

April 25, 2016

Texas State Board of Pharmacy
Allison Benz
Director of Professional Services
333 Guadalupe Street, Suite 3600
Austin, TX 78701

Dear Ms. Benz,

I am writing to you in my capacity as Director of Regulatory Affairs for CVS Health and its family of pharmacies located across the United States. CVS Health appreciates the opportunity to submit comments on the State Agency proposed amendment to 22 TAC 15 291.34, Community Pharmacy Records, and would like to thank the Board for their continued vigilance to continuously improve the laws and regulations that guide pharmacists serving patients in the State of Texas.

Citation: Community Pharmacy (Class A) 22 TAC 15 291.34 Records

CVS Health supports the intent of this amendment in terms of ensuring timely transfers of prescriptions; however, CVS Health opposes the method within the proposal.

Patients of the State of Texas have the ability to transfer prescriptions from one pharmacy to another. Additionally, the timely access to medication is essential to patient care and the quality of pharmacy service.

Under existing rule, a patient or pharmacist may file a complaint if they believe a prescription was not transferred in a timely manner. This language enables the Board to review the facts of the case and determine if an unnecessary delay led to a patient not receiving their medication in a timely manner. The proposed change sets an arbitrary timeframe without a descriptive and demonstrable justification. The addition of an arbitrary timeframe of four hours to complete a transfer attempts to create a framework for ensuring medication delivery to the patient requesting the transfer. It is CVS Health's fear that while this amendment will not change the actions of those failing to adhere to the existing rule, it will create an additional administrative burden for pharmacists practicing in good faith as well as enforcement uncertainty for practitioners and the Board.

More specifically, as "4 hours" appears reasonable for the majority of transfer requests, it may not address root causes of the lag time in the execution of a pharmacy to pharmacy prescription transfer and does not afford reprieve for instances of delay beyond the control of the pharmacist.

In lieu of an arbitrary timing requirement, CVS Health urges the Board to address the noted concern by amending the rules to make the transferring of prescriptions a delegable task performed by a Certified Pharmacy Technician and expanding the technological means by which a new prescription order can be transferred electronically.

CVS Health believes that mandating prescription transfers be executed by a pharmacist under 22 TAC 291.34 (g)(3) and 291.32(c)(2)(K), periodically shifts the pharmacists' focus away from clinical patient care and leads to a delay in prescription transfer time. We believe the transfer of

prescription information can be safely executed by a Certified Pharmacy Technician, as demonstrated in multiple jurisdictions. This belief was also shared by the Review of Pharmacy Technician Practice Task Force as demonstrated by inclusion on their final report recommendations to the Texas State Board of Pharmacy on May 6, 2014.

Finally, CVS Health suggests the Board broadens the ability to transfer an image of a prescription via electronic means under 291.34 (g), replacing requirements to retain transcribed data elements of a new prescription order as the prescription image would serve as the required information necessary to perform prescription data entry.

CVS Health strongly believes that our recommendation of the expansion of Certified Technician duties to allow the administration of a prescription transfer will expedite the timely transfer of prescriptions and assist the pharmacist in focusing on patient centric clinical and professional responsibilities. We also trust that our recommendation to amend the transfer rule to enable the expanded use of current technology to facilitate prescription transfers will improve the accuracy and quality of the information exchanged.

CVS Health appreciates the opportunity to submit comments for the proposed amendments to 22 TAC §291.34 and would welcome the opportunity to participate in an industry work group to develop expanded Certified Pharmacy Technician duties and the use of technology to enhance the level of patient care provided by pharmacists for the citizens of the State. Thank you again. If you have any questions, please contact me directly at 617-599-9091.

Sincerely,

A handwritten signature in blue ink that reads "John N. Rocchio".

John N. Rocchio PharmD. RPh.
Director, Pharmacy Regulatory Affairs