

Virginia Board of Pharmacy

Mobile Units for Dispensing for the Indigent or Underserved Population

For good cause shown, and pursuant to Virginia Code § 54.1-3304, the Board of Pharmacy may grant a license to any physician licensed under the laws of Virginia authorizing such physician to dispense drugs to persons to whom a pharmaceutical service is not reasonably available. The Board interprets Virginia Code § 54.1-3304 to mean that the indigent and medically underserved represent a population for which pharmacy services are not reasonably available. As such, a physician desiring to dispense drugs only to an indigent or underserved population from a mobile unit may apply for this license as a “permitted physician,” which will allow him to practice pharmacy pursuant to Board of Pharmacy regulations as set forth in 18VAC110-20-410. For purposes of this guidance document, the Board defines “indigent” as those persons whose income is not more than 200% above the federal poverty guidelines, and defines a medically underserved area or population by criteria established by the Health Resources & Services Administration of the U.S. Department of Health and Human Resources.

Additionally, pursuant to 18 VAC 110-20-410(B) and 18VAC110-20-120, the Board may issue a special or limited-use permit to a permitted physician when the scope, degree, or type of pharmacy practice or service to be provided is of a special, limited, or unusual nature as compared to a regular pharmacy service. The Board is aware of at least two physicians who use or have used mobile units traveling throughout a community to offer medical assistance to the indigent or underserved and who would like to include the dispensing of prescription drugs. Mobile units do not meet all physical requirements of 18VAC110-20-150 for security and appropriate storage conditions for drugs, and possibly do not meet the alarm requirements of 18VAC110-20-180. Additionally, mobile units may not meet the traditional enclosure requirements of 18VAC110-20-190.

The Board recognizes that there is a growing need to provide pharmacy services to the indigent or medically underserved population. Therefore, if a physician applies for a permitted physician license to provide services to the indigent or medically underserved by mobile unit, he may request a waiver of sections A, B, and C of 18VAC110-20-150. The physician must be able to meet the other requirements of this section, however, including temperature control. The enclosure requirements in a mobile unit may, if approved after inspection, be met by a separate lockable room, compartment, or cabinet. In order for the Board to consider waiving sections A, B, and C of 18VAC110-20-150 for a mobile unit, the following criteria must be met in addition to all other legal requirements for a permitted physician:

- The mobile unit shall not stock any Schedule II-V controlled substances for dispensing.
- The mobile unit shall be parked daily during its off-hours at the same designated location as specified to the Board during the application process.
- When parked during the off-hours, the mobile unit shall be under camera surveillance or within a secure parking area with around-the-clock security staff, and in an area that is affiliated with the physician’s practice location.
- The mobile unit shall at all times provide a controlled temperature environment pursuant to 18VAC110-20-150.
- The mobile unit shall have an alarm system that complies with the requirements of 18VAC110-20-180 and capable of alerting the alarm company or security staff to any breaking. It shall fully protect the drug storage area and shall only be controlled by the

physician or designated personnel authorized to dispense medications. It shall be activated and operational at all times the mobile van is not in use to include any breaks during the day when it is not staffed.

- The mobile unit shall only be used to serve the indigent or underserved consistent with the permitted physician application.
- If the mobile unit is to be parked and not used for more than seven consecutive days, all drugs for dispensing must be removed from the unit and stored in a permanent location where access is restricted to the permitted physician.

An application for a limited-use pharmacy permit for a mobile unit to provide services to the indigent or medically underserved this same purpose should meet the same requirements.