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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF EMERGENCY RULE DECISION BY THE SECRETARY OF STATE

AGENCY: Board of Pharmacy

RULE: 15 CSR 14

STATUTORY AUTHORITY: §§ 30-5-7 and 29A-3-15

DATE FILED AS AN EMERGENCY RULE: June 27, 2023

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**.

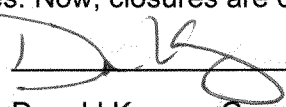
It is the determination of the Secretary of State that this proposal qualifies under the definition of an emergency as defined in §29A-3-15(f):

(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): The Emergency Rule is required to provide the procedure to pharmacists to transfer prescriptions or orders from one pharmacy to another when circumstances, such as pharmacy closure, prevent patients from obtaining their medication from their primary pharmacy. This is authorized expressly by statute but was not previously in the Rule because there were rarely pre-COVID closures. Now, closures are common.

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