SENATE DOCKET, NO. 128 FILED ON: 1/18/2011

SENATE . . . . . No. 1101

The Commonwealth of Massachusetts

PRESENTED BY:

Jennifer L. Flanagan

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing a voluntary rehabilitation program for pharmacist and pharmacy interns..

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Jennifer L. Flanagan	
Walter F. Timilty	*7th Norfolk*
F. Jay Barrows	*1st Bristol*

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SENATE . . . . . No. 1101

By Ms. Flanagan, petition (accompanied by bill, Senate, No. 1101) of Flanagan, Barrows and Timilty for legislation to establish a voluntary rehabilitation program for pharmacist and pharmacy interns [Joint Committee on Public Health].

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. *2176* OF 2009-2010.]

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

An Act establishing a voluntary rehabilitation program for pharmacist and pharmacy interns..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Chapter 112 of the General Laws, as appearing in the 2006 Official Edition, is hereby amended by inserting after section 29 the following new section:-

Section 29(A). Rehabilitation program; establishment; functions; rehabilitation evaluation committees; program participants

(a) The board shall establish a rehabilitation program (hereinafter program) designed to assist PHARMACISTS AND PHARMACY INTERNS, whose competency may have been impaired because of substance abuse disorders, to return to practice. Such program shall be designed in such a manner so that the public health and safety will not be endangered.

(b) The rehabilitation program shall: (1) serve as a voluntary alternative to traditional disciplinary actions; (2) establish criteria for the acceptance, denial, or termination of registered

11 pharmacists and registered pharmacy interns in said program; and (3) establish an outreach
12 program to help identify registered pharmacists and registered pharmacy interns who are
13 identified as substance abusers and to educate them about said rehabilitation program.

14 Only those registered pharmacists and pharmacy interns who have requested
15 rehabilitation and supervision shall participate in said program. Pharmacists and pharmacy
16 interns currently enrolled in the Massachusetts Professional Recovery System (MPRS) shall be
17 moved into said program. Pharmacists and pharmacy interns who have successfully completed
18 MPRS shall be afforded the confidentiality afforded by said program.

19 (c) The board shall appoint one or more rehabilitation evaluation committees consisting
20 of nine members, two of whom shall be registered pharmacists with demonstrated experience in
21 the field of substance use disorders or psychiatric mental health pharmacy; one of whom shall be
22 a substance abuse coordinator with demonstrated experience in the field of substance use
23 disorders or psychiatric mental health; one of whom shall be a registered pharmacist employed as
24 a pharmacy service administrator; one of whom shall be a registered pharmacist who has
25 recovered from drug or alcohol addiction and has been drug and alcohol free for a minimum of
26 two years; and three of whom shall be representatives of the public who are knowledgeable
27 about the field of substance abuse or mental health. Each committee shall elect a chairperson and
28 a vice chairperson. The members of the committee shall serve for such terms as the board shall
29 determine but in no case shall such term exceed four years. All members of the committee who
30 are pharmacists shall hold permits, [except in the case of the recovering pharmacist member] in
31 the commonwealth for the duration of their terms. No board member may serve on a committee.

32 (d) The board shall employ specialists with demonstrated professional expertise in the
33 field of substance abuse disorders to serve as supervisors of participants in the rehabilitation
34 program. Such supervisors shall serve as a liaison among the board, the committee, approved
35 treatment programs and providers, and licensees. All information obtained by a supervisor
36 pursuant to this section shall be exempt from disclosure and shall be confidential subject to the
37 provisions of subsections (f) and (g).

38 (e) All rehabilitation evaluation committee findings shall be submitted to the board as
39 recommendations and shall be subject to final approval of the board. Each committee shall have
40 the following duties and responsibilities:

41 (1) To evaluate, according to the guidelines prescribed by the board, those registered
42 pharmacists or registered pharmacy interns who request participation in the program and to
43 consider the recommendations of the specialist supervisor in the admission of the registered
44 pharmacist or registered pharmacy intern to the rehabilitation program.

45 (2) To review and designate those treatment facilities and services to which
46 rehabilitation program participants may be referred.

47 (3) To receive and review information concerning a registered pharmacist or
48 registered pharmacy intern participating in the program.

49 (4) To consider in the case of each rehabilitation program participant whether the
50 pharmacist or pharmacy intern may with safety continue or resume the practice of pharmacy or
51 engage in practice of a registered pharmacy intern.

52 (5) To call meetings as necessary to consider the requests of registered pharmacists or
53 registered pharmacy interns to participate in the rehabilitation program, and to consider reports
54 regarding rehabilitation program participants.

55 (6) To prepare reports to be submitted to the board.

56 (7) To set forth in writing for each rehabilitation program participant an
57 individualized rehabilitation program with requirements for supervision and surveillance.

58 (8) To provide information to pharmacists and pharmacy interns requesting
59 participation in the program.

60 (f) Each registered pharmacist or registered pharmacy intern who requests participation in
61 a rehabilitation program shall agree to cooperate with the rehabilitation program recommended
62 by a rehabilitation evaluation committee and approved by the board. Any failure to comply with
63 the provisions of a rehabilitation program may result in termination of the participant from the
64 rehabilitation program. The name and license number of a registered pharmacist or registered
65 pharmacy intern terminated for failure to comply with the provisions of a rehabilitation program
66 shall be reported to the board.

67 (g) After a committee in its discretion has determined that a registered pharmacist or
68 registered pharmacy intern has been rehabilitated and the rehabilitation program is completed,
69 the board shall seal all records pertaining to the pharmacist's or pharmacy intern's participation in
70 the rehabilitation program. No record shall be sealed sooner than five years from the pharmacist's
71 or intern's date of entry into the rehabilitation program. All board and committee records and
72 records of a proceeding pertaining to the rehabilitation of a registered pharmacist or registered

73 pharmacy intern in the rehabilitation program shall be kept confidential and are not subject to

74 discovery.