



NATIONAL ASSOCIATION OF  
CHAIN DRUG STORES

October 16, 2020

Dr. Philip Trapskin, PharmD, BCPS  
Chairperson  
Pharmacy Examining Board  
Department of Safety and Professional Services  
PO Box 8366  
Madison, WI 53708-8366  
Via email: [DSPPPracticeFAQ3@wisconsin.gov](mailto:DSPPPracticeFAQ3@wisconsin.gov)

**Re: Recommendations to Implement Pharmacy Operational and Business Certainty Flexibilities  
(Variances) as Permanent Changes**

Dear Dr. Trapskin,

The unfolding COVID-19 pandemic continues to challenge healthcare systems and providers across Wisconsin and the country more broadly. In the throes of spiking new cases since mid-September, it is imperative that systems and providers, including pharmacies, continue to have critical flexibilities to provide the best possible care for the public during this unprecedented time and beyond.<sup>1</sup> We greatly appreciate the state's directive to extend necessary flexibilities for pharmacy until October 29th; however we strongly urge that these vital flexibilities be codified. We want to strongly emphasize the effectiveness and essential need for these flexibilities as vital elements that allow pharmacies to provide critical COVID-19 care along with traditional care to the communities they serve. Our interest is for the Board to recognize the importance of providing the certainty necessary for businesses to commit investments and resources to private-public partnerships during this public health and economic crisis. These investments in infrastructure, equipment, and technology, among other elements, have provided the means to provide innovative COVID-19 care and other care services, while maximizing the safety of pharmacy teams and customers and addressing pandemic community fears along with workforce illness and absenteeism.

With a pandemic vaccine not expected until about January 2021, the public health response to the pandemic is likely to continue through at least the next calendar year. Further, the emergency flexibilities are beneficial for patient care every day and Wisconsin patients stand to experience longstanding benefits should these flexibilities be made permanent. Not only would such permanent flexibilities allow pharmacists to provide more optimized care delivery every day, but they would also allow the state to be better prepared for the next COVID wave and any other potential public health emergency. Rolling back these flexibilities would be detrimental to advancing healthcare across the state and pharmacies simply will not be empowered to fully meet the health and wellness needs of Wisconsin residents. Pharmacies need these flexibilities to continue providing optimal care, especially considering the ongoing administration of influenza vaccines to meet high demands this season, and the administration of forthcoming COVID-19 vaccines well into 2021 and beyond.

NACDS represents traditional drug stores, supermarkets and mass merchants with pharmacies. Chains operate nearly 40,000 pharmacies, including about 700 in Wisconsin, and NACDS' 80 chain member companies include regional chains,

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<sup>1</sup> <https://www.dhs.wisconsin.gov/covid-19/cases.htm#confirmed>



with a minimum of four stores, and national companies. Chains employ nearly 3 million individuals, including 155,000 pharmacists, and employ about 58,000 people in Wisconsin. They fill over 3 billion prescriptions yearly, and help patients use medicines correctly and safely, while offering innovative services that improve patient health and healthcare affordability. NACDS members also include more than 900 supplier partners and over 70 international members representing 21 countries. Please visit [nacds.org](http://nacds.org).

Since the beginning of this unprecedented pandemic, community pharmacies have used the authorized vital flexibilities to maintain the health and welfare of the communities they serve, including ethnic minorities and socioeconomically vulnerable populations. For example, community pharmacies have provided critical access to COVID-19 testing in Wisconsin communities and have deployed operational efficiencies to maintain access to care during this challenging “no-touch” pandemic environment. Specifically, flexibilities that allow remote and off-site operations, including the ability for pharmacists and staff to practice in locations that are not licensed pharmacies, for example, is critical given physical distancing guidance and recommendations to prevent the spread of COVID-19 and to reduce unnecessary physical contact for the public and pharmacy staff, in addition to being able to offer access to care offsite. Outside pandemic circumstances, these flexibilities help to leverage and foster innovations in new care delivery models that promote patient care, access, and safety. Leveraging these flexibilities maximizes team safety and continuity of operations due to illness and absenteeism. Also, flexibilities that help to ensure continuous access to essential medications and care, such as flexibilities on counseling and delivery requirements and the ability for pharmacists to initiate additional refills/supplies are essential, even outside pandemic circumstances, given the multitude of challenges to ensuring patients can access and stay adherent to their medications. Allowing pharmacists to initiate additional refills/supplies outside of emergency circumstances can also help to reduce unnecessary burdens on prescribers to re-initiate medications especially therapeutic regimens for ongoing chronic care. In addition, the Pharmacy Examining Board should consider additional beneficial flexibilities to enhance patient access to medication, including therapeutic substitution, given recent supply chain and pharmaceutical quality challenges.

The flexibilities implemented to date have empowered pharmacies to optimally serve their patients, across Wisconsin and the country, deploying innovative care delivery models. Pharmacies need such flexibilities made permanent to develop consistent and predictable care delivery models and promote pharmacy continuity and business certainty to best serve the public today and in the future. NACDS appreciates that the Pharmacy Examining Board is engaging an emergency rule process for the following efficiencies. We ask that the emergency rule be drafted to extend these efficiencies.

- July 31, 2020: Variance Request per Wis. Stats. §450.02(3m) - Extension allowing pharmacists licensed in other states to practice in Wisconsin without a Wisconsin license
- July 31, 2020: Variance Request per Wis. Stats. §450.02(3m) - Extension allowing pharmacists to re-use personal protective equipment (PPE)

NACDS also appreciates that the Pharmacy Examining Board is considering renewing the variance through the end of 2020 in anticipation of changes to Phar 7 taking effect on January 1, 2021.

- July 31, 2020: Variance Request per Wis. Stats. §450.02(3m) – Temporarily relax the consulting and delivery requirements when delivering to a patient



Meanwhile, especially given the spiking new cases of COVID-19 in Wisconsin, NACDS is strongly concerned that other efficiencies may be allowed to lapse on October 29. Not only does NACDS support the extension of the following efficiencies, we urge the Pharmacy Examining Board to make them permanent, especially:

- July 31, 2020: Variance Request per Wis. Stats. §450.02(3m) - Extension allowing pharmacists to practice in locations that are not licensed pharmacies
- July 31, 2020: Variance Request per Wis. Stats. §450.02(3m) – Allowing pharmacists licensed in other states to practice in Wisconsin to help health care system respond to COVID-19 pandemic
- July 31, 2020: Variance Request per Wis. Stats. §450.02(3m) – Temporarily allow wholesale distributors to deliver prescription drugs and devices to addresses approved by the board

In summary, NACDS thanks Wisconsin leadership for implementing the numerous flexibilities outlined to allow pharmacies to continue optimally serving patients during this unprecedented and challenging time. Pharmacies have leveraged these flexibilities to ensure their communities have access to clinical care and essential medications. To continue this trajectory, NACDS urges that the flexibilities be made permanent, along with consideration of new flexibilities, to ensure pharmacies can continue providing necessary innovative health and wellness care for the duration of the pandemic and beyond. Please do not hesitate to contact Joel Kurzman via email at [jkurzman@NACDS.org](mailto:jkurzman@NACDS.org) or by phone at (847) 905-0555.

Sincerely,

A handwritten signature in black ink that reads "Steven C. Anderson".

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