



STATE OF WASHINGTON  
DEPARTMENT OF HEALTH  
*Olympia, Washington 98504*

**Pharmacy Business Practice Committee**  
**Notes/Motions and Action Items**  
**June 30, 2015**

**Committee Members:**

Dan Rubin, Committee Chair  
Steve Anderson  
Gary Harris  
Elizabeth Jensen (by phone)

**Staff:**

Chris Humberson, Executive Director  
Doreen Beebe, Program Manager  
Irina Tiginyanu, Pharmacy Technician Analysis  
Gordon MacDonald, Supervising Pharmacist  
Marlee O'Neill, Supervising Staff Attorney

**Stakeholders:**

Jenny Arnold, WSPA

**By Phone:**

Shakell, Bandali  
Carmen Berg  
Lauren Beton  
Billy Chow  
Richard Cieslinski  
Kristine Crawford  
Gail Elliott  
Ryan Erlewine  
Ron Friedman  
Stuart Halsan

Nancy Hecox  
Katie Jaeger  
Michael James  
Dennis McAllister  
Cynthia Potts  
Michael Podgurski  
Kelson Record  
Grace Rowan  
Sharon Stephens  
Ginna Sloan

Wana Crow  
Scotty Christopher  
Nate Eilers  
Gloria Fuentes  
Gary Glennie  
Jan Johannessen  
Dana Mckenna  
Ronald Sampere

**Meeting Motions – Meal and Rest Breaks:**

Dan moved that the committee will not proceed with options 1 and 2. Steve 2<sup>nd</sup>. Motion carried 4-0. Text of Options 1 and 2 follows:

1. Ask the Pharmacy Commission (by formal action) to request the Department of Labor and Industries (L&I) to review their rules about meal and rest breaks for pharmacists, including reviewing the logic by which pharmacists are classed with other professionals who may have greater discretion to ask clients or patients to wait while they take a break.
2. Adopt a rule requiring that all pharmacy employees (including pharmacists) be allowed meal and rest breaks.

**MOTION:** Steve moves that the committee further research option 3 and evaluate the results after addressing Workload Staff and Metrics, and Quality Control. Gary 2<sup>nd</sup> Motion carried 4-0. Text of Option 3 follows:

3. A rule clarifying what can and cannot occur (without completely closing the pharmacy) during the absence of a “sole pharmacist” for meal or rest breaks. Such clarification might reduce disincentives to breaks outside the pharmacy enclosure.

### **Meeting Motions – Accountability:**

**MOTION:** On two different motions, the committee decided to move ahead on all of the sub-options in Part 2 under Options in the Issue Assessment (related to requirements for the Pharmacist in Charge - PIC). First Dan moved that we proceed to explore specific regulatory language options for all sub-bullets except the first (that is, the second through fifth bullets) with opportunities for open stakeholder discussion such as work sessions. Steve 2<sup>nd</sup> Motion carried 4-0. Text of the second through fifth bullets follows:

- Consider requiring specific training for PICs, and/or support non-regulatory actions to increase the availability of such training.
- Consider limiting the PIC position to one pharmacy and require that the PIC work in that facility at least 30 hours per week or 50% of the operational hours, whichever is less.
- Consider requiring a newly appointed PIC be given a copy of and allowed to review the last two pharmacy inspection reports before assuming control and responsibility of the pharmacy.
- Consider requiring all PIC's of non-resident pharmacies that regularly fill and ship prescriptions to patients in Washington State to be licensed as pharmacists in the state of Washington, so that they will learn WA requirements and be accountable to observe them. (Other options such as registration may or may not achieve the same goals.)

Separately, Dan moved that we also explore regulatory language related to the first bullet association with to PICs, as it relates to the duration of professional employment, a threshold of practice – requirement to qualify to serve as a PIC. Gary suggested clarifying the term “professional” in the motion by stating “pharmacist.” Dan revised the motion to include the change. Steve 2<sup>nd</sup>. Motion carried with a vote of 3-1 (Elizabeth voting against the motion). The text of the first bullet follows:

- Consider requiring pharmacists to have at least three years of post-licensure practice experience before becoming a pharmacist in charge unless given specific approval from the PQAC. This would prevent businesses from placing unsuspecting newly licensed pharmacists in the responsibility of the PIC position without having the experience. (Discussion noted that this could have impacts the difficulty of finding PICs and on the availability of jobs for recent pharmacy graduates.)

### **Assignments/Action Items:**

#### **Issue Assessment: Meal and Rest Breaks**

Research issue – A rule or statement clarifying what can and cannot occur (without completely closing the pharmacy) during the absence of a “sole pharmacist” for meal or rest breaks. Such clarification might reduce disincentives to breaks outside the pharmacy enclosure.

Are there regulatory or perceived barriers?

Are there already regulatory requirements of other agencies for access to restrooms, food storage, etc. for health and safety of employees?

Is a rule necessary to attain objectives?

### **Issue Assessment: Accountability**

- Need staff analysis of the types of pharmacies and rule requirements for PICs. Are there situation such as health care entities where the nature of the role or the rule require more narrow supervision and thus places lower demands on the PIC?
- Steve asked folks to look at the Oregon draft rules that were distributed previously. The draft includes PIC standards, training registration, and non-resident PIC requirements.
- Dan spoke to shared accountability – option 1.
  - Suggested that the committee compare what happens under our current rules versus what would we gain from additional codification. The National Association of Chain Drug Stores (NACDS) suggests the notion of greater certainty with clearer zones of responsibilities. Dan cautions that we need to make certain that unintended consequences of codifying this would not hamper case resolutions. We can check with Joyce Roper on this. **ACTION:** Review other state’s rules and prepare to discuss at the next meeting.

Next committee meeting is an update on working progress on July 16 at 7:30 am (30 minutes). After that, the July 28 meeting (7 to 9 pm) will focus on completing review of the Accountability Issue Assessment and hopefully, starting work on the Quality Control area.