

ORIGINAL HOUSE
BILL NO. 0258

ENROLLED ACT NO. 111, HOUSE OF REPRESENTATIVES

FIFTY-EIGHTH LEGISLATURE OF THE STATE OF WYOMING
2005 GENERAL SESSION

AN ACT relating to the Wyoming Pharmacy Act; authorizing telepharmacies as specified; providing definitions; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 33-24-156 is created to read:

33-24-156. Telepharmacy practice authorized.

(a) The board pursuant to its rules and regulations may authorize a licensed pharmacy to store and dispense prescription drugs as provided in subsection (b) of this section through a telepharmacy located at a site at least twenty-five (25) miles from a licensed pharmacy.

(b) Telepharmacies shall include the following minimum features:

(i) Storage, security and dispensing of prescription drugs in unit of issue packages;

(ii) Connection by a secure communication system to the parent pharmacy, with the capability of live video and audio communication with a registered pharmacist at the parent pharmacy during hours of operation;

(iii) Adequate provision for security, including verification of customer identity and prescription information;

(iv) Automated inventory control using bar codes, radio frequency tags or a similar identification system;

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(v) Prominent display of the name, address and toll free telephone number of the parent pharmacy.

(c) A telepharmacy system operated as provided in this act and in accord with rules and regulations of the board is deemed to be operated under the charge of a registered pharmacist for purposes of W.S. 33-24-113(b). A pharmacist may not serve as a pharmacist in charge for more than one (1) telepharmacy at any one time.

Section 2. W.S. 33-24-101 is amended as follows:

33-24-101. Short title; definitions.

(a) This act means W.S. 33-24-101 through 33-24-301 and shall be known as the "Wyoming Pharmacy Act".

(b) ~~"This act" means W.S. 33-24-101 through 33-24-301.~~

~~(c) As used in this act:~~

(i) "Direct supervision" means that a licensed pharmacist shall be physically present and capable of observing the actions of a pharmacy technician except at telepharmacies where video oversight is maintained;

(ii) "Telepharmacy" means a site located within a medical clinic or community health center that is remote from but under the active control and supervision of a licensed pharmacist, and that is staffed during hours of operation by a certified pharmacy technician or registered pharmacy intern;

(iii) "Collaborative pharmaceutical care" means a pharmacist working in collaboration with physicians and

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other medical providers authorized to prescribe medications;

(iv) "Unprofessional conduct" means:

~~(i)~~ (A) Dispensing a drug or brand of drug in filling a prescription which differs from that specified by the prescription without authority of the issuer of the prescription;

~~(ii)~~ (B) Obtaining any fee by fraud or misrepresentation;

~~(iii)~~ (C) Willfully betraying patient confidences, provided a pharmacist may provide otherwise confidential patient information to other licensed health care professionals treating the patient;

~~(iv)~~ (D) Employing directly or indirectly any student or any suspended or unlicensed pharmacist to practice pharmacy unless authorized by law;

~~(v)~~ (E) Advertising in a misleading, false or deceptive manner;

~~(vi)~~ (F) Filling a prescription which is more than two (2) years old;

~~(vii)~~ (G) Filling a prescription without reasonable inquiry and confirmation of its validity if there are reasonable grounds to doubt the current existence of a doctor-patient relationship between the prescriber and the customer seeking to obtain the drug;

~~(viii)~~ (H) Filling a prescription with a drug that is past the expiration date provided by the

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manufacturer or supplier of the drug or other competent authority;

~~(ix)~~ (J) Filling a prescription with drugs which have not been refrigerated as recommended by the manufacturer or supplier of the drugs or by other competent authority; or

~~(x)~~ (K) Other actions defined by rule and regulations as relevant to the pharmacist's professional character.

~~(d) "Collaborative pharmaceutical care" means a pharmacist working in collaboration with physicians and other medical providers authorized to prescribe medications.~~

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Section 3. This act is effective July 1, 2005.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk