

MINUTES  
DEPARTMENT OF HEALTH  
BOARD OF PHARMACY  
RULES COMMITTEE MEETING

April 1, 2014

Marriott Westshore  
1001 North Westshore Boulevard  
Tampa, FL 33607  
(800) 627-7468

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Committee Members:

Jeffrey J. Mesaros, PharmD, Tampa, Chair  
Debra Glass, BPharm, Tallahassee  
Mark Mikhael, PharmD, Orlando  
Jeenu Philip, BPharm, Jacksonville  
Michele Weizer, PharmD, Boca Raton

Board Staff:

Tammy Collins, Acting Executive Director  
Jay Cumbie, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General  
Lynette Norr, Assistant Attorney General

Participants in this public meeting should be aware that these proceedings are being recorded.

Tuesday, April 1, 2014 – 9:00 a.m.

(9:02a.m.) All committee members were present.

Dr. Mesaros welcomed members of the committee and the audience to the April 1, 2014 Rules committee meeting.

Ms. Norr presented the comments made by JAPC regarding rule 64B16-28.100 and illustrated the various changes to the rule language regarding fingerprint requirements.

**Motion:** by Dr. Weizer, seconded by Mr. Philip, to approve the amendments to the rule language. Motion carried.

**Motion:** by Dr. Mikhael, seconded by Dr. Weizer, that there is not an adverse economic impact on small business. Motion carried.

**Motion:** by Dr. Mikhael, seconded by Mrs. Glass, that the changes will not directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000.00 in aggregate in Florida within one year after the implementation of the rule. Motion carried.

Ms. Norr stated rule 64B16-26.1031 is currently being worked on per JAPC's request.

Dr. Mesaros introduced Rule 64B16-26.2034 regarding direct supervision as the first new business agenda item.

Ms. Norr discussed the issue that this rule has allowed pharmacy technicians to practice pharmacy. Ms. Norr then went on to clarify that a pharmacist delegates the tasks to a pharmacy technician and the technician then “assists” the pharmacist in an act, which is not over-stepping their bounds.

The committee discussed the concept of direct supervision and various committee members gave their opinion of what was considered direct.

Ed Bayo approached the committee to suggest the term “premises” in regards to defining direct supervision.

Mr. Flynn discussed the different concepts of general, direct, and indirect supervision.

George Malone (FSHP) approached the committee to echo the use of the term “premises” as discussed by Mr. Bayo.

Dr. Mesaros questioned whether creating too narrow of a definition of direct supervision would prevent remote operations from being authorized.

Mr. Flynn stated that data entry may need to be defined as an act that falls under general supervision.

Mariah Montgomery (Change to Win) approached the committee to discuss the “well experience” model being used by Walgreens. Ms. Montgomery explained the model and informed the committee of the scrutiny it has been under. Ms. Montgomery then went on to ask why the committee had decided to now define direct supervision.

Mr. Flynn explained that there was a definition of direct supervision being used for years, a non-rule policy. Once it becomes a general statement of applicability; the Board has an obligation to put the language into rule so everyone can see it.

Brian Kahan approached the committee to comment on “location of technician” and how that factors in to defining direct supervision.

Rob Tamens approached the committee to suggest the use of the final review aspect of 64B16-27.700 in defining direct supervision.

Dr. Mesaros and Mr. Flynn clarified that the Board has the authority to define direct supervision through implementation.

Mr. Philip stated that, according to statute, everything the pharmacist delegates to the technicians falls under direct supervision.

Mrs. Glass asked if “supervision” needs to be made constant with the language for both interns and technicians.

Dan Luco approached the committee to point out an inaccuracy in Ms. Montgomery’s testimony earlier.

Dr. Mesaros deferred item #2 (64B16-24.450) to the June Rules Committee meeting.

Dr. Mesaros and Ms. Norr introduce item #3 (64B16-28.101) regarding citations and discussed the possible citation for failure to report to the PDMP (Prescription Drug Monitoring Program).

Ms. Yolonda Green of Prosecution Services Unit provided a brief overview of the citation process to the committee and members of the audience.

Dr. Weizer requested the committee table the conversation until a later meeting.

Ms. Norr introduced 64B16-26.2032 as the next agenda item.

Mrs. Glass raised the issue of a licensee holding intern licensure and working as an intern when they are no longer in pharmacy school.

Mr. Philip questioned how we would ever know if interns are enrolled in school or not.

The Committee discussed various time frames for expiration of intern licenses.

Dr. Mesaros warned against creating red-tape for the majority of pharmacy students.

**Motion:** by Dr. Weizer, seconded by Mr. Philip, to write annual letters to the pharmacy schools requesting that they inform the Board office when students are no longer enrolled in their pharmacy programs. Motion carried.

Ms. Norr and Dr. Mesaros informed the committee and audience that agenda item #5 (64B16-28.202, 2021, and 203) has been moved to the June rules committee due to a lack of time.

**Motion:** by Mr. Philip, seconded by Mrs. Glass, to adjourn the meeting at 11:00a.m. Motion carried.