COMPLIANCE CAPSULE *with* IDFPR

Quarterly Newsletter

Illinois Department of Financial and Professional Regulation

SPRING 2024

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GOOD FAITH DISPENSING

All pharmacists are required to utilize good faith dispensing practices when reviewing controlled substance prescriptions for dispensing. 225 ILCS 85/30(22) of the Pharmacy Practice Act provides that a licensee that fails to sell or dispense any drug, medicine, or poison in good faith is subject to discipline.

Good faith is ascribed the meaning in Section 102 of the Illinois controlled Substances Act:

> "Good faith" means the prescribing or dispensing of a controlled substance by a practitioner in the regular course of professional treatment to or for any person who is under his or her treatment for a pathology or condition other than that individual's physical or psychological dependence upon or addiction to a controlled substance, except as provided herein: and application of the term to a pharmacist shall mean the dispensing of a controlled substance pursuant to the prescriber's order which in the professional judgment of the pharmacist is lawful. The pharmacist shall be guided by accepted professional standards, including, but not limited to, the following, in making the judgment:
>
> 1) lack of consistency of prescriber-patient relationship,
> (2) frequency of prescriptions for same drug by one prescriber for large numbers of patients,
> (3) quantities beyond those normally prescribed,
> (4) unusual dosages (recognizing that there may be clinical circumstances where more or less than the usual dose may be used legitimately),
> (5) unusual geographic distances between patient, pharmacist and prescriber,
> (6) consistent prescribing of habit-forming drugs.

Pharmacies should develop and implement Good Faith Dispensing practices.

It is important to document good faith dispensing activities conducted on the prescription hardcopy or in the operating system following interactions with the patient or prescriber.

Pharmacists should be aware of the CDC Clinical Practice Guideline Recommendations:

https://www.cdc.gov/opioids/healthcare-professionals/prescribing/guideline/recommendations-principles.html

ACCEPTING MEDICATIONS FILLED AT ANOTHER PHARMACY

The Department has learned of pharmacies receiving prescriptions that have been filled and dispensed by another pharmacy. There are two situations where this would be allowed:

1) Pursuant to Section 25.5 of the Act, under a central fill pharmacy arrangement which would require that pharmacies:

    - Share a common electronic file to allow access to sufficient information necessary or required to fill or refill a prescription order.
    - Maintain appropriate records to identify the responsible pharmacist in the dispensing process.
    - Maintain a mechanism for tracking the prescription drug order during each step in the process.

2) Pursuant to 68 Ill. Admin. Code. 1330.740(b)(3), creation of Multi-Med Dispensing packs:

    - When a pharmacist utilizes drugs dispensed from another pharmacy in creating an initial med pack, that pharmacist shall bear full responsibility for the drugs as if dispensed from that pharmacy; otherwise, a pharmacy is prohibited from creating a patient med pack utilizing drugs dispensed from a different pharmacy.

A pharmacy accepting prescriptions filled by another pharmacy for any other reason would be a violation and subject to discipline from IDFPR.

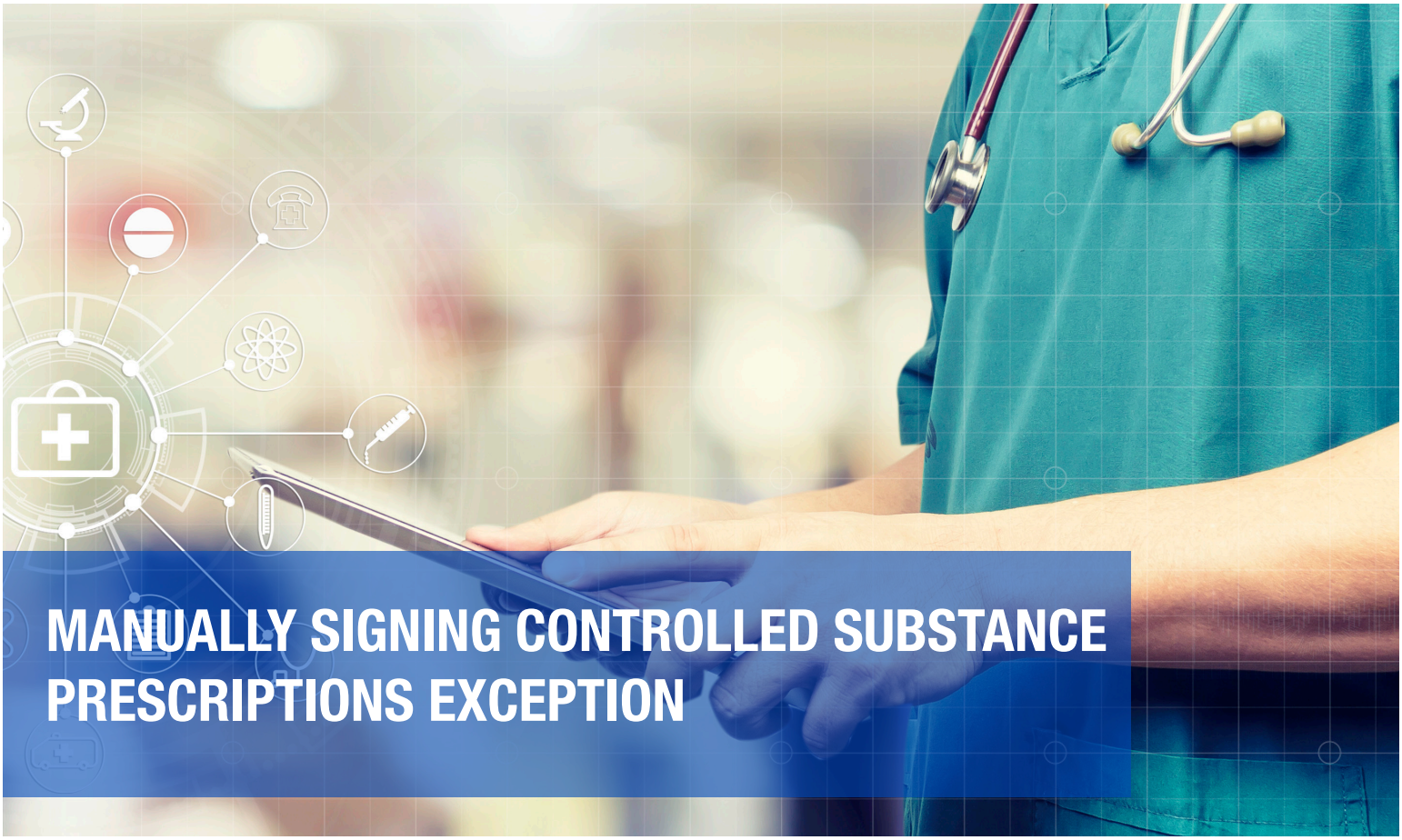
TELE-PHARMACY FINDINGS

During recent tele-pharmacy inspections, the Drug Compliance Unit has found:

1) Many pharmacies lack appropriate space for counseling exclusive of any waiting area.
2) Audio/visual links for counseling require the customer to access equipment that would not maintain privacy and/or are difficult to use.

Remember, ensure audio/visual systems deployed for counseling maintain privacy and are easy to use.

To assure a successful inspection, please ensure adequate dedicated space within the licensed pharmacy is available for counseling.



MANUALLY SIGNING CONTROLLED SUBSTANCE PRESCRIPTIONS EXCEPTION

IDFPR has created a process to allow a pharmacy to maintain the identity of the verifying pharmacist on controlled substance prescriptions in electronic format.

- Per 720 ILCS 570/312 (a):

  The practitioner filling the prescription shall, unless otherwise permitted, write the date of filling and his or her own signature on the face of the written prescription or, alternatively, shall indicate such filling using a unique identifier as defined in paragraph (v) of Section 3 of the Pharmacy Practice Act.

- 225 ILCS 85/3 (v) provides the definition of a unique identifier:

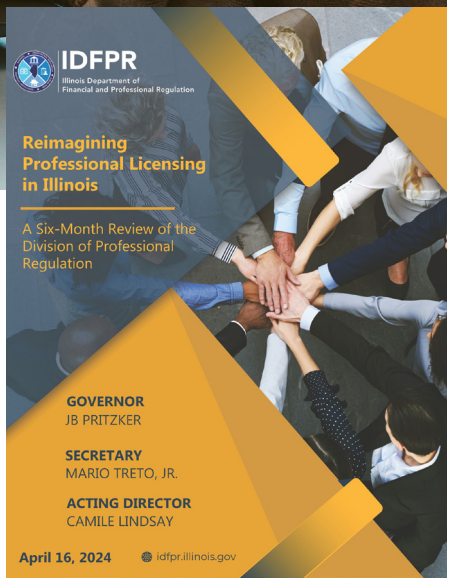
  - "Unique identifier" means an electronic signature, handwritten signature or initials, thumb print, or other acceptable biometric or electronic identification process as approved by the Department.

If the operating system in your pharmacy provides for a unique identifier and maintains security or an audit trail of the unique identifier, you may complete and submit the Unique Identifier Authorization Form (https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/renewals/apply/forms/f2542.pdf) found on the Department's Pharmacy webpage. If the authorization form is approved, the pharmacy will no longer need to print out controlled substance prescriptions for manual signature.

NEW REPORT HIGHLIGHTS IMPROVEMENTS UNDER NEW DPR LEADERSHIP

Under new Acting Director of Professional Regulation Camile Lindsay's leadership, we're streamlining our processes and taking proactive steps to improve efficiencies for the review of professional licensure applications.

Learn more about the improvements we've made and what's to come in our report, "Reimagining Illinois: A Six-Month Review of the Division of Professional Regulation," found here: https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/forms/dpr/dpr-six-months-report.pdf.



REMINDER FOR PHARMACISTS TO COMPLETE ACPE ACCREDITED EDUCATION TRAINING PROGRAMS FOR RECENT ADDITIONS TO THE PHARMACY PRACTICE ACT

Patient care provisions described in the Section 43 (the assessment and consultation of patients and dispensing of hormonal contraceptives) and Section 43.5 (the initiation, dispensing, or administration of drugs, laboratory tests, assessments, referrals, and consultations for human immunodeficiency virus pre-exposure prophylaxis and human immunodeficiency virus post-exposure prophylaxis) of the Pharmacy Practice Act require pharmacists to complete an ACPE accredited education training program prior to providing the patient care services outlined in Sections 43 and 43.5. The Department reminds pharmacists that there are many ACPE providers that offer compatible CPE programs that meet the requirements listed in Sections 43 and 43.5.

IDPH is currently developing a statewide standing order of HIV PrEP/PEP that will be available later this year, in addition to the Hormonal Contraceptive statewide standing order that is now available in the Department's Pharmacy resource page.

REINSTATEMENT & RESTORATION OF LICENSURE

IDFPR has heard your request to have reinstatement and restoration applications available online and, as a result, is embarking on a pilot program.

This pilot launched on Wednesday, March 27 and will be for professionals seeking to reinstate or restore their licenses. This program includes pharmacy technician licenses.

You may already be aware of our newer webpage, Reactivate Your License, that now streamlines requests for reinstatement or restoration with the Department. With this pilot program comes a new webpage, Instructions for Reactivating Your License, which has a self-guided chart that enables individuals to identify what fees are owed, any continuing education requirements, and which application to use.

We hope this proves to be successful for the industry and look forward to hearing your feedback.

Termination Report Reminder

The Department would like to remind licensees that pursuant to Section 30.1 of the Pharmacy Practice Act, the pharmacy and the pharmacist-in-charge are responsible for notifying IDFPR when a pharmacist, registered certified pharmacy technician, or registered pharmacy technician is terminated for actions that may have threatened patient safety. The notice must be submitted within 60 days after the pharmacy determines a report is required under the Illinois Pharmacy Practice Act on forms provided by the Department: https://idfpr.illinois.gov/content/dam/soi/en/web/idfpr/renewals/apply/forms/f2299.pdf

The report must contain:

(1) The name, address, and telephone number of the person making the report.
(2) The name, license number, and last known address and telephone number of the person who is the subject of the report.
(3) A brief description of the facts which gave rise to the issuance of the report, including dates of occurrence.

Reports may be submitted using Email for Reporting link found under the Reporting tab on the pharmacy webpage: https://idfpr.illinois.gov/profs/pharm.html.

CONTACT US

Have questions about Pharmacy professions in Illinois? Contact us by going here:

https://idfpr.illinois.gov/profs/email/prfgrp10.html

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