

# SB 362 (Newman) FAQ



**We heard you. We acted.**

**Now you enjoy first-in-the-nation legal protections.**



We heard from you, our pharmacist and pharmacy technician members who work for large corporate-owned chain pharmacies that you are routinely forced to meet profit-driven corporate benchmarks based on business metrics, which may at times, conflict with your ethical standards, education, and training as licensed pharmacy professionals. CPhA and UFCW united to address this important issue and the result: a first-in-the-nation law, Senate Bill ("SB") 362, authored by Senator Josh Newman.

## **WHAT QUOTAS ARE PROHIBITED BY SB 362?**

This bill defines quotas as a fixed number or formula related to duties a pharmacist or pharmacy technician is required to perform – measured or evaluated by the number of times they perform tasks or provide services while on duty.

There are four kinds of quotas (fixed numbers or formulas) that chain stores will no longer be allowed to set for pharmacists or pharmacy technicians during their shifts:

- Number of prescriptions filled
- Services rendered to patients
- Programs offered to patients
- Revenue obtained

## **WHAT PRACTICE SETTINGS WILL NOW BE PROHIBITED FROM USING QUOTAS?**

The use of quotas in these four areas will no longer be legal in chain pharmacies. Chains are defined as having 75 or more stores.

## **WE KNOW THAT PERFORMANCE EVALUATIONS WILL STILL EXIST AND ARE IMPORTANT FOR PATIENT CARE. WITHOUT QUOTAS HOW WILL PHARMACISTS AND PHARMACY TECHNICIANS BE EVALUATED?**

SB 362 stipulates that there are allowed methods of employee evaluation including:

- Overall store revenue but NOT in relation to individual pharmacists or technician quotas
- An evaluation of competency, performance, or quality of care that does NOT use quotas
- Performance metrics set by state or federal regulators that do NOT use quotas as defined in this bill.

## **HOW WILL THIS BAN ON QUOTAS BE ENFORCED STARTING IN 2022?**

We continue to work on behalf of our members to ensure that there is education and enforcement of the bans on these quotas. We will reach out to chain pharmacies and also to the Board of Pharmacy to work for implementation of this bill in 2022. We supported a new schedule of fines that will also go into effect in 2022 that will allow for more effective enforcement of violations of the law.

While our organizations advocate for you, the Board of Pharmacy cannot easily take action based on anonymous information we share with them. It takes individual pharmacy professionals notifying the Board of Pharmacy of violations in order for their enforcement division to act. The Board is creating a complaint form for pharmacists who witness violations of SB 362. The process will be similar to how consumer complaints work. We would strongly recommend sending in these complaints when the Board makes these forms available. If you have questions about whether something would constitute a quota as defined in SB 362, contact the Board's "Ask an Inspector" feature on their website. You could also contact one of our organizations for guidance.

## **WHAT WERE SOME OF THE CONCERNS EXPRESSED BY LEGISLATORS?**

While all legislators seemed to agree with the premise of the bill, there was concern that we were tying the hands of employers for evaluating the competence of their employees.

We will continue to fight to improve working conditions for pharmacy professionals but in order to ensure that employers are following the letter of the law.