

**Board of Pharmacy
Tripartite Committee
Minutes
March 12, 2007
11:00 A.M.
Conference Call Number: 1-888-808-6959
Conference Code: 5642037**

Committee Members Present

Michele S. Weizer, R.Ph., Group B, Chair
Art Wharton, R.Ph., Group A
Carmen Aceves Blumenthal, Group A
Jim Powers, R.Ph., Group B
Albert Garcia, R.Ph., M.H.L., Group C
Carsten Evans, R.Ph., Group C
Gail A. Merrell, Pharm. D., Group D
Day Marice Scott, Pharm.D., BPCS, Group D

Board Staff Present:

Rebecca Poston, R.Ph.
Maxine Wenzinger
Ma'Lasha Norton

Board Counsel Present:

None

Committee Members Absent:

Otis Kirksey, R.Ph., Group B
David L. Laven, NPh, CRPh, FASHP, FAPhA, Group C
Michael Jackson, R.Ph., Group D
Brigitte Goersch, Group A

Call to Order by Michele Weizer, Pharm.D., Chair, at 11:03 a.m. Roll was taken.

TAB 1 Review minutes from January 29, 2007, meeting
Minutes were not sent out prior to meeting, so they were not approved at this meeting.

TAB 2 Course Content

1. 64B16-26.6012 - Guidelines for Board Ordered Disciplinary Courses

The Tripartite Committee reviewed the draft of the new language for Board ordered disciplinary courses.

MOTION: by Wharton, seconded by Powers to delete lines 49, 50, and 63. Delete consultant in line 41 and insert disciplinary. Motion carried unanimously.

Line # 49 and 50: 4. Review and analysis of insurance regulations and auditing guidelines as related to the pharmacy of practice

Line # 63: 12. General employment law for Florida pharmacy providers

Line # 41: Optional 3 hour educational programming material for ~~consultant~~ disciplinary laws and rules program may include:

MOTION: by Wharton, seconded by Merrell to forward Laws & Rules section to full Board. Motion carried unanimously.

The recommended changes are as follows:

64B16-26.6012 Guidelines for Board Ordered Disciplinary Courses

(1) Laws and Rules

A board ordered laws and rules program must be of at least twelve (12) hours. Subject matter shall include at least 9-hours of the subject categories listed in a. through c. below. Optional components in d. through g. may be added to the program. Duplicative courses as determined by the course number may not be used more than once per biennium renewal.

a. Review and analysis of Florida Statutes 465 – Pharmacists participating in this educational program should be able to understand the recent changes to statutes that define and govern the practice of the profession of pharmacy in Florida. This program may also include a review and discussion on existing laws within Chapter 465, F.S., as it relates to the practice of pharmacy and public safety.

b. Review and analysis of Florida Administrative Code 64B16 – Pharmacists participating in this educational program should be able to understand the recent changes to Board of Pharmacy rules related to the practice of the profession of pharmacy in Florida. This program may also include a review and discussion on existing rules within 64B16, F.A.C., as it relates to the practice of pharmacy and public safety.

c. Review and analysis of Florida Statutes 893 – Pharmacists participating in this educational program should be able to understand the recent changes to statutes that define and govern Drug Abuse Prevention and Control Act (Chapter 893) in Florida. The program may also include a review and discussion on existing laws within Chapter 893, F.S., as it relates to the practice of pharmacy and public safety.

d. Optional ? hour educational programming material for disciplinary laws and rules programs may include:

1. Review and analysis to Federal laws - Pharmacists participating in this educational program should be able to understand the recent changes to Federal regulations governing the practice of the profession of pharmacy as related to handling, management and dispensing of controlled substance. The program may also include a review and discussion on existing Federal regulations as related to the practice of pharmacy, public safety, including Health Information Portability and Accountability Act.
2. Review and analysis to Florida Statutes 456 – Pharmacists participating in this educational program should be able to understand the recent changes to statutes governing the health professions and occupations related to the practice of pharmacy. The program may also include a review and discussion on existing laws within Chapter 456, F.S. as it relates to the practice of pharmacy and public safety.
3. Review and analysis to Florida Statutes 499 – Pharmacists participating in this educational program should be able to understand the recent changes to statutes governing the Florida Drug and Cosmetic Act as related to the practice of the profession of pharmacy. The program may also include a review and discussion on existing laws within Chapter 499, F.S., as related to the practice of pharmacy and public safety.
4. Review and analysis of Florida Medicaid program policy as related to the practice of pharmacy
5. Review and analysis of Federal Medicare laws and regulations affecting the practice of pharmacy
6. Review and analysis of Nursing home and Assisted Living Facility regulations as related to the practice of pharmacy.

7. Review and analysis of prescriber laws and regulations that affect the practice of pharmacy
8. Review and analysis of pharmacy ethics
9. Review and analysis of Joint Commission on Accreditation of Healthcare Organizations guidelines
10. Review and analysis of FDA policy and procedures that affect the practice of pharmacy.
11. Review and analysis of quality improvement programs related to the practice of pharmacy
12. Implementation of disaster preparedness and plans for Florida pharmacist and pharmacy providers
13. OSHA guidelines and requirements for pharmacy employers

(2) Misfill Course shall be at least 8 hours, either live or by self study with a substantial quiz as a part of the course. Subject material shall contain the following:

(a) Prescription Order Processing

1. Define prescription misfill
2. Error as a normal occurrence in health care
3. Types and places for errors
4. System and human factors
5. Legal consequences
6. Possible responses to errors in pharmacy
7. Continuous quality improvement

(b) Patient Education Errors

1. Pharmacist's ethical responsibility
2. Prescription labeling
3. Counseling- OBRA standard
4. Litigation-duty to warn

Dr. Evans offered the following language for (2).

(2) Misfill Course shall be at least 8 hours, being both of a self study and a live discussion component. Subject material shall contain the following:

- (a) Case studies of pharmacists who have made errors
 1. review root cause analysis of each case
 2. discuss methods of error reduction for each case
- (b) Self Exam that measures specific human factors that relate to error making.
 1. cognitive aspects
 - a. planning skills
 - b. organizing skills
 2. personality aspects
- (c) Goal Setting
 1. live discussion of individual's self-test and case study

Dr. Weizer and Ms. Poston will work on Misfill language and bring back to the next committee meeting. The Committee requested Ms. Poston to provide a list of licensees that have completed the 8 hour misfill course as a part of the disciplinary process.

2. 64B16-26.1001 – Examination and Application Fees

Dr. Weizer briefed the committee as to why (4) was deleted from the language below. The Committee reviewed the following rule and recommended that the department add to next year's legislative packet a request for a \$50 fee for a single program in order to recoup costs.

MOTION: by Wharton, seconded by Powers. Motion carried unanimously.

64B16-26.1001 Examination and Application Fees.

(1) The non-refundable examination fee for licensure by examination shall be \$100, payable to the Board. Examination fees for the National Practice Examination and jurisprudence examination are payable to the examination vendor.

(2) The non-refundable application fee for licensure by endorsement shall be \$ 100, payable to the Board.

(3) The non-refundable application fee for a continuing education provider seeking approved provider status shall be \$ 150, payable to the Board.

~~(4) The non-refundable application fee for a continuing education course approval shall be \$ 50 for each course submitted for approval, payable to the Board.~~

Specific Authority 465.005, 465.009, F.S. Law Implemented 456.025(7), 465.007, 465.0075, 465.009, F.S. HISTORY New 1-11-05, _____.

3. 64B16-26.103 – Continuing Education Credits; Licensure Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal

Dr. Weizer advised the committee that this rule needed to be amended to capture the duplicative course number.

MOTION: by Powers, seconded by Merrell for Ms. Poston to work with Mr. Dixon to add the following language to the rule: duplicative courses as determined by the course number may not be used more than once per biennium renewal. Motion carried unanimously.

64B16-26.103 Continuing Education Credits; License Renewal; Consultant Pharmacist License Renewal; Nuclear Pharmacist License Renewal.

(1) (a) – (b) No change

(c) Prior to renewal a licensee must complete, within the 24 month period prior to the expiration date of the license, a two-hour continuing education course approved in advance by an Accreditation Council for Pharmacy Education (ACPE) approved provider ~~the Board or the Accreditation Council for Pharmacy Education (ACPE)~~ on medication errors that covers the topics set forth in Rule 64B16-26.6011(2), F.A.C. Hours obtained pursuant to this section may be applied by the licensee to the requirements of subsection (1).

(d) No change

(e) No change

(f) No change

(g) No change

(h) No change

(i) No change

(j) No change

(k) All programs approved accredited by the an ACPE provider for continuing education for pharmacists are deemed ~~approved-accredited~~ by the Board for general continuing education hours for pharmacists. ~~Any course necessary to meet the continuing education requirement for~~

~~HIV/AIDS, consultant pharmacist license renewal or nuclear pharmacist license renewal shall be Board approved.~~

(l) No change

(2)(a) - (c) No change

(3)(a) Prior to renewal a nuclear pharmacist shall complete no less than 24 hours of Board approved continuing education in the course work specified in Rule ~~64B16-26.303, 64B16-26.304~~, F.A.C., within the 24 month period prior to the expiration date of the nuclear pharmacist license. A nuclear program or course accredited by an ACPE approved provider shall be deemed approved by the Board for nuclear pharmacist continuing education hours. The hours earned to satisfy this requirement cannot be used to apply toward the 30 hours required in subsection (1) above. However, if nuclear pharmacist license renewal hours are earned and not used to meet the requirements of this paragraph, they may be applied by the licensee to the 30 hours required in subsection (1).

(b) No Change

(c) No Change

Specific Authority 456.033, 465.009 F.S. Law Implemented 456.013(7), (9), 456.033, 465.009 FS. History—New 3-19-79, Formerly 21S-6.07, Amended 1-7-87, Formerly 21S-6.007, Amended 7-31-91, 10-14-91, Formerly 21S-26.103, 61F10-26.103, Amended 7-1-97, Formerly 59X-26.103, Amended 7-11-00, 10-15-01, 1-2-02, 1-12-03, 4-12-05.

Meeting adjourned at 12:10 p.m.