

## CHAPTER 8

### PRESCRIPTION DRUG MONITORING PROGRAM

#### Section 1. Authority.

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

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

(a) Each resident/nonresident retail pharmacy 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. 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) Dispenser identification number;
- (ii) Patient date of birth;
- (iii) Patient gender;
- (iv) Date prescription was filled;
- (v) Prescription number;
- (vi) Prescription is new or is a refill;
- (vii) Quantity dispensed;
- (viii) Date Prescription issued by prescriber;
- (ix) Days supply dispensed;
- (x) NDC code number for drug dispensed;
- (xi) Prescriber identification number;
- (xii) Patient last name;
- (xiii) Patient first name;

(xiv) Patient street address;

(xv) Patient zip code.

(b) The resident/nonresident retail pharmacy shall ensure that, not later than seven (7) days after the prescription was dispensed, the information required pursuant to 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.

### 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 for faxed (paper) requests:

(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 must include the DEA registration number for the pharmacy or practitioner;

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

~~(iv)~~ All requests shall include a statement indicating a pharmacist/patient or practitioner/patient relationship exists; and

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

(i) The pharmacist or practitioner must first register for access to the online system (WORx) using the online registration;

(ii) The Board staff will verify current licensure, current WY Controlled Substance Registration and DEA number of the pharmacy or practitioner;

(iii) The Board staff will activate the online access.

(iv) The Board staff shall discontinue access to any pharmacist or practitioner whose license, DEA registration or WY Controlled Substance Registration has lapsed or been revoked or suspended.

(v) The Board staff shall discontinue access to any pharmacist or practitioner who fails to follow the regulations listed in this chapter or W.S. § 35-7-1060.

(ed) 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.

~~(de)~~ 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 ~~was provided to the requestor. 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 7 days after the prescription was dispensed, the information required pursuant to this chapter is transmitted to the board or its agent ~~for the following prescription drugs: for prescription drugs not listed as controlled substances if formally requested by the board.~~

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

~~(b) — Carisoprodol, including any combination product where carisoprodol is an active ingredient.~~