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Telepharmacy Rules and Statutes: A 50-State Survey

Table Supplement to Brief No. 2017-4

State Restrictions of Telepharmacy where Legislatively or Administratively Authorized, August 2016

State	Geographic Restrictions	Facility Restrictions	Permitted Providers	Staffing Requirements	Inter-State Accessibility
Alaska	Located at least 10 road miles from any non-remote pharmacy unless federal law prohibits non-remote pharmacy from providing pharmacy services to individuals within the area. (12 AAC 52.423(b)(2))	Not telepharmacy specific.	Pharmacist, pharmacy technician, pharmacy intern. (12 AAC 52.425 (c)(1))	Not telepharmacy specific.	Not telepharmacy specific.
Colorado	Located at least 20 miles from any pharmacy or telepharmacy outlet. (12-42.5-102(39.5)(a)(III))	Not telepharmacy specific.	Pharmacist; pharmacy technician. (12-42.5-102(39.5)(a)(IV))	Not telepharmacy specific.	Not telepharmacy specific.
Hawaii	Located at least 5 miles from any pharmacy except for remote dispensing pharmacy established prior to July 3, 2008 that has previously dispensed and will continue to dispense only prescription medications acquired pursuant to section 340B of the Public Health Service Act, Title 42 United States Code section 256b. (§461-10.5(c)(1))	Not telepharmacy specific.	Pharmacist; qualified remote dispensing technician. §461-10.5(a)(2)	Not telepharmacy specific.	Not telepharmacy specific.
Idaho	1) The Board will consider the availability of pharmacists, the population of the community, and the community's need for the service. 2) The Board will not approve a remote dispensing site if a retail pharmacy is located within the same community as the proposed remote dispensing site. (27.01.01 -710.01)	Remote dispensing site must be located in a medical care facility operating in areas otherwise unable to obtain pharmaceutical care services on a timely basis. (27.01.01 -710.01(c))	Pharmacist; pharmacist technician. (27.01.01 -710.05)	1) Unless staffed by a pharmacist, a remote dispensing site must be staffed by at least 1 certified technician with at least 2,000 hours pharmacy technician experience in Idaho and under the supervision of a pharmacist at the supervising pharmacy when the remote site is open. 2) Supervision does not require physical presence by a pharmacist, but the pharmacist must supervise electronically from the supervising	Not telepharmacy specific.

State	Geographic Restrictions	Facility Restrictions	Permitted Providers	Staffing Requirements	Inter-State Accessibility
Illinois	Not telepharmacy specific.	Not telepharmacy specific.	Pharmacist, pharmacist technician. (1330.510(8)(A))	pharmacy. (27.01.01 -710.05) 1) Remote pharmacy technician must have 1 year of experience and be registered as a certified pharmacy technician, or be a student pharmacist. 2) Hub pharmacists may electronically supervise no more than 3 simultaneously open remote sites. (1330.510(8)(A)&(C))	1) Hub pharmacies located outside Illinois must be licensed as a nonresident pharmacy. 2) Nonresident pharmacies shall abide by all Illinois laws, except that dispensing pharmacist and the pharmacist-in-charge shall not require Illinois licensure. (1330.510(a))
Indiana	Not telepharmacy specific.	Telepharmacies can be Category I (retail), Category II (institutional), or Category III (processing) permits. (IC 25-26-13-17(b))	Pharmacist, pharmacy technician, pharmacy intern. (IC 25-26-13-18.5)	A pharmacist may not supervise more than 6 pharmacy technicians/pharmacy technicians in training. IC 25-26-13-18.5(c)	Not telepharmacy specific.
Iowa	A remote dispensing site will not be approved if a general pharmacy is located within the same community or is located within 15 miles of the proposed remote dispensing site. (IAC 657—9.5(124,155A)(2)(c))	Not telepharmacy specific.	Pharmacist; Pharmacy technician; pharmacist intern. (IAC 657—9.3(147,155A)(2)(f))	1) A remote dispensing site must be staffed by one or more qualified certified pharmacy technicians under the supervision of a pharmacist at the managing pharmacy when the remote site is open. 2) Continuous supervision does not require physical presence by the pharmacist, but the pharmacist must supervise electronically through the automated pharmacy system. (IAC 657—9.18(124,155A)(2))	Not telepharmacy specific.
Louisiana	Must be located at least 20 miles (driving distance) from any other pharmacy. (§2425.(A)(1))	Not telepharmacy specific.	Pharmacist; pharmacy technician. (§2425.(E)(2)(c))	1) At a minimum, the site must be staffed by a Louisiana-licensed certified pharmacy technician with at least two years of experience as a Louisiana-licensed certified pharmacy technician and with demonstrated proficiency in operating the telepharmacy system being used. 2) In the absence of a pharmacist, the	A central pharmacy may supervise no more than two telepharmacy dispensing sites, and all such sites must be located within Louisiana. (§2425.(A)(5))

State	Geographic Restrictions	Facility Restrictions	Permitted Providers	Staffing Requirements	Inter-State Accessibility
Minnesota ¹	Medically underserved community.	Not telepharmacy specific.	Pharmacist, pharmacy technician	1) All remote sites are staffed with Minnesota registered pharmacy technicians. 2) Pharmacy technicians working at a remote site must have a minimum of 1 year (2080 hours) of experience as a registered technician and be certified through a Board-approved program.	Not telepharmacy specific.
Montana	Cannot be located within 25 mile radius of an existing pharmacy. (24.174.1302(2))	Not telepharmacy specific.	Pharmacist; pharmacy technician. (24.174.1302(4)(a))	1) The remote site must be staffed by registered pharmacy technician. 2) The technician must have at least 500 hours experience. (24.174.1302(4)(a)&(b))	Not telepharmacy specific.
Nebraska ²					
Nevada	Must be located 1) At least 50 miles or more from the nearest pharmacy; and 2) In a service area with a total population of less than 2,000. (NRS 639.23277(1)(a)&(b))	Not telepharmacy specific.	Pharmacist, pharmaceutical technician, dispensing technician. (NRS 639.23277(2)(a)&(b))	A remote/ satellite consultation site may be operated by: 1) A pharmaceutical technician without the physical presence of a managing pharmacist, but the managing pharmacist of the telepharmacy shall also be deemed the managing pharmacist of the remote/ satellite consultation site; or 2) A dispensing technician without the physical presence of a dispensing practitioner, but the dispensing practitioner of the telepharmacy shall also be deemed the managing pharmacist of the remote/ satellite consultation site. (NRS 639.23277(2)(a)&(b))	Not telepharmacy specific.
New Mexico	Must be located greater than 25 miles from an existing community pharmacy. (16.19.33.2)	Not telepharmacy specific.	Pharmacist; pharmacist technician. (16.19.33.7(J))	Tele-pharmacy technician must have a minimum of 2,000 hours of experience as a certified registered pharmacy technician and can be supervised under the computer aided supervision of an	Both the hub pharmacy and all remote tele-pharmacies must be located within New Mexico. (16.19.33.2)

¹ These restrictions are based on Minnesota’s Board of Pharmacy “Guidance” on Variances for telepharmacies, not rules or statutes. Therefore, these are not rigid requirements.

² Nebraska currently has legislative approval to authorize telepharmacy, although no board rules have yet been implemented regulating telepharmacy. See §38-2845.01.

State	Geographic Restrictions	Facility Restrictions	Permitted Providers	Staffing Requirements	Inter-State Accessibility
				off-site pharmacist. (16.19.33.7(K))	
North Dakota	Not telepharmacy specific.	Not telepharmacy specific.	Pharmacist; pharmacy technician. (61-02-01-01(4)(k))	1) Technician must have at least 1 year of work experience as a North Dakota-registered pharmacy technician. 2) The technician must be a graduate of an approved pharmacy technician education program and must demonstrate proficiency in preparation of prescriptions for dispensing to patients. 3) A pharmacist may not supervise more than four telepharmacy sites. (61-02-08-04.(1)(a)&(b)&(c))	Both the central pharmacy and remote site may be located within North Dakota, either the remote site or the central pharmacy, may be located in a contiguous state. (61-02-08-01.(4))
Oregon	Not telepharmacy specific.	Telepharmacy limited to Remote Dispensing Facility (RDF), a facility where drugs are prepared for administration and where requisite pharmacist supervision is provided remotely as approved by the Board. (855-041-4100(2)) & (855-041-4200)	Not telepharmacy specific.	Not telepharmacy specific.	Not telepharmacy specific.
South Dakota	Demonstrated limitation on access to pharmacy services within the community. (20:51:30:02.)	Any pharmacy licensed by the board may operate a remote pharmacy in South Dakota. The remote pharmacy is considered an extension of the central pharmacy but the remote pharmacy must have its own license as a pharmacy. (20:51:30:06.)	Pharmacist, pharmacy technician, pharmacy intern. (20:51:30:12.)	1) Pharmacy technician must have at least 2000 hours of experience as a registered pharmacy technician. 2) Pharmacy intern must have at least 500 hours of experience as a registered pharmacy intern. 3) The pharmacist on duty at a central pharmacy may supervise no more than 3 technicians (a pharmacy intern does not count towards this ratio). 4) The total number of allowed technicians may be divided between the central pharmacy and the remote pharmacy in any manner. However, each remote pharmacy must have at least one pharmacy technician or pharmacy intern on duty while open. (20:51:30:12.) & (20:51:30:13.)	Not telepharmacy specific.
Tennessee	1) Central pharmacy must be located	Not telepharmacy specific.	Pharmacist-in-charge	Not telepharmacy specific.	Not telepharmacy specific.

	in Federally Qualified Health Center that is connected through computer link, videolink, and audio link to one or more satellite clinics. <i>(§ 63-10-601)</i>		(central pharmacy), pharmacist, registered pharmacy technician. <i>(§ 63-10-601)</i>		
State	Geographic Restrictions	Facility Restrictions	Permitted Providers	Staffing Requirements	Inter-State Accessibility
Texas	1) A provider pharmacy may not provide remote pharmacy services if a Class A (Community) or Class C (Institutional) pharmacy that dispenses prescription drug orders to out-patients is located in the same community. 2) Community is defined as: (a) the census tract in which the remote site is located, if the remote site is located in a Metropolitan Statistical Area (MSA) as defined by the United States Census Bureau in the most recent U.S. Census; or (b) within 10 miles of the remote site, if the remote site is not located in a MSA. <i>(§291.121(c)(3)(B)(i)&(ii))</i>	A provider pharmacy may provide remote pharmacy services using a telepharmacy system to: 1) a rural health clinic regulated under 42 U.S.C. Section 1395x(aa), as amended; 2) a health center as defined by 42 U.S.C. Section 254b, as amended; or 3) a healthcare facility located in a medically underserved area as defined by state or federal law. <i>(§291.121(c)(3)(A)(i)&(ii) &(iii))</i>	Pharmacist, pharmacy technician, pharmacy technician trainee. <i>(§291.121(F)(i))</i>	Not telepharmacy specific.	Not telepharmacy specific.
Utah	Not telepharmacy specific.	Not telepharmacy specific.	Pharmacist, pharmacy technician, pharmacy intern. <i>(58-17b-612(1)(b))</i>	Not telepharmacy specific.	Permitted. <i>(58-17b-102(59))</i>
Vermont	Remote pharmacy must be at least a 10 mile drive away from a retail pharmacy. <i>(19.7(c))</i>	Not telepharmacy specific.	Pharmacist, certified pharmacy technician, pharmacy intern. <i>(19.11(a))</i>	1) Remote pharmacies shall be staffed by certified pharmacy technicians under the continuous supervision of a pharmacist. 2) Certified pharmacy technicians must have a minimum of 2,000 hours experience as a registered pharmacy technician. 3) Pharmacy interns may not work at a remote pharmacy unless a pharmacist is physically present at the remote pharmacy. <i>19.2(a)(4); 19.11(b)&(c)</i>	A pharmacist providing telepharmacy services into Vermont from another state is required to register as an "out of state registered pharmacist" with the Board. <i>(2.9(a))</i>
West					

State	Geographic Restrictions	Facility Restrictions	Permitted Providers	Staffing Requirements	Inter-State Accessibility
Virginia ³					
Wisconsin	Not telepharmacy specific.	A remote dispensing site can be located at: 1) A health care facility; 2) The office or clinic of a practitioner; 3) A county jail, rehabilitation facility state prison or county house of correction; 4) A juvenile correctional facility, juvenile detention facility, residential care center for children and youth, secured residential care center for children and youth, type 1 juvenile correctional facility, type 2 residential care center for children and youth, or type 2 juvenile correctional facility. (7.095(3)(a)&(b)&(c)&(d))	Pharmacist, pharmacy technician, pharmacy intern. (7.095(7))	Pharmacy technician must have completed 1500 hours of work as a technician within the 3 years prior to working at the remote dispensing site or completed a board-approved training program. (7.095(7)(c))	Not telepharmacy specific.
Wyoming	Must be located at least 25 miles from any retail pharmacy. (14.3(g))	Not telepharmacy specific.	Pharmacist, pharmacy technician, pharmacy intern. (14.5(b))	Not telepharmacy specific.	Not telepharmacy specific.



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³ West Virginia currently has legislative approval to authorize telepharmacy, although no board rules have yet been implemented regulating telepharmacy. See §15-1-28.