

MINUTES

**UTAH
PHARMACY BOARD
MEETING**

February 21, 2012

**Electronic Meeting with Anchor Location
Room 475 – 4th Floor – 8:00 a.m.
Heber Wells Building
Salt Lake City, UT 84111**

CONVENED: 8:05 a.m.

ADJOURNED: 9:10 a.m.

**Bureau Manager:
Board Secretary:**

Debra Hobbins, DNP, APRN, LSAC
Shirlene Kimball

Conducting:

Dominic DeRose, R.Ph Chairman

**Board Members Present
Electronically:**

Dominic DeRose, R.Ph
Jan Bird, CPhT, pharmacy Technician
Greg Jones, R.Ph
Derek Garn, R.Ph
David Young, Pharm D

Board Members Excused:

Kelly Lundberg, PhD public member
Andrea Kemper, Pharm D

DOPL Staff Present:

Ray Walker, Enforcement Counsel

Guests:

Reid Barker, UPhA
Dave Davis, Retail Merchants/Food Industry

TOPICS FOR DISCUSSION

H.B. 165 and Proposed Amendments:

DECISIONS AND RECOMMENDATIONS

The Board meeting was held electronically in accordance with the Electronics meeting rule. The meeting was called to review H.B.165 and the proposed amendments. Mr. Barker reported Health and Human Services Committee members requested input from the Board of Pharmacy before signing off on the bill.

Board members reviewed the bill. The bill amends patient counseling provisions and would require oral patient counseling by in-person, face-to-face communication or by video conferencing over a secure

data connection for each prescription dispensed.

Mr. Garn stated he counsels on all new prescriptions, but there are patients who still try and talk the cashier out of having to receive that counseling. Mr. Garn indicated that are a number of patients who are in a hurry and do not want to wait for the pharmacist. Mr. Jones indicated he provides counseling on all prescriptions and has very few patients who refuse counseling. Mr. Garn stated he feels that counseling with every refill is not necessary. Dr. Young stated he agrees with the intent of the bill, but the way the bill is written there is no way for the patient to decline counseling. Ms. Bird stated she agrees that counseling should be provided for new prescriptions, but the patient should have a way to decline counseling. Board members indicated in the current Pharmacy Practice Act Rule, section R156-31b-610(3): “a pharmacist shall not be required to counsel a patient or patient’s agent when the patient or patient’s agent refuses such consultation.” This allows for the patient picking up refills to refuse counseling. The proposed bill will require counseling for all prescriptions and Board members questioned whether or not, if it is in Rule, could the patient refuse counseling? Mr. Walker stated if the Statute is amended, the rule will need to be re-written to reflect the changes. The proposed amendments to Statute does not allow for an opt-out. If the intent in the Statute is to allow for certain exemptions, those would need to be referenced in the Statute.

Mr. DeRose questioned what happens if the Board does not agree with the language? Mr. Barker stated if the Board feels the intent of this bill improves pharmacy delivery to the patient, the changes should be pursued. Mr. Barker stated he feels the Board could recommend support of the bill and the language could be fine tuned later. Mr. Davis suggested rather than fine tuning the language as we go, take additional time to develop acceptable language and come up with the right solution rather than the fast solution. Mr. Walker stated the Division is neutral; however, the Division needs a statute that can be enforced.

Dr. Young looked at other state Statutes and stated

Idaho has good language that requires counseling on all new prescriptions with an opt-out for counseling on refills.

Mr. Jones made a motion to support the bill with the statement that additional language be added to allow patients to decline counseling. The Motion failed due to lack of a second. Dr. Young stated that Montana language states the pharmacist shall personally discuss the prescription if deemed necessary. Mr. Jones stated that language would change the intent of the bill. Board members indicated they are not totally opposed to the concept of counseling on all prescriptions, but would like the pharmacist to be able to exercise judgment and determine the need for counseling.

Mr. Jones made a Motion that the Board of Pharmacy recognizes the intent of the bill and the increased focus on pharmacist counseling, but would like additional time to work on language with the Interim Committee that addresses all issues. Mr. Garn seconded the Motion. All Board present voted in favor of the motion. Board members indicated they support the concept, but would like more study.

Dr. Hobbins will draft the letter to submit to the Committee

Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.

February 21, 2012
Date Approved

(ss) Dominic DeRose
Dominic DeRose, Chairperson,
Pharmacy Licensing Board

February 21, 2012
Date Approved

(ss) Debra Hobbins
Debra Hobbins, Bureau Manager,
Division of Occupational & Professional Licensing