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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 15

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 give pharmacies uniform guidance and practices to communicate with patients when a pharmacy is closed temporarily or permanently. This is authorized 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