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December 7, 2015

Mr. Ben Kesner  
Executive Director  
New Mexico Board of Pharmacy  
5500 San Antonio Dr. NE Suite C  
Albuquerque, NM 87109

**Re: Tele-Pharmacy System Deployment**

Dear Mr. Kesner:

Walgreens is collaborating with MedAvail Technologies to provide an enhanced approach to pharmacy services access in the community served by the Memorial Medical Center. I respectfully request an appearance before the New Mexico Board of Pharmacy at the Jan 25-26<sup>th</sup> meeting to request a variance pursuant to NMAC 16.19.32, from the current requirements applicable to guidelines for Tele-pharmacy and remote dispensing. This request seeks variance from NMAC 16.19.33 to allow Walgreens to deploy a Walgreens Prescription Center (WPC) to be located in the Emergency Department at Memorial Medical Center, located at 2450 S Telshor Blvd, Las Cruces, NM 88011.

**Description of the Walgreens Prescription Center**

The Walgreens Prescription Center (WPC) is a fully functional automated dispensing device. It features face-to-face, real-time audio/visual interaction and counseling between a patient and the pharmacist before dispensing any medication. The Prescription Center is able to receive electronic prescriptions directly from the prescriber as well as written prescriptions that are securely scanned and stored after submission by the patient. A Walgreen pharmacist located at a central (hub) pharmacy located in Orlando Florida will complete the prescription processing tasks, perform a full drug utilization review via our common electronic database, validate the prescription and medication dispensed, and provide patient consultation. The unit fills the prescription using multiple bar code scans and imaging of each surface of unit of use or pre counted drug containers. The unit does not require the presence of an on-site technician as the device is connected to the pharmacist and performs all drug selection, verification and labelling functions. After a medication is prepared it is verified by a pharmacist before being released to the patient.

In a typical transaction, a patient would initiate an interaction with the pharmacist by accessing the touchscreen and inserting any prescription documentation and identification.

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The session connects the patient to a pharmacist or technician at the hub pharmacy. The pharmacy processes the prescription; (the pharmacist) performs a full drug utilization review and prompts the WPC to select the correct medication. Once the filling and verification process is complete, and before releasing any medication to the patient, the pharmacist will counsel the patient using secure, 2-way audio and video conferencing.

### **Request for Deviation or Waiver and Expected Patient Benefit**

Walgreens respectfully requests a waiver from certain provisions of New Mexico regulation 16.19.33. The rule currently allows the use of a Tele-pharmacy operated by a hub pharmacy to service a community without an existing community pharmacy (and located greater than 25 miles from an existing community pharmacy). As stated above, The Walgreens Prescription Center (WPC) is a fully functional automated dispensing device with face-to-face audio/visual interaction and counseling between a patient and the pharmacist. It differs from traditional Tele-Pharmacy technologies as the system is self-contained, requiring no on-site technician. This unit would be placed in an accessible, private, and secure environment within the ED of the Memorial Medical Center.

Walgreens would like to seek a waiver from the requirements defined in NMAC 16.19.33.2 that require both the Hub and Tele-pharmacy to be located in New Mexico. In the case of the WPC deployed in the ED of the Memorial Medical Center, a Walgreen pharmacist located at our Tempe, Arizona central pharmacy, which is licensed as a New Mexico non-resident pharmacy, will complete the prescription processing tasks, perform a full drug utilization review via our common electronic database, validate the prescription and medication dispensed, and provide patient consultation before visually verifying the medication being dispensed and releasing it to the patient. By utilizing the central pharmacy in Arizona, the Walgreens Prescription Center can provide 24/7 availability to the patients of the hospital and surrounding areas. A New Mexico licensed pharmacy is involved in supervision, stocking, maintenance and prescription document collection. This pharmacy is the Walgreens pharmacy (store # 07107) located at 2300 E LOHMAN AVE, Las Cruces, NM 88001, approximately 2.0 miles from the Memorial Medical Center.

Further, we request a waiver from the requirement to locate the WPC 25 miles from a community pharmacy since allowing the WPC to be deployed in the Memorial ED will promote public health by providing immediate onsite access to pharmacy services, and by ensuring that patients will have direct access to a pharmacist in environments where a pharmacist-guided prescription dispensing is otherwise unavailable. The geographic area surrounding the Memorial ED has few 24-hour pharmacies in the immediate area. Studies have shown that many ED patients do not fill prescriptions even when retail pharmacy services are available in the community<sup>1</sup>. Studies have also shown that providing access to

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<sup>1</sup> See, Saunders, Patient Compliance in Filling Prescriptions After Discharge from the Emergency Department, Am. J. of Emergency Medicine, Vol. 5, No. 4 (July 1987) (Twenty percent of ED patients at Vanderbilt University Hospital ED did not fill prescriptions, with no distinction between Medicaid versus self-insured);

medications at the point of care in the ED improves fill rates, which when coupled with the cognitive services provided by the pharmacist at the point of care, would improve compliance and adherence<sup>2</sup>. Even though there are retail pharmacies located near the hospital, none provides service 24 hours a day and 7 days a week. The improved access by having the pharmacy service at the point of care is important to the patient population the WPC is designed to serve.

In order to effectively deploy the WPC as a Tele-Pharmacy solution in New Mexico, specific provisions in NMAC 16.19.33.9 would also need to be waived. These are listed below: NMAC 16.19.33.9 (4)(a) requires multiple simultaneous views of the Tele-Pharmacy. The WPC is monitored electronically 24/7 and any intrusion or temperature alerts are alerted to the monitoring center. Further, any disruption in the data or power connections results in alerts to the monitoring center. It is for this reason that multiple simultaneous views of the pharmacy are not required

NMAC 16.19.33.9(4) ( c) requires that the video equipment of the Tele-Pharmacy be capable of recording 180 days of video surveillance. To maintain the privacy of the patients interacting with the WPC the patient interaction is not recorded and maintained. However, all records of medication dispensed are collected by the system in the form of reports that provide a record of all dispensing and all drug movement within the system. The requirement to track all video surveillance for future review is therefore satisfied.

A technician designated for the site is required per NMAC 16.19.33.9(4) (d) to staff the system. We seek waiver from this section, as the WPC requires no technician staffing onsite. All medication selection, medication labelling and final transmission of images occurs via the automated WPC and is sent to the hub pharmacy for pharmacist verification. The hub pharmacy is staffed 24 hours a day and 7 days a week by a pharmacist. Every patient utilizing the WPC will be interacting, through the audio/visual link, with a pharmacist. All system functions are controlled by a licensed pharmacist.

Section NMAC 16.19.33.10 (b) requires that the dispensing RPh compare the stock bottle, drug dispensed and drug strength. The WPC will be stocking medication sourced from the manufacturer and Walgreens prepackaged medication sourced from Tempe Arizona. The prepackaged medication is verified by the pharmacist before leaving the facility. During the dispensing function, the pharmacist will verify the identity of the medication on the pre-packaged bottle when dispensing to the patient from a WPC. All medication stocked in the WPC is barcode identified and the RPh will have the ability to verify each medication through barcode and visual identification.

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<sup>2</sup> Ginde, et al., The Effect of ED Prescription Dispensing on Patient Compliance, Am. J. of Emergency Medicine, Vol. 21, No. 4 (July 2003) (Study conducted at Barnes Jewish Hospital in St. Louis, finding that dispensing azithromycin in the ED significantly increases likelihood that patient will obtain the medication, with just 74% of patients given a prescription actually filling the prescriptions);

**Appearance at the next Board Meeting**

We will plan to be present at the Board of Pharmacy's meeting on January 25-26<sup>th</sup> to answer any questions. We thank you in advance for the opportunity to present this request for a deviation or waiver. We will have a PowerPoint presentation as well as a video to help demonstrate the operation of the unit. Representatives of MedAvail and the Memorial Medical Center will accompany me and be available for additional questions. Thank you.

Professionally Yours,

A handwritten signature in blue ink that reads "Daniel F. Luce".

Daniel F. Luce, R. Ph., MBA  
National Director, Pharmacy Affairs

cc: William Cover  
Tomson George