REPORT OF THE 2015 HOUSE OF DELEGATES ANNUAL MEETING

House of Delegate Officers:

Speaker: Jeff Jerkins
Speaker Elect: Dave Brackett
Parliamentarian: Michael Hogue
Secretary: Louise F. Jones

The Alabama Pharmacy Association (APA) House of Delegates (HOD) held its annual meeting June 23, 2015 in Sandestin, FL. Minutes were approved from the 2014 HOD meeting. Elections were held for the 2015-2016 HOD officer positions with the following results: Speaker – Dave Brackett; Speaker Elect – Stacy Giles. 2016-2017 officer nominations were presented and a report was given of actions taken from the 2014 annual meeting. The State Board of Pharmacy Selection Committee reported that the following names have been chosen for submission to the State Board for balloting later this year for the Non-Designated State Board position: Ralph Sorrell and Dane Yarbrough. The Association’s financial report was presented by Treasurer Dan McConaghy. Revisions to the Association Bylaws were reviewed and approved. Ballots for approval and adoption of these amendments will be distributed later this year to APA membership.

The following resolutions were submitted and voted on by the House:

Resolution #1
When and if the State Board of Pharmacy or Insurance Commissioner has regulatory power over PBMs, recommend an insurance card should state its use as “For use at any willing provider”. RESOLUTION PASSED

Resolution #2
Whereas, patients in the state of Alabama who are enrolled in any health insurance plan that provides medication coverage through certain Pharmacy Benefit Managers are forced to obtain prescription medication from a mail-order pharmacy, or pay a higher copay for choosing to fill prescriptions at a retail community pharmacy rather than through the mail;
And, whereas, mail-order pharmacies often result in excess pharmaceutical waste and do not provide the patient benefits of a traditional pharmacy, such as face-to-face consultations to ensure patient adherence, counseling on side effects and disease state education;
And, whereas, The Alabama Health Care Improvement Task Force is seeking suggestions for policy changes to improve the management of chronic health problems and access to care;
And, whereas, the state of Alabama has no current legislation regulating Pharmacy Benefit Managers from mandating mandatory enrollment in mail order services or penalizing the obtaining of such services from an in-network retail community pharmacy;
Therefore, be it resolved that the Alabama Pharmacy Association work together with state and national governmental and advocacy organizations to develop legislation that will prohibit any insurer or their authorized agent from requiring or incentivizing mail order pharmacy services for their enrollees that reside in the state of Alabama. RESOLUTION PASSED.

Resolution #3
Whereas, other states have passed legislation that prohibits the practice of incentivizing prescribers of directing prescriptions to specific pharmacies for monetary gain;
And whereas, Alabama prescribers and pharmacies are currently engaging in this unprofessional and unethical practice, especially as it relates to compounded prescriptions;
Therefore, be it resolved that APA shall work with interested parties to introduce or have introduced legislation that would grant authority to the Alabama State Board of Pharmacy to access financial records relating to the operation of a pharmacy only as related to a specific complaint. This authority shall be granted for the purpose of detecting violations related to state law, federal law, provider agreements, or all three.
Further, either included in the above legislation, or as a separate initiative, APA shall work to have legislation introduced that prohibits a pharmacy from waiving, discounting, reducing, or offering to waive, discount or reduce a patient copayment or deductible for a compounded drug in the absence of a legitimate, documented financial hardship of the patient; or evidence of a good faith effort to collect the copayment or deductible from the patient. **RESOLUTION PASSED**

Resolution #4  
Whereas, Blue Cross and Blue Shield of Alabama has issued notice that coverage of some compounding products will be discontinued effective July 1, 2015;  
And whereas, the non-coverage of these products will have an adverse impact on the pharmacy providers and the patients that they serve.  
Therefore, be it resolved, that APA shall continue to monitor the issue and shall work with Blue Cross and Blue Shield on behalf of the membership towards a resolution of the issue.  
**RESOLUTION PASSED**

Resolution #5  
Whereas, Alabama has had several recent issues of pharmacies in the national news for negative reasons, and  
Whereas, the majority of the pharmacies involved have non-pharmacist owners; and  
Whereas, a better understanding of federal and state pharmacy laws may have prevented past issues and decrease future incidents;  
Be it resolved, the Alabama Pharmacy Association shall work with the Alabama State Board of Pharmacy to draft legislation and/or promulgate rules that would require all non-pharmacist owners of independently-owned pharmacies to take a 30 hour pharmacy law and ethics course.  
**RESOLUTION FAILED**

Resolution #6  
Whereas, it is in the best interest of the pharmacy profession for Alabama pharmacists, pharmacy students, and pharmacy technicians to be members in the Alabama Pharmacy Association, APA; and  
Whereas, APA membership should be encouraged whenever possible; and  
Whereas, the roles of pharmacists, pharmacy students, and pharmacy technicians are evolving and becoming more intertwined with patients and healthcare organizations, requiring pharmacists, pharmacy students, and pharmacy technicians to work together regardless of practice setting;  
Therefore, be it resolved, APA should encourage membership promotion when applicable at continuing education events, trade shows, and mutual gatherings of pharmacy professionals, pharmacy students, and pharmacy technicians.  
**RESOLUTION FAILED**

Resolution #7  
Whereas, over the past 18 months, there has been a dramatic increase in the number of pharmacies entering into financial relationship with prescribers and independent contractor marketing reps to increase sales of compounded medicines;  
And whereas, these prescriber or independent contractors are being paid based on the amount of sales generated and in many instances on a “per prescription” basis;  
And whereas, the federal Stark laws and other anti-kickback statutes prohibit all pharmacist and physicians who provide Medicare or Medicaid services from such types of financial relationships. Those same protections do not exist in many states for privately insured and cash-paying consumers, including here in Alabama.
Therefore, be it resolved that APA shall work with interested parties to introduce or have introduced legislation that would expand the authority of the Alabama Board of Pharmacy and provide for the investigation and disciplinary action against a pharmacy and a pharmacist who have financial arrangements with prescribers that jeopardize patients’ freedom-of-choice and increase health care billings.

Further, either included in the above legislation, or as a separate initiative, APA shall work to have legislation introduced that adapts federal Stark laws that already prohibit such arrangements for Medicaid and Medicare and expands that protection to all Alabama citizens who have private prescription drug insurance.

Further, either included in the above legislation, or as a separate initiative, APA shall work to have legislation introduced that prohibits pharmacist and medical practices from entering into financial schemes that puts patients at risk of receiving drugs from a pharmacy, when both (1) the drugs and/or (2) the pharmacy, are selected due to financial incentives provided to the medical practice, instead of quality of care. **RESOLUTION PASSED**