



Arizona State Board of Pharmacy
1700 W. Washington, Suite 250
Phoenix, AZ 85007
Telephone (602) 771-2727 Fax (602) 771-2749

**THE ARIZONA STATE BOARD OF PHARMACY
HELD A SPECIAL TELEPHONIC MEETING ON DECEMBER 28, 2011
AT THE ARIZONA STATE BOARD OF PHARMACY OFFICE
PHOENIX, AZ**

MINUTES FOR TELEPHONIC MEETING

AGENDA ITEM 1 – Call to Order – December 28, 2011

President Haiber convened the meeting at 3:00 P.M.

A roll call was taken and the following Board Members were present: President Steve Haiber, Vice President Dan Milovich, Jim Foy, Joanne Galindo, Dennis McAllister, Kyra Locnikar, John Musil, Nona Rosas and Tom Van Hassel. The following staff members were present: Deputy Director Cheryl Frush and Executive Director Hal Wand.

There were no declarations of conflict of interest.

AGENDA ITEM 2 – Walgreens Transfer-Safe Process

President Haiber opened the discussion by stating that Dan Luce, National Director of Pharmacy Affairs for Walgreens was present to request that the Board grant Walgreens a deviation from A.C.C. R4-23- 407 to allow the transfer of prescription information via the Transfer-Safe process.

Mr. Luce stated that Walgreens did not extend their contract with Express Scripts and as a result customers that have Express Scripts as their insurance provider would need to transfer their prescriptions to a pharmacy that accepts their insurance.

Mr. Luce stated that Walgreens has developed a process called Transfer-Safe that would allow a competitor to transfer prescriptions electronically. Mr. Luce stated that the process has been operational in Florida for 3 to 4 years.

Mr. Luce stated that a competitor would go to their website and enter identifying information. The transferring pharmacy would be able to see the prescription information that they would like to transfer and they would then request a transfer of the information. Mr. Luce stated that after completing the transfer the receiving pharmacy could then print the information at their pharmacy. Mr. Luce stated that when the prescription is transferred the prescription at Walgreens is closed.

Mr. Luce stated that the process is HIPAA compliant and they have had no issues with its use in Florida.

Mr. Luce stated that the process would allow for a more rapid transfer of prescription information. Mr. Luce stated that it would prevent a bog down in the process at both pharmacy sites. Mr. Luce stated that

17 states have approved the process or are willing to give a waiver to allow the process to proceed.

Mr. Luce stated that they are requesting a 60-day waiver starting on January 1, 2012 from current Arizona Board of pharmacy regulation A.A.C. R4-23-407. The waiver request is to gain relief from the following requirements: 1) the electronic transfer can only be completed by pharmacies under common ownership that share a real-time online database and 2) the original date the prescription was written and dispensed (if different from the original date written).

Mr. Haiber asked if the process was a one way process. Mr. Luce stated that competitors could transfer prescriptions from their system but they could not transfer prescriptions from their competitors. Mr. Luce stated that it is a voluntary process. Mr. Luce stated that the transfer process is for non-controlled prescriptions only.

Mr. Van Hassel asked if the prescription is inactivated at Walgreens. Mr. Luce stated that that once the prescription is transferred the prescription is closed and the pharmacist at the Walgreens store would be able to see who transferred the prescription.

Mr. Haiber asked about the security features and the ID required. Mr. Luce stated that they could track the pharmacy requesting the transfer by their DEA number and IP address.

Ms. Galindo asked if the pharmacist transferring the information could take the information from her bottle. Mr. Luce stated that if the pharmacist transferring the prescription has all the required information the prescription could be transferred if refills remain on the prescription.

Mr. Haiber asked if the prescription is closed when the transferring pharmacy prints the prescription. Mr. Luce stated that the prescription is closed when the transferring pharmacy requests the transfer from the system.

Mr. Haiber asked Mr. Luce about Board approvals for use of the system. Mr. Luce stated that the Transfer-Safe process would only be turned on in states where the Boards have approved the process.

Mr. McAllister asked if the original date is the date the prescription was written or if that date was the date of original dispensing. Mr. Luce stated that the date is the date of original dispensing. Mr. Luce indicated that in most cases the dates are same. Mr. Luce indicated that is one of the deviation requests that they are requesting from the Board because the original date the prescription was written does not show in the transfer process.

Mr. McAllister told Mr. Luce that he tried to get on the site but a message indicated that the site was unavailable. Mr. Luce indicated that they were having server issues and the site should be active tomorrow.

Mr. McAllister asked if they have had any security breaches while using the system in Florida. Mr. Luce stated that the system is HIPAA compliant and there has been no misappropriation of information in Florida.

Dr. Foy asked if there were be any issues with corporate fire walls. Mr. Luce stated that if there were issues with a company's firewall the system could not be used and the pharmacy would need to call the Walgreens pharmacy for a transfer.

Dr. Foy asked if anyone could access the website. Mr. Luce replied yes, but they would not be able to transfer a prescription unless they had all the required information.

Dr. Foy asked if a prescription was already transferred if the pharmacy would receive a message indicating it was transferred. Mr. Luce stated that the prescription would indicate that the prescription was closed. Mr. Luce stated that the transferring pharmacy would not be able to see where the prescription was transferred, but internally the Walgreens store could access that information.

Mr. Milovich asked Mr. Luce if there is a contact number for problems with the system so that people experiencing problems are not contacting the Board office. Mr. Luce stated that they have an e-mail address that can be used to obtain help or ask questions.

Mr. Milovich asked what happens if there server is down. Mr. Luce stated that they would revert to the old system and the transferring pharmacy would need to call the store for a transfer.

Mr. Milovich asked if the transferred prescription is closed in real time or is the closure delayed. Mr. Luce stated that the prescription is closed in real time.

Mr. Milovich asked about the list of states where the process is available. Mr. Luce stated that the list would be updated on Friday after receiving approval from the Boards to use the process.

Mr. Milovich asked Mr. Luce about the words that need to be typed by the pharmacy. Mr. Luce stated that they are part of the encryption system.

Ms. Galindo asked if the transfer must take place between two pharmacists. Mr. Luce stated that it would take place between the two pharmacies electronically.

Mr. Wand stated that part of the deviation request is to allow them to electronically transfer prescriptions between two pharmacies that do not share common ownership.

Mr. Haiber asked what pharmacist's name at Walgreens would be used as the transferring pharmacist. Mr. Luce stated that the pharmacist signed on to the computer would be listed as the transferring pharmacist.

Ms. Galindo asked if the pharmacist must review the information given on the transfer. Mr. Luce stated that the pharmacist receiving the transfer would receive the same information electronically as they would receive verbally.

Mr. McAllister stated that this process would eliminate transcription errors during the transfer process. Mr. McAllister stated that most complainants are generated due to transcription errors when the prescription is transferred between two pharmacists.

Dr. Foy stated that he had a concern about the original date not appearing on the hard copy prescription and if the pharmacist would be cited during an inspection. Mr. Luce stated that if the pharmacist wanted that information they could call the store, but Walgreens is asking for a deviation on that requirement.

Mr. Haiber expressed concerns about the original date not being on the prescription. Mr. Luce stated that there would be no controlled substance prescriptions transferred and most prescriptions are good for one year. Mr. Luce stated that most prescriptions are filled on the date written or shortly thereafter.

Mr. McAllister stated that he feels that this is a move in the right direction. Mr. McAllister stated that it is more accurate than two people transferring the prescription due to the chance of transcription errors. Mr. McAllister stated that the Board may want to look at the rules to allow the transfer of prescriptions outside the shared services requirements.

Mr. Van Hassel stated that he feels the process is also moving in the right direction and feels that the technology can be changed to solve the issues.

Mr. Haiber asked Mr. Luce when the original date the prescription was written would be added to the process. Mr. Luce stated that he cannot say for certain when that change would occur.

Ms. Rosas asked if the patient would be in danger by not using the original date written.

Mr. McAllister stated that he felt the risk of harm to a patient is extremely low.

Mr. Wand asked if the original prescription was over a year old would the prescription be ineligible for transfer. Mr. Luce replied yes.

On motion by Mr. Van Hassel and seconded by Dr. Musil, the Board unanimously agreed to approve the deviation request by Walgreens for a 60 day-waiver starting on January 1, 2012 from current regulation A.A.C. R4-23-407. The waiver request is to gain relief from the following requirements:

1. The electronic transfer can only be completed by pharmacies under common ownership that share a real- time online database and
2. The original date the prescription was written and dispensed (if different from the original date written).

The deviation is based on experimental and technological advances.

AGENDA ITEM 3 – Call to the Public

President Haiber announced that interested parties have the opportunity at this time to address issues of concern to the Board; however the Board may not discuss or resolve any issues because the issues were not posted on the meeting agenda.

No one came forth.

AGENDA ITEM 4 – Adjournment

There being no further business to come before the Board the meeting adjourned at 3:50.