

MINUTES
FLORIDA DEPARTMENT OF HEALTH
BOARD OF PHARMACY
RULES COMMITTEE

August 12, 2014

DoubleTree by Hilton
100 Fairway Drive
Deerfield Beach, FL 33441
(800) 624-3603

Committee Members:

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

Board Staff:

Patrick Kennedy, Executive Director
Tammy Collins, Program Operations Administrator
Jay Cumbie, Regulatory Specialist II

Board Counsel:

David Flynn, Assistant Attorney General
Lawrence Harris, Assistant Attorney General

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

Tuesday, August 12, 2014 - 9:00a.m.

Dr. Mesaros called the meeting to order at 9:02a.m.

Dr. Mesaros welcomed Lawrence "Larry" Harris (Assistant Attorney General) and Dr. Goar Alvarez (pharmacist member from Ft. Lauderdale).

Mr. Flynn stated that defining direct supervision and HB 323 are still the focal points of the old business section.

David Flynn elaborated on the term "premises" as used in the rule.

Mrs. Glass requested clarification on how "real time" is incorporated into the direct supervision language.

Michael Jackson (Florida Pharmacy Association) approached the committee to discuss the effect indirect supervision will have on technician staffing ratios.

Mr. Flynn reminded the committee of the importance of coming to a consensus today regarding direct supervision.

Larry Gonzalez (Florida Society for Health-System Pharmacists) approached the committee to distribute proposed rule language for direct supervision.

Martin Dix approached the committee with a suggested change to the language.

Michael Jackson (FPA) informed the committee that pharmacy interns and students don't count against the technician staffing ratio.

Dr. Alvarez asked confirmed through David Flynn that the supervising pharmacist is liable for the actions of registered pharmacy technician that is being supervised.

Mrs. Glass supported the idea of incorporating Mr. Jackson's language into the rule.

Dr. Alvarez said we can't eliminate certain responsibilities of a pharmacist without changing the profession of pharmacy.

Chris Wallace (Walgreens) approached the committee to discuss who is included in the technician ratio in regards to remote supervision.

Mr. Flynn stated that with the restrictions set forth by Florida Statutes, the term "premises" was the most expansive definition of direct supervision that he felt could be done based on the current climate of the profession.

Larry Gonzalez (FSHP) and Michael Jackson (FPA) suggested we define the work "premises".

The committee broke from 10:06a.m. – 10:29a.m.

The committee continued to discuss various words in the rule language including scope, premises, and personal assistance.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to accept and recommend the proposed rule language with modifications to the full board for a vote. Motion carried.

Dr. Mesaros and Mr. Flynn suggested the committee vote to open up rule development on Rule 64B16-27.420.

Motion: by Dr. Mikhael, seconded by Mrs. Glass, to open up Rule 64B16-27.420 for development. Motion carried.

The committee then discussed injections and then potential need for a 20 hour course.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to accept Board Counsel David Flynn's interpretation that the under Chapter 465.189 states that as long as you are under protocol, drugs A through D can be administered. Motion carried.

Dr. Mesaros opened up discussion on registered pharmacy technician staffing ratios.

Dr. Weizer gave a brief presentation on what accreditation for pharmacy technicians will look like in the future.

Adam Chessler and Bill Schimil were present on behalf of the PTCB (Pharmacy Technician Certification Board). Mr. Chessler and Mr. Schimil gave a brief overview of the PTCB, what they do, and what they have in the works for the future. The representatives then made themselves available for questions from the Board members.

Michael Jackson (FPA) stated the Florida Pharmacy Association and the Florida Society for Health-System Pharmacists support the PTCB and have been working closely with them over the years.

Motion: by Mr. Philip, seconded by Mrs. Glass, for recess at 10:01p.m. Motion carried.

Dr. Mesaros reconvened the Rules Committee at 3:40p.m.

The committee continued to discuss the rules.

The Committee discussed creating a committee that has the sole purpose of reviewing pharmacies requesting a pharmacy technician ratio higher than 3:1 with the ultimate authority of denying an application remaining with the full Board.

Dr. Fallon suggested 3:1 ratio for sterile compounding facilities, 4:1 ratio for retail settings, and 6:1 for call center settings (drugless pharmacies).

Dr. Mesaros believed Dr. Fallon's suggestion could work as a satisfactory compromise.

A representative from Walgreens approached the committee to discuss the fact that 17 states do not have a cap on the amount of techs that a pharmacist can supervise and there is no solid evidence of pharmacy technicians "running wild".

Michael Jackson (Florida Pharmacy Association) approached the committee to show support for Dr. Fallon's ratio proposal.

Mr. Philip brought up the issue of how interns and technicians in training will affect the ratio. Mr. Philips also spoke support for Dr. Fallon's proposal.

Motion: by Mr. Phillip, seconded by Dr. Weizer, to open rulemaking on a potential tech ratio rule involving a 3:1 ratio for compounding facilities, 4:1 ratio for retail settings, and 6:1 ratio for call center settings. Motion carried.

Motion: by Mr. Phillip, seconded by Mrs. Glass, to adjourn the meeting at 4:55p.m. Motion carried.