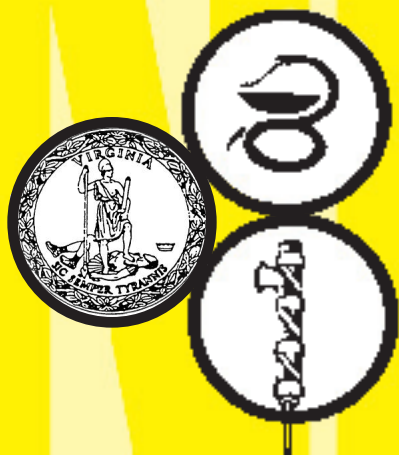


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Virginia Board of Pharmacy

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Board Officer Election Results and Member Reappointments

Elections for the offices of Virginia Board of Pharmacy chair and vice chair for the period of July 1, 2009 through June 30, 2010, were held during the last full Board meeting on June 10, 2009. The Board voted unanimously to elect Jennifer H. Edwards to the office of chair. Additionally, the Board voted unanimously to elect Brandon K. Yi to the office of vice chair. These newly elected officers will continue to provide strong leadership for the Board. During the past year, the Board was fortunate to have been led by David C. Kozera, chair, and Michael E. Stredler, vice chair, who also provided strong, capable leadership. Appreciation is extended to both Mr Kozera and Mr Stredler for their commitment.

This year the Board had only one member with an expiring term, David C. Kozera. The Board is pleased to announce that Mr Kozera has been reappointed by the governor for a second full term, which is set to expire on June 30, 2013. For more information regarding Board member appointments, please visit www.dhp.virginia.gov/pharmacy/pharmacy_board.htm.

Don't Fall Victim to Internet Prescriptions: Record-Breaking Internet Pharmacy Case

Legitimate Internet pharmacy sites do exist and the National Association of Boards of Pharmacy® lists these recommended sites as Verified Internet Pharmacy Practice Sites™ in the Accreditation section of its Web site at www.nabp.net. However, many Internet pharmacy sites appear to be illegal operations that put both consumers and health care providers at risk. Consumers looking for prescription drugs online often order drugs from what appears to be a legitimate pharmacy site. Occasionally, the patient is required to provide answers to a health-related questionnaire, but at no time is the patient physically examined by a prescriber. The patient's request is then sent to a participating prescriber, often located in a different state, to review and issue a prescription. The prescription may then be routed to a participating pharmacy that has agreed to dispense prescriptions on behalf of the rogue Internet pharmacy site. The dispensing pharmacy may be a properly licensed pharmacy, however, the prescriptions are not valid in most cases and therefore, the participating pharmacy is in violation of law.

This was the scenario in a corner drugstore in Dubuque, IA, which was involved in a six-year federal investigation resulting in 26 convictions and the forfeiture of over \$7 million as the result of participating in an Internet prescription scheme. To read more on this record-breaking Internet pharmacy prosecution, visit www.usdoj.gov/dea/pubs/states/newsrel/2009/stlouis061609.html. To review the requirements for a bona fide practitioner-patient relationship as stated in §54.1-3303 of the Code of Virginia, visit www.dhp.virginia.gov/pharmacy/leg/PharmacyLaw_7-2009.doc#_Toc236450160.

Periodic Regulatory Review Changes Effective September 2, 2009

The Board is required to periodically review its regulations to identify and address any regulations that may be problematic or have become outdated due to changes in pharmacy practice or technology. Additionally, the Board may take the opportunity during this regulatory review to place language from guidance documents into regulation, if appropriate. In 2005 and 2006, the Board began this extensive process and the final regulatory changes will become effective on September 2, 2009.

To access a document containing only the affected regulations with changes, visit www.dhp.virginia.gov/Pharmacy/leg/Final%20regs%20effective%2009-2-09.pdf. New language appears underlined and removed language appears stricken. Additionally, a recent Board presentation given at the Virginia Pharmacists Association Annual Meeting in August 2009, which provides an overview of many of the regulatory changes affecting community pharmacy practice, may be found at www.dhp.virginia.gov/pharmacy/pharmacy_newsletters.htm, under Presentations.

Several of the regulatory changes are highlighted below.

Changes for Required Pharmacy Practical Experience

As of September 2, 2009, Regulation 18VAC110-20-30 has been changed to more closely conform to current Accreditation Council for Pharmacy Education (ACPE)-standards for gaining hours of practical experience. Since some schools of pharmacy are now holding classes year round and do not actually have an

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end of the first professional year, the Board has changed this regulation to now allow credit for practical experience to be given after the successful completion of the equivalent of two semesters of pharmacy school. Additionally, while pharmacy interns must continue to gain 1,500 hours of experience, they will no longer need to obtain 300 hours of practical experience outside of the school's curriculum. Lastly, the regulation continues to restrict a pharmacy intern to earn no more than 50 hours of experience per week, but will now also state that credit will not be given for less than an average of 20 hours per week to be averaged over a month.

Pharmacist to Pharmacy Technician Ratio

While amendments to Regulation 18VAC110-20-270 eliminated the language regarding the pharmacist to pharmacy technician ratio of 1:4, the requirement remains in 54.1-3320. Therefore, the pharmacist to pharmacy technician ratio remains at 1:4.

Requirement to Maintain Perpetual Inventory

As of September 2, 2009, Regulation 18VAC110-20-240 will require each pharmacy to maintain a perpetual inventory of all Schedule II drugs to be reconciled at least monthly. The term "perpetual inventory" is defined in 18VAC110-20-10 as an ongoing system for recording quantities of drugs received, dispensed, or otherwise distributed by a pharmacy. In lieu of the perpetual inventory, electronic monitoring at the pharmacy or by another entity that provides alerts for discrepancies between drugs received and drugs dispensed will be acceptable provided such alerts are reviewed at least monthly.

Schedule VI Invoices

Regulation 18VAC110-20-240 will require each pharmacy to maintain invoices for receipt of Schedule VI drugs. The pharmacy may maintain the invoices electronically or in secured storage either on or off site. All records in off-site storage or database shall be retrieved and made available for inspection or audit within 48 hours of a request by the Board or an authorized agent. There have been cases involving alleged counterfeiting, or involving diversion of a Schedule VI drug such as tramadol or carisoprodol, in which there was a need for Schedule VI invoices.

Changes for Outgoing Pharmacist-In-Charge

Regulation 18VAC110-20-110 will continue to require the outgoing pharmacist-in-charge (PIC) to immediately return the pharmacy permit to the Board, but as of September 2, 2009, it will also require the outgoing PIC to record the effective date on which he or she ceased to be the PIC on the back of the pharmacy permit when returned to the Board. Additionally, the amended regulation will no longer mandate that the PIC perform an outgoing inventory, but it will allow the outgoing PIC the opportunity to take one on the date he or she ceases to be the PIC, unless the owner submits written notice to the Board showing good cause as to why this opportunity should not be allowed. Please note that the incoming PIC must continue to perform a complete and accurate inventory of all Schedule II through V controlled substances prior to opening on the date he or she assumes the role as PIC.

New Requirement for Forged Prescriptions

As of September 2, 2009, Regulation 18VAC110-20-270 will state that a pharmacist shall not return a forged prescription to the person presenting it. If the pharmacist determines from a prescriber or by other means, including use of his or her professional judgment, that a prescription presented is a forgery, then the pharmacist shall not return the prescription to the person pre-

senting it, but may give the forgery to a law enforcement official investigating the forgery or retain it for a minimum of 30 days before destroying it, in the event it is needed for investigative or other legitimate purposes.

Application for Robotic Pharmacy System No Longer Required

Previously a pharmacy that wanted to use a system, in which a computerized robot picks doses to be dispensed within a unit dose dispensing system, was required to apply to the Board for approval prior to using one. Effective September 2, 2009, an application for approval is no longer required and the pharmacy using such a robotic pharmacy system shall comply with the provisions of Regulation 18VAC110-20-425.

Maintaining Continuing Education Certificates

As of September 2, 2009, regulations 18VAC110-20-90 and 18VAC110-20-106 will require pharmacists and pharmacy technicians to maintain original continuing education certificates for three years, not two years, in order for the Board to be able to conduct an audit of continuing education required for the two previous calendar years.

Pharmacy Technician Training Programs

Effective September 2, 2009, regulation 18VAC110-20-102 will require Board-approved pharmacy technician training programs to be renewed every two years. Additionally, a requirement to report any substantive changes in the program's curriculum, instructor, etc, within 14 days of the change will be added. This will assist the Board in ensuring that the programs include current information. Additionally, the program will be required to provide certificates of completion to participants and notify the Board of a designated program director.

Maintaining Pharmacy Technician Registration at Work Site

As of September 2, 2009, a pharmacy technician shall maintain his or her Board-issued pharmacy technician registration card at his or her principal place of practice. If a pharmacy technician does not have a principal place of practice, then it shall be maintained at any pharmacy where he or she practices or at his or her address of record. This will assist the pharmacist on duty and Board inspectors in ensuring that the pharmacy technician presently practicing at the pharmacy is properly registered with an unexpired registration.

Floorstocking of OTC Drugs in Long-Term Care Facilities

Provider pharmacies will be allowed to provide over-the-counter drugs as floor stock to long-term care facilities as of September 2, 2009. This allowance is found in regulation 18VAC110-20-520.