

REGULATION 10 —ARKANSAS PHARMACY SUPPORT GROUP

10-00-0001—SUPPORT GROUP

(a) Definitions. As used in this regulation:

- (1) “Board” means the Arkansas State Board of Pharmacy;
- (2) “Board-approved interveners” means persons trained in intervention and designated by the Board to implement the intervention process when necessary;
- (3) “Committee” means a committee appointed by the Board to formulate and administer the impaired pharmacists program, to be known as the Arkansas Pharmacy Support Group (“APSG”);
- (4) “Impaired pharmacist” or “impaired pharmacy technician” means a pharmacist or pharmacy technician who is unable to practice pharmacy with reasonable skill, competency, or safety to the public because of substance abuse;
- (5) “Impaired pharmacist program” means a plan approved by the Board for intervention, treatment, and rehabilitation of an impaired pharmacist or pharmacy technician. The program for each impaired pharmacist/pharmacy technician will be embodied by a contract with the APSG and the impaired pharmacist/ pharmacy technician will be required to comply with the contractual terms;
- (6) “Intervention” means a process whereby an alleged impaired pharmacist/pharmacy technician is confronted by the Board or Board-approved interveners who provide documentation that a problem exists and attempt to convince the pharmacist to seek evaluation and treatment;
- (7) “Rehabilitation” means the process whereby an impaired pharmacist/pharmacy technician advances in an impaired pharmacist’s program with progressive advocacy from the APSG to an optimal level of competence to practice pharmacy without endangering the public; and
- (8) “Verification” means a process whereby alleged professional impairment is identified or established.

(b) Administration.

(1) The impaired pharmacist program authorized by Ark. Code Ann. § 17-92-701, et seq shall be administered by the APSG in accordance with guidelines set by the Board. The APSG shall serve as a diversion program to which the Board may refer licensees where appropriate in lieu of or in addition to other disciplinary action and also be a source of treatment, referral and monitoring for pharmacists who desire to avail themselves of its services on a strictly voluntary basis.

(2) The Board shall appoint an Executive Committee of five (5) persons who are recovering pharmacists and members of the APSG. The Committee members shall serve three year terms. The Committee is authorized to appoint subcommittees to assist in operations as needed, but all subcommittee actions are subject to review and approval of the Executive Committee.

(3) The Board shall also appoint an Executive Secretary who shall be a non-voting member of the Executive Committee and who shall serve at the pleasure of the Board. The Executive Secretary shall be responsible for administrative duties of the APSG and for supervision of

ASPG contracts and monitoring functions. The Executive Secretary shall be compensated as may be determined by the Board.

(4) ASPG Executive Committee Responsibilities

Subject to guidance and direction by the Board, the ASPG Executive Committee shall be responsible for:

- (a) Formulating and administering a program to monitor compliance by impaired pharmacists/pharmacy technicians with the recovery guidelines established by the ASPG contract with the impaired pharmacist /pharmacy technician and approved by the Board;
- (b) Appointing a member of the ASPG as a monitor for impaired pharmacists/pharmacy technicians who are under contract with the ASPG to supervise compliance with the recovery guidelines established in the contract and approved by the Board;
- (c) Recommending to the Board that an impaired pharmacist/pharmacy technician has progressed in recovery and can return to the practice of pharmacy on terms determined by the Board without posing a threat to himself or herself or to the public;
- (d) Approving addiction professionals, addiction centers and medical providers to perform evaluations of pharmacists/pharmacy technicians who are ordered to participate in the ASPG or who voluntarily request participation in the program;
- (e) Develop and administer requirements for personal drug testing of participants in the ASPG;
- (f) Reviewing and monitoring information relating to the compliance of pharmacists/pharmacy technicians in the ASPG;
- (g) Assisting the pharmacists' professional association in publicizing the program; and
- (h) Preparing of reports for the Board as requested.

~~The Board may appoint a committee to organize and administer a program that shall fulfill two functions:~~

~~the program shall serve as a diversion program to which the Board may refer licensees where appropriate in lieu of or in addition to other disciplinary action; and~~

~~the program shall also be a source of treatment or referral for pharmacists who, on a strictly voluntary basis, desire to avail themselves of its services.~~

- ~~(1) The Board may appoint a committee of five persons who are recovering pharmacists to serve three year terms with the initial members appointed to staggered terms.~~
- ~~(2) The Board will consider recommendations from the Arkansas Pharmacy Support Group in making these appointments and any person appointed to the Committee shall continue appointment based on continued involvement in the Pharmacy Support Group.~~

~~Functions:~~

~~The functions of the committee shall include:~~

- ~~(a) — evaluation of pharmacists who request participation in the program;~~
- ~~(b) — review designation of treatment facilities and services to which pharmacists in the program may be referred;~~
- ~~(c) — receipt and review of information relating to the participation of pharmacists in the program;~~
- ~~(d) — assisting the pharmacists' professional association in publicizing the program; and~~

~~preparation of reports for the Board.~~

(c) Board referral

- (1) The Board shall inform each pharmacist/pharmacy technician referred to the program by Board action of the procedures followed in the program, of the rights and responsibilities of the pharmacist/pharmacy technician in the program and of the possible consequences of noncompliance with the program.
- (2) The Executive Director of the Board shall be immediately informed ~~when a~~ of the failure of a pharmacist/pharmacy technician has failed to comply with any contractual term of the treatment ~~provision of the~~ program or if the ASPG Executive Committee ~~committee~~ determines that the pharmacist/pharmacy technician ~~resumption of the practice of pharmacy would~~ poses a threat to the health and safety of the public.
- (3) Participation in a program under this ~~section-~~ regulation shall not be a defense to any disciplinary action, which may be taken by the Board. Further, no provision of this section shall preclude the Board from commencing disciplinary action against a licensee who is terminated from a program pursuant to this section.
- (4) The Board shall be informed when, in the opinion of the ASPG Executive Committee, a pharmacist/pharmacy technician who enters the program is eligible to resume professional practice without posing a threat to himself or herself or the public.

(d) Review activities

The Board shall review the activities of the ~~e~~Committee. As part of this evaluation, the Board may review files of all participants in the ~~impairment-~~ ASPG program. The Board shall also resolve complaints ~~voiced~~ received regarding the impaired pharmacists program.

(e) Civil liability

- (1) All persons acting on behalf of the Board in the impaired pharmacists program under this section shall be considered to be acting on behalf of the Board and considered officers or employees of the state.
- (2) All patient records shall be confidential and shall not be subject to public inspection except pursuant to an order of a court of competent jurisdiction. However, the records may be introduced as evidence in any relevant proceedings before the Board and shall be produced upon Board request.

(3)

(f) Funding

The Board is authorized to provide up to \$50,000 per year to the ~~committee~~ ASPG Executive Committee for expenses incurred in management and operation of the program. The Committee shall prepare a budget for a July 1 to June 31 fiscal year outlining planned expenses of the ASPG and submit the budget for review and approval prior to the Board's June meeting.

On a quarterly basis, the Executive Secretary will submit documentation acceptable to the Board for reimbursement of budgeted expenses incurred. All travel expenses shall be subject to state travel guidelines and limitations.

~~Documentation of the use of these funds shall be provided to the Board of Pharmacy for review and comment. Expenses considered for reimbursement by the Board shall be in the areas of travel as determined by the Board, phone or other necessary communication expenses, secretarial help, postage, food when traveling out of town of residence and acting on behalf of the Pharmacy Support Group other than meetings not to exceed \$13 per day, unless specifically approved by the Board, limited meeting room costs and other expenses deemed appropriate by the "committee". Meal expense may be paid without overnight stay.~~

~~It is recognized that the Board will also consider special and specific requests for expenses to cover costs related to education or ability enhancement of committee or intervenor members to improve the group or better serve the group. (6/20/91)~~