

HOUSE BILL NO. HB0258

Telepharmacies.

Sponsored by: Representative(s) Anderson, R. and  
Senator(s) Johnson

A BILL

for

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

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

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

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9 **33-24-156. Telepharmacy practice authorized.**

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

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1           (b) Telepharmacies shall include the following  
2 minimum features:

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

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

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

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

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

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23           (c) A telepharmacy system operated as provided in  
24 this act and in accord with rules and regulations of the

1 board is deemed to be operated under the charge of a  
2 registered pharmacist for purposes of W.S. 33-24-113(b). A  
3 pharmacist may not serve as a pharmacist in charge for more  
4 than one (1) telepharmacy at any one time.

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

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8 **33-24-101. Short title; definitions.**

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

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13 (b) ~~"This act" means W.S. 33-24-101 through~~  
14 ~~33-24-301.~~

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

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

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23 (ii) "Telepharmacy" means a site located within  
24 a medical clinic or community health center that is remote

1 from but under the active control and supervision of a  
2 licensed pharmacist, and that is staffed during hours of  
3 operation by a certified pharmacy technician or registered  
4 pharmacy intern;

5  
6 (iii) "Collaborative pharmaceutical care" means  
7 a pharmacist working in collaboration with physicians and  
8 other medical providers authorized to prescribe  
9 medications;

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11 (iv) "Unprofessional conduct" means:

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

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

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

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~~(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 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

1 manufacturer or supplier of the drugs or by other competent  
2 authority; or

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4 ~~(\*)~~ (K) Other actions defined by rule and  
5 regulations as relevant to the pharmacist's professional  
6 character.

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

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

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(END)