



*Unifying and strengthening the voice of pharmacy
while advancing pharmacy practice through
education, advocacy collaboration, and relationships*

Board of Directors

January 11, 2019

Special Meeting

<https://zoom.us/j/760978933>

6:30 PM to 7:30 PM EST

Minutes

Note: This is a special meeting of the Board of Directors called to review Board rule 64B16-27.4001 approved by the Board of Pharmacy and published in the December 27, 2018 Stat News

- 1) **Call to Order (Chair Suzy Wise)** – The meeting was called to order by Chair Wise at 6:31 pm
- 2) **Invocation (President Elect David Mackarey)** – President Angela Garcia presented the invocation for the group.
- 3) **Roll Call (Michael Jackson)**

Members Present: Kathy Petsos as proxy for Barbara Beadle, Julie Burger, Jeanette Connelly, Sandy Estrada, Mitchell Fingerhut, Ramy Gabriel, Angela Garcia, Gary Koesten, David Mackarey, Cheryl Rouse, Melissa Ruble, Suzanne Wise, Joyanna Wright

Members Unable to Attend: Neil Barnett, Paul Delisser, Ashley Huff, Dean Pedalino

Guests Present: Eric Larson, Terry Gubbins, Lois Adams, Joseph Shoyoye, TJ Morton, Dawn Butterfield

- 4) **Review of Meeting Notice (Chair Suzy Wise)** – The meeting was requested by at least 25% of the members of the Board of Directors as per the FPA governing documents. The purpose of the called meeting was to discuss a recently revised rule that was announced in a December 2018 Stat News. Notice of the meeting was published on the Pharmview.com calendar date to properly comply with member notice meeting requirements.
- 5) **Presentation of Rule 64B16-27.4001 (President Angela Garcia)** – President Garcia deferred to FPA GAC Chair Eric Larson to explain the Board of Pharmacy's revised rule 64B16-27.4001 which

changed the definition of direct supervision of pharmacy technicians. While the change in the rule does not remove the requirement for a pharmacist to be present whenever a pharmacy is open it does allow for pharmacy technicians to be supervised remotely and it not be in violation of the direct supervision standard.

- 6) **Comments by FPA General Counsel (T.J. Morton)** – FPA General Counsel TJ Morton examined the rule and believes that it not only allows for technicians who are working from home to be supervised by the pharmacist in the pharmacy but it may also allow for technicians working in the pharmacy to be supervised by pharmacists off site. In theory you could have one pharmacist on site in the pharmacy and 600 technicians on location where all but 6 are supervised by offsite pharmacists. According to Mr. Morton, direct supervision as defined in many health professions practice acts primarily means that the supervising practitioner and the individual being supervised are within close proximity to each other and are on premises. Prior to the meeting our general counsel engaged in conversation with the Board of Pharmacy attorneys who are aware of the issue. Mr. Morton provided options for the FPA to consider which included appearing before the Board at their next meeting, explaining the concerns and request that the rule be reopened for revision. The other option is that the Association could establish standing and file for a challenge to the rule before an administrative law judge. Estimated costs associated with a rule challenge could be about \$30,000.
- 7) **Board of Director Action Item (Board as a whole)** – It is the Board’s position that the newly revised rule redefining direct supervision is a safety concern and that the FPA be encouraged to take action. **M/S/C that the FPA make a request to appear before the Board of Pharmacy at their next meeting to discuss rule 64B16-27.4001 and advocate for revisions to address the safety issues. Should the Board of Pharmacy elect to not open the rule for revision or adequately address the safety issues to the satisfaction of the FPA Board of Directors then the FPA General Counsel is authorized to begin preparations for and filing a rule challenge.**
- 8) **Adjournment – M/S/C to adjourn the meeting at 7:25 pm.**