

MINUTES
FLORIDA DEPARTMENT OF HEALTH
BOARD OF PHARMACY
RULES COMMITTEE

June 10, 2014

Embassy Suites – Lake Buena Vista
4955 Kyngs Heath Road
Kissimmee, FL 34746
(407) 597-4000

Committee Members:

Jeffrey Mesaros, PharmD, Tampa, 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
Lynette Norr, Assistant Attorney General

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

Tuesday, June 10, 2014 – 9:02 a.m.

Dr. Mesaros opened the meeting by welcoming new Executive Director Patrick Kennedy to the Board of Pharmacy.

Ms. Norr started discussion on the upcoming annual regulatory plan with a brief recap of all the rules that had been passed over course of the last twelve months.

Ms. Norr then moved on to illustrate the rules that will be on the annual regulatory plan for this upcoming year. Ms. Norr pointed out that most of the rules on the annual regulatory plan are rules affected by House Bill 7077 and House Bill 323.

Ms. Norr then opened the floor to possible additions to the annual regulatory plan.

Bob Parrado approached the committee with a proposed revision for Rule 64B16-27.831 that included the following revisions/additions: (e) Patient always pays cash and always insists on brand name products, (f) Patient requests controlled substances by “street” names eg. Blues for oxycodone, Zanny Bars for alprazolam 2mg, and (g) patient travels long distances to prescriber and/or pharmacy.

Dr. Mikhael suggested taking Rule 64B16-27.831 back to the Prescription Drug Abuse Committee to which Dr. Mesaros and Mr. Flynn agreed.

Larry Gonzalez (Florida Society for Health System Pharmacists) approached the committee to discuss provider status for the pharmacists. Mr. Gonzalez stated his belief that pharmacist should have provider status in order to practice to the fullest of their ability.

Michael Jackson (Florida Pharmacy Association) approached the committee to second the thoughts brought forward by Mr. Gonzalez.

Dr. Mesaros suggested an agenda spot on the full board agenda designated for updates on pharmacist provider status.

Motion: by Dr. Weizer, seconded by Mrs. Glass, to move forward with the annual regulatory plan. Motion carried.

Mr. Flynn gave a brief overview of the current status of House Bill 323.

Dr. Mesaros suggested a potential telephonic workshop to work on the tech ratio issues in the same realm of the call done for the compounding rules committee in May 2014.

Mr. Kennedy reminded the committee of the cost of time in systematic change in regards to changing the ratio section of the permit applications. Mr. Kennedy followed that up by stating that the monetary costs wouldn't be very significant.

Michael Jackson (Florida Pharmacy Association) approached to committee to reaffirm his willingness to work with the Board in regards to tech ratios and crafting a product that is agreeable to the masses.

Mr. Philip stated that the committee needs to look at potential 5:1 and 6:1 ratios as other states have done.

Dr. Weizer explained that employer based technician training programs are the biggest vulnerability, in regards to the rule making process around tech ratios, due to the fact that those programs aren't standardized. Dr. Weizer then suggested the rule governing employer based training programs be opened up for development.

Mr. Philip questioned whether the rule could be changed to allow a letter to be sent to the board office whenever a pharmacy is requested a tech ratio higher than 4:1.

Dr. Mikhael stated he still feels that additional information is needed for him to feel comfortable with going with an automatic 4:1 tech ratio.

Dr. Weizer reiterated her stance that education is the most important factor to changing the tech ratio. Dr. Weizer then went on to suggest that all technicians be nationally certified as well as registered with the state.

Mrs. Glass stated that she thinks the technician ratio needs to be an across the board type deal and not different by practice setting.

Michael Jackson (Florida Pharmacy Association) approached the committee and said he has enjoyed and absorbed the ideas that have been discussed and stated he hopes he can bring some draft language to the next rules committee.

Larry Gonzalez (Florida Society of Health System Pharmacists) approached the committee to state his organization supports the Board of Pharmacy reserving the authority to determine the appropriate technician ratios.

Rich Palumbo (Express Rx) approached the committee to voice his opposition to requiring all technicians to become nationally certified. Mr. Palumbo went to suggest a testing module for each organization in regards to employer based training programs.

Dr. Weizer stated for the record that technicians in training and pharmacy interns are not counted against the pharmacy technician staffing ratio.

The committee discussed possible dates for the proposed conference call.

Mrs. Glass suggested one of the Thursdays between PCP calls.

Motion: by Mrs. Glass, seconded by Dr. Weizer, to adjourn the meeting at 10:48a.m.