

# Pharmacist Spotlight:

## License Protection



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](http://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: Licensing Board Complaints.

The following risk management strategies for pharmacists can help improve safety and reduce the likelihood of a licensing board complaint:

- Maintain consistent documentation, follow established procedures, and deliver clear and timely patient consultations. Each is essential to minimize allegations against a pharmacist.
- Recognize the stressors that may lead to substance abuse and allegations of unprofessional conduct. Be proactive in seeking support to manage the situations or circumstances that can make a pharmacist vulnerable to substance abuse.
- Be certain that patients understand the drug name, the reason for its use, and the prescribed dosage and frequency at the time of purchase.
- Use a "repeat back" technique to ensure that the patient knows what the drug is called, what it does, and when and how it should be taken.
- Allow new patients additional time to ask questions during the first consultation.
- Be aware of cultural and linguistic differences. For example, the word "once" in English indicates one time, but in Spanish it denotes the number eleven.
- Consider providing patients with a date and time tool they can use as a reminder of what medications to take and when. Tools which allow the patient to manually record their daily medication actions have been shown to increase safety and compliance.
- Always encourage patients to take medications exactly as prescribed and to call with questions, documenting the discussion and instructions provided to the patient.
- Know the state pharmacist scope of practice and manage and dispense medications only within that defined scope of practice.
- If questions arise about a medication or dosage, consult another pharmacist to mitigate the risk of dispensing the wrong medication or dosage.
- The pharmacist in charge should review with the manager/owner any outstanding compliance issues on a regular basis. Remember that the pharmacist in charge will be held accountable by the board for failure to follow regulations, procedures and directions, and is also responsible for reporting any violations of the controls mandated by the board.
- Never assign pharmacy personnel to tasks beyond the scope of their license, certification or job description. Similarly, never use unlicensed assistive personnel for tasks that require a licensed professional.
- Maintain security procedures to prevent access to the pharmacy area by unauthorized staff.

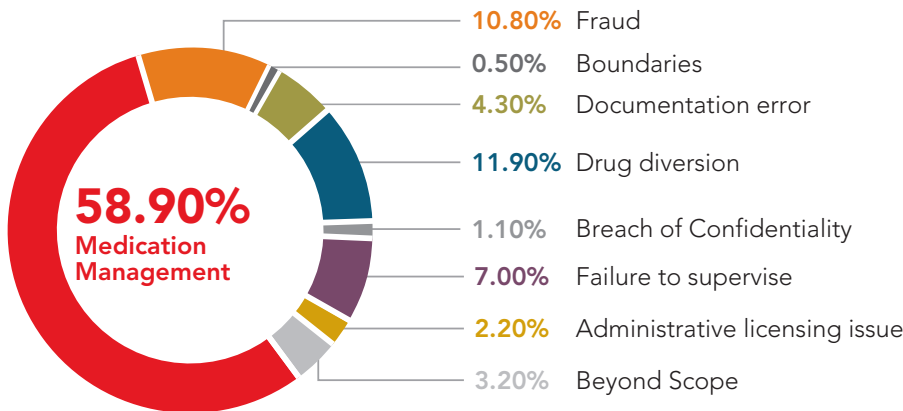
## License Protection for Pharmacists

A board complaint can be filed against a pharmacist by a patient, colleague, employer, and/or regulatory agency. Complaints are subsequently investigated by the board, leading to results ranging from no action against the pharmacist all the way up to and including revocation of the pharmacist's license to practice.

### LICENSE PROTECTION VS. PROFESSIONAL LIABILITY – WHAT'S THE DIFFERENCE?

License Protection	Professional Liability
<ul style="list-style-type: none"> <li>- Inquiry by the State Board of Pharmacy, arising from a complaint.</li> <li>- Allegations can be directly related to a pharmacist's clinical practice and professional responsibilities, <b>and</b> they can be of a nonclinical nature, such as substance abuse, unprofessional behavior, or billing fraud.</li> <li>- The State Board of Pharmacy can suspend or revoke a license. Its primary mission is to protect the public from unsafe practice.</li> </ul>	<ul style="list-style-type: none"> <li>- Civil lawsuit arising from a patient's malpractice claim.</li> <li>- Allegations are related to clinical practice and professional responsibilities.</li> <li>- The civil justice system cannot suspend or revoke your license to practice. Professional liability lawsuits serve to fairly compensate patients who assert that they have suffered injury or damage as the result of professional negligence.</li> </ul>

### LICENSE PROTECTION CLAIM FREQUENCY BY ALLEGATION CLASS\*



According to the National Practitioner Databank, pharmacists were on average more than **30 times more likely** to be involved in an adverse licensing action than a medical malpractice claim from 2007-2017.\*\*

### Common Licensing Board Allegations\*

- Wrong drug
- Drug diversion to self or others
- Medication error
- Failure to properly handle dangerous drugs
- Wrong dose
- Fraud
- Failure to obtain prescriber signature

### License Protection Coverage



Professional liability insurance that includes coverage for license protection safeguards pharmacists against licensing board complaints by:

Providing personal protection for inquiries arising out of a covered incident.

Covering costs associated with a disciplinary inquiry, up to \$25,000 aggregate.

Covered expenses can include things like legal representation, lost wages, and travel.

\*CNA and HPSO. Pharmacist Liability Claim Report: 2nd Edition, Identifying and Addressing Professional Liability Exposures. 2019. [www.hpso.com/pharmacistclaimreport](http://www.hpso.com/pharmacistclaimreport)

\*\*Singh, Harnam. National Practitioner Data Bank. Generated using the Data Analysis Tool at <https://www.npdb.hrsa.gov/analysisistool>.



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



1100 Virginia Drive, Suite 250  
Fort Washington, PA 19034  
1.800.982.9491 [www.hpso.com](http://www.hpso.com)



333 South Wabash Avenue  
Chicago, IL 60604  
1.888.600.4776 [www.cna.com](http://www.cna.com)

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](http://www.hpso.com). These publications are also available by contacting CNA at 1.888.600.4776 or at [www.cna.com](http://www.cna.com).

The information, examples and suggestions have been developed from sources believed to be reliable, but they should not be construed as legal or other professional advice. CNA accepts no responsibility for the accuracy or completeness of this material and recommends the consultation with competent legal counsel and/or other professional advisors before applying this material in any particular factual situation. Please note that Internet hyperlinks cited herein are active as of the date of publication, but may be subject to change or discontinuation. This material is for illustrative purposes and is not intended to constitute a contract. Please remember that only the relevant insurance policy can provide the actual terms, coverages, amounts, conditions and exclusions for an insured. Use of the term "partnership" and/or "partner" should not be construed to represent a legally binding partnership. All products and services may not be available in all states and may be subject to change without notice. CNA is a registered trademark of CNA Financial Corporation. Copyright © 2019 CNA. All rights reserved.

For more information about HPSO, or to inquire about professional liability insurance for healthcare professionals, please contact HPSO at 1.800.982.9491 or visit [www.hpso.com](http://www.hpso.com).

Healthcare Providers Organization is a registered trade name of Affinity Insurance Services, Inc. (TX 13695); (AR 100106022); in CA, MN, AIS Affinity Insurance Agency, Inc. (CA 0795465); in OK, AIS Affinity Insurance Services, Inc.; in CA, Aon Affinity Insurance Services, Inc. (CA 0G94493); Aon Direct Insurance Administrators and Berkely Insurance Agency; and in NY, AIS Affinity Insurance Agency.

X-13645-219