

JUNE 2006

Board Rule-Making Order 06-01

The rules adopted by the board at their February meeting have been reviewed by the Governor. Governor Freudenthal has vetoed all changes made to Chapter 10, Pharmacy Technician Regulations and approved changes made to Chapter 2, General Practice of Pharmacy Regulations.

Chapter 2, Section 17 (a) now reads “The pharmacist or employee under supervision must verify the identity of the person presenting a controlled substance prescription to the pharmacy for dispensing. This may be done by visual recognition. If identity is not established by visual recognition, a driver’s license or similar photo identification form is considered acceptable documentation. The following information must be recorded on the reverse of the prescription if an ID is utilized: name, type of identification, and identification number.”

The majority of the changes adopted in rule-making order 06-01 involved Chapter 10. Those changes primarily involved education requirements for pharmacy technicians. Rule-making order 06-01 may be viewed at the board’s website (<http://pharmacyboard.state.wy.us>) under rule-making order. All changes adopted by the board in Chapter 10, were vetoed by the Governor.

Contact the board’s office if you have any questions.

Inspectors Report for 2005 (Richard Burton, board inspector/compliance officer)

The following is a summary of deficiencies identified during routine pharmacy inspections in 2005:

- CII invoices not signed or dated or both 16 pharmacies
- Outdates found on active drug shelf 7 pharmacies

- Invoices for CII and CIII-V not separated 7 pharmacies
- Double signature not shown on document for wasted CS 2 pharmacies
- DEA form 222 not completed when order received 9 pharmacies
- Mailing prescriptions out of state and not licensed with that state. 4 pharmacies
- Technicians not licensed and working in a pharmacy 3 pharmacies
- Technicians working in pharmacy without name tags 2 pharmacies
- No current certification of IV hoods or isolation chambers 2 pharmacies
- Food and drink found in refrigerator for pharmaceuticals 3 pharmacies
- Failure to invoice CIII-CV drugs between pharmacies 2 pharmacies
- No documentation of compounding skills for technician 2 pharmacies
- Pharmacist out of store and pharmacy unlocked, no sign posted 2 pharmacies
- Pharmacist license not displayed 2 pharmacies

The inspectors will be looking at these pharmacies in 2006 to make sure compliance has been attained. Random drug audits of all pharmacies (hospital and retail) will continue in 2006.

The Board opened thirty two investigations during 2005. The following is a summary of those investigations:

- Drug audits as a result of a large discrepancy in random drug audits
- Dispensing errors
- Failure to comply with prescription drug monitoring program reporting
- Forged prescriptions
- Controlled substance diversion within the pharmacy staff

- Customer receiving medication that belonged to another person.
- Alleged discrepancies between purchased and dispensed quantities reported to WY Medicaid program
- Mailing prescriptions to out-of-state residents prior to registration
- Shortage of pills in bottle compared to number listed on label
- Misrepresentation to practitioner regarding treatment of dog and using medication for self
- Non-registered out-of-state pharmacies shipping to WY residents
- Pharmacist taking large dose of CS drugs while on duty
- Doctor shopping and internet shopping for controlled substances
- Nurses calling in prescriptions for patients and then picking up the prescriptions for their own use
- Controlled substance records violations

AS A REMINDER, A number of changes in the rules and regulations took place in 2005. The new rules and regulations are in affect so encourage your staff to review these changes.

Learning by Example (by Mindy McCarthy, PharmD Candidate)

One very good way to learn things, as we all know, is to learn from the mistakes of others. This is especially true when trying to learn about issues involving pharmacy law. On numerous occasions, the law has been interpreted in certain ways by individuals who wish to use it to suit their needs. These real-life examples of misinterpretation of pharmacy law are one of the best ways to learn what not to do when practicing pharmacy. Furthermore, a lasting impression can be made on pharmacists when they see the consequences of other pharmacists' misdeeds; the issues that are addressed by the State Board of Pharmacy will not likely be forgotten.

How should this valuable knowledge be passed on? Utilizing the State Board of Pharmacy newsletter would be an excellent way to communicate this information to other pharmacists and pharmacies. Many people come into contact with the newsletter since it is circulated to pharmacists, pharmacies, and organizations; furthermore, it is a requirement to have the newsletters in all pharmacies.

This proposal is not being proposed to publicly humiliate pharmacies, pharmacists, or other pharmacy personnel such as technicians, but to enlighten people on how they should be practicing pharmacy and how to avoid trouble. It would be addressed in the newsletter in a generic way so that the guilty parties would still be protected. The sole purpose of this would be to inform others as to what occurred, and how this violated pharmacy law. This could be a deterrent to future violations of pharmacy law.

The last disciplinary actions reported in the newsletter occurred in December of 2003. After having reviewed all of the minutes, the following are actions taken by the board since 2003.

Pharmacist- Failed to disclose disciplinary action of his pharmacist license on a Wyoming pharmacist renewal application, failed to disclose habitual substance abuse and diversion issues, and failed to disclose that he had been charged with a felony. Suspension of license and mandatory participation in a professional assistance program.

Pharmacy/Pharmacist- Dispensed numerous prescriptions and refills without valid drug orders from a physician. Failed to maintain a hard copy of the prescriptions; Pharmacy: \$500.00 administrative penalty. Pharmacist: Letter of Admonition, in addition to a \$5000.00 administrative penalty

Pharmacist- Upon application for licensure, it was disclosed that the applicant had past substance abuse offenses; issued a conditional license and mandatory participation in a professional assistance program.

Pharmacist- Two felony counts and one misdemeanor count for possession of controlled substances; two week suspension of license, mandatory participation in a professional assistance program, additional monitoring for a minimum of two years.

Pharmacist (PIC) – Compounded and dispensed an unapproved drug and failed to maintain a log book on compounded products in the pharmacy; Letter of Admonition.

Pharmacy Technician – Failed to provide relevant information pertaining to criminal and substance abuse history on an application for licensure as a pharmacy technician; Letter of Admonition and mandatory participation in a professional assistance program

Pharmacist – Left pharmacy: 1) no pharmacist present in the pharmacy 2) pharmacy technicians still on duty 3) failed to lock the pharmacy and allowed the pharmacy to remain open 4) failed to offer to counsel as a result of prescriptions being dispensed in the pharmacist's absence; Letter of Admonition and administrative penalty of \$2000.00.

Pharmacist – Dispensing error. Letter of Admonition and a formal plan to prevent future dispensing errors must be submitted to the Board of Pharmacy.

Pharmacist – A prescription was filled with a strength that differed from the strength written on the prescription. This error was corrected; however, the original error was not corrected as per store procedure, which resulted in another dispensing error, of the same nature, occurred; Letter of Admonition and a formal plan to prevent future dispensing errors must be submitted to the Board of Pharmacy.

Proposed Changes in WY Pharmacy Act and Board Rules

The board is considering changes in the practice act and board rules. Proposed change in statute and board rules may be viewed on the board's web site

(<http://pharmacyboard.state.wy.us>) under the heading of "Rules being considered by board-draft only". These will be discussed at the June 28-29 board meeting in Casper. Contact the board's office if you have any questions.

Special Notice about This Newsletter

The *Wyoming Board of Pharmacy News* had been designated as the official method of notification to pharmacists and pharmacy technicians licensed by the Wyoming Board of Pharmacy. Please read these newsletters and keep them for future reference. These newsletters will be used in hearings as proof of notification. Newsletters are available for review on the Board's web page (<http://pharmacyboard.state.wy.us>).