

August 2001



Arkansas State Board of Pharmacy

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Published to promote voluntary compliance of pharmacy and drug law.

Biennial Licensure

Pursuant to Act 910 of 2001, all retail pharmacy permits, out-of-state pharmacy permits, specialty pharmacy permits, and pharmacist licenses shall be renewed every two (2) years, beginning with renewals for 2002-2003. Consequently, the fee for the upcoming renewal will be twice the current annual fee but will cover two (2) years (2002-2003).

All pharmacy technician permits, hospital pharmacy permits, ambulatory care center pharmaceutical services permits, wholesale distributors of legend or controlled substance permits, wholesale distributors of medical equipment, legend devices and medical gases permits, institutional pharmaceutical services permits, and nursing home consultant pharmacy permits will be renewed for one (1) year for the upcoming 2002 renewal and then shall be renewed every two (2) years beginning with renewals for 2003-2004.

If the initial licensure, permit, certificate, or registration occurs in the second year of a biennial renewal term, the applicant will only pay the original fee and will not be responsible for the renewal fee until the biennial renewal period for the license, permit, certificate, or registration.

Non-equivalent Drug List

Pursuant to Act 801 of 2001 and a recently promulgated regulation by the Arkansas State Board of Pharmacy, there is no longer a specific listing of non-equivalent drugs. All drugs substituted must be generically equivalent and "A" rated by the Food and Drug Administration (FDA). Regulation 07-00-0006 – Generic Substitution states, "The Arkansas State Board of Pharmacy recognizes the FDA's *Approved Drug Products with Therapeutic Equivalence Evaluations* (The Orange Book) as the basis for the determination of generic equivalency within the limitations stipulated in that publication. If the FDA approves a drug product as bio-equivalent and publishes that product with an 'A' (AA, AB, AN, AO, AP, and AT) rating, in the *Approved Drug Products with Therapeutic Equivalence Evaluations* (The Orange Book), an Arkansas pharmacist, or any pharmacist dispensing drugs

to patients in Arkansas, may substitute that product consistent with law. Conversely, if the drug product is 'B' rated, is changed from an 'A' rating to a 'B' rating, or is not rated, the pharmacist may not substitute without the consent of the prescribing practitioner. When a pharmacist substitutes a generically equivalent drug product for the drug prescribed, the patient shall be notified of the substitution by a pharmacist involved in the dispensing process."

Patient Counseling

Section III of Board of Pharmacy Regulation 09 – Pharmaceutical Care/Patient Counseling states, "A pharmacist shall counsel the patient or caregiver 'face-to-face' if the patient or caregiver is in the pharmacy. A pharmacy technician or other pharmacy employee may inform the pharmacist when they have a patient with a new prescription so counseling can be done." A technician or employee may not make the determination as to whether counseling should or should not be done. This is the responsibility of the pharmacist only.

A pharmacy technician or other pharmacy employee asking a patient or caregiver if she or he would like to be counseled on a new prescription does not constitute compliance with the counseling regulation.

Pharmacy Technicians

Regulation 03-00-0002 (E) states, "When a pharmacy technician leaves the employment of a pharmacy, the pharmacist-in-charge shall notify the Board, in writing, within fourteen (14) days thereof." Section (F) of this regulation states, "Any concurrent or subsequent employment at a pharmacy other than the pharmacy identified on the current permit, issued by the Board of Pharmacy, the pharmacist-in-charge of the pharmacy where the pharmacy technician will be working must notify the Board of Pharmacy, in writing, of the exact date when the pharmacy technician will begin working." Due to the large number of pharmacy technicians in Arkansas, many of whom change work locations or fail to renew their permits, the pharmacist-in-charge must follow the above

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mentioned regulation as well as make sure that technicians have valid permits to perform technician duties.

Regulation 03-00-0002 (G) states, "A pharmacy technician shall identify himself/herself as such in any telephone conversation regarding the functions of a pharmacy technician while on duty in the pharmacy." Situations have arisen regarding complaints and Board hearings when either health care professionals or the lay public thought they were talking with a pharmacist when, in fact, they were speaking with a pharmacy technician.

Regulation 03-00-0003 (B) states, "A pharmacy technician shall hold to the strictest confidences all knowledge concerning patrons, their prescriptions, and other confidence entrusted or acquired by him/her; divulging in the interest of the patron, only by proper release forms, or where required for proper compliance with legal authority." Situations have arisen regarding complaints and Board hearings in which pharmacy technicians were alleged to have violated patient confidentiality in conversations in break rooms or in comments overheard by other patrons in the store. The pharmacist-in-charge must address issues regarding patient-sensitive information with each employee.

Changes Pharmacists Can Make to a Schedule II Prescription

The majority of changes to a Schedule II prescription can be made only after the pharmacist contacts the prescribing practitioner. The pharmacist is permitted to change the patient's address, drug strength, drug quantity, drug dosage form, and directions for use. The pharmacist may add information such as the patient's address. The pharmacist is never permitted to make changes to the patient's name, controlled substance prescribed (except to substitute a generic), or the prescriber's signature. After consulting with the prescriber, the pharmacist must document any changes made including the time and date, and his/her signature. Documentation on the prescription is the pharmacist's account of the changes

made. These changes should match what appears in the patient's chart at the prescriber's practice site if the dosage form or the directions for use are changed.

Fifty-year Gold Certificates Issued

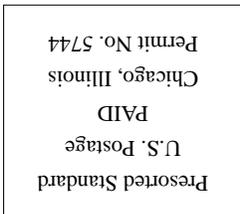
Twenty Arkansas pharmacists were issued gold certificates this year in recognition of their having been registered pharmacists for 50 years. The Arkansas State Board of Pharmacy recognizes these pharmacists and gratefully acknowledges their years of contribution to the pharmacy profession. These individuals may take great pride in being part of such an honorable profession for so long. Congratulations to the following pharmacists:

- | | |
|---------------------|--------------------|
| David L. Baker | Benny R. Post |
| Oscar P. Clayton | Paul S. Shillings |
| Stonewall J. Conner | Hubert Spann |
| Herbert L. Frenkel | Donald W. Stecks |
| Gerald J. Glass | John R. Stotts |
| James R. Henderson | Fred E. Stuart |
| Doyne M. Hudson | James C. Vaughn |
| Leo M. Kern | Roger G. Williams |
| Robret E. Low | Forrest D. Windham |
| Reed M. Perryman | Crawford A. Wyatt |

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