Date:    January 8, 2019
Meeting Convened:  1:30 P.M.
Meeting Adjourned:  3:24 P.M.
Location:  Chicago: JRTC CBD Rooms 14-612; SPI: Stratton CBD 349C

Roll Call:  Philip P. Burgess, MBA, DPh, RPh, Chairperson
Helga Brake, PharmD
Scott A. Reimer (Springfield)
Brian H. Kramer, RPh, MBA
Adam Bursua, PharmD
Lemry Al Carter, RPh
Garth Reynolds, RPh
Jerry L. Bauman, PharmD
Scott Meyers, MS, RPh

Staff Present:  Lucienne Doler, IDFPR
Chau Nguyen, IDFPR
Jennifer Uhles, IDFPR (Springfield)

Guests Present:  Tomson George, Walgreens
Denise Scarpelli, University of Chicago
Kristyn Foust, Jewel-Osco
Jaqueline Igwe, University of Chicago
Audrey Butler, IPHA/SILCOP
Ryan McCann, Jewel Osco
Jan Keresztes, Talent First
Ciprian Gorgan, Jewel-Osco
John Long, CVS Health
Joel Kurzman, NACDS
Zachary Frankenbach, Teamsters Local 727
Melissa Senateore, Teamsters 727
Jayna Brown, Teamsters 727
Melissa Hogan, Roosevelt University College of Pharmacy
Laura Licari, Roosevelt University, IPHA
Patrick Nelson, Northwestern Memorial
Noelle Chapman, NMH/ICHP
Sarah Stolz, Jewel-Osco
Margaret Ward, Teamsters Local 727
Rob Carr, Illinois Retail Merchants Association
<table>
<thead>
<tr>
<th>Topic</th>
<th>Discussion</th>
<th>Action</th>
</tr>
</thead>
<tbody>
<tr>
<td>Call to Order</td>
<td>• <strong>Phil:</strong> Due to the holidays, we do not have the December minutes, so we will not be reviewing those. For the February meeting, we will review the December and January minutes.</td>
<td></td>
</tr>
</tbody>
</table>
| Discussion   | A. **Review of suggestions submitted for questions on work rules (to refer to Illinois Department of Labor): Lucienne Doler**  
• **Phil:** Last meeting, it was decided that it be best to compile several questions to provide to the Department of Labor (“DOL”) so that we could receive some clarification on breaks and the status of pharmacists. The Task Force came up with ten questions.  
• **Phil:** the questions generated by the taskforce are: 1. Are pharmacists considered exempt from requirements for specific timeframes for breaks in a workday?, 2. Do specific payments for overtime apply to pharmacists?, 3. are pharmacists mandated to not be required to work more than a certain number of hours in a day or a certain number of days in a week?, 4. does a pharmacists being paid hourly or by salary vary any DOL requirements?, 5. Are pharmacists considered professionals?, 6. are pharmacy technicians whether salary or hourly considered exempt and are they considered professionals?, 7. What type of exemptions from Illinois labor laws exists for healthcare professionals, 8. What is the standard procedure of the DOL when a complaint is filed for failure by an employer to provide a 20-minute meal break for an employee who works at least 7.5 hours (guidelines for fines and documentation of complainants), 9. Is documentation of each daily break required for proof of compliance with the mela break law and what is acceptable documentation, 10. Will the DOL take any action if an employee complains that they are discouraged from taking bathroom breaks.  
• **Al:** Is there anything about where the meal break should be taken?  
• **Phil:** we need clarity on where the breaks can be taken  
• **Al:** under OSHA, you can’t eat where there is hazardous materials. How is this defined?  
• **Luci:** If there’s OSHA related questions, I am not sure whether the DOL can answer OSHA related questions.  
• **Audience:** I would not want (as a pharmacist) to lock the door in order to take break  
• **Audience:** My experience, is that breaks will be interrupted. There is no uninterrupted breaks.  
• **Audience:** part of my job is customer service. Not being available is not good for business.  
• **Phil:** I understand that this is your profession. You do not want to use a break. There are others who abuse it.  
• **Brian:** If that is the case, we need to ask the DOL. If an employee refuses to take a break, are they required to take a lunch break regardless?  
• **Audience:** Hospitals not like retail. One cannot close the door at a hospital to take a break. |        |
• **Brian**: Would need to look at a practice act. In her situation, she would have to be accessible to public.

• **Phil**: If you work in a hospital and have a staff order, you would not be able to take a break. Even in a larger hospital, the pharmacist is by themselves.

• **Audience**: If you’re working an overnight shift, if you eat it when you can, if you have to take 30 uninterrupted minutes, it would shut down the whole pharmacy.

• **Scott M**: One day of rest and seven act specifies 20 minutes, it means that they shall permit, but it does not mean that they have to take it. The employer is not at fault if the employee refuses.

• **Audience**: No one in Jewel-Osco or CVS is going to go on record and say that they do not allow employees to take a break. However a lot of these pharmacies have pharmacist working alone and in those situations pharmacists are not allowed to close the pharmacy so they could take a break.

• **Scott**: with productivity metrics, would that help improve theses problems? Because most of the taskforce agrees that Quotas are counterproductive because they cause more issue.

• **Phil**: Later on today we are going to talk about those things.

B. **Review and discussion for language on “Grounds of Discipline” recommendations: Al Carter and Thomas Siede**

• **Phil**: Tom is not with us today so Al will lead this discussion

• **Al**: At the last meeting, taskforce members and audience were asked to submit recommendations for grounds of discipline recommendations, but I only received three responses.

• **Phil**: This is only a discussion about things pharmacists may theoretically be required to do

• **Al**: these questions came after we last discussed several topics including: 1. Suggestive required advertising and what should be prohibited for pharmacists on duty, and 2. Should advertising and soliciting be prohibited when it distracts pharmacist from safety of patient.

• **Al**: Tom and I were not able to meet because of the holidays so we will be meeting again to see if he received any other comments.

• **Al**: one of the comments I received stated that advertising disciplines are redundant because they are already prohibited in the Pharmacy Act. Another comment touched upon the expanded utilization of pharmacy technicians.

• **Al**: we need more audience participation to ensure there’s involvement from those who may be impacted by these changes.

• **Audience**: There is many things required in a retail setting would not be required in a hospital setting.

• **Audience**: Pharmacy is offering the flu shot with a sign-up sheet. Sometimes I am by myself, so I cannot delegate this to someone else. Also, I take short walks. Overlap is very rare.

• **Audience**: Pharm techs are very useful, we need someone to reach the other 93% of our customers. Not all pharmacies use a sign-up sheet.

• **Melissa**: We have come to stores, some that have technicians that do it, others that do not. If there is a broader way to do this, like advertising when
they are not dispensing, that is fine. But it is distracting to the pharmacist and not how we want them to focus.

- **Audience:** Our motivation is not to shut-down business. If you want to spend pharmacy dollars on that, then do that.
- **Melissa:** You have to allocate those numbers outside of dispensing in order to do that task.
- **Audience:** we are professionals were not sales people and quotas are an issue
- **Garth:** there’s a difference between saying you have to ask every patient whether they have a flu shot, which is currently a CDC recommendation, but saying you have to do a required number of shots is different because that’s a quota. We have to be proactive in looking at opportunities for patients by checking the patient’s records which could be considered solicitation. I don’t want to say pharmacists should not be soliciting because managers have a responsibility of maintaining the business.
- **Phil:** one of my recommendation for grounds of discipline was a adding a specific section which was related to protections through the Whistleblower Act by the Department.
- **Garth:** do we need to legally say something that is already legally done
- **Al:** I think we do so that pharmacists are not confused about what law to follow

**General discussion on activities allowed in pharmacy while pharmacist is on break: Al Carter and Thomas Stiede**

- **Scott:** wanted to follow up on comments last month CQI proposals, ISMS has no concerns with the proposal. I do want everyone to know, that going forward I wanted not want proposals given and voted on in the same meetings.
- **Phil:** we discussed that moving forward there should be a one-month delay to formulate a vote after a proposal is made.
- **Phil:** If you incorporate this into the Pharmacy Act, then the students would be aware of it, as they already have to read the Pharmacy Act.
- **Chau:** The Department may not be able to do this because the Department must be able to prosecute people somehow.
- **Phil:** Our legislative mandate is to provide recommendations and then the department will then review. There are things that we feel as a task force feels is important that the department may not necessarily agree with.
- **Phil:** Let’s put this off and relook at this in March.

**General Discussion:**

- **Phil:** next topic is a general discussion on activities allowed in a pharmacy while a pharmacist is on break. Just to avoid confusion, Illinois does allow a technician to be in a pharmacy by themselves because Illinois allows a pharmacy to remain open as long as there is licensed personnel.
- **Audience:** who is responsible if a pharmacy tech makes a mistake?
• Phil: the pharmacist, and to your point, maybe there needs to be some sort of language that the pharmacist should be responsible for the tech. Perhaps I next meeting we should discuss what are the things we should define.
• Brian: If anyone does have ideas, please send them to Luci who can then send them to me.
• Scott: Could you please clarify the form of the letter going to DOL?
• Phil: It will come from Luci and will put it together. I will ask her to send it in advance to the task force members for one last look before sending to DOL.

Adjournment

Adjourned 3:03 p.m.