

## **Board of Pharmacy**

### **Initial Statement of Reasons**

Subject Matter of Proposed Regulation: Prescription Drop Boxes and Automated Delivery Devices

Sections Affected: Add 1713 and Amend 1717

#### Specific Purpose of the Proposed Changes:

##### Section 1713 (Add)

This section establishes requirements for the placement and use of secure prescription drop-off boxes and secure automated delivery devices for refill medications. This section also relocates some provisions currently contained in section 1717(e), which is otherwise being repealed.

##### Section 1717(e) (Repeal)

This provision is being repealed and certain of its contents dealing with the delivery of medication for later pickup by patients at specific locations has been incorporated into section 1713.

#### Factual Basis

This proposed regulation will permit the use of prescription drop-off boxes and automated, self-services delivery devices. The regulation authorizes a patient to deposit a prescription in a secure container that is at the same address as the licensed premises. The pharmacy is responsible for the security and confidentiality of prescription documents deposited into the container.

The regulation will also allow a patient to access his or her filled prescription medication from a self-services automated delivery device in a pharmacy under the following specified conditions:

- The automated delivery device is used to deliver refill prescription medication only.
- It is the patient's choice to use the automated delivery device.
- The device has a means to identify each patient and only release that patient's prescription medications.
- The pharmacy provides a means for each patient to obtain an immediate telephone or in-person consultation with a pharmacist if requested by the patient.
- The automated delivery device is located adjacent to the licensed pharmacy counter.
- The device is secure from access and removal by unauthorized individuals.
- The pharmacy must review every incident involving the device where a complaint, delivery error, or omission has occurred as part of the pharmacy's quality assurance program mandated by Business and Professions Code section 4125.

- The pharmacy is responsible for the prescription medication stored in the automated delivery device.
- A pharmacist is not to use the automated delivery device to dispense refilled prescription medication if the pharmacist determines the patient requires counseling pursuant to Title 16 of the California Code of Regulations section 1707.2(a)(2).

Since October 2004, the board has approved five waivers of 1717(e) that provide for use of the devices in the state. The machines are used by Longs Drug Stores, Safeway Inc., the University of California San Diego Medical Center, Walgreens, and White Cross Drug Store of San Diego.

Use of the machines in California and in other states has found that the machines are safe to use. Pharmacies that have used the device state they have a lower error rate for delivering the wrong prescription than pharmacy staff.<sup>1,2,3</sup>

### Underlying Data

None.

### Business Impact

The proposed regulation does not mandate the use of drop-off boxes or automated delivery devices; it permits the use of the devices for pharmacies that choose to use the technology. For pharmacies that choose to use a drop-off box or an automated delivery device, there will be initial short-term costs to purchase the equipment, install the equipment, and comply with the board's regulations.

### Specific Technologies or Equipment

This regulation does not mandate the use of specific technologies or equipment. There are two manufacturers of the delivery devices operating delivery machines in California currently under a waiver from the board.

### Consideration of Alternatives

The board has not identified any equally effective alternatives that would lessen the impact on small business. Use of the technology is discretionary, not mandatory. Moreover, patients must opt-in to use the technology.

---

<sup>1</sup> Bob Hansen, Asteres Inc., the manufacturer of the ScriptCenter®, January 12, 2006, letter to the board. Asteres has seven machines operating in California and one in Virginia. As of December 2005, the machines have dispensed approximately 19,000 medications to 5,000 patients.

<sup>2</sup> Michael Cantrell, Longs Drug Stores, January 16, 2006, letter to the board. Only 5% of the medications dispensed have been when the pharmacy is closed, but the remainder of the store is open.

<sup>3</sup> William Homes, ddn Corporation, manufacturer of the Automated Products Machine. Stated at the February 1, 2006 board meeting that there is antidotal evidence that suggest that use of the machines has increases patients' requests for consultation with a pharmacist two to one over picking up medications from the pharmacy window, because patients who get their medications quickly feel they can use the time they saved not waiting in line to talk with a pharmacist.