



IS YOUR PHARMACY IN COMPLIANCE WITH THE LAW?

New Agreements with New York Pharmacies

- In July 2007, New York Lawyers for the Public Interest filed a civil rights complaint with the New York State Office of the Attorney General (OAG) on behalf of Make the Road New York, alleging that pharmacies in New York City and Long Island were not providing language assistance services to limited English proficient (LEP) customers. A subsequent investigation by the OAG revealed that seven chain pharmacies that operate in New York State (**A&P, Costco, CVS, Duane Reade, Rite-Aid, Target, and Wal-Mart**) failed to provide adequate interpretation and translation services to LEP customers.
- As a result, the pharmacies entered into settlement agreements with the State in which they promised to comply with specific terms in order to accommodate customers whose primary language is not English.
- Under the agreement, the pharmacies are required to provide access to proper interpretation and translation services for non-English speaking customers receiving prescriptions.
- Increased access is required both as it relates to conversations/consultation with the pharmacist and to the printing of labels on the prescriptions.
- Additionally, staff needs sufficient training so that they can fulfill the pharmacy's legal obligation to provide accessible services for non-English speakers.

The new provisions help to ensure that non-English speakers have equal access to the law. Each pharmacy must comply with the provisions by specific dates set forth in the agreement. The specific provisions and their contents are listed below along with the dates by which each of the seven pharmacies is required to comply with the provisions. If a date is listed in "**bold**" that means the date has already passed.

If you have any questions or concerns about this fact sheet, please contact NYLPI at 212-244-4664.

<u>Understanding Compliance Requirements</u>	PHARMACY	EFFECTIVE DATE
<p>Effective Date: The Effective Date is the date on which the agreement begins. This is an important date because <i>most</i> of the provisions must be in place either by the Effective date or within a specific time after the Effective date. As listed in the table below, the Effective Date for A & P, Costco, Duane Reade, Target and Wal-Mart was April 21, 2009. The Effective Date for CVS and Rite-Aid was November 12, 2008.</p>	A&P	April 21, 2009
	Costco	April 21, 2009
	CVS	November 12, 2008
	Duane Reade	April 21, 2009
	Rite-Aid	November 12, 2008
	Target	April 21, 2009
	Wal-Mart	April 21, 2009
<p><u>The Provisions of the Agreement</u></p> <p>Below are the specific provisions that each pharmacy must follow. Each section gives a brief description of the provision followed by a table that explains the date by which the pharmacies must comply with the provision.</p>		
<p>1. Bill of Rights: Each pharmacy is required to adopt a Pharmacy Customer Bill of Rights for Language Services and must post it on the website in both English and other written languages. The Pharmacy Bill of Rights contains the following rights:</p> <ol style="list-style-type: none"> 1) The right to understand all information necessary to ensure the safe and effective use of prescription medications. 2) The right to receive counseling from a pharmacist in the language you speak. 3) The right to interpreter services to ensure that communications with a pharmacist can take place in your language. 4) The right to have vital documents, such as the directions for use of a prescription drug, translated into your language or explained to you by an interpreter. 5) The right to file a complaint with the pharmacy if you do not receive assistance or if any staff member violates these rights. 	PHARMACY	REQUIRED DATE OF COMPLIANCE
	A&P	Immediately
	Costco	Immediately
	CVS	Immediately
	Duane Reade	Immediately
	Rite-Aid	Immediately
	Target	Immediately
	Wal-Mart	Immediately

2. Equal Access to Pharmacy Services: Each pharmacy must provide language assistance to customers who require assistance to speak with Pharmacy Staff and to receive services related to prescription medications.	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	Immediately
	Costco	Immediately
	CVS	Immediately
	Duane Reade	Immediately
	Rite-Aid	Immediately
	Target	Immediately
	Wal-Mart	Immediately
3. Written Language Assistance Policy: <u>Within 30 days of Effective Date</u>, each pharmacy must create a written policy describing the language assistance procedures designed by the pharmacy to ensure equal access to pharmacy services.	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	May 21, 2009
	Costco	May 21, 2009
	CVS	December 12, 2008
	Duane Reade	May 21, 2009
	Rite-Aid	December 12, 2008
	Target	May 21, 2009
	Wal-Mart	May 21, 2009
4. Notice to Customers of their Right to Language Assistance: <u>Within 30 days of the Effective Date (except Rite-Aid—60 days)</u>, each pharmacy must inform customers of their right to <u>free</u> language assistance services by posting easily noticeable multi-lingual signs in its pharmacies and on its websites.	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	May 21, 2009
	Costco	May 21, 2009
	CVS	December 12, 2008
	Duane Reade	May 21, 2009
	Rite-Aid (60 days)	January 11, 2009
	Target	May 21, 2009
	Wal-Mart	May 21, 2009
5. Language Assistance Services: Each pharmacy's staff must communicate with customers in the customer's primary language under certain circumstances at no extra charge to the customer. The following provisions (a) & (b) have compliance dates.	See (a)(1), (a)(2), and (b) below for compliance dates	

<p>a. (1) Telephone Services: <u>Within 180 days of the Effective Date</u>, each pharmacy must install telephones equipped to allow for simultaneous interpreter services.</p>	<p style="text-align: center;">PHARMACY</p> <p>A&P Costco CVS Duane Reade Rite-Aid Target Wal-Mart</p>	<p style="text-align: center;">REQUIRED COMPLIANCE DATE</p> <p>October 18, 2009 October 18, 2009 May 11, 2009 October 18, 2009 May 11, 2009 October 18, 2009 October 18, 2009</p>
<p>a. (2) Staff Training on Telephone Services: Additionally, <u>within 15 days of installation of the telephones</u>, Pharmacy Staff must be trained on how to use the equipment.</p>	<p style="text-align: center;">PHARMACY</p> <p>A&P Costco CVS Duane Reade Rite-Aid Target Wal-Mart</p>	<p style="text-align: center;">REQUIRED COMPLIANCE DATE</p> <p>No later than November 2, 2009 No later than November 2, 2009 No later than May 26, 2009 No later than November 2, 2009 No later than May 26, 2009 No later than November 2, 2009 No later than November 2, 2009</p>
<p>b. Pharmacy Staff's Ability to Communicate with Customers: Before discussing Prescription Drug Information with any customer whose primary language is not English, the pharmacy must assess the pharmacist's language abilities to determine whether the pharmacist is qualified to effectively speak to a customer whose primary language is not English.</p>	<p style="text-align: center;">PHARMACY</p> <p>A&P Costco CVS Duane Reade Rite-Aid Target Wal-Mart</p>	<p style="text-align: center;">REQUIRED COMPLIANCE DATE</p> <p>March 1, 2009 April 21, 2009 January 31, 2009 April 21, 2009 January 31, 2009 April 1, 2009 April 1, 2009</p>
<p>6. Translated Documents: Each pharmacy make available both an English-language version and a translated version of prescription drug label information, warning labels, and vital documents.</p>	<p>See (a) and (b) below for compliance dates</p>	

<p>a. Prescription Drug Labels: <u>Within 45 days</u> after the pharmacy has completely implemented its pharmacy computer system (which must happen by March 31, 2010), the pharmacy must print the directions for use of a prescription in both English and the customer’s primary language if the non-English speaking customer’s primary language is not among the pharmacy’s written languages. If the language is not one that the pharmacy translates, then the pharmacy must print the directions in English and use the telephone services to verbally communicate to the customer in his/her primary language.</p>	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	No later than May 15, 2010
	Costco	No later than May 15, 2010
	CVS	No later than May 15, 2010
	Duane Reade	No later than May 15, 2010
	Rite-Aid	No later than May 15, 2010
	Target	No later than May 15, 2010
	Wal-Mart	No later than May 15, 2010
<p>b. Warning Labels: <u>Within 45 days</u> after the pharmacy has its computer system up and running (which must happen by March 31, 2010), the pharmacy must put warning labels on prescriptions in both English and the customer’s primary language. If the language is not one that the pharmacy can translate, then the pharmacy must put the label on the prescription in English and use the telephone service to verbally communicate to the customer in his/her primary language.</p>	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	No later than May 15, 2010
	Costco	No later than May 15, 2010
	CVS	No later than May 15, 2010
	Duane Reade	No later than May 15, 2010
	Rite-Aid	No later than May 15, 2010
	Target	No later than May 15, 2010
	Wal-Mart	No later than May 15, 2010
<p>c. Vital Documents: <u>Within 90 days of the effective date</u>, the pharmacy must translate the following into the pharmacy’s written languages and they must also provide translated materials in the same manner as those provided in English: 1) notices of privacy practices; 2) written offers of counseling; and 3) any other materials that the pharmacy considers important to a customer’s safe and effective use of the prescription medication.</p>	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	July 20, 2009
	Costco	July 20, 2009
	CVS	February 10, 2009
	Duane Reade	July 20, 2009
	Rite-Aid	February 10, 2009
	Target	July 20, 2009
	Wal-Mart	July 20, 2009

<p>7. Training: All Pharmacy Staff must be trained in language assistance and policies and procedures <u>within 30 days of being hired</u>. Each pharmacy must also post a summary of its Language Assistance Policy near the point of sale of the pharmacy in the store.</p>	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	Within 30 days of hiring employee
	Costco	Within 30 days of hiring employee
	CVS	Within 30 days of hiring employee
	Duane Reade	Within 30 days of hiring employee
	Rite-Aid	Within 30 days of hiring employee
	Target	Within 30 days of hiring employee
	Wal-Mart	Within 30 days of hiring employee
<p>8. Complaint System: <u>Within 60 days of the Effective Date</u>, the pharmacy must develop a system for tracking and responding to complaints from customers about problems with communicating with pharmacy staff.</p>	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	June 20, 2009
	Costco	June 20, 2009
	CVS	January 11, 2009
	Duane Reade	June 20, 2009
	Rite-Aid	January 11, 2009
	Target	June 20, 2009
	Wal-Mart	June 20, 2009
<p>9. Advertising: <u>During the first year following the Effective Date</u>, a majority of the pharmacy's ads and promotions must state that it provides language assistance to its customers.</p>	PHARMACY	REQUIRED COMPLIANCE DATE
	A&P	Between April 21, 2009 – April 21, 2010
	Costco	Between April 21, 2009 – April 21, 2010
	CVS	Between Nov. 12, 2008 – Nov. 12, 2009
	Duane Reade	Between April 21, 2009 – April 21, 2010
	Rite-Aid	Between Nov. 12, 2008 – Nov. 12, 2009
	Target	Between April 21, 2009 – April 21, 2010
	Wal-Mart	Between April 21, 2009 – April 21, 2010
<p>10. Recordkeeping: Each pharmacy must keep documents and records sufficient to accurately report and monitor its progress to the State.</p>	No specific compliance date required	
<p>11. Future Research and Analysis: Each pharmacy must continue to research and implement policies and procedures that will expand customers' access to language assistance services.</p>	No specific compliance date required	