

Scope of Practice



Healthcare Providers Service Organization (HPSO) in collaboration with CNA has published the 2nd Edition of our *Pharmacist Claim Report*. The report includes statistical data and legal case studies taken from CNA's claim database, along with risk management recommendations designed to help pharmacists reduce their professional liability exposures and improve patient safety.

You can find the full report at: www.hpso.com/pharmacistclaimreport

This Pharmacist Spotlight focuses on our analysis and risk control recommendations regarding one of the most significant topics from the report: allegations related to Scope of Practice. Claims involving the allegation scope of practice had an average paid indemnity greater than two times the overall average paid indemnity in the 2nd Edition of our *Pharmacist Claim Report*. This category involves claims where a pharmacist was working outside their state's scope of practice. An example would include dispensing controlled medications without a prescription.

Scope of Practice

There is essentially no defense for working outside the state-established scope of practice. Being less than fully cognizant of regulations and standards related to pharmacist practice represents a substantial risk. The following measures can serve to lessen these exposures:

- **Know and comply with the relevant state practice act.** As governing/regulating/oversight bodies differ from state to state, research, know and comply with the scope of practice for each state where one is licensed to practice.
- **Annually review the state scope of practice, state pharmacy practice act, and workplace policies and procedures,** and modify workplace protocols and/or one's own actions accordingly.
- **Practice only within these parameters,** keeping in mind that the most stringent of the regulations, standards or policies must be followed.
- **Notify employers or partners of any improper or outdated policies and protocols,** and work only within the legal scope of practice and the standard of care.
- **Evaluate whether workplace practices or conditions represent an unacceptable risk for dispensing errors and take appropriate corrective actions** – up to and including seeking alternative employment/partnerships.
- **Seek additional information regarding scope of practice questions from the state-specific licensing body,** as well as national, regional and local professional associations.
- **Never assign pharmacy personnel to tasks beyond the scope of their licensure, certification or job description.** Similarly, never use unlicensed assistive personnel for tasks that require a licensed professional.

Risk Management Self-assessment Checklist for Pharmacists

The following abbreviated checklist, selected to focus on scope of practice and standard of care, is designed to assist pharmacists (and other pharmacy professionals where appropriate) in evaluating and modifying their current customs and practices, in order to enhance medication and patient safety.

SELF-ASSESSMENT TOPIC	YES/NO	ACTION(S) NEEDED TO REDUCE RISKS
Scope of Practice and Standard of Care		
I select a work environment that is consistent with my licensure, specialty certification, training, experience and personal workload tolerances.		
I know my competencies – including experience, training, education and skills – are consistent with the scope of work requested of me by my pharmacy and/or clinical setting.		
I ensure that my competencies and experience are appropriate before accepting an assignment to provide coverage for another pharmacist during breaks or unscheduled absences.		
I am provided with (or request and obtain) orientation whenever I work in a new or different location or setting.		
I obtain continuing education and training, as needed, to maintain my license and refresh and expand my competencies.		
I review my state’s specific regulations regarding the scope of practice for pharmacists at least annually, in order to ensure that I understand and am in compliance with the legal scope of practice and standards of care for pharmacists in my state.		
I comply with the requirements of my state regarding other regulatory bodies, such as the board of medicine (if applicable).		
I prepare and dispense medications pursuant to a legal prescription from a licensed practitioner as defined and regulated in my state.		
I consult the prescribing practitioner if I am not provided with an appropriate, legible prescription or if I have any questions regarding the safety or efficacy of the prescribed medication.		
If my state permits pharmacists to prescribe certain medications as part of a defined prescriptive protocol or collaborative drug therapy agreement with a physician or nurse practitioner, I know exactly what medications I may prescribe and under what conditions I may do so, and I adhere to all regulations, protocols and agreements involving the prescribing of the defined drugs.		
If my state permits pharmacists to administer some immunizations and drugs within specific guidelines and pursuant to a legal prescription, I know exactly which immunizations and drugs I may administer and under what conditions I may do so, and I adhere to all regulations, protocols and pharmacy policies and procedures involving administration of immunizations and drugs.		
I decline to perform any requested action/service if it is outside of my legal scope of practice.		
I decline to perform any requested action/service if it is outside the accepted standard of care.		



This information was excerpted from HPSO and CNA's full report, *Pharmacist Liability Claim Report: 2nd Edition*.
www.hpso.com/pharmacistclaimreport



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In addition to this publication, CNA and Healthcare Providers Service Organization (HPSO) have produced numerous studies and articles that provide useful risk control information on topics relevant to pharmacists, as well as information relating to pharmacist professional liability insurance, at www.hpso.com. These publications are also available by contacting CNA at 1.888.600.4776 or at www.cna.com.

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