pharmacy technician training program to the Board for approval prior to its use, Provided that, all training programs currently approved for use by the Board on the effective date of this rule are hereby approved for continued use as previously approved. The training program shall be outlined in a training manual which shall be used throughout the program. A competency based pharmacy technician education and training program shall, at a minimum contain the following:

4.1.a. written procedures and guidelines for the use and supervision of pharmacy technicians and pharmacy technician trainees. The procedures and guidelines shall:

4.1.a.1. specify the manner in which the pharmacist-in-charge responsible for the supervision of pharmacy technicians and pharmacy technician trainees, shall supervise the pharmacy technicians and pharmacy technician trainees, and verify the accuracy and completeness of all acts and functions performed by them; and

4.1.a.2. specify duties which may and may not be performed by pharmacy technicians and pharmacy technician trainees; and

4.1.b. instruction in the following areas and any additional areas appropriate to the duties of pharmacy technicians and pharmacy technician trainees in the pharmacy:

4.1.b.1. Orientation;

4.1.b.2. Job descriptions;

4.1.b.3. Communication techniques;

4.1.b.4. Legislative rules of the West Virginia Board of Pharmacy;

4.1.b.5. Security and safety;

4.1.b.6. Prescription drugs, including:

4.1.b.6.A. Basic pharmaceutical nomenclature; and

4.1.b.6.B. Dosage forms;

4.1.b.7. Prescription drug orders, including:

4.1.b.7.A. Prescribers;

4.1.b.7.B. Directions for use;

4.1.b.7.C. Commonly used abbreviations and symbols;

4.1.b.7.D. Number of dosage units;

4.1.b.7.E. Strengths and systems of measurement;

4.1.b.7.F. Routes of administration;

4.1.b.7.G. Frequency of administration;

4.1.b.7.H. Interpreting directions for use; and

4.1.b.8. Prescription drug order preparation, including:

4.1.b.8.A. the creation or updating of patient medication records;

4.1.b.8.B. the entering of prescription drug order information into the computer or typing the label in a manual system;

4.1.b.8.C. the selection of the correct stock bottle and the accurate counting of or pouring of the appropriate quantity of drug product;

4.1.b.8.D. the selection of the proper container; and

4.1.b.8.E. the preparation of the finished drug product for inspection, labelling, and final check by pharmacists;

4.1.b.9. Drug product prepackaging;

4.1.b.10. the compounding of non-sterile pharmaceuticals; and

4.1.b.11. 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 on-the-job, competency-based pharmacy technician training program shall consist of a minimum of 960 hours of employment within a 15-month period under the direct supervision of a pharmacist.

4.3. An individual may work as a pharmacy technician trainee only as a student enrolled in a competency-based pharmacy technician education and training program of a learning institution or training center approved by the Board as part of an experiential education component, or as an employee of a pharmacy in a 960-hour on-the-job, competency-based pharmacy technician training program. Prior to starting work in a pharmacy as a pharmacy technician trainee, the applicant shall submit an application on the forms provided by the board evidencing that he or she:

4.3.a. has graduated from a high school or obtained a Certificate of General Educational Development (GED) or its equivalent, or is currently enrolled in a high school competency based pharmacy technician education and training program;

4.3.b. is not an alcohol or drug abuser;

4.3.c. has not been convicted of a felony in any jurisdiction within ten years preceding the date of application;

4.3.d. has not been convicted of any misdemeanor or felony in any jurisdiction which bears a rational nexus to the practice of pharmacist care; and

4.3.e. has completed a criminal history records check as prescribed in § 29 of Title 15, Series 1.

4.4.a. If the pharmacy technician trainee leaves the competency-based pharmacy technician education and training program of a learning institution or training center identified in his or her application, the learning institution or training center shall notify the Board in writing within 30 days that the trainee is no longer enrolled in the program. Upon leaving, the trainee may not continue to work as a trainee.

4.4.b. If the pharmacy technician trainee is transferring from the original pharmacy identified in his or her application as the pharmacy providing an on-the-job, competency-based pharmacy technician training program, the pharmacist-in-charge of that pharmacy shall notify the Board, in writing, within 30 days that the pharmacy technician trainee is no longer working there. The pharmacist-in-charge of the new pharmacy must notify the Board in writing within 30 days of the pharmacy technician trainee starting to work in the new pharmacy which is providing the on-the-job, competency-based pharmacy technician training program.

4.4.c. Within 15 months of approval of his or her application to begin working as a pharmacy technician trainee in a training program, the pharmacist-in-charge must submit to the Board a certification in the form of an affidavit from the pharmacist-in-charge that the pharmacy technician trainee has adequately completed the training program, or that he or she has failed to complete the training program, whichever is applicable.

4.4.d. A pharmacy technician trainee shall have 90 days from the date of graduation from the competency-based pharmacy technician education and training program of a learning institution or training center, or the date of the certification of completion of the training program by the pharmacist-in-charge, to successfully pass the ExCPT or PTCE national certification examination, obtain certification as a CPhT, and submit this information along with his or her application for registration in this State as a pharmacy technician.

4.4.e. If the pharmacy technician trainee fails to complete the required training program and hours within the 15 months period, the pharmacy technician trainee must cease working in the pharmacy immediately. Provided that, the Board may, upon approval of a petition to the Board by a pharmacy technician trainee:

4.4.e.1. provide an extension of time for completion of the training program upon a showing of special circumstances; or

4.4.e.2. permit a pharmacy technician trainee to begin a training program again with no credit given for any previous hours.

4.4.f. If the pharmacy technician trainee fails to successfully pass the ExCPT or PTCE national certification examination and obtain certification as a CPhT within 90 days from the date of

graduation from the competency-based pharmacy technician education and training program of a learning institution or training center, or the date of the certification of completion of the training program by the pharmacist-in-charge, the pharmacy technician trainee shall cease working in the pharmacy immediately until he or she satisfies this requirement. Provided that, the Board may, upon approval of a petition to the Board by a pharmacy technician trainee:

4.4.f.1. provide an extension of time for completion of a personal remediation or re-training program which is presented to the Board with the petition; or

4.4.f.2. permit a pharmacy technician trainee to begin a training program again with no credit given for any previous hours by making a new application to become a pharmacy technician trainee as described in subsection 4.3 above.

4.5. The pharmacist-in-charge of the pharmacy providing on-the-job, competency-based pharmacy technician training program shall document whether or not 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:

4.5.a. the name of the person receiving the training;

4.5.b. the date of the training;

4.5.c. a general description of the topics covered;

4.5.d. a statement or statements that certify that the pharmacy technician is competent to perform the duties assigned;

4.5.e. the name of the person supervising the training; and

4.5.f. the signature of the pharmacy technician trainee 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.

§15-7-5. Duties and Restrictions of a Pharmacy Technician and Pharmacy Technician Trainee.

5.1. A pharmacy technician or pharmacy technician trainee may not:

5.1.a. receive verbal prescription drug orders and reduce these orders to writing either manually or electronically;

5.1.b. interpret and evaluate prescription drug orders;

5.1.c. select drug products;

5.1.d. interpret patient medication records and perform drug regimen reviews;

5.1.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;

5.1.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 judgment, the pharmacist considers significant;

5.1.g. communicate to the patient or the patient's agent, information concerning any prescription drugs dispensed to the patient by the pharmacy; or

5.1.h. receive or place a call for a transferred prescription.

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

5.2.a. the placement, receipt, unpacking and storage of drug orders;

5.2.b. maintenance of the work area and equipment in a clean and orderly condition;

5.2.c. the ordering and stocking of all pharmacy supplies;

5.2.d. the checking of all prescription and non-prescription stock for outdates and the processing of outdated returns;

5.2.e. the operation of the cash register. However the pharmacy technician shall

5.2.e.1. 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;

5.2.e.2. only handle the transactions on new prescriptions after counseling by the pharmacist has been offered; and

5.2.e.3. refer all questions regarding over the counter and prescription drug product selection or advice to the pharmacist;

5.2.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;

5.2.g. the placement of completed prescription orders on the will-call shelf;

5.2.h. the wrapping of completed orders for mailing and the logging of mailed and delivered orders into a record;

5.2.i. the printing of third-party billings, the processing of the billings for mailing and the transmission of electronically handled third-party billings;

5.2.j. the reconciliation of third-party payments;

5.2.k. the contacting of third-party billers and payers if problems arise while handling a patient's insurance transmissions;

5.2.l. the posting of patient purchases to private charge accounts and assisting with the printing and distribution of the monthly statements;

5.2.m. the handling of non-professional phone calls to or from:

5.2.m.1. patients requesting refills of prescriptions by number and patient name;

5.2.m.2. 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;

5.2.m.3. patients concerning price information that has been calculated by computer;

5.2.m.4. patients concerning business hours, mailing and delivery services, and the availability of goods and services;

5.2.m.5. 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;

5.2.m.6. wholesalers and distributors dealing with the ordering of goods and supplies;
and

5.2.m.7. 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.

5.2.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;

5.2.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 or pharmacy technician trainee shall:

5.2.o.1. Monitor the label printing; and

5.2.o.2. 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.

5.2.p. the performance of tasks under the pharmacist's supervision, such as obtaining stock bottles for prescription filling;

5.2.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;

5.2.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 or pharmacy 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 pharmacy technician or pharmacy technician trainee; and

5.2.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. A ratio of no more than four pharmacy technicians and/or pharmacy technician trainees per on-duty pharmacist operating in any pharmacy shall be maintained. This ratio shall not include pharmacy interns.

5.4. A registered pharmacy technician or pharmacy technician trainee shall not handle any telephone calls for new prescriptions from a physician's office and shall immediately transfer the calls to a pharmacist, except in the case of refill requests as set forth in subsection 5.2.m.

5.5. A person who handles a prescription drug only during the point of sale to provide the prescription drug to a patient and accept payment is not subject to the licensure requirements of West Virginia Code of State Rules §15-7. This handling process includes the cashier having access to the pharmacy's operating system to verify unique information for each patient. A pharmacy may require an individual to complete a criminal background check before he or she is hired.

§15-7-6. 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 be a holder on a lanyard or to be pinned or clipped to the trainee's lab coat capable of holding and displaying a board-issued wallet-sized copy of the pharmacy technician trainee's credential, which shall identify the trainee by name and registration number.

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

7.1. The Board will provide a certificate of registration to applicants meeting the requirements for registration as a pharmacy technician or pharmacy technician trainee.

7.2. The registration of the pharmacy technician or pharmacy technician trainee may not be transferred to another pharmacy unless:

7.2.a. the pharmacies are under common ownership and control and have a common training program; or

7.2.b. the pharmacist-in-charge of the pharmacy at which the pharmacy technician or pharmacy technician trainee intends to work certifies that the pharmacy technician or pharmacy technician trainee is competent to perform the duties assigned in that pharmacy, and the pharmacist-in-charge submits to the Board certification in the form of an affidavit from the pharmacist-in-charge that the pharmacy technician or pharmacy technician trainee has adequately completed the pharmacy-specific 20-hour training program as outlined in subsection 3.2 of this rule.