



2022 Open Forum on Policy Topics

Wednesday, September 22, 2021,
6:00pm – 7:00 PM ET

For Every Pharmacist. For All of Pharmacy.

[pharmacist.com](https://www.pharmacist.com)

Objectives

1. Briefly review the purpose of the House of Delegates
2. Provide short overview of the policy development process
3. Outline the 2021-2022 proposed policy topics
4. Briefly discuss next steps in the process

Webinar scheduled for 60 minutes.

(10 minutes for intro/overview, 15 minutes per topic, and 5-10 minutes for final comments/questions)

Webinar Process

To request to speak during the webinar, click on the **raise hand** button. You will be placed in the queue and recognized by the moderator.

Provide written questions/comments through the **question panel** or send an email to **HOD@aphanet.org**. Written comments may be limited due to time but will be made available to the Policy Committee.

The moderator and APhA Staff will clarify issues but will not engage in debate. Be courteous to your colleagues in your communications.

We want and need your perspective to help shape the direction of the proposed policy statements to be considered by the 2022 House.

Purpose of the House of Delegates

House of Delegates

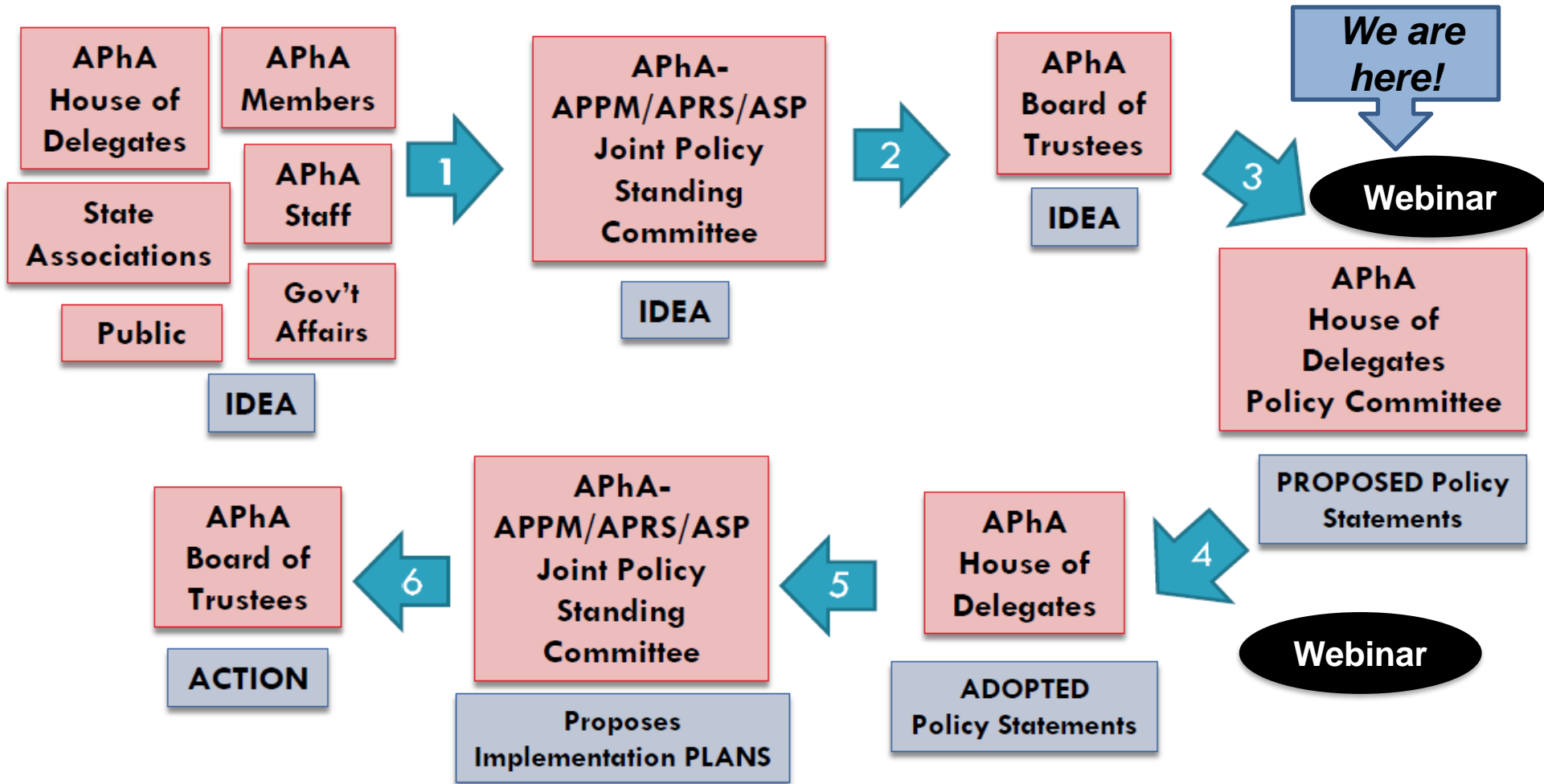
- “serves as a legislative body in the development of association policy. It shall act on such policy recommendations as shall come before it and shall adopt rules or procedures for the conduct of its business.” (*from APhA Bylaws*)

Association policy directs:

- Advocacy activities
- External communications
- Advisory committees
- Association activities

Existing APhA policy can be found online at: <https://aphanet.pharmacist.com/policy-manual>

APhA Policy Development Roadmap



APhA Antitrust Statement

The American Pharmacists Association complies with all Federal and State Antitrust laws, rules and regulations. Therefore:

- 1) Meetings will follow a formal, pre-approved agenda which will be provided to each attendee. Participants at meetings should adhere strictly to the agenda. Subjects not included on the agenda should generally not be considered at the meeting.
- 2) The agenda will be specific and will prohibit discussions or recommendations regarding topics that may cause antitrust problems, such as prices or price levels. In addition, no discussion is permitted of any elements of a company's operations which might influence price such as:
 - 1) Cost of operations, supplies, labor or services;
 - 2) Allowance for discounts;
 - 3) Terms of sale including credit arrangements; and,
 - 4) Profit margins and mark ups, provided this limitation shall not extend to discussions of methods of operation, maintenance, and similar matters in which cost, or efficiency is merely incidental.
- 3) It is a violation of Antitrust laws to agree not to compete, therefore, discussions of division of territories or customers or limitations on the nature of business carried on or products sold are not permitted.
- 4) Boycotts in any form are unlawful. Discussion relating to boycotts is prohibited, including discussions about blacklisting or unfavorable reports about particular companies including their financial situation.
- 5) Whenever discussion borders on an area of antitrust sensitivity, the Association's representative should request that the discussion be stopped and ask that the request be made a part of the minutes of the meeting being attended. If others continue such discussion, the webinar will be terminated.



Policy Topics for 2022

- Regulation of Pharmacist Standard of Care for State Pharmacist Practice Acts
- Data Ownership Rights & Responsibility of Pharmacists and Pharmacy Practices to Secure Data



Policy Topics for 2022

- **Regulation of Pharmacist Standard of Care for State Pharmacist Practice Acts**

Pharmacist Standard of Care for State Pharmacist Practice Acts

Rationale

Pharmacy is one of the most regulated health professions.

Medicine and nursing both follow standard of care regulatory models. This regulatory model is what allows for a multi-state nursing licensure compact and allows practitioners to practice at the top of their *clinical ability*.

This type of regulatory model would bypass the legislative process as pharmacy practice acts would not need to be updated as often.

Standard of Care Approach

The degree of care and skill of the average health care provider in that specialty

- Based on the hypothetical practices of a reasonably competent health care professional in the same or similar community

Following practices which are generally accepted by others with similar education and practice experience, professionals are able to make informed decisions about which roles they can and cannot perform.

Follow closely with evidence-based guidelines and treatment algorithms, among other resources, provided by nationally recognized entities.

Creates opportunity that would allow professions to follow permissive rather than prescriptive regulations.

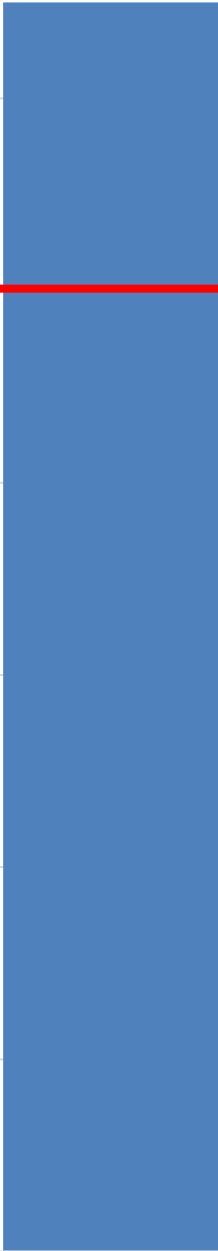
Legal Ceiling
("Top of License")

Scope of Practice

Entry Barrier
(Minimum Competency)



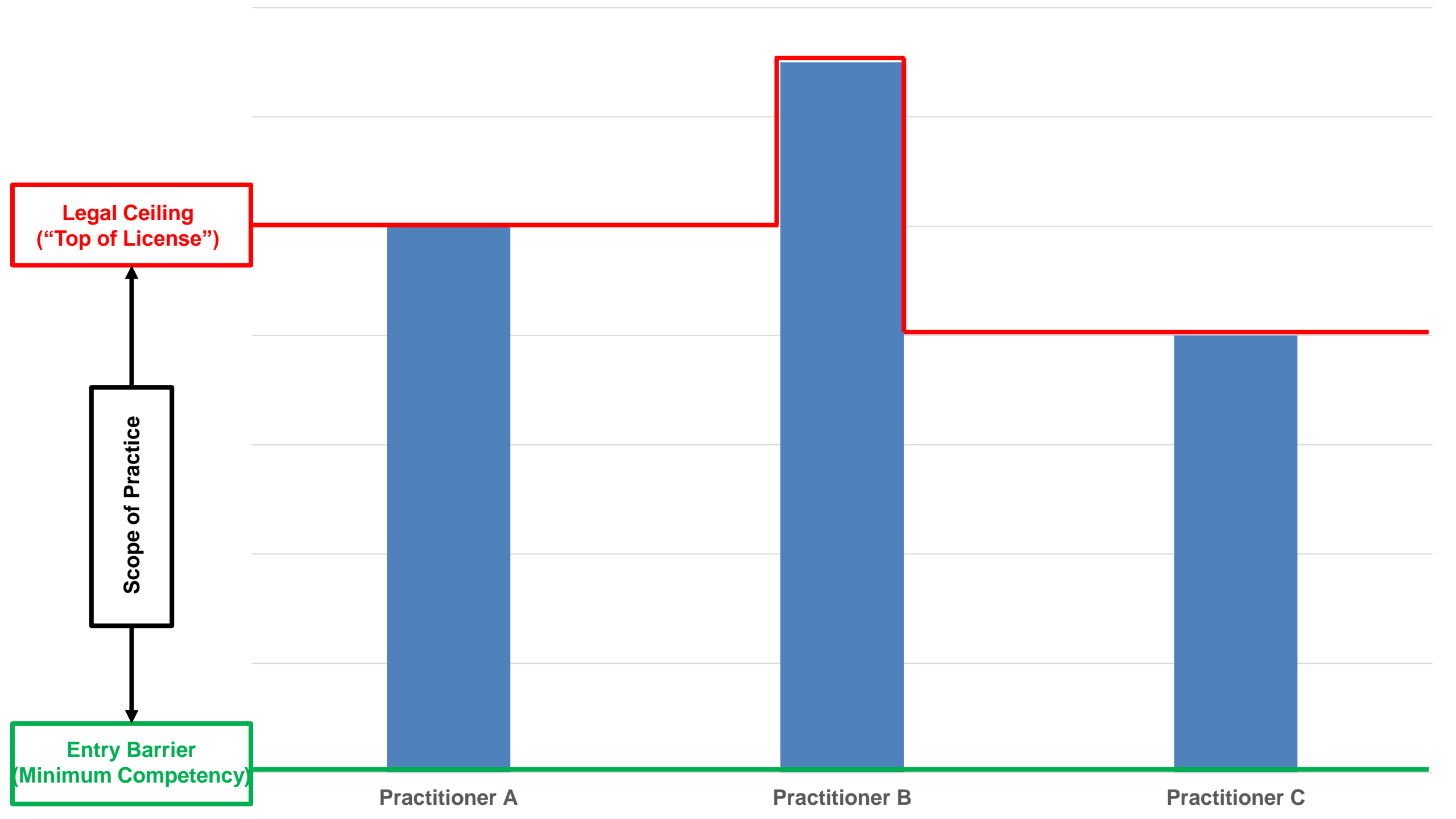
Practitioner A



Practitioner B



Practitioner C



Pharmacist Standard of Care for State Pharmacist Practice Acts

What issues should this proposed policy topic address?

Reviewing the role of Standard of Care regulation to allow pharmacists of varying clinical ability to practice at their full capacity, while maintaining patient safety.

- Regulatory boards have historically regulated to the lowest common denominator of practice ability

The impact on practitioners of transitioning to a Standard of Care regulation from the more traditional model.

Pharmacist Standard of Care for State Pharmacist Practice Acts

Why is this proposed policy topic necessary for the profession?

Advancing regulatory reform is necessary to support ongoing initiatives for recognition as a provider.

The push for payment reform will be further supported by allowing pharmacists to provide services they are trained to provide but may not be legally able to provide due to current regulations.

Access to equitable care by patients has and should continue to be a focus for professional organizations. Regulatory reform will expand this access and pharmacists can serve a greater role as the most accessible health care provider.

Pharmacist Standard of Care for State Pharmacist Practice Acts

Related Existing APhA Policies

2017, 2012 Contemporary Pharmacy Practice

2004, 1991 Updating of State Pharmacy Practice Acts

2002 National Framework for Practice Regulation

2002 Professional Practice Regulation



Opportunity for Discussion

- **Regulation of Pharmacist Standard of Care for State Pharmacist Practice Acts**

Pharmacist Standard of Care for State Pharmacist Practice Acts

What is your perspective?

- What other areas should the proposed policy statements address?
- What are your questions, concerns, etc. about defining Standard of Care and how Standard of Care regulation impacts you as a pharmacist?
- Are there other gaps in existing APhA policy that should be addressed by this topic?
- What other resources can you provide on Standard of Care regulation for the Committee?
- Do you feel limited by your current State scope of practice?



Policy Topics for 2022

- **Data Ownership Rights & Responsibility of Pharmacists and Pharmacy Practices to Secure Data**

Data Ownership Rights & Responsibilities to Secure Data

Rationale

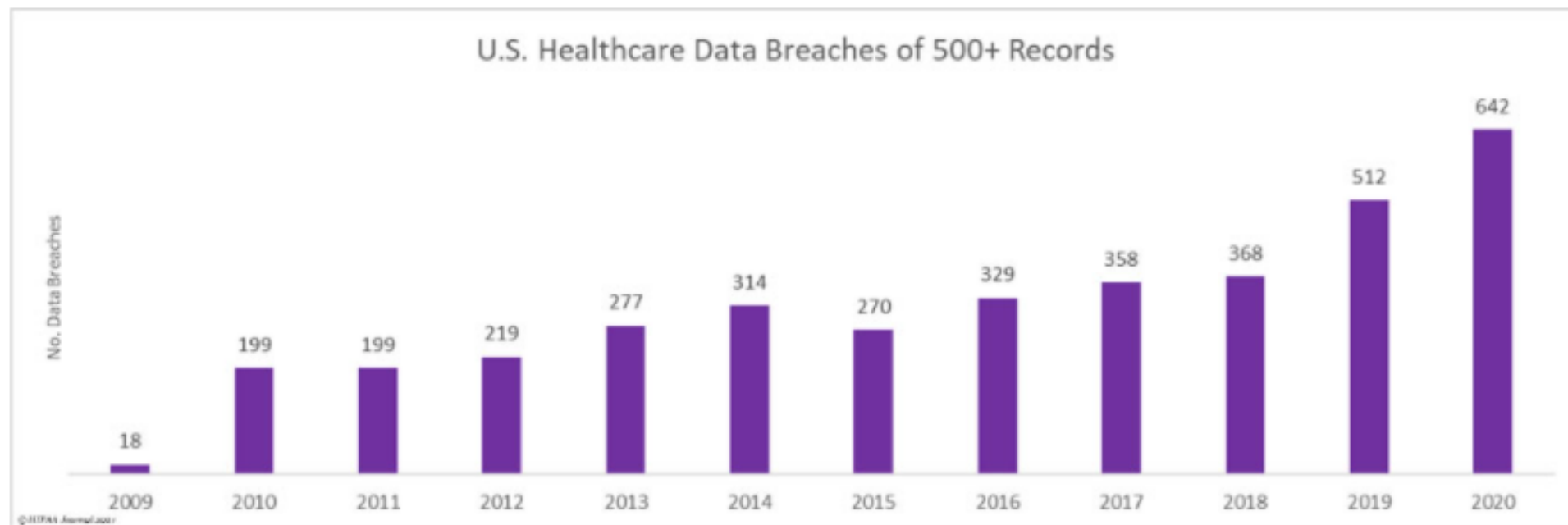
Cybersecurity concerns have been in the news throughout recent years and reports continue to highlight data security as an issue that will only become more important as stored data proliferates within a virtual environment.

Ongoing debates around who owns patient data continue to highlight the lack of clarity in ownership and responsibility toward handling, sharing, or securing this data.

Clear communication to patients will be essential now and in the future regarding how their data is being used, secured, and possibly shared.

Key Practice Examples

Healthcare data breaches (including pharmacy) are growing concern

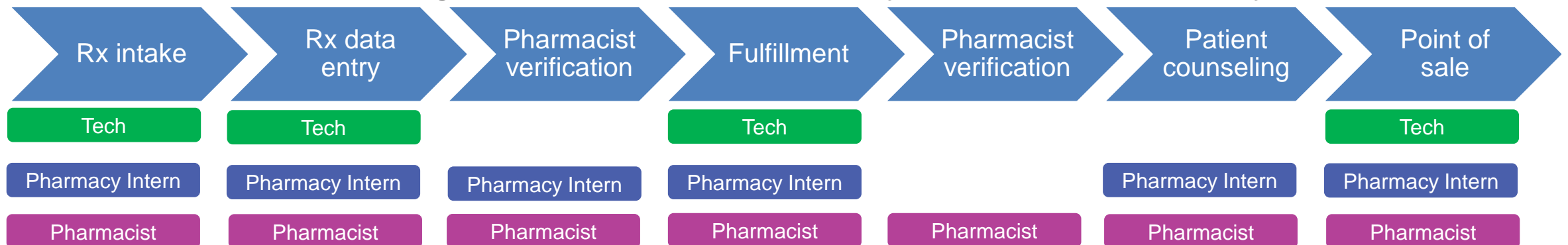


Key Practice Examples

User Access Rights

- Pharmacy systems and electronic health records have capabilities to limit access to key workflow steps based on training and credentials
 - Pharmacy interns can execute tasks that pharmacy technicians cannot

Dispensing Workflow Example (summary workflow for demo only)



Key Practice Examples

Data Ownership and Data Sharing Rights and Responsibilities

- Patient data (PHI and de-identified data) is shared in ways patients may not contemplate or understand

Pharmacy Claims Processing

- Pharmacy-to-payer
- Payer-to-pharmacy

Financial Assistance

- Pharmacy-to-third party
- Pharmacy-to-foundation

Limited Drug Distribution Access

- Pharmacy-to-manufacturer/third party

Clinical programs and services

- Pharmacy-to-payer-third party service provider
- EMR-to-third party service provider-to-payer

Data Ownership Rights & Responsibilities to Secure Data

What issues should this proposed policy topic address?

Notification process and requirements when data may be shared, transferred or sold.

- Mergers and acquisitions of pharmacies and health systems have led to the transition or sale of patient data.

Urging pharmacies to have an appropriate data security infrastructure in place in the event of a data breach.

Encouraging education on data security for pharmacists to better understand the issues and role of the pharmacist.

Appropriate use of data – differentiation between clinical usage and marketing usage of data

Data Ownership Rights & Responsibilities to Secure Data

Why is this proposed policy topic necessary for the profession?

Respecting a patient's right when they decline to share data and ensuring pharmacists and / or pharmacies maintain a system of high integrity to adhere to a patient's decision.

As more technology is incorporated into the healthcare setting, it is important to identify risks associated with this technology and adjust internal processes and policies accordingly.

- Identify the responsibilities of pharmacists and pharmacies to ensure data security and integrity.

Opportunities to identify patient care gaps and needs necessitating usage of data to communicate electronically with patients/caregivers.

Data Ownership Rights & Responsibilities to Secure Data

Related Existing APhA Policies

- 2015 Interoperability of Communications Among Health Care Providers to Improve Quality of Patient Care
- 2010 Personal Health Records
- 2007 Privacy of Pharmacists' Personal Information
- 2004 Automation and Technology in Pharmacy Practice
- 1996 Confidentiality of Patient Data
- 1994 Confidentiality of Computer-generated Patient Records
- 1991 Pharmaceutical Care and the Provision of Cognitive Services with Technologies



Opportunity for Discussion

- **Data Ownership Rights & Responsibility of Pharmacists and Pharmacy Practices to Secure Data**

Data Ownership Rights & Responsibilities to Secure Data

What is your perspective?

- What other areas should the proposed policy statements address?
- How confident are you in these data security concepts?
- Are there other gaps in existing APhA policy that should be addressed by this topic?
- What is the level of infrastructure for data security at your practice setting?



Policy Topics for 2022

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Policy Development Next Steps

Policy Committee Meeting
October 15-17, 2021

Webinars to discuss proposed policy statements
January 2022

New Business Review Committee Webinar
February/March 2022

“House-keeping”

Reminder: Sign-up as a delegate if you have not already done so!

Contact your state pharmacy association, APhA Academy, or affiliated organization.

Friday, November 6, 2020, Special Session of the House

1:00pm – 4:00pm ET

Two open forums conducted on Oct. 6 and Oct 14 to review items being acted upon during the special session

- House Rules Review Committee Recommendations
- Policy Review Committee Recommendations
- Referred New Business Item –
 - Increasing Awareness and Accountability to End Harassment, Intimidation, Abuse of Power, Position or Authority in Pharmacy Practice
- Any Urgent New Business Items

Multiple Webinar Technology Test sessions scheduled

Have a New Business Item?

New business items **due 30 days prior** to first HOD session

- February 16, 2022

Forms available at:

[New Business Item Link](#) or https://aphanet.pharmacist.com/sites/default/files/audience/NBI_Form_1.doc

*The New Business Item Form will download as a word document

Contact APhA staff with any questions (hod@aphanet.org)



Thank you!

Contact HOD Staff or submit additional questions or comments at hod@aphanet.org

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