CONVENE

Chair Tim Lynch called the meeting to order January 5, 2017.

Commission Members:
Elizabeth Jensen, PharmD
Tim Lynch, PharmD, Chair
Steve Anderson, RPh
Kenneth Kenyon, PharmD, BCPS
Jerrie Allard, Public Member
Teri Ferreira, RPh
Judy Guenther, Public Member
Cheryl Adams, PharmD, Vice-Chair
Christopher Barry, RPh
Arun Sambataro, Public Member
Sepi Soleimampour, RPh, MBA-HA
Matthew Ronayne, RPh

Absent Commission Member:
Olgy Diaz, Public Member
Maureen Sparks, CPhT
Nancy Hecox, PharmD, Vice Chair

Staff Members:
Joyce Roper, AAG
Steven Saxe, Executive Director
Rich Cieslinski, Rules Coordinator
Irina Tiginyanu, Pharmacy Technician Analyst
Doreen Beebe, Program Manager
Leann George, Secretary Senior
Gordon MacDonald, Chief Investigator
Grace Cheung, Pharmacist Investigator

Guest / Presenters:
Paul Verbeurgt, Pharmacy Director for Schick Shadel Hospital
Jonathan Mark, Sr., AAG Division Chief of the Antitrust Division of Attorney General’s Office
Suzanne Becker, AAG
Absent Staff:
Lisa Roberts, Pharmacist Consultant
Angelica Pauley, Pharmacist Consultant

Public Rules Hearing WAC 246-901-080 Pharmacy Assistant Registration
The public hearing is to take testimony related to proposed amendment to the existing rule to implement and conform with enacted Senate Bill 5549 (Chapter 4 Laws of 2016) removing language regarding the timing of pharmacy assistant registration renewal and remove reference to the fees being included in the pharmacy ancillary personnel fee paid by pharmacies.

MOTION: Teri Ferreira moved that the Commission adopt amendment to WAC 246-901-080 as purposed. Steve Anderson seconded. MOTION CARRIED: 12-0.

The hearing concluded at 9:11 a.m.

Call to Order
1.1 Approval of Business Meeting Agenda
1.2 Approval of November 10, 2016 Meeting Minutes
1.3 Approval of December 6, 2016 Special Meeting Minutes

MOTION: Cheryl Adams moved to approve the January Amended Business Meeting Agenda. Teri Ferreira seconded. MOTION CARRIED: 12-0.

MOTION: Steve Anderson moved to approve the November 10, 2016 Business Meeting Minutes. Judy Guenther seconded. MOTION CARRIED: 12-0.

MOTION: Teri Ferreira moved that the Commission approve the December 6, 2016 Special Meeting Minutes. Steve Anderson seconded. MOTION CARRIED: 12-0.

Consent Agenda
2.1 NPLEx Monthly Report Acceptance
2.2 Pharmacies and Other Firm Application Approval
   - New and Closed Pharmaceutical Firms Report
2.3 Pharmacy Technician Training Program Approval
   a) Albertson Pharmacies
2.4 Ancillary Utilization Plan Approval/Technician Specialized Functions
   a) Cascade Specialty Pharmacy – Specialized Function
   b) Elma Pharmacy and McCleary HealthMart Pharmacy
   c) Jefferson Family Pharmacy
   d) Seattle Indian Health Board Pharmacy
   e) Tri Cities Community Pharmacy
   f) Washington CVS Pharmacy
MOTION: Cheryl Adams moved to pull Consent Agenda Items 2.3 and 2.4 (a) for discussion. Christopher Barry seconded. MOTION CARRIED: 12-0.

MOTION: Cheryl Adams moved to approve Consent Agenda Items 2.1, 2.2, 2.4 b, c, d, e, and f. Matthew Ronayne seconded. MOTION CARRIED: 12-0.

Old business

Schick Shadel
Paul Verbeurgt, Director of Pharmacy for Schick Shadel discussed questions the Commission had in regards to the report back on the use of remote medication order processing.

MOTION: Chery Adams moved that the Commission accept the status report and to approve the request to continue services as written, and having a pharmacy investigator provide the Commission a written report verifying proper implementation within six months.

- Prospective reviewing of all medication orders per WAC 246-873-050 must occur. Proposed process for the remote pharmacy to prospectively review night-time medication admission orders must be implemented.
- Remote pharmacy must develop a more accurate reporting mechanism that does not falsely elevate the number of deficient orders.

Schick Shadel is required to report back in three years unless there have been rules adopted. Sepi Soliemanpour seconded. MOTION CARRIED: 12-0.

New Business

Antitrust Laws
The United States Supreme Court issued a decision concerning the North Carolina Dental Board on the question of whether the Board members were immune from antitrust liability under the State Action Doctrine. The Supreme Court said the North Carolina Board was not, because its decisions could not be vetoed by a state actor who was not a member of the regulated profession. This decision has raised questions across the country about professional regulatory boards and commission comprised of “market participants,” i.e. members of the professions they are regulating. The Commission heard what this case means for them regarding activities that could have anti-competitive results. Jonathan Mark, Sr. AAG, Division Chief of the Antitrust Division of the Attorney General’s Office briefed the Commission members on this case. Mr. Mark also said the Antitrust Division is willing to work with the Commission and its AAG, Joyce Roper, to avoid potential antitrust activity as the Commission performs its responsibilities.

Overview of the Prosecuting AAG’s Role
AAG, Susan Becker, who represents the commission on license disciplinary cases authorized by the Commission, provided a presentation to the Commission. This
presentation explained the disciplinary process and discussed the role of the AAG-prosecutors in supporting the Commission in disciplinary cases and the Commission’s role in these cases.

**Correspondence**
The Commission discussed correspondence received or distributed on its behalf.
- NABP Meeting – Official Delegate
- NABP Internet Drug Outlet Identification Program
- Prince Edward Island College of Pharmacies
- Patient Counseling Articles
- DOH Uniform Disciplinary Act Report
- Association for Professionals in Infection Control (APIC) Article
- USGOA Report – related to compounding
- PQAC and DOH Inspection Pilot Project Message – joint project

**Study Plan Proposal**
Tim Lynch, Elizabeth Jensen, Arun Sambataro and Ken Kenyon from Panel B were asked to review and consider a study plan proposed by Kevin Phung who requested authorization to retake the Multistate Pharmacy Jurisprudence Examination (MPJE).

Kevin Phung, pharmacist applicant provided some details about his study plan and answered questions from the panel. Panel B agreed to allow Kevin Phung to retake the MPJE test after January 19, 2017.

**Open Forum**
*Richard Molitor* thanked the Commission for the quick response to his issue brought forward at the last meeting regarding his pharmacy technician training program.

Richard shared his concern regarding dispensing medication to patients in an adult home and a WAC that regulates when a medication can be dispensed to a patient. This is causing some pharmacists to be fined and this impacts a pharmacist’s ability to administer a drug appropriately. Steve Saxe clarified that this WAC is from DSHS. The Commission request that Steve Saxe reach out to DSHS regarding this and possibly some other WAC’s that may prohibit pharmacists from providing safe and appropriate patient care.

*Jeff Rochon* with WSPA thanked the Commission for putting a suicide prevention clarification into the newsletter regarding the two different dates and what they signified this was causing confusion for the stakeholders. He met with the forefront Suicide Prevention group to put together the content for the outreach plan to be customized for the profession which should be available July 1, 2017.

Jeff asked for some clarification to be sent out via newsletter/listserv around schedule V drugs and whether or not they are available over the counter and to clarify the rules that were updated in 2013.
WSPA is having a retreat and asked if there are any topics the Commission would like to be presented during the retreat if so please reach out to him.

The commission adjourned for Closed Session at 12:02 p.m.

The commission reconvened from Closed Session at 1:00 p.m.

Public Rules Hearing Chapter 246-874 Pharmacy and Technology
The public hearing is to take testimony related to repealing 246-869-120 creating a new chapter 246-872 WAC establishing standards for the use of automated drug dispensing devices.

MOTION: Ken Kenyon moved that the Commission adopt the proposed rules, repealing chapter 246-872 WAC, repealing 246-869-120, and creating a new chapter 246-874 WAC with changes presented by staff via a supplemental CR-102 Chapter 246-874 WAC formal comment response document with changes to section 6 (a) and all other non-substantial changes brought forward for discussion. Cheryl Adams seconded. MOTION CARRIED: 12-0.

The hearing concluded at 2:08 p.m.

New Business cont’d
Study Plan Proposal
Tim Lynch, Elizabeth Jensen, Arun Sambataro and Ken Kenyon from Panel B were asked to review and consider a study plan proposed by Vijay Atwal who requested authorization to retake the Multistate Pharmacy Jurisprudence Examination (MPJE).

After hearing more detail about his study plan and answering questions from the panel about his study plan Panel B agreed to allow Vijay Atwal to retake the MPJE test after January 6, 2017.

Adjudicative Proceedings Chapter 246-11 WAC
Executive Director, Steve Saxe briefed the Commission on the proposed updates by the Department of Health (DOH) to the procedural rules for adjudicative proceedings Chapter 246-11 WAC. The Commission was asked to review and provide input/feedback for the CR-102. Once the CR-102 is ready to be filed it will be provided to the Commission. The Commission asked that staff send this out via listserv for stakeholder feedback as well.
Consent Agenda Pulled for Discussion

2.3 Pharmacy Technician Training Program

(a) Albertson Pharmacies

In the AUP they refer to WA Board of Pharmacy the Commission would like that updated to WA State Pharmacy Commission. Also, on page 20 the AUP states that pharmacy assistants will wear a name badge it doesn’t clearly state that pharmacy technicians will wear name badges and it should.

MOTION: Cheryl Adams moved that the Commission approve Albertson Pharmacies AUP with the two changes. Steve Anderson seconded. MOTION CARRIED: 12-0.

2.4 Ancillary Utilization Plan Approval/Technician Specialized Functions

(a) Cascade Specialty Pharmacy – Specialized Function

The concern is technicians in training must pass the glove testing before preparing products for patients which is not specified in the AUP for specialized functions.

MOTION: Christopher Barry moved to approve Cascade Specialty Pharmacy’s AUP with the understanding that they will update the AUP that technicians must pass the Finger-tip sampling glove test before they prepare products for patients per the USP 797 guidelines. Steve Anderson seconded. MOTION CARRIED: 12-0.

Request/Proposal

PeaceHealth

Rich Cieslinski provided a brief description of the request from PeaceHealth for an exception to the 1:3 pharmacist to technician ratio for one technician to be utilized daily between 5:30am to 6:30am. This request is to cover the shift change period for this one hour period.

MOTION: Steve Anderson moved that the Commission approve the proposal for an exception to the pharmacist to technician ratio from PeaceHealth for the specific time requested with a follow up in one year. Judy Guenther seconded. Tim Lynch recused himself. MOTION CARRIED: 11-0.

Legislative, Program and Department Updates

2017 Legislative Session

The Commission agreed to meet via webinar each Friday from 12:00pm to1:00pm to discuss legislation related to pharmacy. The public is welcome to join by signing up on the Commission’s list serve.
HB1047 Drug Take Back
The Commission discussed the bill. DOH supports the bill but shared some concerns around start-up cost, access, enforcement questions and to align with DEA takeback regulations. The Commission supports DOH’s current position and concerns on HB1047 Drug Take Back.

Legislative Decision Package
The Governor put out his budget which did include PQAC’s Decision Package. Now that the Governor’s budget is out the House and Senate will do theirs and the rest of the session will be spent coming up with one budget.

Financial/Budget Report/Discipline Impacts
Executive Director Steve Saxe provided budget documents that included further information on discipline volumes and costs. This included a breakdown of where some of the cases originate.

Nursing Care Quality Assurance Commission (NCQAC) – Advisory Opinion (AO)
Steve Saxe shared the two NCQAC Advisory Opinions with the Commission. Joyce Roper provided some background to on the statutory authority for the NCQAC to develop and AO clarifying scope of practice questions. The AO’s reviewed were:

a. Dispensing Medication/Devices for Prophylactic or Treatment of Communicable Diseases and Reproductive
b. Compounding Medications by Nurses

The Commission members shared their opinions and concerns regarding NCQAC’s AO’s. There was an agreement to have a small group representing PQAC and to meet with NCQAC and discuss concerns with the AO’s The group includes Chris Barry, Ken Kenyon, Judy Guenther, Tim Lynch and Steve Saxe.

Sub-Committees, Rules and Action Plan

Long-term Care Rules
Stakeholders requested the Commission issue interim guidance on portions of Engrossed Substitute Senate Bill (ESSB) 6203 until rules are written. This guidance is needed to allow stakeholders to take advantage of new practices now allowed by law. Stakeholders requested guidance on three specific areas:

1. The use of pharmacy technicians for administrative tasks.
2. The use of chart orders and Authorized Agent Signatures; and
3. Repackaging medications.

Staff prepared interpretive statements for the Commission’s consideration on the first two. The third request for guidance on repacking will be referred to the subcommittee working on the LTC rules.
**MOTION:** Cheryl Adams moved that the Commission approve the guidance documents as submitted for the use of pharmacy technicians for administrative tasks. Steve Anderson seconded. Tim Lynch abstained. **MOTION CARRIED: 11-0.**

**MOTION:** Ken Kenyon moved that approval of guidance document for the use of chart orders and Authorized Agent Signatures be tabled for next meeting to allow for staff to provide more information to help clarify some concerns and questions. Sepi Soliemanpour seconded. **MOTION CARRIED: 12-0.**

**Updates**

Sub-Committee work and Action Plan updates are on the dashboard provided by Executive Director, Steve Saxe. This information is located on the WSPQAC website for the public to review.

**Five-Year Rules Review**

Rich Cieslinski and Megan Mikkelsen presented the first set of rules for the Five-year rule project. The project’s intent is to include time for existing rule review during each Commission meeting. The project will include stakeholder feedback and Commission guidance on the prioritization of rule revisions until all of the existing chapters have been reviewed and the statutory requirement has been completed.

a. Chapter 246-877 WAC Pharmaceutical – Sales Prohibited

**MOTION:** Cheryl Adams moved that the Commission accept the recommendation to amend and make this a low priority. Steve Anderson seconded. **MOTION CARRIED: 12-0.**

b. Chapter 246-885 WAC Pharmacy Identification, Imprints, Markings, and Labeling of Legend Drugs

**MOTION:** Cheryl Adams moved that the Commission accept the recommendation to amend and make this a low priority. Steve Anderson seconded. **MOTION CARRIED: 12-0.**

c. Chapter 246-903 WAC Nuclear Pharmacies and Pharmacists

**MOTION:** Cheryl Adams moved that the Commission accept the recommendation by staff to amend and make this a high priority. Steve Anderson seconded. **MOTION CARRIED: 12-0.**

d. WAC 246-886-050 Animal Control-Legend Drugs and Controlled Substances

**MOTION:** Cheryl Adams moved that the Commission accept the recommendation to retain as is. Judy Guenther seconded. **MOTION CARRIED: 12-0.**
**Commission Member Open Discussion & Reports**

**Member reports**

*Ken Kenyon reported:*
- He participated in the HPAC rules
- Attended the CRP stakeholder meeting

*Judy Guenther reported:*
- Panel calls
- Attended the inspection committee meetings

*Arun Sambataro reported:*
- Participated on the contraceptive sign committee
- Attended the drug donations stakeholder meeting

*Cheryl Adams reported:*
- Inspection committee meetings and work

*Jerrie Allard reported:*
- Participated on panel calls

*Teri Ferreira reported:*
- Attended the hearing
- Attended HPAC stakeholder meeting

*Sepi Soliemanpour reported:*
- She participated on the inspection and suicide prevention committee

*Matthew Ronayne reported:*
- He attended safe homes meeting
- Attended the hearing

*Tim Lynch reported:*
- Legislation meeting call
- ASHP Clinical meeting
- Inspection Committee work and meeting
- Commission member application reviews

*Elizabeth Jensen reported:*
- Panel calls

*Christopher Barry reported:*
- He attended the inspection committee meeting

**Open discussion**

*Elizabeth Jensen* shared that she feels it would be helpful to have a guidance document for pharmacist that feel there may be a patient who is drug seeking and or has concerns and what a pharmacist should/could do. She feels this would be very helpful especially with the opioid epidemic that is happening in our state. She offered to craft a guidance document for the rest of the Commission members to review.

*Christopher Barry* would like to look into utilizing health care practitioners appropriately and what we need to do to move forward on pharmacists prescribing.
Steve Anderson shared that he would like to see the topic of the existing pharmacist to technician ratio on the next meeting agenda to discuss the possibility of changing this to an unlimited ratio. He provided some information and shared some discussions and experiences he has had regarding this topic along with the problems that the ratio can cause.

Joyce Roper discussed with the Commission members the timing of policy discussions and possible impacts it may have on disciplinary cases.

Staff reports

Executive Director
Steve Saxe reported:
• Steve provided a written report
Pharmacist Consultants
Richard Cieslinski reported:
• Working on two rule packages
  • Bill assignment and other assorted tasks

There being no further business, the board adjourned at 5:52 p. m.

Respectfully Submitted by:

Leann George, Program Support
Approved February 16, 2017

Tim Lynch, Chair
Washington State Pharmacy Quality Assurance Commission