

## ***April Board Meeting***

The following summarizes highlights of the April meeting:

- The Board entered into a contract with Eric Saul to develop on-line pharmacists renewal program for 2008 renewals. The program was demonstrated to the Board. More information will be available in the September newsletter.
- A Workshop regarding Chapter 9, Wyoming Pharmacy Practice Act, Rules and Regulations was discussed and will be held in September. The Board will invite a variety of stakeholders to the meeting including pharmacists, pharmacy license holders, UW School of Pharmacy, Wyoming Pharmacists Association, third party payers, Wyoming Business Council, pharmacy technicians, physicians, and others. More information will be posted on the board's website after the June meeting. Questions, contact the Board's office.
- The Board reviewed/discussed the first draft of proposed rule-making for 2007. Proposed changes address allowing graduates from foreign school of pharmacy to apply for licensure in Wyoming by exam, reciprocity, and allowing registration as a pharmacy intern; requirements for product description and product ID on unit of issue packaging for long-term care facilities; rules for centralized prescription processing; rules addressing automated storage and distribution systems; rules addressing sterile compounding – specifically USP 797; rules adding human papillomavirus (HPV) and Tdap to the list of authorized immunizations that may be prescribed and administered by a pharmacist to healthy adults; rules addressing non-security paper for faxing controlled substance prescriptions from practitioner to pharmacies; and requiring all prescriptions for tramadol and carisoprodol be reported to the prescription drug monitoring program. The proposed

rules may be viewed at the board's website, <http://pharmacyboard.state.wy.us>, under "proposed rule-making". The proposed rules will be reviewed/discussed at the June meeting in Cheyenne.

- Discussed reconsideration of the requirements for additional education requirements for applicants for licensure as a pharmacy technician or registration as a pharmacy technician in training. Board voted to add rules as proposed in 2005 to the rule-making considerations for 2007 and are now included in the proposed rules for discussion and review at the June Board meeting.
- Reviewed and approved UW School of Pharmacy, P4 Clinical Clerkship for 2007-2008 school year.
- Richard Lesley, Executive Director of the Wyoming Epilepsy Society and David Wheeler, MD, Casper neurologist, requested the Board consider a rule requiring pharmacists to contact the prescribing practitioner whenever generic substitution of an anti-epileptic drug was being considered. The Board did not agree to a change in rule, but did discuss methods to improve communication between practitioners and pharmacists. Dr. Wheeler will include an article about drug substitution in the Wyoming Epilepsy Society newsletter. After discussion, he agreed to start placing the diagnosis on new prescriptions and encourage fellow practitioners to do likewise. Dr. Wheeler was aware of the using "brand medically necessary" when writing a prescription but was concerned about current brand name products as they go off patent and the product is substituted by the pharmacist with a generic equivalent, unknown to the prescribing practitioner who did not indicate "brand medically necessary" on the original prescription as no generics were available. He stated there is a concern that seizure activity may

occur due to the change from brand to generic. The following brand name products will go off patent in the next couple of years – Keppra® (7/2008), Topamax® (9/2008), Felbatol® (9/2009) & Peganone® (patent expired, but no generic available) .

Pharmacists are encouraged to discuss a change to generic with this group of anti-epileptic drugs with both the patient and the prescribing practitioner. Good review articles on this subject matter are available through UW Drug Information Center and you are encouraged to contact Melissa Hunter (307-766-6988) for more information.

- Discussed random drug audits by board inspectors/compliance officers and what action should be taken when the audit shows a significant variance. Pharmacies need to be aware that the Board will seek an administrative penalty up to \$2,000 per violation whenever an accountability audit that results from a random drug audit has a variance of more than 5% for any drug audited. Contact the Board's office if you have any questions.
- The next Board meeting will be June 5-7 in Cheyenne. The agenda will be posted on the Board's website by late May.

***Electronically Generated and Telephone Transmission of Controlled Substance Prescriptions,  
Hank York, Board Inspector/Compliance Officer***

It has been brought to the attention of the board of pharmacy that CS prescriptions have illegally been faxed or presented by the patient to the pharmacy. By state law no prescription for a controlled substance can be electronically signed and be considered a valid prescription. All controlled substance prescriptions require the manual signature of the prescribing practitioners [Chapter 6, Section 4(iv), Wyoming Controlled Substance Act, Rules and Regulations].

Just for clarification, prescriptions for schedule III, IV, & V drugs may be FAX'd to a pharmacy provided they have been manually signed by the practitioner. Schedule II prescriptions may be FAX'd to the pharmacy and be considered the original prescription provided one of the following conditions exists:

(i) A prescription for a schedule II narcotic substance to be compounded for the direct administration to a patient by parenteral, intravenous, intramuscular, subcutaneous or intraspinal infusion or;

(ii) A prescription written for a schedule II substance for a resident of a Long Term Care Facility or;

(iii) A prescription written for a schedule II substance for a "terminally ill" patient. The pharmacist shall so annotate a FAXED schedule II prescription as being for a "terminally ill" patient.

***Summary of Investigations for 2006, Richard Burton, Board Inspector/Compliance Officer***

3-dispensing errors (2 with wrong strength of drug & 1 with wrong directions)

2-violations of drug treatment program (2 pharmacists)

1-death from apparent overdose of a controlled substance

2-technicians working in a pharmacy with an expired license

3-improper record keeping, concerning controlled substances

1-using wrong practitioner's name on a CS prescription

1-medication quantity short on 4 different prescriptions for same patient

1-large purchases of hydrocodone products for dispensing at a clinic

1-nurse calling in CS Rx for patient, then picking up product for own use

1-pharmacy dispensing larger quantities of CII drug than ordered by physician

- 1-claimed shortage by a patient of CII drug dispensed by a pharmacy
- 2-alleged disclosure by pharmacist of personal information on a patient without authorization and charging improper co-pay
- 1-compounding a product in a pharmacy requiring a clean air environment without a hood
- 4-forged prescriptions
- 1-prescription fraud involving a pharmacy technician
- 1-inaccurate information in a patient profile involving merging information from 2 patients with similar names
- 1-pharmacist out of the building, retail pharmacy open and technicians performing pharmacy functions
- 1-delivery of critical medication to a clinic from a pharmacy in an untimely manner
- 1-pharmacist charge with 3rd degree sexual assault
- 1-product ID missing on bottles of dispensed medication to a patient
- 1-dispensing a generic drug and labeling and charging for brand name drug
- 1-dispensing single dose vials intended for multiple dose use
- 1-early and frequent refills by a pharmacy without checking with the practitioner

### ***Board Members***

Governor Freudenthal reappointed Alison K. McManus for a second term to the Board. Kay's term will expire March 1, 2013. The Board will expand to 7 voting members and 1 ex-officio member beginning July 1, 2007 due to passage of Senate File 61 during the last session of the Legislature. Current Board members will continue until their current terms expire, which will result in 8 voting members for the next 4 years. Additions to the Board in July will include 1 pharmacist (voting member), 1 public member (voting member) and 1 pharmacy technician

(non-voting ex-officio member). Current ex-officio members (physician, dentist & veterinarian) will become voting members on July 1st. Any pharmacist or pharmacy technician who has been in active practice the last five years in Wyoming and remains in active practice will be eligible for appointment and if interested should apply by contacting the Governor's office. Applications are available on the Governor's webpage.