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### CHAPTER 14

#### TELEPHARMACY RULES AND REGULATIONS

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CHAPTER 14  
TELEPHARMACY

Section 1. Authority.

These regulations are promulgated as authorized by the Act.

Section 2. Definitions.

(a) "Unit of issue package" as it relates to Telepharmacy means a system in which a medication is packaged by the manufacturer, repackager, wholesaler or the parent pharmacy in a properly sealed and properly labeled container as referenced in Chapter 2 of the Board's rules. Labeling shall include bar code, radio frequency tags or a similar identification system.

(b) "Automated Dispensing Device" means a mechanical system which performs operations relative to distributing individual unit of issue packages, and which collects, controls, and maintains all transaction information.

(c) "Parent Pharmacy" means a pharmacy licensed by the Board which is authorized by the Board to operate a telepharmacy site via real-time data, video, and audio links.

(d) "Real-time" means that the transmission of information through data, video and audio links is so rapid that the information is available to the parent pharmacy and telepharmacy sites simultaneously.

(e) "Medical Clinic" or "Community Health Center" for purpose of this chapter means a facility, which has on staff, one or more practitioner(s) licensed under W.S. § 33-21-121 or W.S. § 33-26-101 to prescribe prescription drugs.

Section 3. Licensing of Facilities.

(a) An application for licensure to establish, operate or maintain a telepharmacy shall be made on an application provided by the Board and submitted to the Board no less than sixty (60) days prior to opening the telepharmacy.

(b) A set of blueprints shall be provided to the Board with the initial application for licensure.

(c) Prior to opening a telepharmacy site, the Board shall inspect the telepharmacy for minimum standards of this Chapter.

(d) The Board shall be notified with every change of pharmacist-in-charge (PIC).

(e) Every telepharmacy license shall expire on June thirtieth (30th) of each year and shall be renewed annually by filing an application provided by the Board together with a fee set by the Board, postmarked no later than June thirtieth (30th).

(f) Initial and renewal telepharmacy license fee shall be \$150.00. Any application for renewal postmarked after June thirtieth (30th) shall be subject to a late fee of \$200.00 in addition to the renewal fee.

(g) A telepharmacy license shall not be renewed by the Board if a retail pharmacy opens for business within twenty five (25) miles of the telepharmacy site. A telepharmacy may continue to operate until the end of the current licensure year. The Board shall notify the telepharmacy's parent pharmacy when a retail pharmacy license has been issued to a site within twenty-five miles of the licensed telepharmacy, and shall include the last date the telepharmacy may remain open for business.

Section 4. Minimum Structural, Security and Equipment Requirements to Operate a Telepharmacy.

(a) All telepharmacies operating in Wyoming shall meet the following structural requirements:

(i) Shall consist of an area of no less than 150 square feet exclusive of the patient consultation room.

(ii) Shall have a patient consultation room, of no less than 25 square feet, adjacent to the telepharmacy. Accessibility shall include entry from the telepharmacy and a separate entry door from the waiting area.

(iii) Shall include a sink with a hot and cold water supply, exclusive of restroom facilities, with approved sewage disposal.

(iv) Shall be properly lighted and ventilated. The temperature of the telepharmacy shall be maintained within a range compatible with the proper storage of pharmaceuticals.

(v) Shall have adequate shelving and there shall be adequate counter on which to work and the working surface shall be kept clear and uncluttered at all times.

(b) All telepharmacies operating in Wyoming shall meet the following security requirements:

(i) Shall be secured with solid core or metal doors with a deadbolt and a locking doorknob.

(ii) Shall have in place dedicated intrusion detectors, which provide coverage throughout the telepharmacy.

(iii) Shall have telepharmacy walls which extend to the roof or adjoining floor if a multistory building, or provide security acceptable to the Board.

(iv) Shall meet all other applicable federal or state regulations concerning security access.

(c) All telepharmacies operating in Wyoming shall meet the following equipment requirements:

(i) Shall have a computer, scanner, and printer which meet the following requirements:

(A) All prescription data shall be processed utilizing the aforementioned electronic data processing equipment.

(B) All new prescriptions shall be scanned, sequentially numbered and the prescription labels shall be produced on site.

(C) Scanned prescriptions shall be displayable on the computer terminal at both the telepharmacy and parent pharmacy. Scanned prescriptions must be available for review for every new and refill prescription processed at the telepharmacy.

(D) All patient demographics, as well as all prescription information, shall be viewable at both the telepharmacy and parent pharmacy in a real time mode.

(E) Prescriptions dispensed at the telepharmacy site must be distinguishable from those dispensed at the parent pharmacy including a unique label with a unique identifier in the prescription data base. Furthermore, the initials of the pharmacist who releases the prescription from the parent pharmacy shall appear on the prescription label.

(ii) Shall have a real time data, video, and audio link with the parent pharmacy at all times the telepharmacy is open for business.

(iii) Shall have a fax machine located in the telepharmacy.

(iv) Any automated dispensing device must be approved by the Board prior to installation.

(v) Shall have a separate refrigerator located in the telepharmacy, which is sufficient in capacity to serve the needs of the telepharmacy that is equipped with a thermometer and provides a storage temperature of 36-46 degrees Fahrenheit (2—8 degrees Centigrade). The use of such refrigerator shall be limited to the storage of drugs. If a freezer compartment is utilized, it must maintain a temperature of -13 to +14 degrees Fahrenheit (-20 to -10 degrees Centigrade).

(vi) Shall have a current set of Wyoming pharmacy laws and copies of Wyoming State Board of Pharmacy Newsletter. The Wyoming State Board of Pharmacy Newsletter shall be maintained in a three-ring binder.

(d) Upon written request and for good cause, the Board may waive any of the requirements of Chapter 14 of the Board's rules. A waiver that is granted under this section shall only be effective when issued by the Board in writing.

#### Section 5. Daily Operations.

(a) A telepharmacy site may not remain open for business if an interruption in data, video or audio link occurs. Whenever an interruption in data, video, or audio link occurs, no prescription shall be dispensed and a sign shall be posted noting the closure and an estimated time till resumption of services can be expected.

(b) The telepharmacy shall be staffed by a pharmacy technician or a pharmacy intern, licensed by the Board, or by a pharmacist whenever a pharmacy technician or intern is not available. Under no circumstance may the telepharmacy remain open for business unless a pharmacy technician, pharmacy intern or a pharmacist is on duty.

(c) A pharmacy technician may only perform those pharmacy functions as allowed in Chapter 10 of the Board's rules. Supervision shall be provided by a pharmacist at the parent pharmacy utilizing the data, video and audio link.

(d) A pharmacy intern may only perform those duties as allowed in Chapter 3 of the Board's rules. Supervision shall be provided by a pharmacist at the parent pharmacy utilizing the data, video and audio link.

(e) Data entry may be performed at the parent pharmacy or at the telepharmacy site. All entries performed at the telepharmacy site must be verified by a pharmacist at the parent pharmacy prior to the printing of the label at the telepharmacy.

(f) Verification of prescriptions entered and dispensed at the telepharmacy site shall include:

(i) For a new prescription: the pharmacist at the parent pharmacy, utilizing the data/audio/video link, shall review the patient profile as required by Chapter 9 of the Board's rules, the original scanned prescription, the unit of issue package selected

and the directions as entered by the pharmacy technician or intern. If the review is acceptable, the label shall be released by the pharmacist. The pharmacist shall view the label affixed to the unit of issue package to assure accuracy using the video link. The offer to counsel shall be made by the pharmacist.

(ii) For a refill prescription: the pharmacist at the parent pharmacy, utilizing the data/audio/video link, shall review the patient profile, the label, the unit of issue package to be dispensed and assure the label is affixed to the correct unit of issue package.

(g) Verifications of prescriptions entered at the parent pharmacy and dispensed at the telepharmacy shall include:

(i) The pharmacist shall perform a prospective drug use review of all new and refill prescriptions as outlined in Chapter 9 of the Board's rules.

(ii) Utilizing the audio/video link, the pharmacist shall review the label, the unit of issue package selected for dispensing, and assure the label is affixed to the correct unit of issue package at the telepharmacy site.

(h) Counseling:

(i) All patients receiving a new prescription shall be counseled by a pharmacist in the consultation room by audio/video link with the parent pharmacy or in person if the pharmacist is on duty at the telepharmacy.

(ii) All patient questions regarding medication therapy or questions regarding over-the-counter products shall be answered by a pharmacist at the parent pharmacy utilizing an audio/video link in the consultation room or in person if the pharmacist is on duty at the telepharmacy.

(iii) All counseling performed by the pharmacist shall be in accordance with Chapter 9 of the Board's rules.

(iv) A pharmacy intern may provide counseling at the telepharmacy site provided all counseling is performed under the supervision of a pharmacist at the parent pharmacy and is conducted in the consultation room utilizing an audio/video link to the parent pharmacy.

(i) Under no circumstance may a prescription be dispensed at the telepharmacy site until all verification required by this section has been fulfilled by a pharmacist at the parent pharmacy and the prescription has been released by the pharmacist. Release of the prescription by the pharmacist at the parent pharmacy shall be documented electronically for each prescription dispensed at the telepharmacy site.

(j) Dispensing of prescription drug products at the telepharmacy site must be accomplished by use of unit of issue packaging. Under no circumstance may the staff at the telepharmacy repackage from bulk into unit of issue packaging or dispense a unit of issue package in partial quantities. Under no circumstance may prescription drug samples be stored or dispensed at the telepharmacy site.

Section 6. Recordkeeping Requirements.

(a) A daily printout of prescriptions dispensed at the telepharmacy site as described in Chapter 7 of the Board's rules shall be completed, dated and signed by the responsible pharmacist(s) at the parent pharmacy. The daily printout shall be kept on file for the telepharmacy at the parent pharmacy.

(b) All written prescriptions presented to the telepharmacy site shall be scanned into the electronic data processing equipment, such that on initial dispensing and each refill, the original prescription may be viewed on the monitor at both the telepharmacy and parent pharmacy site. All scanned prescriptions shall be retained electronically for at least two (2) years from the date scanned. All written prescriptions shall be delivered to the parent pharmacy for filing within 72 hours. Records shall be maintained at the parent pharmacy in files separate from the parent pharmacy files.