



FILED

2020 MAR 21 P 2:48

OFFICE WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Pharmacy

RULE: Title 15, Series 1

STATUTORY AUTHORITY: W. Va. Code §§ 29A-3-15, 30-5-7 and 30-5-14.

DATE FILED AS AN EMERGENCY RULE: March 21, 2020

Following review under W. Va. Code §29A-3-15a, which requires the Secretary of State to determine that the agency filing such emergency rule: 1) has not exceeded the scope of law authorizing or directing the promulgation thereof; 2) has shown that an emergency exists justifying the promulgation of an emergency rule; and 3) filed the emergency rule in compliance with W. Va. Code §29A-3-15, it is the decision of the Secretary of State that the above emergency rule is Approved (Disapproved).

It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

(1) For the immediate preservation of the public peace, health, safety and welfare;

(2) to comply with a time limitation established by the W. Va. Code or by a federal statute or regulation; or

(3) to prevent substantial harm to the public interest.

Additional notes or comments (if any): Under the current State of Emergency declared by Proclamation of the Governor on March 16, 2020, this emergency rule is being filed in response to recent events that have depleted the supply of certain drugs that are potentially helpful in the treatment of COVID-19 due to over-prescription of those drugs for preventative, rather than treatment, purposes. Moreover, according to state health official representatives, the identified drugs are vital to treating other life-threatening illnesses. Therefore, under the State of Emergency and pursuant to the agency's authority, this emergency rule is approved.


Donald M. Kersey, III
General Counsel, WV Secretary of State's Office