

SENATE FILE NO. SF0121

Wyoming Pharmacy Act-amendments.

Sponsored by: Senator(s) Baldwin and Dockstader and
Representative(s) Barlow and Walters

A BILL

for

1 AN ACT relating to the Wyoming Pharmacy Act; modifying
2 grounds for suspension and revocation of pharmacy licenses;
3 modifying responsibilities of the secretary of the state
4 board of pharmacy; modifying provisions related to
5 examination and reexamination; modifying mailing
6 requirements for license renewal notices and examination
7 notices; removing authorization for the board to credit
8 continuing education units to another year; modifying drug
9 substitution procedures; modifying definitions; removing
10 obsolete language; repealing provisions related to
11 pharmacist pedigree documents; and providing for an
12 effective date.

13

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

15

1 **Section 1.** W.S. 33-24-101(b) (iii), (iv) (G),
2 33-24-105, 33-24-113(a) (intro), (d) (intro), (v), (vii) and
3 (viii), 33-24-116(a) (iv), 33-24-119, 33-24-120,
4 33-24-121(a), (c) and (d) (intro), 33-24-122(a) (viii),
5 33-24-133, 33-24-134(a) (i), 33-24-141, 33-24-149(a), (b),
6 (d), (e) and by creating a new subsection (f),
7 33-24-152(a) (intro), (e) (v), (vii) and (viii),
8 33-24-153(b), (j) and (k) (i) (B) are amended to read:

9

10 **33-24-101. Short title; definitions.**

11

12 (b) As used in this act:

13

14 (iii) "Collaborative pharmaceutical care" means
15 a pharmacist working in collaboration with ~~physicians and~~
16 ~~other medical providers~~ practitioners authorized to
17 prescribe medications;

18

19 (iv) "Unprofessional conduct" means:

20

21 (G) Filling a prescription without
22 reasonable inquiry and confirmation of its validity if
23 there are reasonable grounds to doubt the current existence

1 of a ~~doctor-patient~~practitioner-patient relationship
2 between the ~~prescriber~~practitioner and the customer
3 seeking to obtain the drug;

4

5 **33-24-105. State board of pharmacy; oath or**
6 **affirmation of members.**

7

8 Each member of the board hereinafter appointed shall,
9 before entering upon the duties of his office, take and
10 subscribe an oath or affirmation that the member will
11 support the constitution and the laws of the United States
12 and the state of Wyoming, and that the member will
13 faithfully perform the duties as a member of the state
14 board of pharmacy.~~examiners of the state.~~

15

16 **33-24-113. Licensing of resident pharmacy;**
17 **exceptions; display of license; suspension, revocation,**
18 **letter of admonition, administrative penalty or refusal to**
19 **renew; appeals.**

20

21 (a) Any pharmacy located in this state which
22 dispenses, mails or in any manner delivers controlled
23 substances or ~~dangerous~~prescription drugs or devices in

1 this state pursuant to a prescription or provides
2 pharmaceutical care in this state shall:

3

4 (d) The board may deny, suspend, revoke or refuse to
5 renew a license issued under ~~the~~this section, may issue a
6 letter of admonition to a resident pharmacy licensee and
7 may assess an administrative penalty, not to exceed two
8 thousand dollars (\$2,000.00) per violation, against a
9 resident pharmacy licensee on any of the following grounds:

10

11 (v) Suspension or revocation of a pharmacy
12 license or any other disciplinary action against the
13 licensee by a board of pharmacy in any other state;

14

15 (vii) Purchase or receipt of a dangerous
16 prescription drug, controlled substance or medical device
17 from a source other than a manufacturer, wholesaler or
18 pharmacy licensed by the board;

19

20 (viii) Purchase or receipt of a dangerous
21 prescription drug, controlled substance or medical device
22 that is not approved by the federal food and drug
23 administration;

1

2 **33-24-116. Qualifications of applicants for licensure**
3 **as a pharmacist by examination.**

4

5 (a) Any person seeking licensure by examination to
6 practice pharmacy in this state may make application in
7 writing to the board. The applicant shall:

8

9 (iv) Have graduated and received ~~the first~~a
10 professional ~~undergraduate~~ degree from a college or school
11 of pharmacy that has been approved by the board or have
12 graduated from a foreign college of pharmacy. Graduates
13 from a foreign college of pharmacy shall have completed a
14 transcript verification program, taken and passed a college
15 of pharmacy equivalency exam and completed a communication
16 ability test as provided in board regulations;

17

18 **33-24-119. Reexamination fees; no refund of fees;**
19 **notice of results of examination; application for**
20 **reexamination.**

21

22 (a) All reexamination fees shall be the same as the
23 current fee for the initial examination to be paid to the

1 ~~secretary of the~~ board. Before such examination is had, the
2 fee must be paid, and in no case shall the examination or
3 reexamination fee be refunded.

4

5 (b) The applicant shall be informed within a
6 reasonable time if he passed or failed to pass the
7 examination. ~~A notification as aforesaid shall be made by~~
8 ~~mail to the address furnished therefor by applicant in his~~
9 ~~application.~~

10

11 (c) An applicant who fails in his examination shall
12 have the privilege, if he so desires, of applying to the
13 board for a reexamination. ~~at the next scheduled~~
14 ~~examination meeting.~~ This application shall be made in
15 writing and shall be accompanied with the proper fee.

16

17 **33-24-120. Records as prima facie evidence.**

18

19 The board shall keep a record in which shall be recorded
20 the names and addresses and pertinent information of all
21 applicants and such other matters as shall afford a full
22 record of its activities; the records or transcripts
23 therefrom, duly certified by the ~~secretary of the~~ board,

1 shall be prima facie evidence before all the courts of this
2 state of the entries therein contained.

3

4 **33-24-121. Renewal license certificate; late fee;**
5 **expiration upon failure to renew; reinstatement; continuing**
6 **professional education requirement for renewal; reduction**
7 **or exception determined by board.**

8

9 (a) On or before December 31 of each year, any
10 pharmacist licensed to practice pharmacy in this state
11 shall transmit to the ~~secretary of the~~ board his signature,
12 registration number and address together with proof of
13 compliance with subsection (d) of this section, the annual
14 fee determined by the board and the relevant information
15 pertaining to criminal, substance abuse, professional
16 liability and licensure history. Upon receipt and
17 compliance with all requirements, the ~~secretary~~ board shall
18 issue a renewal license certificate.

19

20 (c) If the licensee fails to secure the renewal
21 certificate before December 31, the license to practice
22 expires ten (10) days after mailing of written notice to
23 renew sent to the holder by certified mail, ~~return receipt~~

1 ~~requested,~~ to the address last recorded for the licensee
2 with the ~~secretary—~~board. An expired license may be
3 restored by the board upon compliance with this section not
4 later than March 31 following expiration of the license.

5
6 (d) The board may require that any person applying
7 for renewal in accordance with subsection (a) of this
8 section shall satisfactorily complete not less than six (6)
9 nor more than fifteen (15) contact hours or not less than
10 three-fifths (3/5) of one (1) continuing education unit nor
11 more than one and one-half (1 1/2) continuing education
12 units of approved continuing pharmaceutical education
13 courses each year. For purposes of this subsection, one (1)
14 continuing education unit is equivalent to ten (10) contact
15 hours. No hours or units used for one (1) year shall apply
16 to any other year. ~~The board may allow hours completed in~~
17 ~~one (1) year to be credited to another year.~~ The board
18 shall promulgate rules and regulations necessary to
19 administer this subsection and may reduce or make exception
20 to the requirements of this subsection for the initial year
21 of application and for emergency or hardship cases. The
22 board may require a person licensed as an inactive

1 pharmacist, who seeks to be licensed as an active
2 pharmacist, to:

3
4 **33-24-122. Revocation or suspension of license and**
5 **registration; letter of admonition; summary suspension;**
6 **administrative penalties; probation; grounds.**

7
8 (a) The license and registration of any pharmacist
9 may be revoked or suspended by the board of pharmacy or the
10 board may issue a letter of admonition, refuse to issue or
11 renew any license or require successful completion of a
12 rehabilitation program or issue a summary suspension for
13 any of the following causes:

14
15 (viii) If the person's registration or license
16 to practice has been refused, ~~or~~ lapsed for cause, ~~or~~
17 expired for cause, ~~or~~ revoked for cause, or suspended for
18 cause in this or any other jurisdiction or if the person
19 has otherwise been disciplined by a board of pharmacy in
20 this or any other jurisdiction;

21
22 **33-24-133. Association with boards of pharmacy of**
23 **other jurisdictions.**

1

2 In order to be informed and to determine the status of
3 boards of pharmacy of other jurisdictions which desire to
4 effect arrangements for reciprocal registration of
5 pharmacists, and in order to also be advised regarding
6 fitness of applicants, and of the progress and changes in
7 pharmacy throughout the country, the board may annually
8 select at least one (1) of its members to meet with like
9 representatives from other jurisdictions, and may join in
10 creating and maintaining an association for such mutual
11 ends, and in its discretion the board may contribute such
12 information as it possesses which is useful to such aims
13 and objects. Additionally, the board may subscribe for and
14 secure the services of associations engaged in the
15 compilation of pharmaceutical information, knowledge and
16 progress, specially adapted to secure excellence and
17 efficiency in the work of the board.

18

19 **33-24-134. Reciprocity.**

20

21 (a) The board, in its sole discretion, may license as
22 a pharmacist in this state without examination, any person
23 who proposes to practice pharmacy in this state who is duly

1 licensed by examination in some other state. An applicant
2 for a license pursuant to this section shall:

3
4 (i) Submit ~~a written~~an application in the form
5 and containing information as prescribed by the board;

6

7 **33-24-141. Use of letters "RPh" or word "pharmacist".**

8

9 Whenever any person shall append the letters "~~R. Ph.~~RPh"
10 or word "pharmacist" or such similar designation to his
11 name in any way, for advertising, or upon any card,
12 stationery, door or sign, or occasion either of the same to
13 be done, the same shall be prima facie evidence that ~~such~~
14 the person is ~~engaged in the practice of pharmacy and~~
15 subject to the regulations and convictions and penalties of
16 this act.

17

18 **33-24-149. Drug substitution procedures.**

19

20 (a) A pharmacist who receives a prescription for a
21 brand name ~~dangerous~~prescription drug may dispense any
22 generically equivalent drug of the brand name ~~dangerous~~
23 prescription drug prescribed, unless the prescribing

1 practitioner has clearly indicated substitution is not
2 permitted. ~~., if the drug to be dispensed has a lower,~~
3 ~~regular and customary retail price than the brand name~~
4 ~~dangerous drug prescribed, as provided in W.S. 33-24-148.~~

5

6 (b) If a ~~physician~~ practitioner prescribes a
7 ~~dangerous~~ prescription drug by its generic name, the
8 pharmacist ~~shall~~ may dispense the ~~lowest retail cost brand~~
9 ~~in stock which is~~ generically equivalent drug as defined in
10 this act.

11

12 (d) The national drug code number or the name of the
13 manufacturer or distributor of the generic drug dispensed
14 shall be noted on the prescription ~~memorandum~~ record by the
15 pharmacist.

16

17 (e) A prescription dispensed by a pharmacist shall
18 bear upon the label the name of the medication in the
19 container except if the prescriber ~~writes~~ orders "do not
20 label", or words of similar import, on the prescription
21 ~~memorandum~~ or so designates in an oral or electronic
22 transmission of the prescription.

23

1 **33-24-152. Nonresident pharmacy registration;**
2 **requirements for registration; fees; renewal; denial,**
3 **letter of admonition, administrative penalty, revocation or**
4 **suspension; advertising.**

5
6 (a) Any pharmacy located outside this state which
7 ships, mails or delivers, in any manner, controlled
8 substances or ~~dangerous~~prescription drugs or devices into
9 this state pursuant to a prescription or provides
10 pharmaceutical care to a resident of this state shall be
11 considered a nonresident pharmacy, shall obtain a license
12 from the board, and shall:

13
14 (e) The board may deny, suspend, revoke or refuse to
15 renew a license issued under this section, may issue a
16 letter of admonition to a nonresident pharmacy licensee and
17 may assess an administrative penalty, not to exceed two
18 thousand dollars (\$2,000.00) per violation, against a
19 nonresident pharmacy licensee on any of the following
20 grounds:

21

1 (v) Suspension or revocation of a pharmacy
2 license or any other disciplinary action by a board of
3 pharmacy against the licensee in any other state;

4
5 (vii) Purchase or receipt of a dangerous
6 prescription drug, controlled substance or medical device
7 from a source other than a manufacturer, wholesaler or
8 pharmacy licensed by the regulatory authority in the state
9 where the pharmacy is located;

10
11 (viii) Purchase or receipt of a dangerous
12 prescription drug, controlled substance or medical device
13 that is not approved by the federal food and drug
14 administration;

15
16 **33-24-153. Manufacturer or wholesaler registration;**
17 **requirements for registration; bonds or other security;**
18 **fees; renewal; denial, revocation or suspension; record**
19 **keeping; summary orders; administrative penalties;**
20 **definitions.**

21
22 (b) Applications for a drug distributor's license
23 under this section shall be made on a form furnished by the

1 board. ~~By January 1, 2009, current license holders and~~
2 Applicants for licensure under this section shall provide
3 the board with fingerprints, necessary fees and other
4 information required to perform a criminal history record
5 background check as provided for by W.S. 7-19-201 for the
6 designated representative for each wholesale drug
7 distributor site.

8
9 (j) The board shall require each person engaged in
10 wholesale distribution of prescription drugs to establish
11 and maintain inventories and records of all transactions
12 regarding the receipt and distribution or other disposition
13 of the drugs. ~~The records shall include pedigrees for all~~
14 ~~prescription drugs that are or ever have been distributed~~
15 ~~outside the normal distribution channel as established by~~
16 ~~board regulations.~~

17
18 (k) The board shall issue an order to cease
19 distribution of a prescription drug if the board finds that
20 there is probable cause that:

21

22 (i) A drug distributor has:

23

1 (B) ~~Falsified a pedigree or~~ Sold,
2 distributed, transferred, manufactured, repackaged, handled
3 or held a counterfeit prescription drug intended for human
4 or animal use.

5

6 **Section 2.** W.S. 33-24-132 and 33-24-153(n)(iii) and
7 (r)(ii) are repealed.

8

9 **Section 3.** This act is effective July 1, 2017.

10

11

(END)