

CHAPTER 8

PRESCRIPTION DRUG MONITORING PROGRAM

Section 1. Authority.

These regulations are promulgated as authorized by the Wyoming Controlled Substance Act.

Section 2. Transmission of Information Regarding Dispensing of Controlled Substances to Certain Persons.

(a) Each resident/nonresident retail pharmacy that ~~uses a computerized system to record information concerning prescriptions and that~~ dispenses a controlled substance that is listed in Schedule II, III or IV to a person in this state who is not an inpatient of a hospital, correctional institution or nursing facility shall transmit to the board or its agent the required information. ~~set forth in the "ASAP Telecommunications Format for Controlled Substances", May 1997 edition, published by the American Society for Automation in Pharmacy, which is hereby adopted by reference. If the retail pharmacy does not dispense more than 25 controlled substance prescriptions per month to patients residing in this state, the retail pharmacy may request a waiver from the board.~~ The information relating to the following field names shall be transmitted:

- (i) ~~Pharmacy~~ Dispenser identification number;
- (ii) ~~Birth date;~~ Patient date of birth;
- (iii) ~~Sex Code~~ Patient gender;
- (iv) Date prescription filled;
- (v) ~~Rx~~ Prescription number;
- (vi) ~~New/refill code~~ Prescription is new or is a refill;
- (vii) ~~Metric~~ Quantity dispensed;
- (viii) Date ~~Rx written~~ Prescription issued by prescriber;
- (ix) Days supply dispensed;
- (x) NDC code number for drug dispensed;
- (xi) Prescriber ~~ID~~ identification number;

- (xii) Patient last name;
- (xiii) Patient first name;
- (xiv) Patient street address; ~~and~~
- (xv) Patient zip code.

(b) The resident/nonresident retail pharmacy shall ensure that, not later than ~~the 10th day of the month immediately following the month in which~~ seven (7) days after the prescription was dispensed, the information required pursuant to ~~Section 2 (a) of~~ this chapter is transmitted to the board or its agent by one of the following methods:

- (i) Computer modem that can transmit information at the rate of 2400 baud or more;
- (ii) Computer disk;
- (iii) Cassette containing magnetic tape, which is 1/4 of an inch wide and is used to transmit information between computerized systems;
- (iv) Paper printout.

~~(c) — Upon a showing of good cause, the board may, for a period of 90 days, waive the requirements set forth in this section for a pharmacy that cannot transmit the information required pursuant to Section 2 (a) of this chapter before October 1, 2004. The board may renew the waiver.~~

Section 3. Solicited Patient Profiles.

(a) Occupational licensing boards may request licensee profiles from the board provided the following are met:

- (i) All requests must be on a form provided by the board and include the name and license number of the licensee;
- (ii) The purpose of the request, the date range requested, and the specific reasons for this request;
- (iii) The signature of the authorized agent and mailing address for the occupational licensing board;
- (iv) The request shall be mailed or faxed to the board's office; and

(v) No licensee profile will be generated by the board until the request is received, and no licensee profile will be sent to an occupational licensing board unless those requirements identified in W.S. § 35-7-1060 (c)(ii) have been met. All profiles generated by the board will be mailed to the occupational licensing board, and marked "confidential, to be opened by addressee only".

(vi) A lengthy profile may be converted to a spreadsheet and provided electronically to a regulatory board.

(b) Pharmacists and practitioners are under no obligation to, but may request patient profiles from the board provided the following conditions are met:

(i) All requests must be submitted on a form provided by the board and must be mailed, ~~or~~ faxed, or by using the online process to the board's office;

(ii) All requests must be signed with a manual or electronic signature by the pharmacist or practitioner requesting the information and include the business name/address of the pharmacist or practitioner;

(iii) All requests shall include the patient's name, date of birth, purpose of the request, and the date range for the profile;

(iv) A statement indicating a pharmacist/patient or practitioner/patient relationship exists; and

(v) All profiles generated by the board shall be faxed or mailed to the pharmacist or practitioner at their business address, and if mailed marked "confidential, to be opened by addressee only" ; or the profile shall be generated using the online process to be reviewed or printed by the requestor.

(c) Patients, their authorized agent, or in the case of a minor, the minor's parent or guardian may request a copy of the patient's profile from the board's office provided the following are met:

(i) All requests shall be made in person at the board's office. The patient requesting the profile or an authorized agent of the patient or parent's or guardians of minors requesting a profile must have proof of identification acceptable to the board;

(ii) Any person making a request for a profile shall complete a form provided by the board. Any profile generated by the board will be available at the board's office, the same day of the request.

(d) Other entities as authorized in W.S. § 35-7-1059 may request a copy of the patient's profile from the board's office provided the following are met:

(i) All requests must be submitted on a form provided by the board and must be mailed or faxed to the board's office;

(ii) All requests must be signed by the requestor and include the business name and address of the requestor.

(iii) The purpose of the request, the date range requested, and the specific reasons for this request including investigation number, if applicable, must be included.

(iv) The requirements identified in W.S. § 35-7-1060 (c)(ii) must be met before the patient's profile is provided to the requestor or a copy of the patient's signed consent specifically stating permission for the requestor to access and review the profile must be provided by the requestor.

Section 4. Unsolicited Patient Profiles

The board may generate patient profiles based on information showing use of controlled substances, which is in excess of established parameters. Profiles generated will be mailed to each pharmacy and practitioner where the patient was seen. A letter of explanation will accompany each profile.

Section 5. Reports.

(a) The board shall maintain a register for solicited patient profile requests. The register shall include the following:

- (i) Date received;
- (ii) Name of patient, patient's date of birth or the name of the practitioner and practitioner's DEA registration number;
- (iii) Name, title, business, and address of individual requesting the profile; and
- (iv) Date profile mailed or faxed.

(b) The board shall maintain a register for any unsolicited patient profile generated by the board. The register shall include the following:

- (i) Date generated;
- (ii) Criteria used for profile generation; and
- (iii) Number of profiles/cover letters mailed.

Section 6. Statistical Profiles

The board may generate statistical profiles upon request, provided no patient/practitioner/pharmacy specific information is included. The board shall charge a fee of \$25.00 per profile generated for any government agency and \$500.00 per profile for all others.

Section 7. Reporting of Non-Controlled Prescription Drugs.

Resident and nonresident retail pharmacies shall ensure that, not later than ~~the 10th day of the month immediately following the month in which~~ seven (7) days after the prescription was dispensed, the information required pursuant to ~~Section 2 (a) of~~ this chapter is transmitted to the board or its agent for the following prescription drugs:

(a) Tramadol, including any combination product where tramadol is an active ingredient.

(b) Carisprodol, including any combination product where carisprodol is an active ingredient.