

PHARMACY BOARD [657]

Adopted and Filed

The Board of Pharmacy hereby amends Chapter 2, “Pharmacist Licenses,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code section 147.76.

State or Federal Law Implemented

This rule making implements, in whole or in part, 2019 Iowa Acts, House File 731.

Purpose and Summary

The amendments reflect the changes made to the Iowa Code during the 2019 Legislative Session relating to training of health care professionals who qualify as mandatory reporters.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on August 14, 2019, as **ARC 4591C**.

The Board received comments from three pharmacists who requested the Board not implement the changes, believed the existing training requirements were sufficient, and requested the Board allow combined training programs. The suggestions provided by the commenters could not be enacted by the Board as they were contrary to the language in the Iowa Code. As a result, the amendments are identical to those published.

Adoption of Rule Making

This rule making was adopted by the Board on _____, 2019.

Fiscal Impact

This rule making has no fiscal impact to the state of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Board for a waiver of the discretionary provisions, if any, pursuant to 657—Chapter 34.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special

meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on _____, 2019.

The following rule-making action is adopted:

Amend rule 657—2.16(235B,272C) as follows:

657—2.16(235B,272C) Mandatory training for identifying and reporting abuse. “Mandatory training for identifying and reporting abuse” means training on identifying and reporting child abuse or dependent adult abuse required of a pharmacist who qualifies as a mandatory abuse reporter under Iowa Code section 232.69 or 235B.16. A licensed pharmacist shall be responsible for determining whether or not, by virtue of the pharmacist's practice or employment, the pharmacist qualifies as a mandatory abuse reporter under either or both of these sections.

2.16(1) Training required. A licensed pharmacist who qualifies as a mandatory abuse reporter shall have completed ~~approved~~ abuse education training provided by the Iowa department of human services as follows.

a. Mandatory reporter of child abuse. A pharmacist who qualifies as a mandatory reporter of child abuse shall have completed two hours of training in child abuse identification and reporting within ~~the previous five years~~ six months of initial employment or self-employment. The pharmacist shall complete at least one hour of additional child abuse identification and reporting training every three years.

b. Mandatory reporter of dependent adult abuse. A pharmacist who qualifies as a mandatory reporter of dependent adult abuse shall have completed two hours of training in dependent adult abuse identification and reporting within ~~the previous five years~~ six months of initial employment or self-employment. The pharmacist shall complete at least one hour of additional dependent adult abuse identification and reporting training every three years.

~~*c. Mandatory reporter of child abuse and dependent adult abuse.* A pharmacist who qualifies as a mandatory reporter of child abuse and dependent adult abuse may complete separate courses pursuant to paragraphs “a” and “b” or may complete, within the previous five years, one combined two-hour course that includes curricula for identifying and reporting child abuse and dependent adult abuse.~~

2.16(2) No change.

2.16(3) Mandatory training records. A pharmacist subject to the requirements of this rule shall maintain documentation of completion of the mandatory training for identifying and reporting abuse, including dates, subjects, duration of programs, and proof of participation, for ~~five~~ three years following the date of the training. The board may audit this information at any time within the ~~five-year~~ three-year period.

~~**2.16(4) Approved programs.** “Approved abuse education training” means a training program using a curriculum approved by the abuse education review panel of the Iowa department of public health.~~