Business Practices Committee – March 19, 2015 (Corrected)
Where We Are – Rough Cut – Dan Rubin

Topics in Steve Anderson's partial review of other states' rules line up with the highest priority topics in scope of work for the committee.

1. Workload, pacing, interruptions and staffing (highest priority)
    a. Staffing and workload (page 2 of "Rules of Various States" packet)
    b. Performance metrics and quotas (page 8)
    c. Meals and breaks (page 9)
2. Prescription transfer incentives (page 19)
3. Environment for clinical services (space, etc.) (page 21)
4. QI practices and quality control (page 24)
5. Accountability (page 22)

In relation to the committee's "Road Map":

1. We have moved beyond basic Problem Identification in these areas, including review of WA survey results.
2. We still need to hear input from inspectors and discuss the other empirical evidence available on impacts, and I suggest we handle these topics on March 30.
3. We have reviewed current law (rules and legal interpretations in two controversial areas, accountability of the licensed firm (as well as licensed professionals) and Labor and Industry rules related to meal and rest breaks
4. Today (March 19) is a major start on reviewing applicable content of other states' rules (which the Road Map identifies as an aspect of exploring Possible Remedies).
5. I suggest that staff re-distribute the areas of current WA rules most applicable to our work and members review prior to our April 15 meeting for discussion then. Contrasting our rules with those from elsewhere is one method to identify options.
6. We probably all have additional thoughts on some of the major options to address problems ("Possible Remedies"). My own most salient ideas at this point include:
    a. In the area of meals and breaks, we could provide input to L & I on the need to review their rules or we could take the next step in having PQAC and L & I legal counsel provide joint input on the legality of PQAC having its own rules addressing breaks based on safety, along the lines of some other states.
    b. We previously committed to review the restriction of prescription transfer incentives that initially came to PQAC as a rules petition. The rules that some other states have in this area appear to have some common themes.
    c. Related to QI and quality control, at our last business meeting (March 12) the Commission decided to form a group to consider different approaches to inspection, perhaps relying on a "plan of correction" model rather than a "points" model. I believe this discussion should be somehow integrated or coordinated with the Business

Practices Committee's consideration of options to require and build on QI processes in pharmacies. In addition, legislation establishing an additional corrective option for licensed individuals (SHB 1135, health professional remediation plans) would seem to require DOH rules focused on plans of correction. I would like some brief discussion today on how to coordinate our committee's exploration of QI/QC options with related work without unduly delaying our ability to develop options or trial balloons for discussion.

d. Finally, in the area of accountability the legal memo from Joyce Roper on "Regulatory Authority for Licensed Business Entities" seems to make it clear that authority already exists for PQAC to address shared accountability of individuals and firms with regard to specific cases that have moved through investigation to the point of disciplinary action. This legal memo also advises us that negotiated settlement of cases could include plans of correction. We need to identify whether there actually are areas of rulemaking needed in order to move forward in this area. Perhaps what is needed is greater exercise of authority that already exists, and developing enough experience in this to discern whether additional rule changes are necessary.

7. We have all been frustrated at the technology limitations of electronic meetings, which are not conducive to open discussion. I am working with the committee and staff to schedule an in-person meeting in the greater Seattle area. It looks like building this on the PQAC Business Meeting in Bellingham April 30 will not work for some significant stakeholders so I am hoping we can get this scheduled for early May. In order to make good use of this meeting I believe the committee needs to identify some significant action options under consideration at our April 30 committee meeting, where at least committee members will be physically present together. I anticipate we will several in-person meetings with members of the public.