March 2007

Newly Adopted Rules

Rule-making order 06-02 was signed into law by the Governor on January 17th. The full text of rule changes as well as the Board's order adopting rules may be viewed on the Board's web site (http://pharmacyboard.state.wy.us) under rule-making orders. The following is a summary of the changes.

Wyoming Pharmacy Act, Rules and Regulations

- Chapter 2, Section 8 – Requirement that the date and time be recorded when the controlled substance inventory is taken with a change in pharmacist in charge.
- Chapter 2, Section 14 – It will be considered unprofessional conduct for a pharmacist or pharmacy to dispense prescription drugs to persons residing in or outside the State of Wyoming on the basis of a prescription, which is generated solely via an Internet questionnaire. Furthermore pharmacist and pharmacies are prohibited from linking their web site to other sites that provide prescriptions for medications solely on the basis of an online medical consultation questionnaire.
- Chapter 2, Section 25 – Established a $250 fee for each mailing list provided by the Board's office. Exempts federal and state agencies from payment of the fee.
- Chapter 2, Section 30 – Establishes requirements that a resident retail pharmacy must follow whenever the pharmacy permanently ceases operation. It will be considered unprofessional conduct for a pharmacy to permanently close in a manner other than what is prescribed in this section.
- Chapter 2, Section 31 – Established requirements that an institutional pharmacy must follow whenever the pharmacy permanently ceases operation. It will be considered

unprofessional conduct for an institutional pharmacy to permanently close in a manner other than what is prescribed in this section.

- Chapter 2, Section 32 – Makes it unprofessional conduct for licensee in an institutional or a retail pharmacy to distribute or dispense prescription drug samples.
- Chapter 3 – Significant changes have occurred in the chapter governing pharmacy interns. The definition of an intern has been updated and the requirement that prior to any employment or training in any capacity as a pharmacy intern in a retail or institutional pharmacy an intern must be registered with the board. Pharmacy students in their first professional year of training (P1's) in pharmacy school will be allowed to register as an intern and gain practical experience. The most significant change is that the practical experience requirement for licensure will be met by the successful completion of the clinical clerkship program during a student's fourth professional year at an approved school or college of pharmacy, provided the clinical clerkship consists of a minimum of 1200 hours of practical experience. This means that a pharmacist will not have to complete affidavits of practical experience or evaluations of interns during rotations in their pharmacy for the Board; however, those serving as training sites for P4 rotations during the clinical clerkship rotations will have to continue to submit evaluations to UW School of Pharmacy. There are exceptions, which are explained in Section 5. The law still requires any pharmacist utilizing an intern to be registered with the board as a preceptor.
- Chapter 16 – New chapter governing the prescribing and administering of immunizations by pharmacists. A number of pharmacists have registered with the board when this chapter was adopted as an emergency rule. The final rule is the same as those adopted as

emergency rules. The Board will have to update the immunizations authorized annually whenever CDC expands the recommended immunizations for adults.

Wyoming Controlled Substance Act, Rules and Regulations

- Chapter 4, Section 1 – requires all retail and institutional pharmacies to maintain a perpetual inventory of all schedule II controlled substances. This inventory must be reconciled at least quarterly and discrepancies reported to the board within 10 calendar days of discovery. Only those discrepancies representing a significant loss or gain need be reported and for the purpose of this rule a significant loss or gain exists whenever the actual inventory (after reconciliation) differs from the stated amount on the perpetual inventory log by greater than 5%. If you have not already done so, you will need to set up a perpetual inventory log for all schedule II products. Contact the board's office if you have any questions.
- Chapter 4, Section 2 – The date for the annual inventory of all controlled substances has been changed from May 1st to the first seven days of May or other date approved by the board. If you need to conduct this inventory other than the first seven days of May, contact the board's office for approval. The annual inventory must include the name of the pharmacy, date of inventory, time of inventory (beginning or close of business) and the signature of the responsible person(s) who conducted the inventory.
- Chapter 4, Section 3 – Regarding DEA 222 forms, if the pharmacy serves as the supplier, then as supplier you must enter your pharmacy's DEA number, number of packages shipped and the date shipped on copies 1 & 2. Copy 2 must be forwarded to DEA regional office or to the board's office.

Controlled Substance Inventory

During the first seven (7) days of May 2007 each pharmacy must inventory all controlled substances. Please review the following items when taking your inventory:

- Drugs in all schedules (II-V) must be inventoried.
- Write the name and address of the pharmacy and the date and time (beginning of business or end of business) on the inventory.
- The inventory must be signed by the pharmacist responsible for the inventory as well as other persons who assisted in the inventory.
- All controlled substances, including outdated drugs and drugs to be returned, must be inventoried. In an institutional facility, all controlled substances, regardless of location must be inventoried. Indicate the location where the inventory was taken (i.e. ER, OR, etc).
- If the inventory is to be taken on a date other than the first seven days of May 2007, then a written request must be made to the board's office at least 10 days prior to May 1, 2007. A written reply will be sent to the pharmacy submitting the request.
- A legible copy of the inventory must be sent to the board's office. The original must be kept on file in the pharmacy.

Product Identification – Richard Burton, Board Inspector/Compliance Officer

In January of 2004, the rule went into effect that required all original or refill prescription drug containers utilized in a traditional dispensing system be labeled with its physical description, including any identification code that may appear on the tablets and capsules. This labeling not only provides a means for the patient to compare the medication in the container with the description on the label but also provides another check for the pharmacist before dispensing the medication to the consumer. Product ID labeling can also be a good PR tool for

the pharmacist. I dare say that many customers or patients do not know or haven't noticed this information on the prescription container. By taking the time to point this out to the patient and explaining what it means and the purpose for it being there can't help but increase the good will between patient and pharmacist.

All this adds up to greater patient safety as well as reducing medication errors by the pharmacists.

One area of dispensing not covered under the product ID rule is unit of issue packaging, specifically "bubble packs", that are normally dispensed to nursing home, hospice and assisted living patients. Unit of issue packaging by rule, is not considered a traditional dispensing system therefore product ID labeling is not required. However, it is our opinion that patient safety should be a high priority irregardless if the pharmacist is dispensing medication to the public in a traditional or "nontraditional" system. A number of pharmacies throughout the state have stepped forward and started using product ID labeling on any medication dispensed from their pharmacy. We commend those pharmacists that have taken this extra step to help ensure medication safety for their patients.

Family Practice Residency Program (1st year residents) – Hank York, Board Inspector/Compliance Officer

To forewarn pharmacists in the state, when you receive a CS prescription with an unusual number attached to the end of the DEA number, remember that first year residents are assigned a DEA registration number that is the Program's number with a hyphen and an individual identifying number as the suffix. First year residents at the Cheyenne and Casper Family Practice Programs require a medical training license from the WY Board of Medicine as well as CS registration with the Board of Pharmacy. This is a new procedure to have CS prescribing authority for 1st year residents in the Family Practice Residency Program.