

**BOARD OF PHARMACY
PRACTICE COMMITTEE
October 15, 2019
DRAFT MINUTES
Embassy Suites by Hilton
1100 SE 17th Street
Ft. Lauderdale, FL 33316
(954) 527-2700
9:00 a.m. ET**

Participants in this public meeting should be aware that these proceedings are being recorded and that an audio file of the meeting will be posted to the board's website.

I. CALL TO ORDER/ROLL CALL

Mr. Hickman called the meeting to order at 9:00 a.m. ET.

MEMBERS PRESENT

Jonathan Hickman, PharmD, Chair
Mark Mikhael, PharmD
David Bisailon, Consumer Member
David Wright, BPharm
Jeenu Philip, BPharm

STAFF PRESENT

Jennifer Wenhold, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL

David Flynn, Esq.
Senior Assistant Attorney General
Timothy Frizzell, Esq.
Assistant Attorney General

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II. RULES DISCUSSION

- a. 64B16-27.4001, F.A.C., Delegation to and Supervision of Pharmacy Technicians; Responsibility of Supervising Pharmacist

The Florida Pharmacy Association requested the Board review Rule 64B16-27.4001, F.A.C.

Kathy Baldwin, PharmD, submitted proposed language on behalf of Florida Society of Health Care System Pharmacist, Inc and Florida Independent Pharmacy Network.

At this time, Dr. Hickman allowed comments from the public regarding Rule 64B16-27.4001.

Bill Kernan, PharmD, MBA, FSHP President, addressed the Committee.

Michael Jackson, FPA Executive Vice President, addressed the Committee.

Angela Garcia, PharmD, Representative from FPA, addressed the Committee.

Mr. Flynn, Board Counsel, addressed the Committee regarding direct and indirect supervision.

Steve Lincoln, Pharmacist in Charge, Walgreens Orlando, addressed the Committee.

Lauren Paul, CVS Health, addressed the Committee.

Francine Wai, CVS Health, addressed the Committee regarding delegation and supervision.

Nicolette Clark, CVS Health, addressed the Committee.

Mr. David Joseph, R. Ph., FIACP, addressed the Committee.

Edwin Bayo, Esq., addressed the Committee.

After discussion, the Committee directed Board Counsel to amend the proposed the language and present at the next scheduled Committee meeting.

Motion: by Mr. Wright to approve the proposed updates to the rule language to be presented at the next committee meeting for review.

Second: by Dr. Mikhael

Vote: Unanimous

b. 64B16-27.410, F.A.C., Registered Pharmacy Technician to Pharmacist Ratio

The Florida Pharmacy Association requested the Board review Rule 64B16-27.410, F.A.C.

Kathy Baldwin, PharmD, submitted proposed language on behalf of Florida Society of Health Care System Pharmacist, Inc and Florida Independent Pharmacy Network.

At this time, Dr. Hickman allowed comments from the public regarding Rule 64B16-27.410.

Joseph Scuro addressed the Committee.

Michael Jackson, FPA Executive Vice President, addressed the Committee.

George Abdo, Pharmacist Intern, addressed the Committee.

At this time, the Committee did not move forward with amending the current language.

Motion: by Mr. Phillip voted to withdraw Rule 64B16-27.410.

Second: by Mr. Bisailon

Vote: Unanimous

c. 64B16-27.420. F.A.C., Pharmacy Technician – Delegable and non-Delegable Tasks

The Florida Pharmacy Association requested the Board review Rule 64B16-27.420, F.A.C.

Kathy Baldwin, PharmD, submitted proposed language on behalf of Florida Society of Health Care System Pharmacist, Inc and Florida Independent Pharmacy Network.

At this time, Dr. Hickman allowed comments from the public regarding Rule 64B16-27.420.

Bill Kernan, PharmD, MBA, FSHP President, addressed the Committee.

Michael Jackson, FPA Executive Vice President, addressed the Committee.

Lauren Paul, CVS Health, addressed the Committee.

Proposed Language:

64B16-27.420 Pharmacy Technician – Delegable and Non-Delegable Tasks.

A pharmacy technician may only assist a pharmacist in executing or carrying out the practice of the profession of pharmacy, but shall never themselves engage in the practice of the profession of pharmacy as defined in Chapter 465, F.S. Therefore, pharmacy technicians may only perform delegable tasks as identified and defined pursuant to this rule.

(1) Delegable Tasks – Delegable tasks are those tasks that are performed pursuant to a pharmacist's direction, without the exercise of the pharmacy technician's own judgment and discretion, and which do not require the pharmacy technician to exercise the independent professional judgment that is the foundation of the practice of the profession of pharmacy. ~~The following tasks are delegable:~~

- ~~(a) Data entry;~~
- ~~(b) Labeling of preparations and prescriptions;~~
- ~~(c) Retrieval of prescription files, patient files and profiles, and other similar records pertaining to the practice of pharmacy;~~
- ~~(d) The counting, weighing, measuring, and pouring of prescription medication or stock legend drugs and controlled substances, including the filling of an automated medication system;~~
- ~~(e) The initiation of communication to confirm the patient's name, medication, strength, quantity, directions, number of refills, and date of last refill;~~
- ~~(f) The initiation of communication with a prescribing practitioner or their agents to obtain clarification on missing or illegible dates, prescriber name, brand or generic preference, quantity, license numbers or DEA registration numbers;~~
- ~~(g) The acceptance of authorization to dispense medications pursuant to a prescribing practitioner's authorization to fill an existing prescription that has no refills remaining (refill authorization);~~
- ~~(h) The receiving, in a permitted nuclear pharmacy, of diagnostic orders only;~~
- ~~(i) Organizing of or participating in continuous quality improvement related events, meetings, or presentations;~~
- ~~(j) Participation in a monitoring program to remove deteriorated pharmaceuticals to a~~

quarantine area; and,

~~(k) While under the direct supervision of the pharmacist, performance of any other mechanical, technical or administrative tasks which do not themselves constitute practice of the profession of pharmacy.~~

(2) No Change

Rulemaking Authority 465.005, 465.014 FS. Law Implemented 465.014 FS. History—New 8-31-87, Formerly 21S-4.0025, Amended 7-30-91, Formerly 21S-27.420, 61F10-27.420, 59X-27.420, Amended 2-23-98, 1-1-10, 8-26-12, 2-5-15, 7-6-15,_____.

Motion: by Dr. Mikhael to approve the proposed rule language in 64B16-27.420, F.A.C.

(1) Delegable Tasks to be presented to the Full Board.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Mikhael to find that the proposed revisions do not have an adverse impact on small businesses.

Second: by Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Mikhael to find the proposed revisions would not likely directly or indirectly increase regulatory costs to any entity including government in excess of \$200,000 in the aggregate in Florida within one year after the implementation of the rule.

Second: Mr. Bisailon

Vote: Unanimous

Motion: by Dr. Mikhael that no part of this rule or a violation of this rule should be designated as a minor violation.

Second: by Mr. Bisailon

Vote: Unanimous

The Committee tabled the discussion on Non-Delegable tasks for the next scheduled Committee meeting.

d. Correspondence Related to Pharmacy Technician Rules

The Board reviewed correspondence from Dade County Pharmacy Administration, Florida Pharmacy Association and additional correspondence relating to the Pharmacy Technician Rules.

e. 64B16-27.830, F.A.C., Standard of Practice – Drug Therapy Management

Dan Buffington, addressed the Committee.

After discussion, the Committee tabled this discussion to the next scheduled Committee meeting.

III. PUBLIC COMMENT

No additional comments at this time.

IV. ADJOURNMENT

There being no further business, the meeting adjourned at 12:00 p.m.