

**DIVISION OF HEALTH SERVICES REGULATION
RHODE ISLAND BOARD OF PHARMACY**

Minutes of Meeting

Thursday December 10, 2009

OPEN-SESSION

The Open Session Meeting of the Board of Pharmacy was called to order at 8:35 am on the above date in Conference Room 401, Rhode Island Department of Health, PURSUANT TO THE APPLICABLE PROVISIONS OF THE General Laws of Rhode Island, as amended Kathy Kettle, Chairperson.

Members Present

Kathy Kettle (Chairperson) Jonathan Mundy (Secretary), Chris Albanese, Michael Cacchiotti, Karen DiStefano, Susan Delmonico, Richard Hathaway, Kelly Or.

Staff Present

Catherine Cordy

Call to Order

Chairperson Kathy Kettle called the meeting to order at 8:35 a.m.

1.0 Minutes

The minutes of the Open Session Meeting held on October 22, 2009 were reviewed. Chris Albanese moved that the minutes be approved as written. Susan Delmonico seconded the motion. The motion carried on unanimous consent.

2.0 Administrative Issues

- Announcements:**

None

- Communications:**

Cathy Cordy informed the Board on that the Rhode Island Quality Institute has formed an E-Prescribing Sub-Committee to look at issues facing E-Prescribing in the State and would like a representative from the Board of Pharmacy as a member. Chris Albanese agreed to be the Boards representative. The E-Prescribing Sub-Committee will contact the Board of Pharmacy when a first meeting is scheduled.

Kelly Orr spoke informed the Board that as part the licensing renewal process for the coming year, Pharmacists who are immunization

certified will be asked to indicate this on their license renewal.

• Continuing Education Inquiries:

None

• Issued Registrations (NAPLEX™/TOS/REC Candidates):

None

• Issued Pharmacy Licenses – As Attached

None

3.0 Old Business

• Medical Marijuana – Patient Use in Hospitals

J. Mundy asked that this item be tabled until after the first of the year. Cathy Cordy recommended a multi-disciplinary sub-committee be formed for the purpose of developing language on how healthcare facilities should handle medical marijuana when presented with the situation. Susan Delmonico agreed to be on the sub-committee as well as J. Mundy. It was also recommend that a College of Pharmacy Intern be given the opportunity to be part of this sub-committee as well. J. Mundy to draft a letter for Cathy Cordy to send out soliciting interested individuals who would like to serve on this sub-committee.

- **Conscience Clause – Regulatory Amendment**

The Board reviewed drafted language on a pharmacist's right to decline to dispense a drug or device pursuant to an order or prescription. No changes were recommended to the drafted language.

- **Emergency Contraception – Pharmacist Information Handout**

The Board reviewed a Pharmacist Information handout on Emergency Contraception. A minor change was recommended on this document on page 2 under Professional Conduct. The second bulleted item was amended by deleting Pursuant to R5-19.1 Section 27.

4.0 New Business

- **Use of Electronic prescription process in Nursing and Assisted Living Facilities – Recognition of nurse as authorized agent of physician.**

Joseph Delucia from Omnicare informed the Board that the DEA is looking closely how long-term care pharmacy providers like Omnicare are handling the dispensing of controlled substance medications from "EKITS". EKITS are kits containing emergency medications, inclusive of controlled substances, provided by the long-term pharmacy provider to Nursing and Assisted Living

Facilities to be used when a patient is need of a medication and can not wait to have the medication delivered/dispensed by the long-term care pharmacy. In the case of controlled substances, the DEA is maintaining that no controlled substance can be dispensed from the EKIT until a valid prescription is obtained by the pharmacy from the patients attending physician. As noted by Mr. Delucia, this ruling/interpretation of DEA regulation will lead to a delay in a patient receiving a needed medication which could cause harm to the patient.

DEA does not recognize the Nurse as an authorized agent of the physician.

5.0 Adjourn to Executive Session

Pursuant to Sections 42-46-4 and 46-45-5 of the RI General Laws for the purpose of discussing job performance, character, physical or mental health of applicants for licensure and licenses; and investigatory proceedings regarding allegations of civil or criminal misconduct. Said individuals have been notified in advance by writing that they may request that the discussion be held in an open meeting.

On a motion made by Richard Hathaway and seconded by Chris Albanese, Mr. Hathaway moved to closed the Open Meeting and adjourn to Closed Session in accordance with Sections 42-46-5(a)(1) and (4). The motion passed by unanimous consent.

The Open Meeting session adjourned at 9:35 a.m.

6.0 Return to Open Session

Karen DiStefano made a motion to open the Open Session. The motion was seconded by Richard Hathaway. The motion carried on unanimous consent. The Board returned to Open Session at 1:20 p.m.

7.0 Final Actions

After a brief discussion on medication errors, Susan Delmonico moved that a Sub-Committee be developed to look into how to best report and handle medication errors when they occur. The sub-committee would consist of members from the Nursing and Medical profession and include a review of ISMP (Institute for Safe Medication Practices) recommendations as well as recommendations from the (NABP) National Association of Boards of Pharmacy. The motion was seconded by Chris Albanese. The motion carried on unanimous consent.

8.0 Adjourn

Being no other business before the Board, Chris Albanese made a motion to adjourn the meeting. Karen DiStefano seconded the motion. The motion carried on unanimous consent.

Respectfully submitted,

Jonathan M. Mundy

Jonathan M. Mundy, R.Ph.

Secretary Board of Pharmacy