

**FLORIDA** | Board of Pharmacy

**Legislative Committee**

# Draft Meeting Minutes

**October 2, 2018**

Embassy Suites Ft. 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, October 2, 2018**

### **Call to Order:**

The meeting was called to order by the Committee Chair, Mr. Philip, at 12:50 p.m.

### **Roll Call:**

Those present during the meeting included the following:

### **Board/Committee Members:**

Jeenu Philip, BPharm, Chair  
Mark Mikhael, PharmD  
David Wright, BPharm

### **Board Counsel:**

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

### **Board Staff:**

C. Erica White, MBA, JD - Executive Director  
Shay Marcelus, JD – Program Operations Administrator

## **1. Discussion of Suggested Items for inclusion in the Department of Health's 2019 Legislative Package**

Mr. Philip would recommend checking the PDMP for refill has no value. He recommended the Board to amend the language to only require the PDMP to be check for initial fills of prescription. The Committee discussed the scope of the issues that are present when checking a refill. They discussed the value in checking the PDMP for refills.

Michael Jackson, commented on the amendment adopted on medical marijuana which allows a municipality to regulate facility. The regulations for opening this type of facility are mirroring those of a pharmacy. He suggests the language to be altered to avoid a less impact on patient access and commerce.

Bryan Kahn, commented on the issue of legislative that is geared to treat pharmacies and medical marijuana dispensing facilities and some of the unintended consequences that may come from creating such a rule. He voiced his concern about a publication where the city of Hollywood has amended its zoning ordinances to comply with the Medical Marijuana Act. Resulting in questions on the impact of the ability to expand and considering the potential rationing of sites.

David Joseph, commented on the exemption that should exist when having to check refills on controlled substance. He voiced his concerns were that the efforts to regulate opioids and it is affected other areas in the profession.

Brett Martinez commented that he sees a benefit in checking the PDMP. Mark Percival, Walgreens, agrees that there is not a great benefit in checking the PDMP on refills. He voiced his concern on the disciplinary action that a pharmacist could face when refilling a prescription for a patient who has been on the medication for years.

Mr. Meshad discussed whether the legislation was geared toward the checking refills. Mr. Flynn clarified that he does not see any ambiguity in the legislation.

Tim Koch commented that the PDMP is providing systems like nark score that allow integration with the current system used in pharmacy. Mr. Hayblone agrees with the benefit of the new systems from PDMP that allow integration with pharmacies, and he does not see a benefit in checking .

Mr. Philip suggested changing the current language to only require the checking the PDMP for initial prescription. He will work with legal counsel on the proposed language.

Motion by Dr. Mikhael to recommend to the Department to only mandate checking the PDMP for initial fills. Motion seconded by Mr. Wright. Motion passed unanimously.

Mr. Jackson, suggested that the Florida laws be revised that so physicians and pharmacists can collaborate, which can result in higher quality of care.

Dr. Mikhael thinks we should look at expanding health care duties, reducing the age requirement for receiving a flu shot.

Mr. Wright, suggested considering introducing point of care testing, referring to Flu and Strep testing specifically.

## 2. **Discussion: Long Term Care - lack of exemption**

Dr. Lauren Paul, Senior Director, Pharmacy Regulatory Affairs – CVS Health requested a vote of support from the Board to have long term care included into the 2019 Legislative packet.

Mr. Wright suggests that facilities like the Intermediate Care Facilities for Individuals with an Intellectual Disability(ICF/IID) should be considered as an exemption. They are much like nursing homes, only being limited to about 20-25 patients.

Mr. Flynn gave an overview of the administrative aspect of ensuring that there will be continued clarification for the proposed language and its exemptions.

Motion by Dr. Mikhael to accept the proposed language for the Legislative packet to the 2019 Department of Health Legislative Packet, with the addition of Hospice and the ICF/IID. Motion seconded by Mr. Wright. Motion passed unanimously.

3. **Old Business / New Business:**

No discussion.

4. **Public Comment:**

No discussion.

5. **Adjournment:**

Motion to adjourn by Mr. Wright. Motion seconded by Dr. Mikhael.  
The meeting adjourned at 1:45p.m.

DRAFT