



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

February 4, 2019

Dr. Jeffrey J. Mesaros
Chairman, Florida Board of Pharmacy
4052 Bald Cypress Way, C-04
Tallahassee, Florida 32399

Re: Delegation and Supervision of Pharmacy Technicians – Rule 64B16-27.4001

Dear Dr. Mesaros,

The Florida Pharmacy Association (FPA) represents pharmacists, student pharmacists, technicians, and key stakeholders in various practice settings for the purposes of alliance, integration and patient safety. We work collaboratively with all other pharmacy organizations across the state, regionally and nationally to ensure we align with best practices for the patients we serve to advocate for quality health care through pharmacist delivered patient care services and to give support for healthy initiatives beneficial for the health, safety and welfare of the citizens of Florida. The FPA has over 3,400 members with representation from all practice settings including but not limited to independents, chain, long term care as well as hospital and consultant pharmacy practice. Our membership includes pharmacists, pharmacy technicians and others who have an interest in our profession. We also have over 34 invited and affiliated organizations that we represent.

On behalf of our vast stakeholder network we would like to bring to your attention concerns that we have over the recently revised rule 64B16-27.4001 related to the Delegation to and Supervision of Pharmacy Technicians; Responsibility of the Supervising Pharmacist. This rule revision was finalized on December 17, 2018 and expanded the definition of direct supervision. Prior to this adopted change, the rule described direct supervision as a pharmacist who is on the premises at all times the delegated tasks are being performed; who is aware of delegated

tasks being performed; and who is readily available to provide personal assistance, direction and approval throughout the time the delegated tasks are being performed. The new version of this rule now describes direct supervision as including situations where availability is permissible when the supervising pharmacist is not on the same premises as the technician but may be using “sufficient” technology to provide personal assistance, direction and approval required to meet the standard of practice for the delegated tasks. It is our belief that this revision of the Board’s rule greatly expands the original intent to give a guarded and careful definition of direct supervision. For example a pharmacy technician could be assigned to perform certain delegable tasks from a remote location if a pharmacist is using an undefined technology solution to monitor what is being done. This could mean that a pharmacist in a pharmacy could supervise up to six (6) technicians in either one or up to six different locations. Some of these locations could be quite some distance from the pharmacy where the supervising pharmacist may be located.

There is another scenario that the rule will permit. This change will allow for a pharmacy to operate with one pharmacist and an unlimited number of technicians provided that at least 6 are supervised by the onsite pharmacist and all of the other technicians are supervised by remote pharmacists again using an undefined technology solution. An example could be a pharmacy with one pharmacist and 100 technicians where six of the onsite technicians are supervised by the onsite pharmacist and the other 94 technicians supervised remotely. To our members this concept is not only unworkable but it is our belief that granting permission for this type of business practice is unsafe and not in the best interest in the Board’s responsibility to protect the public. It appears that the rule also provides considerable discretion on the pharmacy to validate whether the technology being used is sufficient.

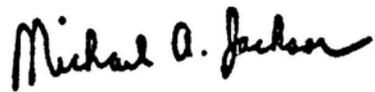
There is a statement on the Board’s web site that reads as follows: “The Florida Board of Pharmacy was legislatively established to ensure that every pharmacist practicing in this state and every pharmacy meet minimum requirements for safe practice”. We are concerned that this change in the Board’s rule establishes a new and lower minimum or “regulatory floor” that may compromise public safety. We understand that the Board believes that pharmacies will resist the temptation to follow business practices that may contribute to consumer harm however it is not our belief that the Board should lower long established safety guard rails designed purposefully to protect the public. The Board also may need to be aware that the operational decisions by some pharmacies may not always be developed and approved for implementation by pharmacist practitioners who provide direct care to patients. This rule change may allow for a pharmacy procedure to become operational even if the prescription department manager has determined it to be an unsafe practice of pharmacy. At your board meeting in August of 2018 there was public testimony provided by pharmacist stakeholders

expressing concerns over attempts to redefine direct supervision yet the board elected to move forward with revisions to 64B16-27.4001 anyway.

In consideration of our comments we respectfully ask that the Board revisit rule 64B16-27.4001. We understand the Board's interest in providing new and innovative options for pharmacies to provide health care services however we do not believe that this rule in its current form will adequately protect the public and introduces an element of uncertainty and risk.

We appreciate the opportunity for allowing us to provide these comments and we look forward to working with the Board on this issue.

With kindest regards,

A handwritten signature in black ink that reads "Michael A. Jackson". The signature is written in a cursive, flowing style.

Michael A. Jackson, BPharm, CPh
Executive Vice President and CEO

CC: Florida Pharmacy Association Board of Directors