

**BOARD OF PHARMACY
JOINT COMMITTEE MEETING
DRAFT MINUTES
March 29, 2021
12:30 p.m. ET
Call In Number: (888) 585-9008
Conference Code: 599-196-982(#)**

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

MEMBERS PRESENT

Jeffrey Mesaros, PharmD, JD, Chair
Patty Ghazvini, PharmD, BCGP
David Wright, BPharm

ABSENT MEMBERS

Jonathan Hickman, PharmD
Jeenu Philip, BPharm

COURT REPORTER

For the Record
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Tallahassee, FL 32308
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STAFF PRESENT

Jessica Sapp, Executive Director
Traci Zeh, Program Administrator

BOARD COUNSEL

David Flynn, Esq.
Senior Assistant Attorney General
Christopher Dierlam, Esq.
Assistant Attorney General

JOINT COMMITTEE MEMBERS PRESENT

Hector Vila, MD, Board of Medicine
Shailesh K Gupta, MD, Board of Medicine
Joel B. Rose, DO, Board of Osteopathic Medicine
Michelle R. Mendez, DO, Board of Osteopathic Medicine

Also present on the call was Ed Tellechea, counsel to the Board of Medicine, Paul Vazquez, Executive Director for the Board of Medicine, Donna McNulty, counsel to the Board of Osteopathic Medicine and Kama Monroe, Executive Director for the Board of Osteopathic Medicine.

II. NEW BUSINESS

a. Application for Initial Test and Treat Certification Course

The Board of Pharmacy received an Initial Test and Treat Certification Course Provider Application from Walgreens Co. Section 465.1895(2)(b) requires the application be reviewed and approved by the Board of Pharmacy, in consultation with the Boards of Medicine and Osteopathic Medicine.

64B16-31.035 Test and Treat Certification: Initial Certification Course.

(1) Applicants for Initial Certification Course approval shall submit an application using Form DH5062-MQA (eff. 08/20) "Application for Initial Test and Treat Certification Course" that is hereby incorporated by reference and available at <http://www.flrules.org/Gateway/reference.asp?No=Ref-12228> or <http://floridapharmacy.gov>.

(2) Initial test and treat certification courses shall be a minimum of 20 hours in duration, and shall meet all the following mandatory requirements:

(a) The course may only be offered by a program provider who is accredited by the Accreditation Council for Pharmacy Education (ACPE), a program provider who is accredited to provide educational activities designated for the American Medical Association Physician's Recognition Award Category 1 credit, or a program provider approved by the American Osteopathic Association to offer continuing medical education credits.

(b) The course content and objectives offered by an approved provider shall be developed in conjunction with an individual licensed to practice pharmacy and an individual who is licensed allopathic or osteopathic physician.

(c) The course content shall include all those areas enumerated in Section 465.1895(2)(b), F.S., and shall also cover the following areas:

1. Laws and rules applicable to test and treat certifications; and
2. Writing and entering into a written protocol.

(d) No less than 8 hours of the course shall be offered through a live seminar or a live video teleconference.

(3) A pharmacist who successfully completes a board approved test and treat certification course shall be awarded 20 hours of general continuing education credits.

Dr. Vila addressed the Joint Committee and expressed his concerns with the physician listed as the instructor. He explained that as indicated on the curriculum vitae provided, it appears he does not clinically practice and would not qualify to adequately instruct the course.

Dr. Mendez and Dr. Ghazvini addressed the Joint Committee in agreeance with Dr. Vila.

Dr. Rose inquired with Board Counsel regarding the statutory requirements of the qualifications to develop and teach the course.

Mr. Flynn confirmed the requirements outlined in 465.1895, F.S., and Rule 64B16-31.035, F.A.C. and explained the course must be developed with a licensed physician.

Dr. Gupta addressed the Joint Committee regarding a mechanism for oversight of the process as he is concerned with an employer-based program regulating themselves. He feels their needs to be external oversight.

Mr. Flynn confirmed with Dr. Gupta that any additional guidelines would need to be addressed in the future through rulemaking.

Dr. Vila addressed the Joint Committee in opposition of the approval of the application.

Mr. Flynn addressed the Joint Committee and explained the difference between the training course requirements and the protocol requirements as it pertains to the qualifications of the physician.

Mr. Tellechea, Counsel to the Board of Medicine, addressed the Joint Committee and explained the course content meets the current laws and rules as outlined. The concerns regarding the additional physician requirements should have been addressed during the rulemaking process. If the course were denied it would be based on non-rule policy.

Mr. Wright addressed the Joint Committee and expressed his concerns with the physician listed as the instructor. He conveyed the instructor should be responsible for more than the sign-off of the course and provide additional oversight. He expressed the responsibility of the Joint Committee is to assure the review and approval of the course applications. He suggested Walgreens consider including a more qualified physician.

Dr. Mendez expressed concerns with the modules and the time allocated for each to be taught.

Dr. Ghazvini inquired with Mr. Flynn regarding the responsibility of the Joint Committee to approve the course content.

Mr. Flynn addressed Dr. Ghazvini and confirmed that any additional hours and course content the Joint Committee wishes to add would need to be added through rulemaking. He also confirmed the course content areas were discussed in depth during the drafting of the rule.

Dr. Gupta addressed the Joint Committee in opposition of the approval of the application.

Mr. Wright addressed the Joint Committee regarding the training a pharmacist receives through the Doctor of Pharmacy program.

Dr. Mesaros opened the floor and allowed a representative from Walgreens to address the Joint Committee.

Judy Sommers, PharmD, FAPhA, Manager, Clinical Program Development and Residency Programs, addressed the Joint Committee regarding the comments and concerns that were expressed. She appreciated the feedback and confirmed the program would continue to work and expand the course; however, would not be withdrawing the application as they believe Walgreens has met the requirements of the laws and rules.

Dr. Ghazvini inquired with Dr. Sommers and asked why the course was only available to pharmacists employed with Walgreens.

Dr. Sommers indicated this was due to their technology platform.

Dr. Vila asked if the physician involved with the development of the course content was actively seeing patients with the diseases that he will be training as an instructor.

Dr. Sommers indicated that the physician has not actively seen patients within the last six years.

Dr. Vila expressed concerns of the course being taught by a physician who is not clinically practicing and the course not representing the intentions of the rule. He

suggested Walgreens bring the application back with additional confirmation that the course is being prepared by a physician that is currently clinically practicing.

Dr. Mendez expressed concerns with modules one and two for strep and flu and would like to see further clarification of the content taught within the eight hours of live training.

Mr. Wright inquired if this course content was comparable to other states.

Dr. Sommers confirmed that Walgreens follows each states laws and rules and that Florida is very specific in their guidelines.

Mr. Wright indicated that the intention of the rule was not to restrict it to Florida physicians; however, it would allow for expertise from states that have implemented this type of program.

Motion: by Dr. Vila to deny the application based on the course content not appearing to reflect adequate congruity in the content distribution reflective of the multiple disease processes and the clinical training necessary.

Seconded: by Dr. Gupta

Vote: 4/3. Motion passed. Dr. Mesaros, Mr. Wright, and Dr. Rose opposed.

Mr. Flynn confirmed that this was a recommendation of the Joint Committee and the application will need to be reviewed by the Board of Pharmacy.

Ms. Sapp confirmed the application and committee recommendation will be on the April 15, 2021 General Business Meeting agenda.

III. ADJOURNMENT

There being no further business the meeting adjourned at 1:30 p.m. ET.