FINAL/APPROVED

VIRGINIA BOARD OF PHARMACY
MINUTES OF REGULATION COMMITTEE REGARDING PHARMACY TECHNICIAN TO PHARMACIST RATIO

February 16, 2012
Second Floor
Board Room 1

Perimeter Center
9960 Mayland Drive
Henrico, Virginia 23233-1463

CALL TO ORDER: The meeting was called to order at 9:05AM.

PRESIDING: Jody H. Allen, Committee Chairman

MEMBERS PRESENT:
Gill B. Abernathy
David C. Kozera
Empsy Munden
Robert M. Rhodes

STAFF PRESENT:
Caroline D. Juran, Executive Director
J. Samuel Johnson, Jr., Deputy Executive Director
Elaine J. Yeatts, Senior Policy Analyst, DHP

APPROVAL OF AGENDA: With no changes made to the agenda, the agenda was approved as presented.

PHARMACY TECHNICIAN TO PHARMACIST RATIO:

The Regulation Committee met to consider a request to amend Regulation 18VAC110-20-270 B to eliminate the restriction of a pharmacist not being permitted to supervise more than four persons acting as pharmacy technicians at one time. The request was originally discussed at the December 14, 2011 full board meeting and subsequently referred to the Regulation Committee for further review. The Committees' recommendation resulting from this meeting will be reported to and considered by the full Board at the March 13, 2012 full board meeting.

Written and verbal comment was received and heard for approximately two hours by the committee. Comments in opposition of eliminating the current ratio were provided by pharmacists Michael Stone, Earl Hines, Robert Garland, Tim Musselman, Executive Director, Virginia Pharmacists Association (VPhA), and Dave Creasy, President of VPhA and pharmacy owner. The following general arguments were made for opposing the elimination of the current ratio: individual pharmacists, particularly in chain retail/community pharmacies, do not have sole authority in determining the maximum number of pharmacy technicians that can be supervised, because the decision to hire or staff pharmacy technicians is not made by the individual pharmacist; economics is driving this request; the current 4:1 ratio provides safeguards; and, it is premature to eliminate the ratio prior to the upcoming Board of Health Professions' scope of practice review for pharmacists and pharmacy technicians. Additionally, Mr. Musselman commented that of the 117 VPhA pharmacist members who completed a recent survey regarding whether the ratio should be eliminated, 82% indicated the ratio should

remain 4:1, and of the 158 VPhA members (pharmacists, pharmacy technicians, and students) who completed the survey, 77% indicated the ratio should remain 4:1.

Comments in support of eliminating the ratio were provided by Sandra Guckian, Vice President, State Government Affairs at National Association of Chain Drug Stores, Rusty Maney, President, Virginia Association of Chain Drug Stores, John Beckner, Regional Manager of Martins Pharmacy, Lauren Raleigh with CVS Caremark, and Rick Baxter with Medco. The following general arguments were made for supporting the elimination of the current ratio: pharmacists should be allowed to determine the appropriate number of pharmacy technicians that can be safely supervised; the Board had previously attempted to eliminate the ratio in regulation in 2009 and a subsequent statutory change in 2010 allows the Board to eliminate the ratio; the appropriate number of pharmacy technicians that can be safely supervised will vary based on the practice setting; the delegating of nonjudgmental tasks to additional pharmacy technicians would allow a pharmacist to perform more clinical duties, e.g., focusing on patient outcomes and adherence; ratios are antiquated and restrictive; and, pharmacists currently spend 60% of their time performing administrative duties. Additionally, several comments regarding a possible need to increase or standardize the educational requirements of pharmacy technicians were made. Victor Yanchick, Dean, Virginia Commonwealth University, School of Pharmacy, commented that pharmacists need to be released from technical aspects which would increase opportunities to focus on patient care. He supported the elimination of the ratio with properly educated pharmacy technicians in place.

Comments offered by the Committee and staff during its discussions included: concerns for the possible negative impact on patient safety and security of drugs if no ratio; the importance of the information which could result from the upcoming Board of Health Profession's scope of practice review for pharmacists and pharmacy technicians; and, clarification that the current 4:1 ratio was established in concert with the requirement to register pharmacy technicians which specified minimum educational requirements.

MOTION:

The Board voted unanimously to recommend the following to the full Board: that it not amend Regulation 18VAC110-20-270 B to eliminate the restriction of a pharmacist not being permitted to supervise more than four persons acting as pharmacy technicians at one time; that the ratio remain the same until further information is received from the upcoming Board of Health Profession's scope of practice review; and, that staff continue to gather information from other states on their efforts to evaluate ratios. (motion by Rhodes, second by Munden)

ADJOURN: With all business concluded, the meeting adjourned at 11:10AM.

Jody H. Allen, Committee Chairman

3/13/2012
Date

Caroline D. Juran, Executive Director

March 13, 2012
Date