

Collaborative Pharmaceutical Task Force Report

Recommendations Finally Get A Vote!

Scott A. Meyers, Executive Vice President

In the afternoon of Wednesday, June 19th the Collaborative Pharmaceutical Task Force met in Chicago and Springfield as usual. What was strikingly different was the first item of new business for the Task Force was a vote on 12 motions developed from discussions over the past 12 or more meetings to make official recommendations to the staff of the Illinois Department of Financial and Professional Regulation for presentation to the General Assembly.

Before the votes began, Hunter Wiggins, newly appointed General Counsel for the Department, informed the Task Force members that because the Illinois Pharmacy Practice Act will expire on January 1, 2020 unless it is extended during the Fall veto session, it is critical that the Task Force finish its work as soon as possible and no later than the September 1st deadline.

Here are the motions that were discussed and their votes.

Motion No. 1

Motion regarding “Pharmacy Technician on Duty

So moved that the Collaborative Pharmaceutical Task Force recommends against the adoption of any language within the Pharmacy Practice Act or Rules thereunder, addressing the following standard listed in Section 4.5 of the Act:

- “requiring pharmacies to have at least one pharmacy technician on duty whenever the practice of pharmacy is conducted.”

The Task Force voted 5-1-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care. The members voting in favor of the motion felt that there were too many situations where it would be unnecessary and uneconomic to have a technician on duty just because a pharmacist was practicing pharmacy. Examples: Long-term care chart reviews, after-hours administrative activities in critical care hospital pharmacies, pharmacies with low volume during late weekend hours, and more.

Motion No. 2

Motion regarding “Triple Pay for No Breaks”

So moved, that the Collaborative Pharmaceutical Task Force recommends **against** the adoption of any language within the Pharmacy Practice Act, or the Rules thereunder, addressing the following standard listed in Section 4.5 of the Act:

- “to pay the pharmacist 3 times the pharmacist’s regular hourly rate of pay for each workday during which the required breaks were not provided.”

The Task Force voted 5-1-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care.

The members voting in favor of the motion felt that this motion was inappropriate and had no business in the Practice Act or Rules. The labor representative on the Task Force was the only vote opposed.

Motion No. 3

Motion regarding “Break Room”

So moved, that the Collaborative Pharmaceutical Task Force recommends **against** the adoption of any language within the Pharmacy Practice Act, or the Rules thereunder, addressing the following standard listed in Section 4.5 of the Act:

- “to make available at all times a room on the pharmacy’s premises with adequate seating and tables for the purpose of allowing a pharmacist to enjoy break periods in a clean and comfortable environment.”

The Task Force voted 5-1-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care. The members voting in favor of the motion believed that this standard would be unnecessary in many pharmacy situations and did not belong in statute or regulation.

Motion No. 4

Motion regarding “Prescription Limits” and “Pharmacy Technician Hours”

So moved, that the Collaborative Pharmaceutical Task Force intends to address the following standards contained in Section 4.5 of the Pharmacy Practice Act, which are:

- “to set a prescription limit of not more than 10 prescriptions filled per hour;” and
- “to mandate at least 10 pharmacy technician hours per 100 prescriptions filled,”

by modifying them in recommending that the legislature enact a new section in the Pharmacy Practice Act entitled “Grounds for Discipline,” which would include the following provisions:

(2) Failure to provide a working environment for all pharmacy personnel that protects that health, safety and welfare of a patient which includes, but is not limited to:

. . . .

(c) Adequate time for a pharmacist to complete professional duties and responsibilities including, but not limited to:

(A) Drug Utilization Review;

(B) Immunization;

(C) Counseling;

(D) Verification of the accuracy of a prescription; and

(E) All other duties and responsibilities of a pharmacist as specified in the Pharmacy Practice Act Administrative Rules Part 1300.

The Task Force voted 6-0-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care.

Motion No. 5

Motion regarding “Prohibiting Distractions”

So moved, that the Collaborative Pharmaceutical Task Force, intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “to place a general prohibition on activities that distract pharmacists,”

by modifying this standard in recommending that the legislature enact a new Section in the Pharmacy Practice Act entitled “Grounds for Discipline,” which would include the following provision:

- (2) Failure to provide a working environment for all pharmacy personnel that protects that health, safety and welfare of a patient which includes, but is not limited to:
 - (a) Sufficient personnel to prevent fatigue, distraction or other conditions that interfere with a pharmacist’s ability to practice with competency and safety or creates an environment that jeopardizes patient care.

The Task Force vote 7-0-0 (in favor – opposed – abstain).

Motion No. 6

Motion regarding “No Work During Break”

So moved, that the Collaborative Pharmaceutical Task Force, intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “to not require a pharmacist to work during a break period,”

by modifying the standard and recommending that the legislature enact a provision in the Pharmacy Practice Act stating that a new section entitled “Grounds for Discipline” include the following provisions:

- (2) Failure to provide a working environment for all pharmacy personnel that protects that health, safety and welfare of a patient which includes, but is not limited to:

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- (b) Appropriate opportunities for uninterrupted rest periods and meal breaks

The Task Force vote 7-0-0 (in favor – opposed – abstain). The Task Force member voted unanimously to support this motion based on its flexibility and because pharmacists are professionals and while given the opportunity for uninterrupted breaks they may choose not to take them when the workload is excessive or an emergency occurs.

Motion No. 7

Motion regarding “Whistleblower Protection”

So moved, that the Collaborative Pharmaceutical Task Force, intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “the extent to which providing whistleblower protections for pharmacists and pharmacy technicians reporting violations or worker policies,”

by recommending that the legislature enact a provision in the Pharmacy Practice Act stating that a new section entitled “Grounds for Discipline” include the following provision:

- (5) Anyone reporting violations of this section to the Department of Financial and Professional Regulation are specifically protected under the Illinois Whistleblower Act” (740 ILCS 174/15(b)).

The Task Force vote 7-0-0 (in favor – opposed – abstain). The Task Force members voted unanimously to include this state in the Pharmacy Practice Act, acknowledging that this protection already exists but that placing a reference to the Whistleblower Act in the Act would reassure and inform unaware pharmacists, pharmacy technicians and student pharmacists of this protection. Concern was stated by a number of Task Force members that references to several other Acts that may impact pharmacy could or then should be added to

the Pharmacy Practice Act resulting in a cluttering of the Act with informational citations. Some Task Force members agreed but felt that this issue of whistleblower protection was important enough and existing fear by many pharmacists, technicians and students was part of the cause to the formation of the Task Force initially.

Motion No. 8A

Motion regarding “Length of Work Day”

So moved, that the Collaborative Pharmaceutical Task Force intends to address the following standard listed in Section 4.5 of the Act:

- “to limit a pharmacist from working more than 8 hours a workday,”

by recommending that the legislature enact a provision in the Pharmacy Practice Act under a new Section entitled “Pharmacy Work Conditions,” which states the following:

A pharmacy licensed under Illinois Statutes, which is located within Illinois, shall not require a pharmacist, student pharmacist, or pharmacy technician to work longer than eight (8) continuous hours per day, inclusive of the breaks required under subpart 2.

This motion died due to a lack of a second by any member of the Task Force. During discussions at several previous meetings there was general consensus that many pharmacies use 10-12 hour work days and this implementation of this standard would cause unreasonable hardships for many.

Motion No. 8B

Motion regarding “Length of Work Day”

So moved, that the Collaborative Pharmaceutical Task Force intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “to limit a pharmacist from working more than 8 hours a workday,”

by modifying this standard to limit the hours worked to 12 hours a workday and recommending that the legislature enact a provision in the Pharmacy Practice Act under a new Section entitled “Pharmacy Work Conditions,” which states the following:

A pharmacy licensed under Illinois Statutes, which is located within Illinois, shall not require a pharmacist, student pharmacist, or pharmacy technician to work longer than twelve (12) continuous hours per day, inclusive of the breaks required under subpart 2.

The Task Force voted 5-1-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care. The members voting in favor of this motion felt that this more appropriately accommodate most pharmacy practice setting schedules. The Task Force did have the option to let both motions 8A and 8B fail, which would have resulted in no regulation of a maximum length of work day.

Motion No. 9

Motion regarding “Break Records”

So moved, that the Collaborative Pharmaceutical Task Force intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “to keep a complete and accurate record of the break periods of its pharmacists,”

by recommending that the legislature enact a provision in the Pharmacy Practice Act under a new Section entitled “Pharmacy Work Conditions,” which states the following:

The Employer shall keep and maintain a complete and accurate record of the daily break periods of its pharmacists.

The Task Force voted 4-2-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care. The dissenting votes felt this standard creates a cumbersome and unnecessary standard with no impact on patient care.

Motion No. 10A

Motion regarding “Mandatory Breaks and Lunch Period”

So moved, that the Collaborative Pharmaceutical Task Force, intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “to provide a pharmacist a minimum of 2 15-minute paid rest breaks and one 30-minute meal period in each working day on which the pharmacist works at least 7 hours,”

by modifying this standard in recommending that the legislature enact a new Section in the Pharmacy Practice Act entitled “Pharmacy Work Conditions,” which would include the following provision:

- A. A pharmacist working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute uninterrupted meal break and (2) 15-minute breaks. No pharmacist shall be required to work longer than 5 continuous hours per day without the opportunity to take an uninterrupted meal break.

This motion was not consider because the Task Force had already approved Motion No. 8B which relates to the next motion to be considered.

Motion No. 10B

Motion regarding “Mandatory Breaks and Lunch Period”

So moved, that the Collaborative Pharmaceutical Task Force, intends to address the following standard contained in Section 4.5 of the Pharmacy Practice Act, which is:

- “to provide a pharmacist a minimum of 2 15-minute paid rest breaks and one 30-minute meal period in each working day on which the pharmacist works at least 7 hours,”

by modifying this standard in recommending that the legislature enact a new Section in the Pharmacy Practice Act entitled “Pharmacy Work Conditions,” which would include the following provision:

- A. A pharmacist working longer than six continuous hours per day shall be allowed during that time period to take a 30-minute uninterrupted meal break and (1) 15-minute break. The pharmacist qualifies for an additional 15-minute break if working 12 continuous hours per day. No pharmacist shall be required to work longer than

5 continuous hours per day without the opportunity to take an uninterrupted meal break.

The Task Force voted 6-0-1 (in favor – opposed – abstain) on the motion with the Illinois State Medical Society abstaining on the grounds that this motion did not impact patient care.

You should note that the Task Force has 8 voting members including the Chair, however Phil Burgess, Chair of the Task Force was absent due to a death in the family.

Following the vote on motions described above, the Board then unanimously approved the Grounds for Discipline recommendation described in motions 4-7 in its entirety and the Pharmacy Work Conditions recommendation by a vote of 6-0-1 with ISMS abstaining. These two documents are provided on the ICHP website at www.ichpnet.org, sign in and then click on Advocacy and then Practice Act and Related Statutes.

The Task Force then discussed e-prescribing and e-cancellation or CancelRx. Task Force member Adam Bursua provided an update on the availability of e-cancellation capabilities of most community pharmacies and outlined a proposal to require e-cancellation access for all pharmacies by January 1, 2021 which will be discussed and voted on at the July 9th meeting.

The Task Force concluded with a final review of proposed changes to the Practice Act and Rules related to pharmacy technician tasks and responsibilities. What is expected to be the final language recommended by the Task Force to the Department at the July meeting can also be found on the ICHP website. ICHP members should have already received an e-mail blast regarding this language and the Grounds for Discipline and Pharmacy Work Conditions documents in June. (Note: If you did not receive that important e-mail blast please ask your IT Department to whitelist www.ichpnet.org and look in your spam or junk folders to see if it landed there!)

The next meeting of the Task Force will be held on Tuesday, July 9th at 1:30 pm in Chicago and Springfield. Exact locations for each cite have not yet been announced but will eventually be posted on the Department website at www.idfpr.com.