

--- DRAFT UNAPPROVED ---

**Ad Hoc Committee of the Boards of Pharmacy and Medicine
to Amend the Regulations Governing Collaborative Practice Agreements
Minutes**

The Ad Hoc Committee of the Boards of Pharmacy and Medicine to Amend the Regulations Governing Collaborative Practice Agreements met on Tuesday, August 20, 2013 at 9:00 a.m. at the Department of Health Professions, Perimeter Center, 9960 Mayland Drive, Henrico, Virginia.

MEMBERS PRESENT: Ellen Shinaberry, PharmD Co-Chair
Kenneth Walker, MD, Co-Chair
Siobhan Dunnavant, MD
Robert Hickman, MD
Dave Kozera, RPh
Cynthia Warriner, RPh

MEMBERS ABSENT: None

STAFF PRESENT: William L. Harp, MD, Executive Director, Medicine
Caroline Juran, RPh, Executive Director, Pharmacy
Sammy Johnson, RPh, Deputy Executive Director, Pharmacy
Elaine Yeatts, Senior Regulatory Analyst for DHP
Colanthia Morton Opher, Operations Manager, Medicine

GUESTS PRESENT: Kent E. Willard, MD, VAFP
Anne Leigh Kerr, PhRMA
Matt Mansell, MSV
Tim Musselman, VPhA
John Rick Pagadman, VPhA
Teresa Graham, CVTC Pharmacy
Susan Ward, VHHA
Cal Whitehead, VSHP
Richard Grossman, Vectre Corp.

SUMMARY OF MEETING

Dr. Walker called the meeting to order. A roll call was conducted and the Emergency Egress Instructions were given. Self-introductions by the Committee members, Board staff and guests were made.

Dr. Shinaberry moved to adopt the agenda as amended by Ms. Yeatts. The motion was seconded and carried unanimously.

There was no public comment.

New Business:

Ms. Yeatts advised that the charge of the Committee was to review the existing regulations for collaborative practice agreements, HB1501, and VA Code §54.1-3303, and prepare recommended changes for each respective Board to separately and jointly adopt at their fall meetings.

The Committee reviewed and briefly discussed the background information provided including the interpretation of “implementation” obtained from the Office of the Attorney General.

In addition, the Committee discussed what elements should be contained in a typical collaborative practice agreement protocol, whether a patient should be required to opt out/in, and how an effective line of communication can be established between the pharmacist and the prescriber.

18VAC110-40-10 – Definitions.

The Committee also discussed what constitutes a valid prescription and a bona fide practitioner/patient relationship. After discussion, Dr. Dunnivant moved to adopt the following amendments to 18VAC110-40-10:

“Agreement” means a collaborative practice agreement ~~by which practitioners of medicine, osteopathy or podiatry and pharmacists enter into voluntary, written agreements to improve outcomes for their mutual patients using drug therapies, laboratory tests, and medical devices, pursuant to the provisions of~~ as defined in §54.1-3300 of the Code of Virginia.

"Practitioner" means, ~~notwithstanding the definition in §54.1-3401 of the Code of Virginia, a doctor of medicine, osteopathy, or podiatry who writes the order and is directly and ultimately responsible for the care of a patient being treated under an agreement and who holds an active license to practice from the Virginia Board of Medicine.~~ A person authorized to have an agreement with a pharmacist and his designated alternative pharmacists as prescribed in the definition of a collaborative agreement in §54.1-3300 of the Code of Virginia.

The motion was seconded and carried unanimously.

18VAC110-40-20 – Signed authorization for an agreement.

Dr. Dunnivant moved to adopt the following amendments:

A. The signatories to an agreement shall be a practitioner ~~of medicine, osteopathy, or podiatry~~ involved directly in patient care and a pharmacist involved directly in patient care. ~~The practitioner may designate alternate practitioners, and~~ Within the agreement, the pharmacist may designate alternate pharmacists, provided the alternates are involved directly in patient care at a single physical location where patients receive services.

The motion was seconded and carried unanimously.

18VAC110-40-30. Approval of protocols outside the standard of care.

The Committee proposed no amendments to this section.

18VAC110-40-40. Content of an agreement and treatment protocol.

Ms. Juran suggested that the following language be added to 18VAC110-40-40 (b): Implementation, modification, or continuation of drugs in Schedules II through V shall only be performed by a pharmacist as authorized by federal law.

The Committee agreed to the added language with the proviso that it be dropped if the Office of the Attorney General thought it could not be exempt or fast-tracked.

18VAC110-40-50. Record retention.

The Committee proposed no amendments to this section.

18VAC110-40-60. Rescindment or alteration of the agreement.

The Committee proposed no amendments to this section.

18VAC110-40-70. Compliance with statutes and regulations.

The Committee proposed no amendments to this section.

After review, Ms. Yeatts explained the regulatory process and advised that the proposed amendments will be presented at the Board of Pharmacy meeting in September and at the Board of Medicine meeting in October.

With no further business to discuss, the meeting was adjourned at 12:15 p.m.

Ellen Shinaberry, PharmD
Co-Chair

William L. Harp, M.D.
Executive Director

Kenneth J. Walker, MD
Co-Chair

Caroline D. Juran
Executive Director, Board of Pharmacy

Colanithia M. Opher
Recording Secretary