



NATIONAL ASSOCIATION OF
CHAIN DRUG STORES

July 22, 2020

Matt Martineau, RPh
Executive Director
Wyoming Board of Pharmacy
1712 Carey Ave., Ste 200
Cheyenne, WY 82002

Submitted via email: matt.martineau@wyo.gov

**Re: Wyoming Controlled Substances Act Rules and Regulations
Repeal of Chapter 6; Creation of Chapter 10**

Dear Mr. Martineau:

On behalf of our members operating chain pharmacies in the state of Wyoming, the National Association of Chain Drug Stores (NACDS) is writing to provide feedback on the proposed changes to the Wyoming Controlled Substances Act Rules and Regulations as authorized by the Wyoming Controlled Substances Act, W.S. § 35-7-1001 through 35-7-1060.

NACDS strongly supports electronic prescribing for controlled substances (EPCS) and appreciates the Board's implementing the requirements of Wyoming Statute § 35-7-1030 [Enrolled Act No. 66, Senate 2019, SF0047], which mandates EPCS beginning January 1, 2021.

We have carefully reviewed the proposed changes, which include repealing Chapter 6 and the creation of Chapter 10 of the Wyoming Controlled Substances Act Rules and Regulations. As proposed these regulatory changes appear to generally provide appropriate guidance for the implementation of EPCS in 2021. However, we would like to suggest three amendments to the proposed regulations for controlled substances as outlined in Chapter 10.

Section 7 of proposed Chapter 10 lists requirements for the dispensing of controlled substance prescriptions. The following text had been in section 8 of the repealed Chapter 6 and would seem to fit appropriately Section 7 of Chapter 10 regarding the general conditions for dispensing controlled substances.

A prescription for a controlled substance may only be filled or dispensed by a pharmacist or intern or pharmacy technician, or technician in training under direct supervision by a pharmacist, acting in the usual course of his/her professional practice or by a registered practitioner.

Also, NACDS suggests a clarification to the proposed Chapter 10, section 9 to ensure that it aligns with federal statutory section 21 USC 829(f)(2)(A). Our suggested amendment is intended to avoid potential confusion about when the 30-day clock begins for dispensing the remaining portions of a partially filled Schedule II controlled substance prescription. We propose to clarify that the 30-day clock begins with

the date on which the prescription is issued, as indicated by 21 USC 829(f)(A). Our proposed addition is below in **bold, underlined language**

Proposed Chapter 10, Section 9. Partial Filling of Controlled Substances.

(a) A Schedule II controlled substance prescription may be partially filled if:

- (i) The patient or practitioner requests a partial fill; or
- (ii) The pharmacist is unable to supply the full quantity prescribed; and
- (iii) The total quantity dispensed in all partial fillings does not exceed the total quantity prescribed; and
- (iv) The remaining portions of the partially filled Schedule II controlled substance prescription is dispensed no later than thirty (30) days **after the date on which the prescription is issued**, or sixty (60) days for terminally ill or long term care facility patients, after the date on which the prescription is issued.

Finally, with respect to proposed Section 7, we ask that the Board retain clarifying language from current Chapter 6, Section 9 that speaks to verifying the identity of a person who presents a non-electronic controlled substance prescription or receives any controlled substance prescription. Presently, the language of Chapter 6, Section 9 is clear that documentation is required only when identify verification does not occur via visual recognition. To retain this clarification, we suggest the following amendment to proposed Chapter 10, Section 7. Our proposed addition is below in **bold, underlined language**:

Section 7. Dispensing Controlled Substance Prescriptions.

(a) The pharmacist or employee under supervision shall verify the identity of the person who presents a non-electronic controlled substance prescription or receives any controlled substance prescription.

- (i) Identification may be done by visual recognition.
- (ii) Identification may be verified by state and federally issued identification.
- (iii) **If identification is verified by state or federally issued identification**, the pharmacist or employee shall record the individual's name, identification, and identification number.
- (iv) The recorded information shall be readily retrievable.

NACDS thanks the Wyoming Board of Pharmacy for considering our suggested amendments to the content of proposed Chapter 10 of the Wyoming Controlled Substances Act Rules and Regulations. We urge you to adopt the proposed regulations with our suggested amendments. If you have any questions, please do not hesitate to contact NACDS' Lis Houchen at lhouchen@nacds.org or 360-480-6990.

Sincerely,



Steven C. Anderson, FASAE, CAE, IOM
President and Chief Executive Officer