

Virginia Board of Pharmacy

Mobile Units for Dispensing for the Indigent or Underserved Population

For good cause shown and pursuant to 54.1-3304, the Board of Pharmacy may grant a license to any physician licensed under the laws of Virginia authorizing such physician to dispense drugs to persons to whom a pharmaceutical service is not reasonably available. The Board has recently interpreted that the indigent and medically underserved may represent a population for which pharmacy services are not reasonably available. As such, a physician desiring to dispense drugs only to an indigent or underserved population from a mobile unit may apply for this license as a "permitted physician" which allows him to practice pharmacy pursuant to Board of Pharmacy regulations as set forth in 18VAC110-20-410. For purposes of this guidance document, "indigent" is defined as those persons whose income is not more than 200% above the federal poverty guidelines, and a medically underserved area or population is defined by criteria established by the Health Resources and Services Administration of the U.S. Department of Health and Human Resources.

Additionally, pursuant to 18 VAC 110-20-410 (B) and 18VAC110-20-120, the Board may issue a special or limited-use permit to a permitted physician, when the scope, degree or type of pharmacy practice or service to be provided is of a special, limited or unusual nature as compared to a regular pharmacy service. The Board has been made aware of at least two physicians who use mobile units traveling throughout a community to offer medical assistance to the indigent or underserved and who would like to include the dispensing of prescription drugs. Mobile units do not meet all physical requirements of 18VAC110-20-150 for security and appropriate storage conditions for drugs, and possibly do not meet the alarm requirements of 18VAC110-20-180. They also may not meet the traditional enclosure requirements of 18VAC110-20-190.

The Board recognizes that there is a growing need to be able to provide pharmacy services to this population. Therefore, if a physician applies for a permitted physician license for this purpose, he may request a waiver of sections A, B and C of 18VAC110-20-150, but must be able to meet the other requirements of this section including temperature control. The enclosure requirements in a mobile unit may, if approved after inspection, be met by a separate lockable room, compartment, or cabinet. In order for the Board to consider waiving these requirements for a mobile unit, the following criteria must be met in addition to all other legal requirements for a permitted physician:

- The mobile unit shall not stock any Schedule II-V controlled substances for dispensing.
- The mobile unit shall be parked daily during its off-hours at the same designated location as specified to the Board during the application process.
- When parked during the off-hours, the mobile unit shall be under camera surveillance or within a secure parking area with around-the-clock security staff, and in an area that is affiliated with the physician's practice location.
- The mobile unit shall at all times provide a controlled temperature environment pursuant to 18VAC110-20-150.
- The mobile unit shall have an alarm system that complies with the requirements of 18VAC110-20-180 and capable of alerting the alarm company or security staff to any breaking. It shall fully protect the drug storage area and shall only be controlled by the physician or designated personnel authorized to dispense medications. It shall be activated and operational at all times the mobile van is not in use to include any breaks during the day when it is not staffed.
- The mobile unit shall only be used to serve the indigent or underserved consistent with the permitted physician application.
- If the mobile unit is to be parked and not used for more than seven consecutive days, all drugs for dispensing must be removed from the unit and stored in a permanent location where access is restricted to the permitted physician.

An application for a limited-use pharmacy permit for a mobile unit for this same purpose would also have to meet the same requirements.