

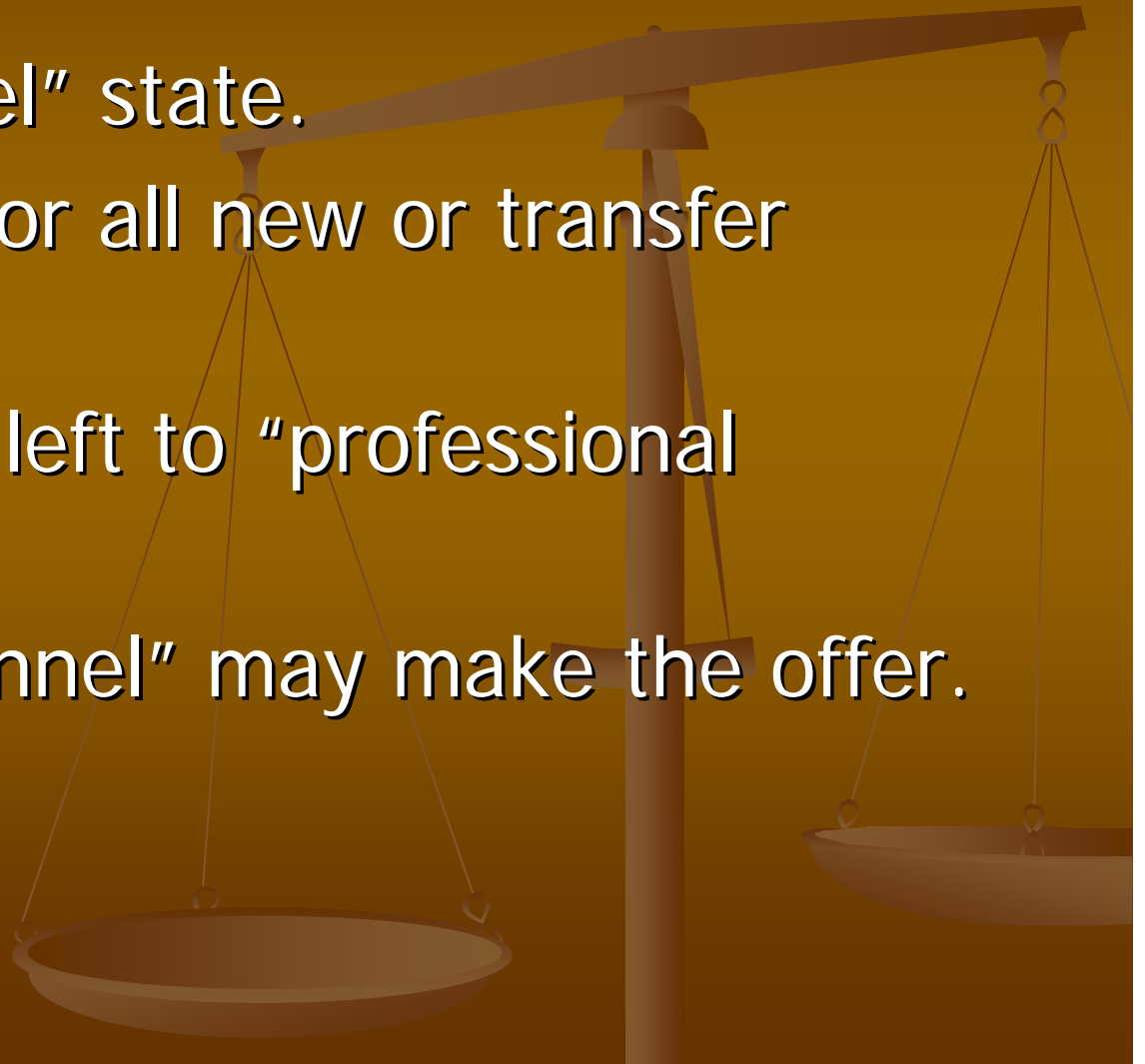
Patient Counseling Regulation in North Carolina



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North Carolina Counseling Regulations

- “Offer to counsel” state.
- Required offer for all new or transfer prescriptions.
- Offers on refills left to “professional judgment.”
- “Ancillary personnel” may make the offer.



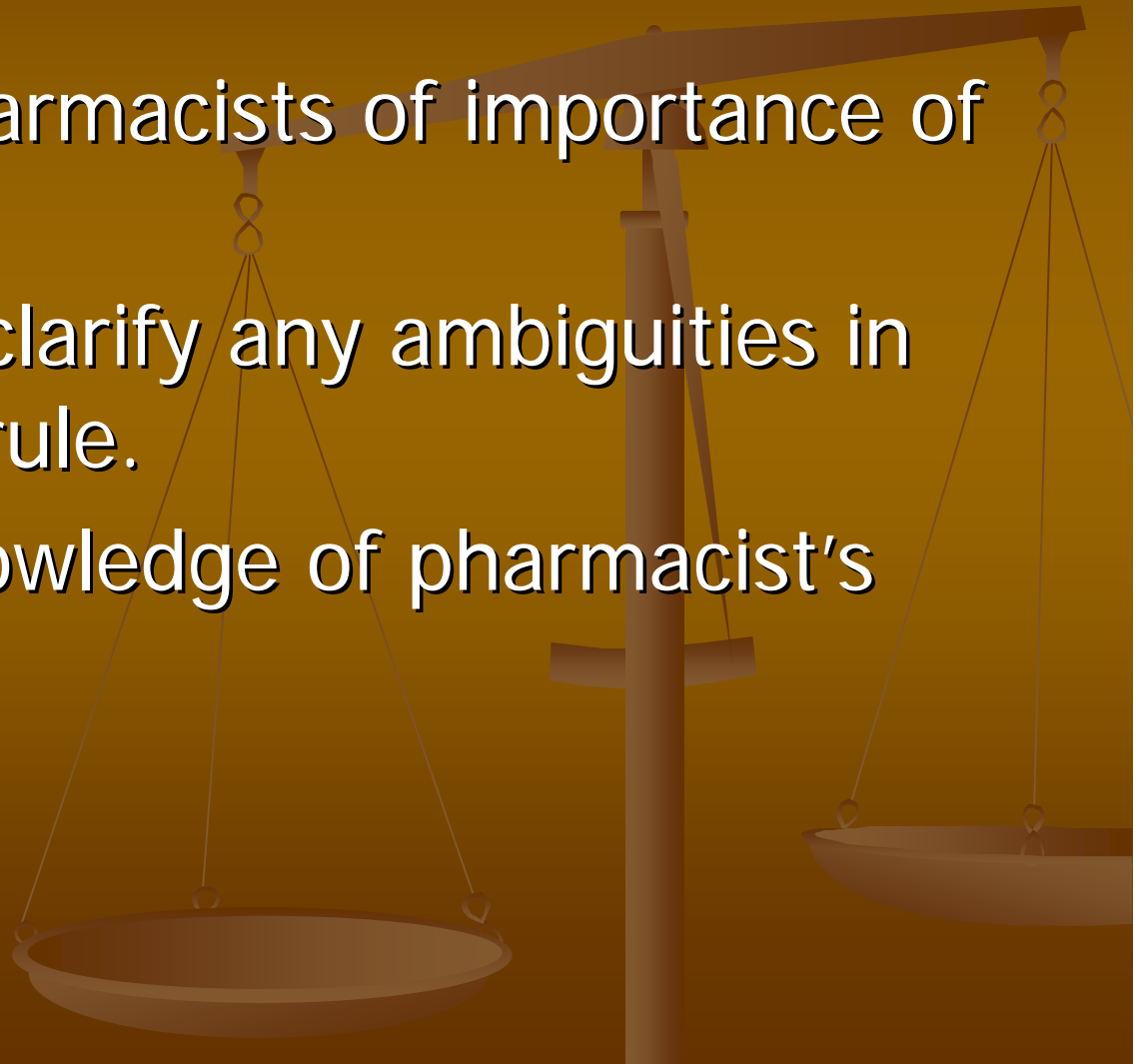
Enforcement



- During the 1990s, Board engaged in active primary enforcement of the counseling regulations.
 - “Secret shopper” programs throughout the state.
- Numerous pharmacists disciplined, penalties ranging from informal letters to formal sanctions.

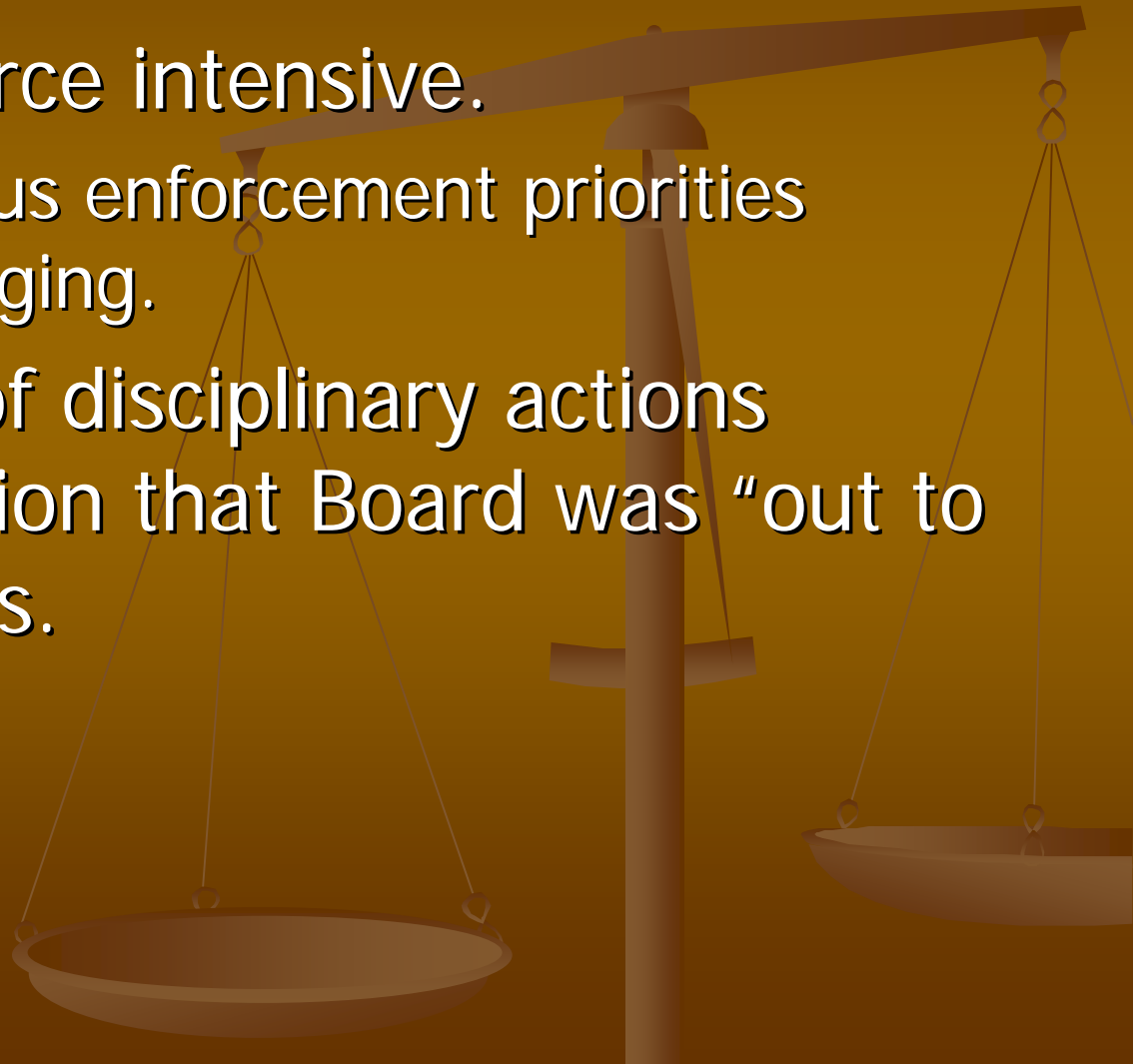
Positive Aspects of Primary Enforcement

- Emphasis to pharmacists of importance of counseling.
- Opportunity to clarify any ambiguities in the counseling rule.
- Raise public knowledge of pharmacist's duties.



Drawbacks of Primary Enforcement

- Time and resource intensive.
 - Balancing various enforcement priorities became challenging.
- Sheer number of disciplinary actions created perception that Board was “out to get” pharmacists.

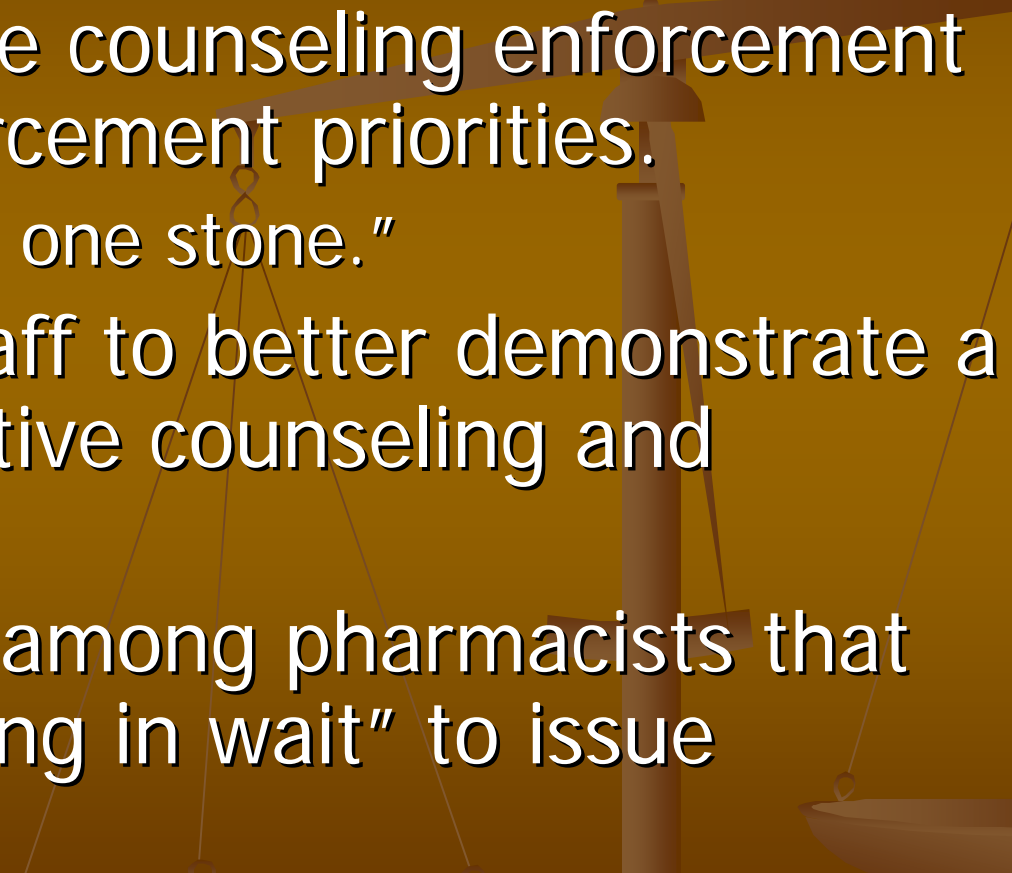


Secondary Enforcement

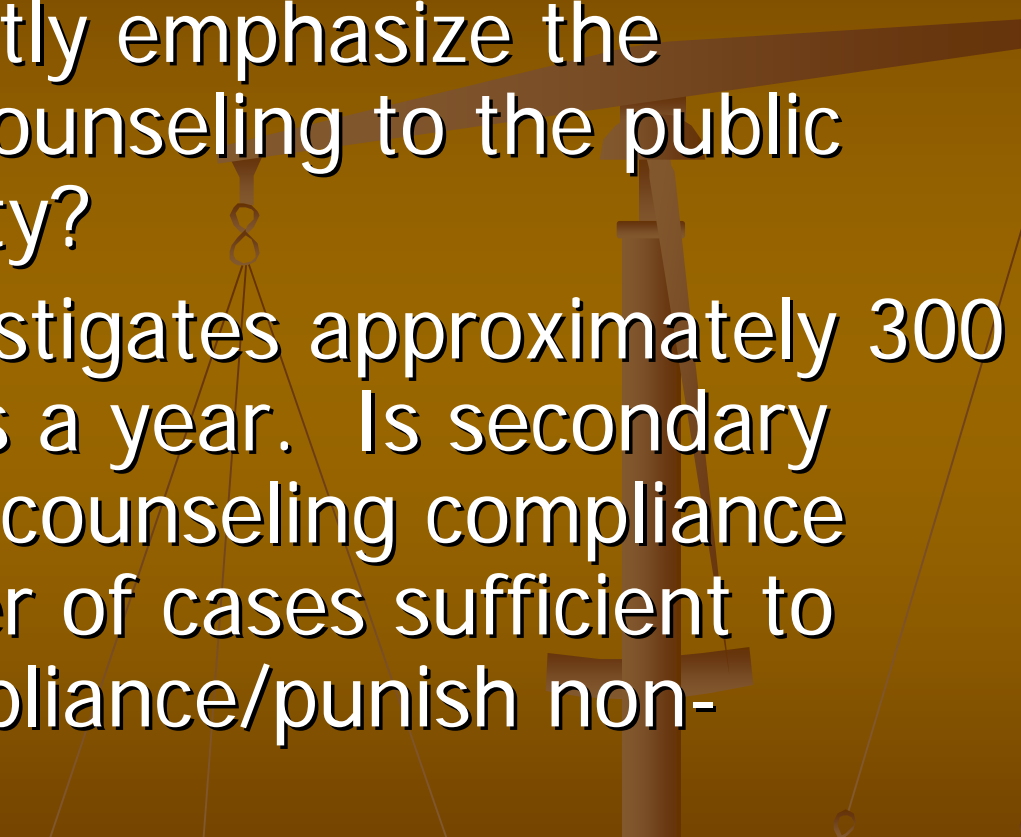


- Presently, counseling obligations are a “secondary” enforcement priority.
- Upon investigation of reported errors (or other violations of law), investigators review counseling compliance.
- If pharmacy/pharmacists found to be out of compliance with counseling obligations, it becomes a potential additional charge.

Positive Aspects of Secondary Enforcement

- Easier to balance counseling enforcement with other enforcement priorities.
 - “Two birds with one stone.”
 - Allows Board staff to better demonstrate a link between active counseling and reduced errors.
 - Less of a sense among pharmacists that the Board is “lying in wait” to issue discipline.
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Drawbacks of Secondary Enforcement

- Does it sufficiently emphasize the importance of counseling to the public health and safety?
 - Board staff investigates approximately 300 error complaints a year. Is secondary investigation of counseling compliance with this number of cases sufficient to encourage compliance/punish non-compliance?
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Possible Amendments to North Carolina Counseling Regulations

- An ad hoc working group on mandatory counseling presented findings and recommendations to the Board last week.
 - The Board has begun to explore the possibility of an overhaul of the counseling rules.
 - Among the considerations is some form of mandatory counseling.
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