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**HOUSE BILL NO. 1128**

Offered January 9, 2008

Prefiled January 9, 2008

*A BILL to amend and reenact §§ 2.2-4002 and 54.1-3314.1 of the Code of Virginia, relating to continuing education requirements for pharmacists.*

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Patron—Jones, S.C.

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Referred to Committee on General Laws

**Be it enacted by the General Assembly of Virginia:**

**1. That §§ 2.2-4002 and 54.1-3314.1 of the Code of Virginia are amended and reenacted as follows:**

§ 2.2-4002. Exemptions from chapter generally.

A. Although required to comply with § 2.2-4103 of the Virginia Register Act (§ 2.2-4100 et seq.), the following agencies shall be exempted from the provisions of this chapter, except to the extent that they are specifically made subject to §§ 2.2-4024, 2.2-4030 and 2.2-4031:

1. The General Assembly.

2. Courts, any agency of the Supreme Court, and any agency that by the Constitution is expressly granted any of the powers of a court of record.

3. The Department of Game and Inland Fisheries in promulgating regulations regarding the management of wildlife and for all case decisions rendered pursuant to any provisions of Chapters 2 (§ 29.1-200 et seq.), 3 (§ 29.1-300 et seq.), 4 (§ 29.1-400 et seq.), 5 (§ 29.1-500 et seq.), and 7 (§ 29.1-700 et seq.) of Title 29.1.

4. The Virginia Housing Development Authority.

5. Municipal corporations, counties, and all local, regional or multijurisdictional authorities created under this Code, including those with federal authorities.

6. Educational institutions operated by the Commonwealth, provided that, with respect to § 2.2-4031, such educational institutions shall be exempt from the publication requirements only with respect to regulations that pertain to (i) their academic affairs, (ii) the selection, tenure, promotion and disciplining of faculty and employees, (iii) the selection of students, and (iv) rules of conduct and disciplining of students.

7. The Milk Commission in promulgating regulations regarding (i) producers' licenses and bases, (ii) classification and allocation of milk, computation of sales and shrinkage, and (iii) class prices for producers' milk, time and method of payment, butterfat testing and differential.

8. The Virginia Resources Authority.

9. Agencies expressly exempted by any other provision of this Code.

10. The Department of General Services in promulgating standards for the inspection of buildings for asbestos pursuant to § 2.2-1164.

11. The State Council of Higher Education for Virginia, in developing, issuing, and revising guidelines pursuant to § 23-9.6:2.

12. The Commissioner of Agriculture and Consumer Services in adopting regulations pursuant to subsection B of § 3.1-726 and in adopting regulations pursuant to § 3.1-741.6.

13. The Commissioner of Agriculture and Consumer Services and the Board of Agriculture and Consumer Services in promulgating regulations pursuant to subsections B and C of § 3.1-106.4, subsection B of § 3.1-126.12:1, §§ 3.1-271.1, 3.1-530.1, and 3.1-398, subsections B and C of § 3.1-828.4, and subsection A of § 3.1-884.21:1.

14. The Board of Optometry when specifying therapeutic pharmaceutical agents, treatment guidelines, and diseases and abnormal conditions of the human eye and its adnexa for TPA-certification of optometrists pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 of Title 54.1.

15. The Virginia War Memorial Foundation.

16. The Virginia Medicaid Prior Authorization Advisory Committee in making recommendations to the Board of Medical Assistance Services regarding prior authorization for prescription drug coverage pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

17. The State Board of Education, in developing, issuing, and revising guidelines pursuant to § 22.1-203.2.

18. The Virginia Racing Commission, (i) when acting by and through its duly appointed stewards or in matters related to any specific race meeting or (ii) in promulgating technical rules regulating actual live horse racing at race meetings licensed by the Commission.

19. The Virginia Small Business Financing Authority.

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- 59 20. The Virginia Economic Development Partnership Authority.
- 60 21. The Board of Agriculture and Consumer Services in adopting, amending or repealing regulations
- 61 pursuant to subsection A (ii) of § 59.1-156.
- 62 22. The Insurance Continuing Education Board pursuant to § 38.2-1867.
- 63 23. The Board of Health in promulgating the list of diseases that shall be reported to the Department
- 64 of Health pursuant to § 32.1-35 and in adopting, amending or repealing regulations pursuant to
- 65 subsection C of § 35.1-14 that incorporate the Food and Drug Administration's Food Code pertaining to
- 66 restaurants or food service.
- 67 24. The nonprofit, nonstock corporation established by the Commissioner of Agriculture and
- 68 Consumer Services pursuant to § 3.1-14.01.
- 69 25. (Expires December 31, 2010) The Secretary of Natural Resources in setting a date of closure for
- 70 the Chesapeake Bay purse seine fishery for Atlantic menhaden for reduction purposes pursuant to
- 71 § 28.2-1000.2.
- 72 26. *The Board of Pharmacy when specifying special subject requirements for continuing education*
- 73 *for pharmacists pursuant to § 54.1-3314.1.*
- 74 B. Agency action relating to the following subjects shall be exempted from the provisions of this
- 75 chapter:
- 76 1. Money or damage claims against the Commonwealth or agencies thereof.
- 77 2. The award or denial of state contracts, as well as decisions regarding compliance therewith.
- 78 3. The location, design, specifications or construction of public buildings or other facilities.
- 79 4. Grants of state or federal funds or property.
- 80 5. The chartering of corporations.
- 81 6. Customary military, naval or police functions.
- 82 7. The selection, tenure, dismissal, direction or control of any officer or employee of an agency of
- 83 the Commonwealth.
- 84 8. The conduct of elections or eligibility to vote.
- 85 9. Inmates of prisons or other such facilities or parolees therefrom.
- 86 10. The custody of persons in, or sought to be placed in, mental, penal or other state institutions as
- 87 well as the treatment, supervision, or discharge of such persons.
- 88 11. Traffic signs, markers or control devices.
- 89 12. Instructions for application or renewal of a license, certificate, or registration required by law.
- 90 13. Content of, or rules for the conduct of, any examination required by law.
- 91 14. The administration of pools authorized by Chapter 47 (§ 2.2-4700 et seq.) of this title.
- 92 15. Any rules for the conduct of specific lottery games, so long as such rules are not inconsistent
- 93 with duly adopted regulations of the State Lottery Board, and provided that such regulations are
- 94 published and posted.
- 95 16. Orders condemning or closing any shellfish, finfish, or crustacea growing area and the shellfish,
- 96 finfish or crustacea located thereon pursuant to Article 2 (§ 28.2-803 et seq.) of Chapter 8 of Title 28.2.
- 97 17. Any operating procedures for review of child deaths developed by the State Child Fatality
- 98 Review Team pursuant to § 32.1-283.1.
- 99 18. The regulations for the implementation of the Health Practitioners' Intervention Program and the
- 100 activities of the Intervention Program Committee pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title
- 101 54.1.
- 102 19. The process of reviewing and ranking grant applications submitted to the Commonwealth
- 103 Neurotrauma Initiative Advisory Board pursuant to Chapter 3.1 (§ 51.5-12.1 et seq.) of Title 51.5.
- 104 20. Loans from the Small Business Environmental Compliance Assistance Fund pursuant to Article 4
- 105 (§ 10.1-1197.1 et seq.) of Chapter 11.1 of Title 10.1.
- 106 21. The Virginia Breeders Fund created pursuant to § 59.1-372.
- 107 22. The types of pari-mutuel wagering pools available for live or simulcast horse racing.
- 108 23. The administration of medication or other substances foreign to the natural horse.
- 109 C. Minor changes to regulations published in the Virginia Administrative Code under the Virginia
- 110 Register Act, Chapter 41 (§ 2.2-4100 et seq.) of this title, made by the Virginia Code Commission
- 111 pursuant to § 30-150, shall be exempt from the provisions of this chapter.
- 112 § 54.1-3314.1. Continuing education requirements; exemptions; extensions; procedures; out-of-state
- 113 licensees; nonpractice licenses.
- 114 A. Each pharmacist shall have obtained a minimum of ~~fifteen~~ 15 continuing education hours of
- 115 pharmaceutical education through an approved continuing pharmaceutical education program during the
- 116 year immediately preceding his license renewal date.
- 117 B. An approved continuing pharmaceutical education program shall be any program approved by the
- 118 Board.
- 119 C. Pharmacists who have been initially licensed by the Board during the one year preceding the
- 120 license renewal date shall not be required to comply with the requirement on the first license renewal

121 date that would immediately follow.

122 D. The Board may grant an exemption from the continuing education requirement if the pharmacist  
123 presents evidence that failure to comply was due to circumstances beyond the control of the pharmacist.

124 E. Upon the written request of a pharmacist, the Board may grant an extension of one year in order  
125 for a pharmacist to fulfill the continuing education requirements for the period of time in question. Such  
126 extension shall not relieve the pharmacist of complying with the continuing education requirement for  
127 the current period.

128 F. The pharmacist shall attest to the fact that he has completed the continuing education requirements  
129 as specified by the Board.

130 G. The following shall apply to the requirements for continuing pharmaceutical education:

131 1. The provider of an approved continuing education program shall issue to each pharmacist who has  
132 successfully completed a program certification that the pharmacist has completed a specified number of  
133 hours.

134 2. The certificates so issued to the pharmacist shall be maintained by the pharmacist for a period of  
135 two years following the renewal of his license.

136 3. The pharmacist shall provide the Board, upon request, with certification of completion of  
137 continuing education programs in a manner to be determined by the Board.

138 H. Pharmacists who are also licensed in other states and who have obtained a minimum of fifteen  
139 hours of approved continuing education requirements of such other states need not obtain additional  
140 hours.

141 I. The Board shall provide for an inactive status for those pharmacists who do not wish to practice in  
142 Virginia. The Board shall require upon request for change from inactive to active status proof of  
143 continuing education hours equal to that which would have been required should the pharmacist have  
144 continued to hold an active license as specified in regulations. No person shall practice in Virginia  
145 unless he holds a current active license.

146 J. As part of the annual 15-hour requirement, the Board may require up to two hours of continuing  
147 education in a specific subject area. If the Board designates a subject area for continuing education, it  
148 shall publish such requirement no later than January 1 of the calendar year for which the specific  
149 continuing education is required.