

## Potters, David E

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**From:** Jill McCormack <JMcCormack@NACDS.org>  
**Sent:** Wednesday, August 03, 2016 10:25 AM  
**To:** Potters, David E  
**Subject:** NACDS Comments  
**Attachments:** NACDS comments on CSMP Aug 2016.doc



August 3, 2016

Mr. David E. Potters  
Executive Director and General Counsel  
West Virginia Board of Pharmacy  
2310 Kanawha Boulevard East  
Charleston, WV 25311

**Re: Proposed Rule, Controlled Substances Monitoring Program**

Dear Mr. Potters:

On behalf of our members that operate approximately 309 chain pharmacies in the State of West Virginia, the National Association of Chain Drug Stores (NACDS) is writing to submit comments on the Board's proposed rule on West Virginia's Controlled Substances Monitoring Program (CSMP). NACDS requests a change to the definition of the term "date filled" within the proposed regulation, as well as a change in the timing for pharmacies to correct errors in data transmitted from pharmacies to the CSMP.

In Section 15-8-2, subsection 2.2.3, the Board proposes to define the term "date filled" as "the date a filled prescription is delivered to the patient or the patient's caregiver or agent on behalf of the patient. Provided that, for prescriptions delivered by mail or other common carrier, it is the date placed in the mail or for delivery." This proposed definition is confusing to our members as it is similar to the definition of the term "date sold." If the Board were to continue to use both "date filled" and "date sold" and define them the same way, pharmacies would have to report the same date in two separate fields in CSMP reporting, which is redundant. Given the confusing similarity of all of these terms, we request that the Board modify subsection 2.2.3 to use the term "date sold" instead of "date filled."

In Section 15-8-5, the Board proposes to require that a pharmacy, after discovering an error in its reported CSMP data, correct such an error no later than 24 hours after the discovery. Such a short turn around for correcting errors is difficult for pharmacies to operationalize. Pharmacies need more time to correct errors and allowing pharmacies more time to correct errors promotes better accuracy in data reporting. Therefore, we request that pharmacies be allowed a maximum of three business days after the discovery of a CSMP data reporting error to fix such an error. This is especially helpful when an error is discovered prior to a long holiday weekend in which the pharmacy may be closed for multiple days.

In conclusion, we generally support the Board's proposed revisions to the CSMP program, but we believe that the definition of the term "date filled" is confusing and the time period for reporting data errors to the CSMP is too short. We thank you for your consideration of our comments.

Sincerely,



Jill K. McCormack, Director  
State Government Affairs

**Jill McCormack | Regional Director, State Government Affairs**  
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## **Potters, David E**

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**From:** Tim Weber <tweber@fruthpharmacy.com>  
**Sent:** Monday, July 25, 2016 2:06 PM  
**To:** Potters, David E  
**Subject:** Comments on CSMP Rule Change Proposal  
**Attachments:** 20160725130532.pdf

Hi Dave –

Attached is our comments on the proposed rule change.

Thanks for the opportunity to comment.

Tim Weber, RPh  
Vice President, Pharmacy  
Fruth Pharmacy  
Phone: 304-675-1612 x 117  
Email: [tweber@fruthpharmacy.com](mailto:tweber@fruthpharmacy.com)

“Change is the law of life, and those who look only to the past and present are sure to miss the future.” --JFK



July 25, 2016

Mr. David E. Potters  
Executive Director and General Counsel  
West Virginia Board of Pharmacy  
2310 Kanawha Boulevard East  
Charleston, WV 25311

**Re: Proposed Rule, Title 15, Series 8, Section 15-8-5, Accuracy of Information Transmitted**

Dear Mr. Potters:

On behalf of Fruth Pharmacy, we appreciate the opportunity to submit comments on the proposed rule change with respect to the CSMP definition of "date filled", as well as, the change in the timing for the correcting of CSMP errors.

In Section 15-8-2, subsection 2.2.3, the Board proposes to define the term "date filled" as "the date a filled prescription is delivered to the patient or the patient's caregiver or agent on behalf of the patient. Provided that, for prescriptions delivered by mail or other common carrier, it is the date placed in the mail or for delivery." This definition is problematic in several ways.

- First, the "date filled" proposed definition is vastly different in pharmacy practice today, and more in line with "date sold" or "dispense" which will lead to confusion.
- Second, the current ASAP standards for CSMP reporting has the capability of supporting both the date filled and the date sold fields. Date sold is current "optional" in the WV CSMP requirements.
- Third, since interoperability with other CSMP systems in Ohio and other states is critical to maximize the benefits of CSMP, this change will cause the dates in WV to differ from the dates in that field in other states.
  - For example, in Ohio, OAC 4729-37-04 (A)(13) requires the "Date the prescription was dispensed by the pharmacy" to appear in the same field, but the definition of "dispense" is similar to the term "date filled" as appears in OAC 4729-5-01 (B) " The term "dispense" means the final association of a drug with a particular patient pursuant to the prescription, drug order, or other lawful order of a prescriber and the professional judgment of and the responsibility for: interpreting, preparing, compounding, labeling, and packaging a specific drug. In the case of an automated drug delivery system meeting the requirements of rule 4729-5-35 of the Administrative Code, the final association with the name of a particular patient will be deemed to have occurred when the pharmacist has given final approval to the patient specific prescription in the system."
  - If the WV rule required the "date filled" to be "date sold", the dates reported in Ohio and WV will differ and require pharmacies and software providers to customize feeds just for West Virginia. As we believe that many independent pharmacies rely on their software vendors to perform this feed, and if so, based on our experience with the



software vendors who code to the ASAP standard, the standard says "date filled" and that is the only option available to report in this field.

We request the Board of Pharmacy update the required fields for CSMP reporting to require the "date sold" field already available in the ASAP standard in lieu of a definition change that will require coding changes and potentially other unintended consequences.

In Section 15-8-5, the Board proposes to require that a pharmacy, after discovering an error in its reported CSMP data, correct such an error no later than 24 hours after the discovery. We reiterate the comments from NACDS on this proposed change, in that a short turn around for correcting errors is difficult for pharmacies to operationalize. More time is needed to correct errors and prevent them from re-occurring. Therefore, we support the request of NACDS that pharmacies be allowed a maximum of seven days after the discovery of a CSMP data reporting error to fix errors.

Finally, while requirements for CSMP are being discussed. Fruth believes that the Board of Pharmacy should consider changing the way access for pharmacists to WV CSMP is structured. Under the current setup, the pharmacy manager is required to setup other pharmacists as delegates. This structure is problematic in that pharmacy manager changes typically require involvement of the team at CSMP and another level of auditing for pharmacy corporations that will require involvement with someone at CSMP. Fruth requests the Board of Pharmacy look at a structure that would require each pharmacist maintain their own login, and not require to be delegated in by a pharmacy manager. This would in turn provide the Board of Pharmacy better analytics as to which pharmacists are actively utilizing WV CSMP and also provide easier auditing for corporations as to pharmacist setup with state CSMP reporting.

Thank you in advance for your consideration of our comments.

Sincerely,

Timothy Weber, RPh  
Vice President  
Fruth Pharmacy

## Potters, David E

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**From:** Tim Weber <tweber@fruthpharmacy.com>  
**Sent:** Tuesday, June 28, 2016 9:52 AM  
**To:** Potters, David E  
**Subject:** CSMP reporting Date Filled vs Date Sold

**Importance:** High

Hi Dave –

I wanted to follow up on a point regarding Date Filled and Date Sold per the discussion yesterday.

Just to add to the confusion, the current reporting standard for CSMP actually has a field for both Date Filled and Date Sold. So, changing the definition would require a pharmacy to submit both dates as the same in all cases, and basically result in a change in the standard which is used to keep data interchangeable.

To illustrate, here is an explanation from our IT guy.

This is an entry for store 1 from yesterday's report:

```
DSP0004550321020160622050201606220001057664037718030.00701020201521
  1      2          3      4      5          6  7      8          9  10 11 12 13
```

The PMP spec shows field 3 is date filled, and 17 is date sold:

- Dispensing Record (DSP)
- DSP01 - Reporting Status
- DSP02 - Prescription Number
- DSP03 - Date Written
- DSP04 - Refills Authorized
- DSP05 - Date Filled
- DSP06 - Refill Number
- DSP07 - Product ID Qualifier
- DSP08 - Product ID
- DSP09 - Quantity Dispensed
- DSP10 - Days Supply
- DSP11 - Drug Dosage Units Code
- DSP12 - Transmission Form of Rx Origin Code
- DSP13 - Partial Fill Indicator
- DSP14 - Pharmacist National Provider Identifier (NPI)
- DSP15 - Pharmacist State License Number
- DSP16 - Classification Code for Payment Type
- DSP17 - Date Sold
- DSP18 - RxNorm Product Qualifier
- DSP19 - RxNorm Code
- DSP20 - Electronic Prescription Reference Number
- DSP21 - Electronic Prescription Order Number

Rx 4550321 was filled on 6/22/2016 but sold on 6/27/2016

Written	<b>06-22-2016</b>	Stolen	
Filled	<b>06-22-2016 09:44 AM</b>	Replaced	
Rpt. Sales	<b>06-22-2016 09:44 AM</b>	Follow Up	
POS Sold	<b>06-27-2016 09:03 PM</b>	Stop	
Picked Up	<b>06-27-2016 09:03 PM</b>	Host Xmit	<b>06-28-2016</b>

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“Change is the law of life, and those who look only to the past and present are sure to miss the future.” --JFK