

**FLORIDA** | Board of Pharmacy

**Legislative Committee**

# Meeting Minutes

**August 15, 2017**

Embassy Suites Fort Lauderdale

1100 SE 17th Street

Ft Lauderdale, FL 33316

Contact Hotel: 954-315-1326



**Jeenu Philip, Bpharm**  
Committee Chair

**C. Erica White**  
Executive Director

Tuesday, August 15, 2017 at 9:00 AM

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**Call to Order** - The meeting was called to order by the Committee Chair, Mr. Philip, at 11:57 a.m.

**Roll Call** - Those present during the meeting included the following:

**Board Members**

Jeenu Philip, BPharm, Chair  
Goar Alvarez, PharmD  
David Bisailon  
Debra Glass, BPharm  
Michele Weizer, PharmD

**Attorneys**

Board Counsel:  
David Flynn, Assistant Attorney General  
Lawrence Harris, Assistant Attorney General

**Board Staff:**

C. Erica White, Executive Director  
Savada Knight, Regulatory Supervisor  
Jessica Hollingsworth, Government Analyst II

Meeting recessed at 12:04 p.m.  
Meeting reconvened at 4:40 p.m.

Mr. Philip opened the committee for discussion by providing a brief background and the purpose of the committee.

**1. Pharmacist Prescribing – 465.186, FS**

Discussion:

Mr. Philip provided an overview of the suggested amendments to Section 465.186, FS., as listed in the agenda. Mr. Bisailon requested clarification on the definition of a medical device, in which Mr. Philip provided examples such as a blood glucose meter and a nebulizer. Dr. Weizer suggested adding oral hormonal contraceptives.

Michael Jackson, Executive Vice-President and CEO of the Florida Pharmacy Association, expressed his approval with the current proposed amendments. He suggested that the board consider listing drugs that are “time-sensitive”, which could include the Plan-B Pill / other oral contraceptives.

Mr. Philip asked the board if they were comfortable with where the proposed changes are

heading, to which the board agreed. Mr. Philip asked the board for suggestions to changes for the proposed amendments. Dr. Weizer suggested adding some direction for pharmacists to the proposed additions under Section 465.186(1), FS.

Martin Dix, an Attorney with Akerman, suggested adding an “and” / “or” to clarify. He felt suggestion #2 seemed more clear. Mr. Flynn clarified that after the committee chooses a suggestion, they will move forward in making things less vague.

Gary Daylen, with Boca Raton Regional Hospital and representative of FSHP, suggested that collaborating with other boards may be easier than going through legislation. He also pointed out that the Florida Medical Association has historically been against the changes that are being discussed today.

Board members agreed to continue thinking about which option would be best along with other amendments to introduce into legislation next year. Mr. Flynn requested for the board to let him research proclamations and emergencies to assist the board in finalizing what they introduce for Section 465.186, FS.

## **2. Legal presumption and validity of a prescription written by an ARNP and PA**

### Discussion:

Mr. Philip gave a brief overview on Section 456.0392, FS and explained that the intent of the board revising the statute is to allow pharmacists the ability to make the presumption that prescriptions they receive from ARNPs and PAs are legal.

Martin Dix, an Attorney with Akerman, recommended that the board change their amendment of “legal” to “legally authorized” under Section 456.0392(2) and (3), FS. The board agreed with this recommendation.

A motion was made by Weizer to accept the proposed amended language under Section 456.0392, FS. Motion passed unanimously.

## **3. Discussion on RPh prescriptive authority vs. collaborative practice agreements vs. statewide protocols**

### Discussion:

Mr. Phillip and Dr. Mesaros discussed having Ms. Weaver or Mr. Adams from ASPL present on RPh prescriptive authority vs. collaborative practice agreements vs. statewide protocols at the next committee meeting. Mr. Philip gave an overview of the goal for the proposed changes, which is to provide a clear method on establishing and keeping a relationship between pharmacists and health care practitioners, in which brief discussion ensued on effective ways to do this.

#### **4. Amendment to Section 465.189, FS – To permit pharmacists to provide treatment of influenza**

##### Discussion:

Mr. Philip invited Mr. Jackson to discuss SB 1180. Mr. Jackson gave a brief overview of the bill, which died in the process due to no house sponsor. Mr. Philip asked Mr. Jackson if they planned to push this bill through again, to which Mr. Jackson answered that it was unlikely but that they are willing to make their previous bill a piece of the legislation that the board presents next year.

#### **5. Supervision of Pharmacy Technicians and the definition of Direct supervision**

##### Discussion:

Mr. Philip recognized that “direct supervision” and “direct and immediate supervision” are both used in Section 465.014(1), FS. intentionally. He recommended identifying a definition for direct supervision and is for leaving the language in the statute as-is for now. Mr. Flynn informed the board that he believed this could be changed through rule. Dr. Mesaros shared his opinion of keeping control with the board and changing it through rule.

#### **6. Telepharmacy**

##### Discussion:

Mr. Philip suggested continuing this item to the October agenda due to time constraints and discussing a good bit of it already.

#### **7. Reference Material:**

A. NABP Taskforce report -

[https://nabp.pharmacy/wpcontent/uploads/2016/07/Report\\_TaskForce\\_PharmacistPrescriptiveAuthority\\_Final.pdf](https://nabp.pharmacy/wpcontent/uploads/2016/07/Report_TaskForce_PharmacistPrescriptiveAuthority_Final.pdf)

B. Legislation/Processes in other states that we can model

#### **8. Old Business/New Business**

Mr. Philip encouraged the board to continue looking through legislation and point out changes that could be made.

#### **9. Public Comment**

Richard Montgomery, with Adventist Health System, requested that the board consider a standardization process for pediatric formulations to create a safer environment for children in Florida. Ms. Weizer agreed with Mr. Montgomery and added that other states are already working on this, with Michigan taking the lead.

## **10. Adjournment**

The meeting adjourned at 6:23 p.m.