



Report of the Task Force on Internet Pharmacy Practice

Members Present:

Jeanne Waggener (TX), *chair*; Ronald Guse (Manitoba); Steven Haiber (AZ); Lenna Israbian-Jamgochian (MD); Luis Rivera-Lleras (CO); Charles Wetherbee (TX).

Others Present:

William Cover, *Executive Committee liaison*; Libby Baney, *ex officio member*; Carmen Catizone, Melissa Madigan, Gertrude Levine, Eileen Lewalski, Emily Shaffer, Deborah Zak, *NABP staff*.

Introduction:

The Task Force on Internet Pharmacy Practice met March 6-7, 2012, at NABP Headquarters. This task force was established in response to the Executive Committee's recommendation to convene a task force to discuss the current state of Internet pharmacy practice.

Review of the Task Force Charge:

Task force members reviewed their charge and accepted it as follows:

1. Review existing Internet pharmacy practices;
2. Review current state laws and regulations, Verified Internet Pharmacy Practice Sites (VIPPS) program standards, and NABP *Model Act* language;
3. Examine future opportunities and challenges in an emerging global environment.

Recommendation 1: NABP Should Continue Efforts to Obtain the “.pharmacy” Domain by Encouraging the Boards to Support the Initiative and for NABP to Continue Establishing Relationships with Global Regulatory Authorities.

The task force recommends that NABP should continue efforts with the generic Top Level Domain (gTLD) initiative to obtain and operate the “.pharmacy” domain by encouraging boards of pharmacy to support the initiative and for NABP to continue establishing relationships with global regulatory authorities.

Background:

NABP staff provided the task force with information regarding NABP's gTLD initiative, including the Association's application to the Internet Corporation for Assigned Names and Numbers (ICANN) to obtain and operate the “.pharmacy” domain. If granted, the .pharmacy gTLD has the potential to greatly enhance patient safety for those who purchase medication online. Under this program, only legitimate Internet pharmacies and related entities would be permitted to obtain the .pharmacy domain, thereby providing consumers with a reliable tool to identify legitimate Web sites from which to purchase medications safely over the Internet.

Members agreed that boards should be encouraged to support the gTLD initiative, and if timing was appropriate, to write letters of support to ICANN based on a template that could be further disseminated.

Recommendation 2: NABP Should Support Efforts to Educate Consumers, Health Care Professionals, and Law Enforcement on the Dangers of Purchasing Medications Online from Rogue Internet Drug Outlets.

The task force recommends that NABP support efforts, through search engines and other Internet service providers, as well as public service announcements and other consumer outreach initiatives, to further educate the public, health care professionals, and law enforcement personnel about the dangers of purchasing medications from rogue Internet drug outlets.

Background:

The task force discussed the efforts that NABP has put forth through its AWAxRxE Consumer protection program to educate these parties about the dangers of purchasing prescription drugs online. Members were particularly impressed with the 15-second public service announcements that were being played in a variety of forums nationwide. The task force agreed that additional public service announcements should be created and distributed to continue to inform the public about the dangers of purchasing medications from rogue drug outlets.

Recommendation 3: NABP Should Encourage Boards to Support SB2002 and HR4095.

The task force recommends that NABP encourage boards to support SB2002 and HR4095.

Background:

The task force reviewed and discussed the bills currently in Congress and determined that the bills, as written at the time of the meeting, would assist boards of pharmacy in combating rogue Internet drug outlets and protecting the public in that the bills, among other things, provide for a uniform definition of a valid prescription that mirrors the definition found in the Federal Controlled Substances Act. Members agreed that NABP should continue to follow both bills and if appropriate, encourage boards to support and provide boards with templates of letters of support to assist in ensuring their passage into law.

Recommendation 4: NABP Should Encourage Boards or Other Regulatory Agencies to Share Information on Rogue Internet Drug Outlets with Appropriate Federal Agencies.

The task force recommends that NABP support the sharing of information regarding rogue Internet drug outlets between the boards and the appropriate federal agencies to further protect the public.

Background:

The task force agreed that sharing information regarding rogue Internet drug outlets was paramount in the process of protecting the public. Members discussed ideas about how to best provide the boards with tools to disseminate such information and agreed that vital information from the boards including case studies and unresolved complaints could be sent to NABP for

inclusion in the NABP Clearinghouse and the Internet Drug Outlet Identification Program Progress Report for State and Federal Regulators.

Recommendation 5: NABP Should Support Curtailing Rogue Internet Drug Outlets at Critical Points.

The task force recommends that NABP should support actions that help to protect the public health by addressing rogue Internet drug outlets at critical points of operations. Such critical points include dealings with search engines, domain name registrars, and payment service providers.

Background:

Libby Baney, representing the Alliance for Safe Online Pharmacies provided the task force with a presentation containing detailed information on rogue Internet drug outlets, as well as the critical points of the Internet ecosystem, and how they can be utilized to curtail the rogue sites from conducting business over the Internet. Various critical points include:

- Domain name registrars (DNR), who lease domain names to Web site operators and are required by their Uniform Dispute Resolution Policy (UDRP) to prohibit the use of their domain name registration services in the furtherance of illegal behavior
- Web hosting services, which provide space on a server owned or leased for use by Web site operators, can also take down illegally operating sites using the UDRP.
- Search engine companies, which match consumers' key-word search terms with corresponding Web sites, including both "organic" search results (based purely on search terms) and "sponsored" search results (or paid online advertisements receiving preferential placement above or alongside organic search results). Search engines have the capability to block search results for illegally operating Web sites. Currently, search engines have agreed to ban paid advertisements for rogue drug outlets.
- Payment service providers can terminate merchant agreements with illegally operating Web sites and block payments.
- Shippers can refuse to ship products of illegally operating businesses.
- Ports of exit or entry can embargo or return packages containing illegal merchandise.

Ms Baney informed the members that the most effective critical points" are the DNRs, search engines, and payment service providers. Such entities can be "put on notice" by enumerating the laws or regulations they are violating by allowing rogue Internet drug outlets to operate. DNRs should refuse to do business with rogue Internet drug outlets and such notice to search engines should include a request that they remove the rogue Internet drug outlet from their search results. Similarly, such notice to payment service providers should include a request to terminate their merchant agreement and block payments.

Recommendation 6: NABP Should Continue to Support Efforts to Keep Domestic Supply Chain Free of Counterfeit Drugs.

The task force recommended that NABP continue to support efforts, both domestically and internationally, to keep the domestic prescription drug supply chain free of counterfeit drugs.

Background:

The task force discussed the increased risk of counterfeit drugs entering the US supply chain via Internet purchases. NABP staff reminded members about the decades of involvement NABP has had regarding this issue and the more recent NABP Verified-Accredited Wholesale Distributor accreditation program that NABP launched in 2005. In addition, staff discussed efforts put forth by the California State Board of Pharmacy and the US Food and Drug Administration. Members acknowledged the complexity of the program and agreed that NABP should continue its efforts. The Task Force also agreed that this was an issue on which NABP should collaborate with global entities such as the International Pharmaceutical Federation, the European Commission, and Interpol.

Recommendation 7: NABP Should Continue Interfacing with Center for Safe Internet Pharmacies (CSIP) and Encourage CSIP to Support Internet Environments That Do Business Only with Legitimate Online Pharmacy Web Sites.

The task force recommended that NABP should continue interfacing with CSIP and encourage CSIP to support Internet environments that only do business with legitimate online pharmacy Web sites by providing relevant data to CSIP and encouraging them to promote the AWAR_xE Web site.

Background:

NABP staff provided the task force with information regarding NABP's involvement with the recently formed CSIP, including the upcoming meeting scheduled for the late second or third quarter of 2012. It was suggested that NABP should continue to provide CSIP members with relevant data on illegally operating drug outlets and encourage the group to use such data to create safe Internet environments. NABP staff also provided members with a detailed description of the AWAR_xE Web site, specifically the Web pages detailing the dangers of counterfeit drugs and of purchasing drugs online from non-Verified Internet Pharmacy Practice Sites (VIPPS)-accredited pharmacies. Members agreed that CSIP should be encouraged to promote the AWAR_xE Web site to complement any efforts to educate consumers about safely purchasing medications online.

Recommendation 8: NABP Should Support Boards in Their Enforcement of Current Laws and Regulations Prohibiting Unlicensed Practice and Protecting Against Unauthorized Use of Patient Information.

The task force recommended that NABP support the boards in their enforcement of current laws and regulations prohibiting unlicensed practice and protecting against unauthorized use of patient information by encouraging and/or mandating, if possible, the encryption of patient health and financial information.

Background:

The task force discussed the fact that rogue Internet drug outlets and individuals who may be behind them are licensed neither as pharmacies nor as pharmacists, and that the laws and regulations in place prohibiting unlicensed practice should be strictly enforced to assist in curtailing these illegal practices. Members voiced concern that illegally operating sites also place

individuals at risk for identify theft, as these sites and those individuals operating them display a complete disregard for protecting against unauthorized use of patient information and that boards should mandate that Internet pharmacies encrypt sensitive patient health and financial information.

Recommendation 9: NABP Should Amend the Model State Pharmacy Act and Model Rules of the National Association of Boards of Pharmacy (Model Act).

The task force recommends that NABP staff review and recommend the following changes to the *Model Act*:

- amend the definition of Practice of Pharmacy so that the act of accepting a prescription constitutes the practice of pharmacy and, thus, Web sites that “accept” or “process” prescriptions require licensure;
- prohibit licensees from affiliating with Web sites that may deceive or defraud patients or that violate state or federal pharmacy practice laws and regulations;
- strengthen penalties for unlicensed practice/stronger enforcement language;
- establish regulations requiring the posting of specific information about Internet pharmacy ownership and services, and detailed information to patients about how their personal information will be used and disclosed (ensuring that such notice is at least equivalent to that required of “brick and mortar” pharmacies);
- require nonresident pharmacies to comply with the laws of patients’ domicile; and
- establish security requirements such as the encryption of protected health information (PHI) on Internet pharmacy Web sites that mirrors VIPPS criterion number 9 requiring the transmission of PHI to be in accord with HIPAA requirements.

Background:

The task force concurred that the *Model Act* should be amended so as to provide the boards with language to incorporate into state laws and regulations in order to further enhance public protection against rogue Internet drug outlets.

Recommendation 10: NABP Should Encourage State Boards of Pharmacy to Require VIPPS Accreditation for Internet Pharmacies Providing Pharmacy Services to Residents of Their States.

The task force recommends that NABP continue to encourage boards of pharmacy to require VIPPS accreditation for all Internet pharmacies providing pharmacy services to residents of their states.

Background:

The task force noted that states which require VIPPS accreditation have a means to ensure that domestically licensed pharmacies operating online are doing so legally. Members agreed that although it may be difficult to curtail rogue sites from operating, requiring VIPPS accreditation provides for increased enforcement and public protection. Additionally, members suggested that it would be beneficial for states to require pharmacies to indicate on license applications and/or renewals whether they operate a Web site as this could allow for the creation of a list of licensed Internet pharmacies so as to enable increased enforcement and public protection.