

FLORIDA | Board of Pharmacy

Legislative Committee

Draft Meeting Minutes

December 11, 2017

Rosen Plaza Hotel

9700 International Drive

Orlando, FL 32819

Contact Hotel: 407-996-9700



Jeenu Philip, BPharm
Committee Chair

C. Erica White
Executive Director

Call to Order - The meeting was called to order by the Committee Chair, Mr. Philip, at 3:00 p.m.

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

Committee Members

Jeenu Philip, BPharm, Chair
David Bisailon
Blanca Rivera, MPharm

Attorneys

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

Board Staff:

C. Erica White, Executive Director
Irene Lake, Program Operations Administrator

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

1. Section 465.0075, F.S. - Licensure by Endorsement.

Discussion:

Statute indicates that the Department may not issue a license by endorsement to an applicant whose license has been suspended or revoked in another state or who is currently the subject of any disciplinary proceedings in another state. There have been some cases where people have stayed suspensions. The Board has no option, but to deny. The thought is to give the Board the option to look at each case and allow the Board to proceed based on the facts of that case. Discussion to change the language. Decision should be made by the Board and vet the applicant. The recommendation was to revise the language to read, "The Board may refuse to certify the Department to not issue a license by endorsement to any applicant whose license to practice pharmacy has been revoked...." Motion made by Mr. Bisailon to approve recommendation. Motion passed unanimously.

2. Section 465.009, F.S. - Continuing Professional Pharmaceutical Education.

Discussion:

One of the requirements for pharmacists to administer vaccinations is a mandatory 3 hour continuing education course offered by the Professional Association of Physicians. The proposed statute change would be to look at what pharmacist have been doing and where they are going. Pharmacists have been providing immunizations for almost 10

years. Pharmacy schools are now providing immunization classes; pharmacists are administering vaccines as part of their daily routine. The 3-hour CEs is unnecessary. Pharmacists should be doing CEs that are better suited to activities that they are currently not doing. Thought is to still allow FMA and state association to provide education, but transition it from immunization to activities pharmacists are currently not doing.

Ms. Rivera made a motion to recommend the change in 465.009 for each pharmacist to complete a 3-hour continuing education course provided by the American Medical Association or ACPE on prescribing, ordering and interpreting laboratory tests and patient assessment as part of the renewal and to strike subsection "c." Motion passed unanimously.

3. Section 465.014, F.S. - Pharmacy Technician

Discussion:

As the pharmacy practice continues to evolve, additional support will be critical to allow pharmacists to perform more clinical activities. Make suggestions to allow technicians to expand their duties in a safe manor with the understanding that pharmacists are still required to supervise. Suggestion to add "or indirect" will allow the Board to define what this means in the rules. Direct supervision is defined in the rules. Susie Wise, President of the Florida Pharmacy Association, expressed serious concerns related to patient safety with adding "indirect" supervision through remote methods. Mr. Jackson commented that there is an awareness that there is a fair amount of rulemaking on the issue of direct or indirect. He is making a presumption that the rule making authority is in 465.014 that can determine how the indirect supervision will be done or it may be additional language added. Mr. Philip commented that as models continue to evolve and electronic forms of supervision can improve, there is going to be opportunities that will be limited by statute. Mr. Bisailon commented that he supports and understands what is trying to be accomplished. Ms. Rivera had no thoughts on the indirect language if the Board has the ability to determine what indirect means. Mr. Flynn suggested adding a sentence "direct and indirect shall be defined by rule of the Board." Larry Gonzalez, with FSHSPF, commented that their organization is still studying remote dispensing. This proposed change does not reach this issue, so they would not speak in favor at this time. He will advise adding the language as defined by the Board of Pharmacy would be appropriate and direct that the content of the meaning of the word will be defined down the road and will weigh in at that time.

Mr. Philip continued to the next topic regarding additional language to allow technicians to take in new or refill prescriptions from physicians or physician's offices and perform transfers of prescriptions. Ms. Rivera was not too concerned with the piece about the technician transferring or taking a refill, but is concerned about the technician speaking with the physician; there is no way a pharmacist can assess unless they speak to the physician. Concerned with allowing a technician to take a brand-new prescription from a physician. Mr. Philip responded that it would be up to the pharmacist on duty to determine if the technician could take the new prescription. Technician must be

nationally certified.

Mr. Jackson commented they are watching this carefully and looking at the need to offload tasks on ancillary personnel; agree that the certification of pharmacy technicians is the appropriate first step in advancing the skills level and ability of technicians. Thinks it is possible to move forward with this. Only question to the Board, is who would be sitting before the Board in the event the technician failed to do it properly? Mr. Flynn responded that once delegated, the pharmacist still remains responsible; if the technician makes a mistake it is covered in statute and would look at the pharmacist for the delegable act. Mr. Jackson asked if adding in the term “certified pharmacy registered technician” would the certification have to be further defined? Mr. Philip responded that it would have to be further defined. Mr. Jackson advocates for a discussion and review of the PTCB program as the gold standard recommended.

Dr. Mikhael commented that the base line for him is the verbal piece of the interaction back and forth; as an education piece, the baseline for someone who graduates from a pharmacy school has a better knowledge base of the verbal piece. Look at education level, pharmacists are better equipped for verbal communication. Communication with a physician may lead to a collaborative treatment plan with a patient. Dr. Mikhael’s point is that the education pharmacists receive through training sets them up for success as opposed for a technician. He is ok with electronic transfers, not verbal, and refills with no change is fine. Ms. Rivera is ok with transfers and refills, but not with new prescriptions. Dr. Mikhael is ok with all of this as long as it is non-verbal communication. Dr. Montgomery is ok if non-verbal; came close to too many near misses. Mr. Bisailon commented that one component is giving pause; carve out the part that is a concern and move on with other components. Mr. Philip would like to see some type of expansion of scope, but it will not move along unless they figure out what that is and where they need to go and what is required. Mr. Bisailon commented that it is really the intellectual analysis of what the individual is looking at. As consumer member, to move forward with an increase in what technicians are able to do without jeopardizing health and welfare, is a good thing, but has ramifications and implications in every pharmacy. Would like to push the ball forward, but there is a lot of work that has to be done to answer all questions and concerns. Mr. Philip asked, hypothetically, if this currently was allowed by statute, what would they do as a board to help protect the public? Mr. Flynn responded that if it was in the statute, the Board can tweak training requirements. Ms. Rivera commented that to be able to write what you hear on a piece of paper requires a knowledge base of a pharmacist. Mr. Philip commented that he is hearing that there is an assumption that technicians are going to make mistakes or not catch mistakes from physician’s office. Does this outweigh potential of freeing up pharmacist time? There is an opportunity to allow pharmacist to do other things.

Mr. Philip continued to the final discussion of allowing pharmacy technicians who have certification to transfer into Florida without having to go through a tremendous training process. Ms. Rivera stated that she is ok with this if they took certified training in another state, it would not be any different if they had taken it here. Mr. Philip stated that the technician would still have to have 1,500 hours and certification. Dr. Hickman

stated that he would be comfortable if they met the requirements.

Motion made by Mr. Bisailon to add the “or indirect” piece and remove the line, “registered pursuant to this Section before January 1, 2001.” Motion passed unanimously.

4. Section 465.026, F.S. - Filling of Certain Prescriptions

No Discussion

5. Bills Filed for the 2018 Legislative Session (spreadsheet)

SB 8 is a companion bill to HB 21 – Motion made by Ms. Rivera to support. Motion passed unanimously.

HB 291 is a companion to SB710 – Motion made by Mr. Bisailon to support. Motion passed unanimously.

HB351 – Motion made by Mr. Bisailon to support. Motion passed unanimously.

HB431 is a companion to SB524 – Motion made by Mr. Bisailon to support. Motion passed unanimously.

HB 513 – Motion made by Mr. Bisailon to remain neutral. Motion passed unanimously.

SB534 – Motion made by Mr. Bisailon to support. Motion passed unanimously.

HB675 – Motion made by Ms. Rivera to support. Motion passed unanimously.

HB679 is a companion bill to SB848 – Mr. Philip supports. Motion made by Mr. Bisailon to support. Motion opposed by Ms. Rivera. Two in support and one opposed. Motion passes.

HB689 is a companion bill to SB914 – Motion made by Mr. Bisailon to support. Motion passed unanimously.

6. Old Business/New Business

None

7. Public Comment

Mr. Parrado brought up 465.026 on the transfer of prescriptions. Mr. Parrado advised that there is huge problem in the community with pharmacists refusing to transfer scripts to another pharmacy stating that they are too busy, they do not have time, call tomorrow when there is a patient waiting for their medication. Then pharmacists are telling patients that they cannot transfer because the prescription is on hold and can only transfer what has been filled. Mr. Philip addressed the second issue and asked Mr.

Parrado if it involved controlled medications. Mr. Parrado said it was any medication, but controls could be one of them. Mr. Philip advised that there was clarification from the DEA through NABP, that controlled transfers can only occur after they have been filled once. New prescriptions can only be transferred via electronic means. Mr. Philip advised Mr. Parrado that 465.026 was not discussed because the Board decided not to expand the technician practice to allow performing transfers. No vote or discussion occurred with 465.026.

8. Adjournment

Motion made by Ms. Rivera to adjourn. Meeting adjourned at 6:06 p.m.

DRAFT