

## **Virginia Board of Pharmacy** **Pharmacy Working Conditions**

Exacerbated by the COVID-19 pandemic and other public health crises, pharmacists, pharmacy technicians, and pharmacy interns have experienced increased demands on their skills and time to provide patient care.

Pharmacies holding permits to operate in Virginia are subject to the following requirements:

§ 54.1-3434, which states:

The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmacy...

If the owner is other than the pharmacist making the application, the type of ownership shall be indicated and shall list any partner or partners, and, if a corporation, then the corporate officers and directors. Further, if the owner is not a pharmacist, he shall not abridge the authority of the pharmacist-in-charge to exercise professional judgment relating to the dispensing of drugs in accordance with this act and Board regulations.

The permit shall be issued only to the pharmacist who signs the application as the pharmacist-in-charge and as such assumes the full responsibilities for the legal operation of the pharmacy. This permit and responsibilities shall not be construed to negate any responsibility of any pharmacist or other person.

18VAC110-20-110(C), which states:

The PIC [pharmacist in charge] or the pharmacist on duty shall control all aspects of the practice of pharmacy. Any decision overriding such control of the PIC or other pharmacist on duty shall be deemed the practice of pharmacy and may be grounds for disciplinary action against the pharmacy permit.

Additionally, Virginia Code § 54.1-3316(13) states that the Board may discipline a pharmacy permit holder if that permit holder has:

conducted his practice, or activity requiring a license, permit, certificate, or registration from the Board in such a manner as to be a danger to the health and welfare of the public[.]

Due to these requirements, pharmacy permit holders should consult with the PIC or pharmacist on duty and other pharmacy staff to ensure patient care services are safely provided in compliance with applicable standards of patient care. Permit holders should ensure their

decisions are not overriding the control of the PIC or other pharmacist on duty and, via consultation with pharmacy staff, that permit holders are providing a working environment for all pharmacy personnel that protects the health, safety, and welfare of patients. Ensuring a safe environment that does not jeopardize patient care includes, at a minimum:

- Ensuring sufficient personnel are scheduled to work at all times in order to prevent fatigue, distraction, or other conditions that interfere with a pharmacist's ability to practice with reasonable competency and safety;
- Avoiding the introduction of external factors, such as productivity or production quotas, or other programs to the extent that they interfere with the pharmacist's ability to provide appropriate professional services to the public;
- Ensuring staff are sufficiently trained to safely and adequately perform their assigned duties, and demonstrate competency;
- Providing appropriate opportunities for uninterrupted rest periods and meal breaks; and
- Providing adequate time for a pharmacist to complete professional duties and responsibilities, including:
  - drug utilization review;
  - immunization;
  - counseling;
  - verification of prescriptions;
  - patient testing; and
  - all other duties required by Virginia Code §§ 54.1-3300 *et seq.*, 54.1-3400 *et seq.*, and 18VAC20-10 *et seq.*

To ensure adequate staffing levels, a PIC is encouraged to develop and implement use of a staffing report form to address staffing requests or concerns. Pharmacy personnel should complete the form when concerned with staffing due to inadequate number of support persons or excessive workload. Completing the form may result in better decisions concerning staffing. A copy of the form, when executed, should be given to the immediate supervisor and a copy should remain in the pharmacy. If the PIC believes the situation warrants earlier Board review, the PIC should inform the Board.

Such form should include the following:

- Date and time the inadequate staffing occurred;
- Number of prescriptions filled during this time frame;
- Summary of events; and
- Any comments or suggestions.

Each pharmacy should review completed staffing reports and address any issues listed, documenting any corrective action taken or justification for inaction to assure continual self-

improvement. If it is determined that the issue is not staffing-related, measures taken to address the issue should be described.

It is recommended that each pharmacy retain completed staffing reports for three years from date of execution. Pharmacy personnel should not be subject to discipline by the employing pharmacy for completing a staffing report in good faith.

Evidence of possible violations of law, to include § 54.1-3434 and Regulation 18VAC110-20-110 C, may be submitted online to the Virginia Department of Health Professions, Enforcement Division at <http://www.dhp.virginia.gov/PractitionerResources/Enforcement/>