

SEPTEMBER 2006

Board Meetings

Board meetings were held in both June and July. Summary as follows:

- The board will be seeking changes in the Pharmacy Practice Act during the 2007 Wyoming Legislature. Some changes are for clarification of existing law and others represent significant changes or additions to the law. Changes sought include:
 - 33-24-101 (b)(iv)(A) & (b)(iv)(D) –clarification
 - 33-24-102 & 103 –increasing board from 3 to 7 voting members (4 pharmacists, 1 physician, 1 dentist or veterinarian, 1 public member) and a pharmacy technician as an ex-officio member.
 - 33-24-122 –new category for drug distributor licenses and renewals
 - 33-24-116 –change in law for licensure as a pharmacist by exam to allow foreign pharmacy graduates to qualify for licensure in Wyoming
 - 33-24-116-change in law regarding summary suspension of a pharmacist license
 - 33-24-134-clarification
 - 33-24-135 –change in law to allow foreign pharmacy graduates to be eligible for registration as a pharmacy intern provided certain requirements have been met and grants disciplinary authority to the board regarding pharmacy intern license.
 - 33-24-136 & 33-24-146 -clarification
 - 33-24-152 -change in law requiring non-resident pharmacies to comply with state law if Wyoming state law is stricter than state of domicile and the non-resident pharmacy has been so notified by the executive director.

- 33-24-153 -change in law governing the licensure and disciplinary authority the board has regarding drug distributors
- 33-24-156 -change in law governing Telepharmacies regarding the type of product packaging that will be allowed in a telepharmacy site.
- 33-24-301 –change in law regarding a pharmacy technician license, specifically the ability to assess an administrative penalty for violations and to include as a violation the submission of false or misleading information to the board in an application or renewal of a license. In addition, expand the criminal background check to include pharmacy technicians-in-training.
- The board issued a rule-making notice in August, regarding proposed changes in board rules and regulations. The “Notice of Intent to Adopt Rules” and the proposed changes in strikethrough and underline format may be found on the board’s website (<http://pharmacyboard.state.wy.us>) under rule-making notice. A public hearing has been set for November 16, 2006 beginning at 9:00am at the board’s office in Casper.
- The board approved emergency rules for Chapter 16, Immunizations at their July meeting. The chapter implements the authority granted to pharmacists regarding prescribing and administering immunizations by the 2006 Wyoming Legislature. This new chapter outlines: definitions (Healthy Adults, High Risk Adults, Immunizations), qualifications for pharmacists to participate, registration requirements, prescribing and administering immunizations, vaccine information sheet that must be given to each patient, record-keeping requirements, and handling emergencies. The emergency rules were forwarded to Governors office on July 25 and will be effective for a period to not exceed 120 days. The board has included these proposed rules in the rule-making notice

that was issued in August and will be included at the public hearing in November.

Adopting Chapter 16, Immunizations as an emergency rule should give those pharmacists interested in prescribing and administering immunizations ample time to prepare for fall/winter immunization program.

- Medication Donation Program –The Wyoming Department of Health has issued proposed rules to implement the Medication Donation Program, which was authorized by the 2005 Wyoming Legislature. This rule will establish a voluntary program for the donation and dispensing of drugs other than controlled substances and compounded drug provided the donated drugs meet certain criteria. Questions regarding this program should be addressed to Aimee Lewis, PharmD, Pharmacist Consultant, Office of Pharmacy Services, Wyoming Department of Health at (307) 777-8699.

Fall License Renewals

Renewal applications for pharmacists and pharmacy technicians will be mailed around November 1st to the address of record. **Pharmacists will need to pay special attention to the renewal applications.** Starting with 2007 renewals, pharmacists will **NOT** provide copies of CE certificates with their renewal application; instead, pharmacist will report the number of hours of CE obtained January 1, 2006 to December 31, 2006 on the renewal. The pharmacist renewal application will have instructions regarding this change and the random CE audit that will be conducted by the board. The type of CE that will be accepted changed in December 2005 and increases the opportunity for obtaining CE from other than an ACPE approved provider. It is recommended you review Chapter 6, “*Continuing Pharmaceutical Education Regulations*”. Contact the board’s office if you have any questions.

National Provider Identifier (Sara Howe, PharmD Candidate)

The National Provider Identifier (NPI) is a unique identification number for health care professionals that will be required by all health care plans by May 23, 2007. This identifier is a requirement of the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and it creates a single provider identifier for all standard electronic health care transactions. Health care providers that are able to receive an NPI include any individual, group, or organization that provides medical or other health services or supplies, and this includes both pharmacies and pharmacists.

As pharmacists the NPI will affect us in several ways. One of the most significant and positive aspects is that individual pharmacists can now bill third parties for medication therapy management services (MTMS), where previously only pharmacies could bill. This means that face-to-face encounters discussing patient medication profiles, patient history, medication outcomes and compliance can be billed to third party insurances by a pharmacist with an NPI. However, not all features of this new identifier are favorable. One problem that is sure to affect pharmacies, is that not all health care providers will be required to have an NPI. For those providers who do not submit transactions electronically, an NPI is not necessary. However, for a pharmacy to submit a claim for a prescription from a provider, an NPI is needed. Therefore, a provider lacking an NPI has the potential to cause lengthy delays when processing prescriptions. Each and every healthcare provider should at least take the time to consider applying for their own NPI, while taking into account the many different aspects where it will be used.

More information concerning the NPI and the application for an NPI can be found at <https://nppes.cms.hhs.gov/NPPES/Welcome.do>.

Participating In Internet Pharmacy (Melissa Mann, PharmD Candidate)

Some pharmacists may consider an offer to work for an online or internet pharmacy. Such an offer is appealing when a participating pharmacist receives payment for each prescription processed as there are masses of people utilizing the internet in order to obtain prescriptions because of the convenience and privacy. However great the incentives may be, pharmacists need to be aware of what they are getting into. Because the internet is not regulated, pharmacists need to make sure the offer is coming from a legitimate source and is not an offer to join a “rogue” internet pharmacy website (“rogue” refers to a “website that allows consumers to obtain prescription medications without an evaluation by a physician”).

Thus, how can pharmacists determine whether the offer is legitimate and is not for a “rogue” internet pharmacy website? Contact the Board and provide the Board with a copy of the offer. The board will provide guidance based on the information provided. Then, find out how the prescriptions to be filled are issued, because a pharmacist in Wyoming can only fill a prescription if a doctor-patient relationship exists. Remember, it is unprofessional conduct for a pharmacist to fill a prescription when a doctor-patient relationship does not exist (WS 33-24-101). Thus, if the doctors can write or approve prescriptions based solely on an on-line questionnaire or consultation and has no previous establishment with the customers, do not accept the offer. Protect your license and follow the Pharmacist Code of Ethics (Wyoming Pharmacy Act, R & R, Chapter 4) so that you can provide responsible patient care to the public.

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>).