

## Wyoming Administrative Rules

# Health, Department of

## Prescription Drug Assistance Program

### Chapter 3: Prescription Drug Consumer Information and Technical Assistance Program

**Effective Date:** 06/27/2008 to Current

**Rule Type:** Current Rules & Regulations

**Reference Number:** 048.0043.3.06272008

Department Of Health

**PRESCRIPTION DRUG CONSUMER INFORMATION TECHNICAL  
ASSISTANCE PROGRAM**

Chapter 3

Section 1. **Authority.**

This Chapter is promulgated by the Wyoming Department of Health pursuant to the Prescription Drug Consumer Information and Technical Assistance Program, codified as W.S. § 9-2-124, et seq., and the Wyoming Administrative Procedures Act, W.S. §16-3-101, et seq. and W.S. § 9-2-106, et seq.

Section 2. **Purpose and Applicability.**

(a) This Chapter shall apply to and govern all aspects of the Prescription Drug Consumer Information Technical Assistance Program.

(b) It is the purpose of this program to provide Wyoming residents with advice on the prudent use of prescription drugs and how to access government and private prescription drug programs and discounts. The program shall include consultation by Wyoming licensed pharmacists for individuals with respect to how the individuals may, with the approval of the appropriate prescribing healthcare professional, avoid dangerous drug related problems and substitute more cost effective drugs for the drugs prescribed. In addition, the Department may identify clients whose prescription benefit is paid for through Medicaid, or another state funded program, such as Prescription Drug Assistance Program, for detailed medication reviews.

(c) The Wyoming Department of Health may issue materials to providers and/or other affected parties to interpret the provisions of this Chapter. Such materials shall be consistent with and reflect the rules and regulations contained with this Chapter. The provisions contained in the materials shall be subordinate to the provisions of this Chapter.

(d) The incorporation by reference of any external standard is intended to be the incorporation of that standard as it is in effect on the effective date of this Chapter.

Section 3. **General Provisions.**

(a) This Chapter is intended to be read in conjunction with the Prescription Drug Consumer Information and Technical Assistance Program, W.S. § 9-2-124, et seq.

**Section 4. Definitions.**

The following definitions shall apply in the interpretation and enforcement of this rule. Where the context in which words are used in this rule indicates that such is the intent, words in the singular number shall include the plural and vice versa. Throughout this rule gender pronouns are used interchangeably, except where the context dictates otherwise. The drafters have attempted to utilize each gender pronoun in equal numbers in distribution. Words in each gender shall include individuals of the other gender.

- (a) “Application.” The form, specified by the Department, on which a client indicates in writing the desire to receive a consultation.
- (b) “Client.” An individual on whose behalf an application for consultation by the Program has been submitted.
- (c) “Client Fee.” A charge to a client for receiving consultation services.
- (d) “Client Representative.” A person who is authorized to submit an application on behalf of someone else; i.e., a spouse, parent, child, guardian, or someone with Power of Attorney.
- (e) “Consultation.” Review of client information by a Wyoming licensed Pharmacist contracted with the State of Wyoming, including a face- to- face or verbal interaction with client or their client representative.
- (f) “Department.” The Wyoming Department of Health, its agent, designee, or successor.
- (g) “HIPAA.” Health Insurance Portability and Accountability Act of 1996, Title II. Provides standards for patient health, administrative and financial data interchange and governs the privacy and security of health information records and transactions.
- (h) “Participating Pharmacist.” Pharmacist who has contracted with the Department of Health to perform consultations for the Prescription Drugs Technical Assistance Program.
- (i) “Physician.” A person licensed to practice medicine or osteopathy by the Wyoming State Board of Medical Examiners.

(j) “Pharmacist.” Any pharmacist defined by W.S. § 33-24-118, licensed by the Wyoming Board of Pharmacy to prepare and dispense drugs, and contracted with the Department.

(k) “Prescribing Healthcare Professional.” Anyone licensed and authorized to prescribe in the State of Wyoming.

(l) “Prescription.” An order for medication which is dispensed to or for an ultimate user, but does not include an order for medication which is dispensed for immediate administration to the ultimate user.

(m) “Resident.” A person, who resides in the State of Wyoming, and who is a legal citizen of the United States of America.

#### Section 5. Eligibility.

(a) Any Wyoming resident, regardless of age or income, may request a consultation.

#### Section 6. **Client Application Process.**

(a) A toll-free number, 888-792-0067, has been established for prospective clients to call with questions and to receive an application packet.

(b) A request by a prospective client may be made through the Wyoming Department of Health for a medication review and application, which will include:

(1) Client Inventory forms

(2) HIPAA forms

#### Section 7. **Consultation Process.**

(a) After the Department receives a completed client information packet, the Department will review the submitted information. Based on the submitted information, the Department will then make the determination if a consultation is warranted. The Department reserves the right to determine if the client is eligible.

(b) The Department will refer the client information to a participating pharmacist.

(c) The pharmacist will:

- (i) Review all client information provided by the client and, at a minimum, analyze it for possible drug interactions, therapeutic duplications, and possible cost saving alternatives.
- (ii) Conduct a thorough consultation with the client, including a comprehensive interview of current health practices and an in-depth review of all medications.
- (iii) Provide written recommendations to the client and health care team regarding the patient's current use of medications.
- (iv) Refer qualifying clients to applicable drug manufacturer assistance programs.
- (v) Provide to the Department, in a timely manner, a copy of client recommendations, including estimated monthly medication cost savings. When possible, provide the Department with a summary of cost savings resulting from serious side effect or contraindication discoveries in the analysis.
- (vi) Obtain drug manufacturer patient assistance forms for clients when indicated.
- (vii) Assist the client in completing the patient assistance forms in order for client to transfer them to his/her prescribing provider for signature.

**Section 8. Pharmacists.**

- (a) Must be licensed to practice Pharmacy in the State of Wyoming by the Wyoming Board of Pharmacy, and reside in Wyoming.

**Section 9. HIPAA.**

- (a) State of Wyoming, Department of Health, Notice of Privacy Practices will be enclosed with the Client Inventory form for the client to sign.
- (b) State of Wyoming, Department of Health, Acknowledgement of Receipt of Notice of Privacy Practices will be enclosed with the Client Inventory form for the client to sign.

**Section 10. Fees.**

- (a) Pharmacists will be paid a fee per consultation. The fee is determined by the Office of Pharmacy Services and is based on the current market rate for Pharmacy consultations. The Pharmacist will be paid in the following manner:

(i) A portion of the fee will be paid by the Department.

(ii) The client is responsible for five dollars (\$5.00) per consultation. The Wyoming Department of Health will make the determination of whether the client is able to pay. If \$5.00 is considered cost prohibitive, the Department will waive this fee.

#### **Section 11. Availability of Funds.**

Each payment obligation of the Department is conditioned upon the availability of government funds which are appropriated or allocated for the payment of this obligation. If funds are not allocated and available for the continuance of the services performed by the Pharmacist, the contract may be terminated by the Department at the end of the period for which the funds are available. The Department shall notify the Pharmacist at the earliest possible time of the services which will or may be affected by a shortage of funds. No penalty shall be accrued to the Department in the event this provision is exercised, and the Department shall not be obligated or liable for any future payments due or for any damages as a result of termination under this section. This provision shall not be construed to permit the Department to terminate this Contract to acquire similar services from another party.

#### **Section 12. Interpretation of Chapter.**

(a) The order in which the provisions of this Chapter appear is not to be construed to mean that any one provision is more or less important than any other provision.

(b) Text of this Chapter shall control the titles of its various provisions.

#### **Section 13. Superseding Effect.**

When promulgated, this Chapter supersedes all prior rules or policy statements issued by the Department, including provider manuals and provider bulletins, which are inconsistent with this Chapter.

#### **Section 14. Severability.**

If any provision of these rules or the application thereof to any person, program, service, or circumstance is held invalid, the invalidity shall not affect other provisions or applications of these rules. To the extent that these rules can be given effect without the invalid provision, the provision of these rules are severable.