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A message from the Wyoming State Board of Pharmacy
President Brenda Upton

October 4, 2024

The Wyoming Pharmacy Practice Act Title 33, Chapter 24 tasks the Wyoming State Board of Pharmacy with regulating the practice of pharmacy in Wyoming. Our first duty is to protect the public. In 2023, the Board implemented the Regulatory Decision Pathway model, an evidence-based model that considers factors such as human error, behavioral choices, history, and whether errors were concealed or willful. The matter concerning City Drug in Cheyenne (City Drug) involved violations of the practice of pharmacy in Wyoming that this Board has not had to consider in recent history. The Board adhered to this new model when investigating and evaluating the facts of this case.

There has been some concern and misunderstanding about the Board not taking public comment in reference to the matter with City Drug during its recent meetings. We apologize for the misunderstandings that led to the belief that the Board would take public comment, especially at its September 18 Board meeting.

However, public comment in disciplinary matters is generally not allowed. This is because disciplinary matters are similar in nature to judicial proceedings and have to focus on the parties and the due process rights of the licensee. In particular, the Board must base its decisions throughout the entirety of the disciplinary process on the evidence, statements, and arguments presented to it by the parties to the action. Not the beliefs and wishes of supporters of either side.

Executive Order No. 1981-12 makes it clear that it is the Board's obligation to afford a fair procedure, provide a record for judicial review, and to guard against biased decision making. The Wyoming Administrative Procedure Act's focus is much the same. The Act's focus is on the parties to the disciplinary proceeding and the parties being afforded the opportunity to present statements, arguments, and evidence to the Board, not the general public. Much like a court case, a disciplinary matter must therefore be based on only the evidence, statements, and arguments submitted by the parties, not the opinions of those interested in the outcome. This is not to say that those interested in the outcome are not welcome to observe the process. They are, just as the public may observe trials and court proceedings. However, just as the public's participation is limited to observation in those proceedings, so too is it limited in disciplinary matters. This is to protect the licensee's due process and ensure that the Board remains fair and impartial in hearing the matter.

I announced at the beginning of the September 18 Board meeting that the Board would not take public comment on the disciplinary matter. However, I understand that emotions were high and the attendees may not have heard my announcement. The Board could have been better in our

communication and our explanation for not taking public comment. We will strive to improve our communication.

The Board does not take decisions on disciplinary matters lightly and takes no pleasure in disciplining pharmacists and pharmacies. We understand how these matters can affect both patients and their communities; however, it is necessary to enforce State and Federal rules and regulations in order to ensure the public's safety. Again, we would like to apologize for any misunderstandings surrounding public comment not being allowed during the recent disciplinary proceedings and we will do better going forward.