



Pharmacy Post

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Summer 2020

State Board of Pharmacy rules on sterile compounding confusion

This information was copied directly from the Wyoming Board of Pharmacy Website.

"In the March 2019 and December 2019 Newsletters, the Board provided updates on USP Compounding Standards. In those updates, the Board instructed the inspectors/ compliance officers to educate sterile compounders on the 2019 revisions to USP Chapter <797> and to continue to inspect for compliance to the May 2017 version of USP Chapter <797>. The Board had set a deadline for sterile compounders to be compliant with the incorporated USP Chapter <797> on or after July 1, 2020.

Since that time, the revisions to USP General Chapter <797>, published on June 1, 2019, have been remanded. During the June 10-11, 2020 Board meeting, the

Board discussed the changes and direction that should be taken on sterile compounding regulations. An emergency rule was adopted incorporating the 2008 version of USP Chapter <797> by reference, and to reform the USP task force to rewrite the Wyoming Pharmacy Act Rules Chapter 17: Sterile Compounding. The emergency rule was approved by Governor Gordon on June 25, 2020.

Requests for copies of the emergency rule or the 2008 version of USP <797> may be addressed to the Executive Director at the Wyoming State Board of Pharmacy at 1712 Carey Avenue, Suite 200, Cheyenne, WY, 82002, or to bop@wyo.gov. The emergency rules are posted on the Wyoming Secretary of State website at <http://rules.wyo.gov>."

Technician Ratio is Eliminated

On July 1, 2020, Governor Gordon signed the rules and regulations passed by the Board of Pharmacy in March which made changes to Chapters 10 and 16 of the Wyoming Pharmacy Act. The most significant impact of these changes removes the pharmacist technician to pharmacist ratio which used to be 3:1.

The Wyoming Pharmacy Association listened to our membership and were opposed to the removal. WPhA submitted written comments and gave public comments encouraging the BOP to look at raising the ratio, rather than a full removal. However, in a very close 5-4 vote, the rule changes passed. Despite not getting the result we preferred, WPhA fought hard and represented our members' views throughout the process.

New WPhA Website and Member System

The WPhA Board made the important decision of changing the website and member management platform. Unfortunately, the website address has changed. The address is now:

WyPHA.Org

It has been a long process in transitioning and we apologize for any issues and inconveniences this has caused. The website pages are still being created, but the most important functions are now usable, membership and event registration. Pages will continue to be added to make the website both a source of information and resource for you in your pharmacy practice. Signing up to be a member has never been easier; just click "Join" on the initial page.

103rd WPhA/ WySHP

Annual Convention

The Annual Convention will be November 13-15th in Cheyenne at Little America. It may be later in the year, but you won't want to miss it. Find more details starting on page 8 of this newsletter for details regarding this great event. Please Join Us!!

PHARMACY MARKETING GROUP, INC



AND THE LAW

By Don. R. McGuire Jr., R.Ph., J.D.

This series, **Pharmacy and the Law**, is presented by Pharmacists Mutual Insurance Company and your State Pharmacy Association through Pharmacy Marketing Group, Inc., a company dedicated to providing quality products and services to the pharmacy community.

THE SUPREME COURT AND PBM REGULATION

The case of *Rutledge vs. Pharmaceutical Care Management Association (PCMA)* is to be heard by the U.S. Supreme Court in late April 2020. It is a very important case for the pharmacy profession in their ongoing battle with Pharmacy Benefits Managers (PBM). The individual legal issues in the case are complicated, but the general point of the case is simple; can an individual state regulate PBMs within its borders?

The law at issue was passed by the Arkansas General Assembly in 2015. The law contained many provisions, but the major ones address Maximum Allowable Cost (MAC) and pharmacy reimbursements. It provided that pharmacies must be reimbursed at a cost higher than or equal to the pharmacy's cost, even if this amount would be greater than the MAC. It also required the PBM to update MAC lists within 7 days of an increase in costs. The law also allowed a pharmacy to reverse a charge and re-bill it if the pharmacy was unable to order the drug at less than or equal to the MAC. It also introduced a "decline to dispense" option if the pharmacy would lose money on the transaction.

PCMA brought suit in Federal Court for the Eastern District of Arkansas asserting that Arkansas' law was preempted by the Employee Retirement Income Security Act of 1974 (ERISA) and by Medicare Part D regulations. The District Court ruled that Arkansas' law was preempted by ERISA based on a previous 8th Circuit Court of Appeals case but was not preempted by Medicare Part D regulations. PCMA appealed to the 8th Circuit and the appeals court ruled that the Arkansas law was preempted by both sets of laws. ERISA preempts any state law relating to employee benefit plans. Medicare Part D regulations prohibit interference with CMS standards that exist between Plan D sponsors and pharmacies.

The Solicitor General of the United States asked the U.S. Supreme Court to take the case because he believes the ruling is contrary to prior Supreme Court precedent. The Attorneys General from 31 states and the District of Columbia also asked the Supreme Court to take the case. The Supreme Court is not required to take all appeals, and it often doesn't, so it is significant that the Court decided to take this case.

The major importance of the case is that states have had difficulty in passing laws to regulate PBMs that are not later found to be preempted by Federal law. The ERISA precedent that the District Court relied on came from a previous attempt by Iowa to regulate PBMs. Iowa's law specifically mentioned ERISA and Arkansas had tried to avoid a similar fate by not mentioning ERISA in their law.

PMCA argues the Arkansas law interferes with 2 different CMS standards. The first is the Negotiated Price standard. This standard addresses the price for a particular drug that has been negotiated between the part D sponsor and the network dispensing pharmacy. Under this standard, the District Court found this law did not directly affect the CMS standard because the negotiated prices provisions are not a substantive standard. The appeals court disagreed because of the number of provisions that dealt directly with reimbursements to the pharmacy. The second standard is the Pharmacy Access standard. This standard requires plans to have sufficient numbers of pharmacies in their network to assure convenient access for the plan participants. The appeals court found here that the "decline to dispense" option would decrease pharmacy availability for the plan participants. The most novel argument in the case concerns the question of the ERISA preemption. This has been interpreted very broadly in the past. If the state law relates to and has a connection with an employee health plan, then ERISA controls and the state law is preempted. The argument in this case is that Arkansas' law doesn't affect ERISA plans because it acts on the third-party administrators and claims processors, some of whose customers include ERISA plans. Arkansas argues their law affects the relationship

between PBMs and pharmacies, not ERISA plans.

Once the case is heard, it will likely take months for a ruling to be handed down. If the Supreme Court can be persuaded that the Arkansas law is not directed at ERISA plans, the ruling would allow that law to stand and create a roadmap for other states to follow Arkansas' lead. If unpersuaded, the Arkansas law will be struck down. While other attempts could be made by individual states, the ultimate solution will most likely have to come from the Federal level.

© Don R. McGuire Jr., R.Ph., J.D., is General Counsel, Senior Vice President, Risk Management & Compliance at Pharmacists Mutual Insurance Company.

This article discusses general principles of law and risk management. It is not intended as legal advice. Pharmacists should consult their own attorneys and insurance companies for specific advice. Pharmacists should be familiar with policies and procedures of their employers and insurance companies, and act accordingly.

Upcoming Schedule

Sept 9-10

**Wyoming State Board of Pharmacy
Location TBD**

October 14

**Annual Pharmacy Technician
Conference - Casper, WY**

November 14-16

**103rd Annual WPhA/WySHP
Meeting - Cheyenne, WY
Little America**

December 2-3

**Wyoming State Board of Pharmacy
Casper, WY**

Future of PBMs and Pharmacists

Have you been sitting on edge for the *Rutledge v. PCMA* case? Arguments in the highly anticipated case were scheduled to be heard on April 27th of this year. In light of COVID-19, the Supreme Court has announced that arguments scheduled for April's session were to be postponed. This includes the highly anticipated case, *Rutledge v. PCMA*, which originally unfolded in Arkansas. In 2015, Arkansas passed Act 900 which sought to require that Pharmacy Benefit Managers (PBMs) reimburse pharmacies at or above generic drugs wholesale costs. Yes, the same PBMs that are regulated by most states (with outdated laws), loosely control the costs of drugs, and allegedly act in the best interests of patients and sponsors. Additionally, PBMs were restricted from reimbursing affiliated pharmacies more than what they paid other pharmacies. This meant pharmacies would not be losing money on prescriptions. Ultimately, allowing pharmacies to stay afloat and continue to provide access to care for patients.

However, the Pharmaceutical Care Management Association (PCMA) challenged Act 900 claiming it was preempted by the Employee Retirement and Income Security Act (ERISA) and Medicare Part D. What exactly is ERISA? ERISA is a federal law that protects the interests of private industry employee benefits plans. Thus in 2017, U.S. District Court Judge Brian Miller exempted the regulation of reimbursement rates for plans governed by ERISA from Act 900.

One year later, the Eighth Circuit Court affirmed that Act 900 was preempted by ERISA and reversed the not preempted by Medicare D ruling. Later that year, Arkansas petitioned for a writ of certiorari (ordering for the lower court to deliver records so that a higher court may review the case) in which the Supreme Court granted on January 10th of 2020. Thirty-two states, APhA, NCPA, and Arkansas Pharmacists Association (APA) petitioned to provide a statement in support of Arkansas's petition. Needless to say, several parties involved believe PBMs "...jeopardize the safe and efficient delivery of prescription drugs", pharmacy practice, and relationships between the pharmacists and patients.

The *Rutledge v. PCMA* case impacts several parties and factors including consumers, patients, the quality of care, *et al.* The negative implications of PBMs impact the cost of prescriptions and access to patient care; allowing PBMs to continually reimburse pharmacies at rates lower than what they paid will continue to close the doors of pharmacies. This has a negative impact on access to care and medications within our communities in which pharmacies play a vital role in providing. The postponement and ruling of this dynamic case will keep interested parties on edge. This case will be a BIG game changer for pharmacies, patients, and for the existence of PBMs. As of now, there is not a set date as of when arguments will be heard in Supreme Court. Please visit supremecourt.gov for more information regarding the case.

Written by Ashley Moore, PharmD

NABP Passport

NABP Passport is a new program that has been developed in response to coronavirus 2019 (COVID-19). The program is a way to grant temporary authorization for pharmacists, pharmacy technicians and interns to practice in states other than those they are currently licensed by serving as a way to obtain temporary or emergency licensure. This is done by centralizing these requests in an effort to reduce the burden on those seeking licensure. To apply for this program, one must have at least one active license in good standing. Technicians must also be certified with PTCB.

Registration with NABP Passport is relatively simple. Those seeking to register should make sure all of their licensure information is up to date in their NABP e-Profile. Then state-specific requests can be entered one's e-Profile. NABP then will screen request and verify licensure. NABP will then notify applicants when their requests have been approved.

The states that currently recognize NABP Passport are:

- Alabama
- Arizona
- Connecticut
- District of Columbia
- **Idaho**
- Illinois
- Iowa
- Kentucky
- Louisiana
- Massachusetts
- North Carolina
- North Dakota
- Oregon
- **South Dakota**
- Tennessee
- Texas
- **Utah**
- Virginia
- West Virginia



NABP
NATIONAL ASSOCIATION OF
BOARDS OF PHARMACY

*States neighboring Wyoming are bolded

Currently, NABP Passport is not recognized in Wyoming as a way for pharmacists to be granted temporary licensure. This program will likely not meet the statutory requirements for temporary licensure; one of said requirements is that applicants must submit fingerprints so a criminal background check can be performed. NABP Passport will not meet this requirement. Nevertheless, NABP Passport may be a way for some pharmacists to seek temporary licensure in outside states to help address the COVID-19 pandemic if needed.

Written by Carlos Garcia, PharmD

Helping Our Pharmacists Help Patients

How Pharmacists Can Help Reduce Prediabetes

As a pharmacist, you know preventive care. Pharmacists are rated among the top three health professionals for trust and integrity. You are in a unique position to help the 35,000 Wyoming adults with prediabetes reduce their risk of type 2 diabetes, heart disease, and stroke through the National Diabetes Prevention Program (National DPP). You can get involved by promoting awareness; screening, testing, and referring patients; and/or by offering the National DPP lifestyle change program at your pharmacy. Studies show that people with prediabetes who take part in the lifestyle change program can cut their risk of developing type 2 diabetes by 58% (71% for people over 60 years old).

Diversify your business and help reduce type 2 diabetes in your community today. Download, read, and adopt one or more of the tiers from the Action Guide for Community Pharmacists. For additional information or a copy of the Action Guide for Community Pharmacists, contact Audrianna Marzette, Chronic Disease Prevention Specialist with the Wyoming Department of Health, at 307-777-7356 or audrianna.marzette@wyo.gov.

Advance Your Pharmacy and Your Community

Interested in impacting the health of your community while increasing patient retention? Join the Wyoming chapter of the Community Pharmacy Enhanced Services Network (CPESN) to improve patient care and practices in preventing and managing hypertension, high cholesterol, and diabetes. CPESN is a clinically integrated nationwide organization of pharmacy networks structured to advance community-based pharmacy practices.

Wyoming Department of Health, Chronic Disease Prevention Program has funding available for Wyoming CPESN pharmacies to establish a Collaborative Practice Agreement (CPA) with a clinical provider for Medication Therapy Management (MTM) with patients on hypertension and/or diabetes related medications with the goal of increasing medication adherence rates, improving hypertension or diabetes-related health outcomes, and providing lifestyle modification counseling.

For additional information, contact Audrianna Marzette, Chronic Disease Prevention Specialist with the Wyoming Department of Health, at 307-777-7356 or audrianna.marzette@wyo.gov.

**ADVANCE YOUR
COMMUNITY AND
YOUR BUSINESS**



Centers for Disease
Control and Prevention
National Center for Chronic
Disease Prevention and
Health Promotion

**NATIONAL
DIABETES
PREVENTION
PROGRAM**





SAVE THE DATE

103RD ANNUAL WPHA/WYSHP CONVENTION

**JOIN US FOR A WEEKEND OF NETWORKING, VENDORS,
EDUCATION, AND BUSINESS MEETINGS
NOVEMBER 13TH-15TH
CHEYENNE, WY
LITTLE AMERICA**

For more info. contact Craig Frederick

email: director@wpha.net

Phone: 307-331-0371

Become a member or register at wypha.org

Your Competitive Advantage

To help you maintain and grow your business, Health Mart delivers a complete solution driven by **three principles of successful retailing**

- 1 Attract New Customers** with national and regional advertising, public relations campaigns, distinctive consumer-preferred branding and décor, and local marketing tools.
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MCKESSON

Officers and Directors Needed

At the Annual Meeting there will be an election held to determine at least 1 new officer (Vice-President) and two Directors. The person selected as Vice-President will begin a four-year commitment to WPhA in which they will serve as President in their third year. The director positions are a three-year term. This is a great way to become further engaged in the association and in pharmacy in general. If interested, contact Craig Frederick at director@wpha.net to learn more or to begin the process of becoming elected. A letter of intent is not required, but it is recommended while seeking an elected position.

Annual Awards Banquet

During the Annual Meeting WPhA and WySHP present a number of our fellow pharmacy professionals with awards and acknowledgements. The 2020 Bowl of Hygieia Award winner will be named, as well as The Young Pharmacist of the Year and the Innovative Pharmacist of the Year. Other honorees include the WPhA Pharmacist, Pharmacy Technician, and Student of the year, as well as the WySHP Pharmacist of the Year. Pharmacists who have maintained an active license in Wyoming for 50 years are recognized as well as some leadership awards and preceptor recognition. The Award Banquet will be held Saturday, November 15th at 7:00 pm. Come join us!

Student Fund Auction

One of the most anticipated and enjoyable events at the Annual Meeting is the Auction to raise money for the WPhA Student Fund used to support student activities. There is both a live and silent auction available. If you'd like to donate items, email director@wpha.net



2020 WPhA Resolution Form

The Wyoming Pharmacy Association Bylaws can be found at www.wpha.net under the **About WPhA Tab**. If you would like to see changes to the bylaws or policy position, please complete form and send to director@wpha.net **by Oct. 15th, 2020**.

Resolution by: _____ Date: _____

Title of Resolution: _____

Resolution: _____

Reason for Resolution: _____

APhA-ASP Student Chapter Update

WPhA supports the APhA-ASP student chapter at the University of Wyoming School of Pharmacy. Despite the challenges posed by COVID-19 pandemic, the UWSOP APhA-ASP chapter was able to use creativity and ingenuity to keep the chapter and the community involved and healthy.



Aislinn O'Kane (pictured top-center) presented her research review to students, staff and faculty of the UWSOP pharmacy program via zoom. Aislinn was involved in the research and the publication of a paper involving COVID-19. Her presentation focused on the involvement of the ACE-2 receptor regarding the pathophysiology of the virus.



LET'S GET MOVING!

COMPETE AGAINST YOUR FRIENDS TO SEE WHO CAN GET THE MOST STEPS

March Madness did not happen, but Step Madness did! Participants within the UWSOP signed up and a bracket was made to promote the friendly competition. Competitors went head to head in each round to advance within the bracket. Melissa Hunter (WPhA member) defeated competitors. A total of 712,987 steps were logged over the competition.

CHARITY MILES

WHEN: WHOLE MONTH OF APRIL
WHAT: COMPETE AGAINST OTHER CLASSES AND FACULTY FOR THE MOST MILES

HOW: DOWNLOAD THE CHARITY MILES APP

- ADD YOURSELF TO YOUR TEAM (UWSOP 2023, UWSOP 2022, UWSOP 2021, UWSOP 2020, UWSOP Faculty)
- LOG YOUR STEPS/MILES EVERY TIME YOU WALK, RUN HIKE, OR BIKE!

WHERE: CHOOSE YOUR FAVORITE TRAIL OR ROUTE IN TOWN

WINNING CLASS WILL EARN A TROPY



PHARMACY PHROLIC



UWYO 2020

APhA-ASP Operation Heart teamed up with ASHP to deliver the Charity Miles and Pharmacy Phrolic. Students, faculty, and family members used the Charity Miles app to stay active and raise money for charities by logging miles, using the Charity Miles App. The P-I class kicked butt by logging 2,355 miles over the course of a month! The Phrolic winner was Ellie Rone with a smoking time of 25' 52. Emily Potter won the design contest, as her design is pictured above.



Marcela Weitstruck and Mazie (pictured left) and Janelle Krueger (pictured right) finish the Pharmacy Phrolic Phrom Aphar. Participants were encouraged to donate to a local charity or Laramie Interfaith.



Want to stay up to date on what the student APhA and ASHP chapters are doing? Follow us on instagram @wyoaphaasp and @wyomingsshsp.

Pharmacy Insurance

TOMORROW.
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Pharmacists Mutual Insurance Company | 808 Highway 18 W | PO Box 370 | Algona, Iowa 50511
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phmic.com

All products may not be available in all states and territories.

CALLING ALL
PHARMACY
TECHNICIANS FOR:

WPHA ANNUAL TECHNICIAN CONFERENCE

Come to Casper for a fun day filled with classes, networking opportunities, and discussion of the issues faced today. Lunch is provided. We hope to see you there!



OCTOBER 17, 2020

8:30-4:30

RAMKOTA HOTEL

CASPER, WY

Cost:
Members: \$50
Non-members: \$80

**Become a member and register by
going to wypha.org**

Contact Info
Craig Frederick
director@wypha.net
307-331-0371

WHY JOIN WPHA?

Mission Statement:

The mission of the Wyoming Pharmacy Association is to advance the practice and profession of pharmacy through education, understanding, and promotion.

1 **ADVOCACY**

Be a part of an association that is committed to advocating not only for the profession of pharmacy, but for legislative changes to improve upon and expand the profession.

2 **STAY UP-TO- DATE**

The field of pharmacy changes rapidly. WPhA is committed to helping provide the most up to date and accurate information to its members.

3 **CONTINUING EDUCATION**

Procrastinating those CE credit hours? WPhA provides its members with opportunities to get those continuing education hours through various events held throughout the year.

4 **TECHNICIAN SUPPORT**

Pharmacy technicians are the backbone of the profession of pharmacy. WPhA is committed to providing our member technicians with education as well as advocating for the expansion of a technician's role within the profession.

5 **THE FUTURE OF PHARMACY**

We were all students once. WPhA strongly supports student technicians as well as student pharmacists as they learn and become the future of pharmacy.

6 **CONNECTIONS**

The field of pharmacy, as it has been said, is a small world. WPhA provides networking opportunities for its members. WPhA also recognizes members that are making a difference in the profession.

Go to wypha.org to become a member today!



We invite you to take an active role in working to better pharmacy in Wyoming.

JOIN the Wyoming Pharmacy Association TODAY!

Wyoming Pharmacy Association Membership Application

Go to WyPha.org to join online!

Name _____
 Address _____
 City _____ State _____ Zip _____
 Phone (h) _____ (w) _____
 Email (required) _____
 Place of Business _____

Circle all that apply:

Academia Retail Pharmacy
 Health-Systems Pharmacy Home Health Care Pharmacy
 Other: (please specify) _____

If you would like to be involved in the following group, please check below:

Type of Membership

- ☐ Active Pharmacist \$150
☐ Retired or Out-of-State Pharmacist \$ 50
☐ Pharmacy Technician \$ 25
☐ Pharmacy or technician Student..... \$ 10
☐ Donation to Student Fund\$ _____

Total Amount\$ _____

• **Make checks payable to:** Wyoming Pharmacy Association

• **Mail this form and payment to:**

Wyoming Pharmacy Association

PO Box 224

Guernsey, WY 82214



Want to stay up to date on all things WPhA? Follow us on Facebook!

Search for Wyoming Pharmacy Association

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I/L

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