

**Maryland Board of Pharmacy
Public Board Meeting
March 19, 2003**

Mr. Stanton Ades, President called the Public Board Meeting to order at 9:15 a.m.

Attendance

Commissioners Present: Stanton G. Ades, W. Irving Lottier, Jr., John Balch; Melvin Rubin; Raymond Love; Jeanne Furman; Rev. William Johnson, Ramona McCarthy-Hawkins, and Donald Yee

Commissioners Absent: Wayne Dyke

Board Counsel: Paul Ballard, Assistant Attorney General and Linda Bethman, Staff Attorney

Board Staff: LaVerne Naesea, Director, James Slade, Legislative Officer, Catherine Putz, Compliance Officer, Deitra Gail, Compliance Specialist, Joan Lawrence, Public Relations, Shirley Costley, Administrator and Latonya Dickerson, Board Secretary

Guests: Kathryn Lavriha, Barr Labs; Mathew Gainey, Purdue Pharmacy, Michael Heinzmann, Purdue Pharmacy, Shawn Sottles, Health Care Consulting, and Howard Schiff, MPHA

Recusals

President Ades asked Board members to indicate if there were any conflicts of interest with agenda items. President Ades stated there is a conflict of interest with the letter from Howard L. Sollins, Esquire, dated March 11, 2003. President Ades excused himself from this portion of the meeting.

Corrections and Approval of Minutes (2/19/03)

Page 2, under the heading Bioterrorism Task Force Update, after last sentence add the sentence: The Board accepted the recommendation of Ms. Gail Wowk to change the Task Force name to Bioterrorism and Emergency Preparedness.

Page 4, under the heading BPQA Bioterrorism Preparedness Training, line eight, delete the sentence “ He brought their egos down a little by stating that practitioners should not walk into the site thinking they are going to be in charge because they are physicians”.

Page 7, under the heading Senate Bill 677 include the sentence “The Board will join the other boards provided they agree not to support the bill.” after the last sentence.

Page 7, under the heading PEAC – Update, fourth line, the name Alan Leanhardt should read “ Anna Leonhardt.”

Page 9, top of page, strike the first sentence of second paragraph regarding Maryland Med Bank from the paragraph.

Page 9, first paragraph, last line, assistant should read, “assisting”.

Page 9, first bullet, first sentence should read “The Board discussed dispensing medication outside of pharmacies and will require the pharmacists to submit rationale for this particular service and how they intend to comply with the rules and regulations of the Law.

Page 9, first paragraph, last sentence add the following sentences: The Board voted to request BPQA to ask physicians to comply with dispensing regulations and consider coupon programs rather than unlabeled medication. The Board voted to ask NABP to become involved in this issue. Finally, the Board voted to notify OHCQ that unlabeled medications is showing up in assistant living facilities

Board Action

Dr. Love made a motion to accept the February 19, 2003, meeting minutes with the corrections listed above. Mr. Melvin Rubin seconded the motion. Motion passed.

President/Executive Committee Report – Stanton Ades

President Ades asked meeting guests to introduce themselves and their affiliation

Bioterrorism Task Force Update

President Ades announced the Task Force met last Friday, March 14, 2003. Among issues discussed was finalizing a letter to send to the Secretary of DHMH and Tom Lockwood, Maryland Homeland Security. This letter informed the Secretary and Mr. Lockwood of the mission of the Task Force and provided a summary of the Committee’s activities. The Board agreed with this action.

Phase I Training

There was very good attendance at the Phase I Training in Montgomery County on March 5, 2003. There were approximately, 140 attendees and at this time close to 500 pharmacists have trained out of over 800 that have volunteered. The Task Force is considering how to increase that number. There were suggestions to utilize some trade or professional organization conferences during the year. The Task Force discussed the possibility of using the MPHA Convention in June, the Maryland American Society of Consultant Pharmacist Convention in August and possibly MSHP for the Local Annual Meeting to get 100 pharmacists in training. The Board voted to have Mrs. Furman to check with MSHP’s Conference at Rocky Gap scheduled for the middle of October 2003 to recruit pharmacists for training.

Dirty Bomb Radiation Risk and Response Seminar

Ms. Joan Lawrence attended a Dirty Bomb Radiation Risk and Response Seminar, Monday, March 17, 2003 sponsored by Johns Hopkins. They talked about radiology, terror, and dirty bomb. Representatives were present from the police department and bomb squad. They provided information on the World Trade Center, a case study, a

Baltimore train fire, and dirty bomb drill. The Seminar was very informative and extensive.

Ms. Lawrence announced the next Bioterrorism Task Force Meeting is Friday, March 28, 2003.

Executive Director's Report

Importation of Drugs

Ms. Naesea discussed a letter from Carmen A. Cartizone, Executive Director/Secretary to The Honorable Tommy G. Thompson at U.S. Department of Health and Human Services on Importation of Drugs. This letter encourages the Federal Government to enforce the importation laws. NABP has taken the stand that they want to make sure that there is enforcement of the Importation market.

NABP Annual Meeting

Ms. Naesea made a request for NABP Recognition Resolution. If any Board Member is aware of past Board Members who have been ill or passed away, please submit the names as quickly as you can. The deadline is March 28, 2003.

Ms. Naesea reported that the Poster Session at NABP 99th Annual Meeting will go forward this year. Joan Lawrence will be working with Jeanne Furman in developing the poster content. Cathy Putz, Jim Slade, Jeanne Furman, and Mel Rubin will represent the Board and arrangements will be made for them to share shifts during the session. Mr. Ades recommended that the Board focus on the Bioterrorism and Drug Therapy Management activities at the Poster Session. The Board accepted Mr. Ades recommendation.

NABP requested Boards to submit any proposed constitutional amendments. Ms. Furman noted that resolutions usually request that a task force or committee be convened to address such issues as illegal importation or on-line pharmacies in the following year. The Board supports the proposed constitutional amendment to allow each district to elect their own representative. Ms. Furman seconded the motion. The Board approved the motion.

Ms. Naesea noted the survey of state boards of pharmacy regarding membership dues, which was in the board packet. NABP is considering amending its constitution to increase dues from \$250.00 to \$1,000. Ms. Naesea said the change would provide for NABP to pay for the registrations and transportation for at least one member from each Board. Mr. John Balch made a motion to support the increase in NABP Membership Dues. Mrs. Ramona McCarthy-Hawkins seconded the motion. The Board accepted the motion.

Senate/House Budget Hearings

Ms. Naesea and Ms. Costley attended the Senate and House Budget Hearings for DHMH. The total budget amount for per diem payment for Board Members is \$7,000.00. The Board also proposed adding a half-time, contractual Administrative Specialist II, to

support the Compliance Unit. These proposals were allowed to remain in the Governor's budget and were not challenged at the legislative hearings.

Some Boards have been proposed to lose vacancies, however, the Pharmacy Board was fortunate to have had filled positions when the initial recommendations were made by the legislative analysts.

Based on an audit report that some boards were not performing verifications appropriately, it was a suggestion that several of the licensing functions for all of the Boards be consolidated, similar to Department of Labor and Licensing Regulations. The Boards testified they would develop a Committee to determine whether this is a feasible alternative.

Ms. Naesea reported that there was discussion about the legalities of Boards making loans to other Boards. The Boards have jointly requested the Attorney General's office to provide an opinion as to whether they can do this.

Flower Mart

Ms. Naesea sent out an email to Board members stating that staff cannot take on the task of the flower Mart because of limited resources. Mr. Rubin suggested looking at the Timonium Fair, scheduled in August as an option. Mr. Ades suggested alternating between the State Fair and the Flower Mart. Mr. Rubin suggested seeking other help. The Board voted in favor of setting up a booth at the Timonium Fair, if possible and agreed to try to rotate between the Flower Mart and the Timonium Fair each year.

Nominations for New Officers

Ms. Naesea announced that members interested in nominating a candidate for the position of President, Secretary, or Treasurer should submit their names to her prior to the April 16, 2003 Public Board Meeting. Members will vote at that meeting for officers whose terms would begin July 1, 2003.

Parking Permits

Mr. Balch asked if parking permits would renew. Ms. Naesea will communicate with the Building Manager to find out the status of the parking permits.

Mr. Ades noted that staff would receive Bioterrorism training on 3/26/03.

Regulations/Legislative Officer Report

Profile – Pharmacy

SB 224 – Board of Physician Quality Assurance – Office Based, Medication-Assisted Opioid Addiction. Mr. Slade reported that it may go through with amendments.

SB-354 – Public Health-Licensed Pharmacists-Dispensing Emergency Contraception. Mr. Slade reported that the Board wants to do a letter of support of concept but was

pulled off of this by the Governor's office. BPQA opposed this bill although they are writing a letter of information.

SB-537 – Health Occupations – Gifts from Pharmaceutical Manufacturers and Pharmaceutical Marketers – Prohibited, died and its cross-filed bill will probably die.

SB 656 – Tax Compliance Act of 2003. The Board was going to do a letter of concern or go in with the other boards to oppose or amend the boards out of the bill but the Department including the Boards were pulled off by the Governor's office. If this bill goes through it will require the Board to check with the Comptroller office to make sure all licensees' uncontested taxes are paid and their unemployment insurance is paid before the Board could renew a license. This could be effective July 1, 2003, if so notification will have to go out.

SB 677 – Maryland Health Care Commission – Fees-Health Care Practitioners the Boards and BPQA opposed this bill. The Health Care Commission did a letter of information, which really was a letter of concern. The Nurses Association testified for the bill. The hearing was on 3/12/03 and 3/17/03.

HB 684 – Pharmacists and Pharmacies – Practice-Advice of Generic Drug Option – the Committee passed the House with amendments as of today.

HB 725 – Senior Citizen Prescription Medicine Relief Act the Board did a letter of concern.

HB 753 – Tax Administration and Compliance. Pretty much like the other tax bill.

HB 883 – Health Care Disparities Program – Required Education for Practitioners and Coordination of Services; the Board did a letter of information which pointed out some problems with the bill.

BOP Regulations Status (Drug Therapy Management)

Mr. Slade directed the Board's attention to the *Board of Pharmacy Regulations Status* contained in the Board packet. He noted that President Ades and he presented the drug therapy management regulations draft to BPQA on the February 26, 2003. They voted to publish for comment. Mr. Slade prepared the publication packet. Marie Savage is reviewing it. Mr. Slade prepared a response to the informal comments received a few months ago and sent it to the Practice Committee for comments.

PEAC (Pharmacists Education and Assistance Committee) – Update

Mr. Rubin attended PEAC's last meeting. PEAC participants discussed the Request for Proposal (RFP) during this meeting. Mr. Ades indicated that PEAC wants to hire an Executive Director. Ms. Naesea and Ms. Furman noted that the RFP being developed asks for information regarding other fund sources. Ms. Furman questioned whether PEAC's program funding is entirely through the Board, or whether the Board only funds

those components in which it has direct interest. Ms. Furman stated that bidders for the new contract would need to provide the Board with full financial disclosures including what they bring in and what goes out, a breakdown of demographics, and the statuses of all pharmacists they work with. Mr. Balch stated that for better communication, the contractor should send a regular written report to the Board.

COMMITTEE REPORTS

Pharmacy Practice Committee

Authorized Prescriber

Dr. Love referred to two letters dated February 24, 2004 and March 11, 2003, which were in the Board packet. Howard L. Sollins, Esquire, wrote a letter to Catherine Putz regarding his client who is an authorized prescriber wishing to purchase a pharmacy. The Practice Committee talked about the issue and reviewed the law. The Committee and Board Council felt the law was clear that a pharmacist could not be employed by an entity that is owned wholly or substantially by an authorized prescriber.

Dispensing Medication without a Permit

The Practice Committee reviewed draft regulations that would allow a pharmacist to dispense and distribute medications at a location that does not hold a pharmacy permit. Mr. Slade is making changes to the draft regulations based on the discussion.

Bioterrorism

The Committee reviewed draft regulations concerning catastrophic health emergencies. Mr. Slade is making changes to the draft regulations. BPQA will have to approve the draft regulations.

Compounding

The Practice Committee discussed how to address the issue of compounding practices. Ms. Furman gathered the NABP regulations to help the Committee come up with a plan to deal with compounding.

Long Term Care

Mr. Balch reported that the Committee completed the first draft of the long-term care regulations. Dr. Love asked that Mr. Slade forward to the Practice Committee the draft regulations.

Packaging Machine

The Committee discussed the issue of whether two pharmacies in the same system could use the same packaging machine for unit dose medication, when the machine is located in one of the pharmacies. The Committee determined that this practice is allowable.

Licensing Committee

Mr. Mel Rubin reported for Ms. Tamarra Banks who was not present.

Foreign Graduate

The issue of accepting the application of a graduate of a foreign college to take licensure examinations in Maryland was brought up. Since Statutes specify that an applicant shall “be a graduate of a school or college of Pharmacy that is approved by the Board or accredited by the American Council on Pharmaceutical Education (ACPE).” we will allow any graduate from a school offering ACPE approved courses, to take the examinations if all other required elements are met.

Orthospot. Com

Ms. Tamarra Banks received information from Milt Greiger, Wyeth Corporate Security regarding an unlicensed internet pharmacy. This website is supposedly for physicians to order medicines for their patients. The Board agreed to have Mr. Rubin research this website further confirming that the address is in Maryland.

Canadian Licensed Pharmacist

Ms. Tamarra Banks received an email from a Canadian Licensed Pharmacists asking the following questions:

Q: Do states recognize time working in Canada as time served toward their internship requirements? If this question is, true what states fall into this category?

A: No we do not accept Canadian internship hours, and we are not able to advise the person on rules from other states.

Four Year Foreign Program

Mr. Rubin reported that a graduate of a foreign school of pharmacy had asked if we would be able to help her to be able to sit for licensure in Maryland. She graduated January 3, 2003 from a school in India that offered a 4-year course. As of January 1, 2003, NABP requires that a person may take the FPGEC requirements only if they had completed at least a 5-year program. NABP would not make an exception and the Board determined that they could not allow her to sit for the examinations without FPGEC certification since we have no method to determine the quality of education at a foreign facility.

FPGEC Certificate Requirements.

The Board agreed with the Licensing Committee that they would no longer require an applicant for licensure who claims to have been certified through the FPGEC procedure to send the original certificate to the Board to prove eligibility. Since NABP takes up to several months to issue the certificate, the Board will contact NABP to verify that the candidate has completed all FPGEC requirements and accept that as proof of passing all

portions of FPGEC. Ms. Banks request from NABP confirmation of accreditation of completing the FPGEC requirements

Technology and Automation Report

On-line Licensing for Pharmacists

Regarding the status of the on-line licensing of pharmacist, Ms. Naesea noted that Ms. Banks and Ms. Costley had met with the MD Health Care Commission to begin the second on-line project. She said that the project is well underway and that she anticipated that same usage of the system would have begun by the end of the summer. Ms. Costley indicated that she would be meeting with Bank of America in two weeks to get a Consumer Initiated Payment Account (CIPA). The CIPA would allow the Board to accept credit cards for the online renewals. Ms. Costley said that sometime in May 2003, the Board would be ready to test receipt of credit cards online.

BOP Web Statistics

The Technology and Automation Unit included the Maryland Board of Pharmacy Web Statistics for July 1, 2002 – February 28, 2003 in the board packet.

Public Relations Report

HIPAA Update

The HIPAA approved final regulations. HIPAA standards have to be complied within the next two years. The privacy laws go into effect in April 2003. All State employees will receive HIPAA training.

The handout included in the packet entitled, *Explanation of Disclosure of Patient Information* was developed by Mr. Rubin for dissemination to consumers. The Board approved the form for mailing with the complaint form and to be placed on the website.

MSHP 38th Annual Conference

Ms. Lawrence reported that the MSHP 38th Annual Conference is October 10th – 12th, 2003 at Rocky Gap Resort, Western Maryland. MSHP is offering a 50% reduction for the booth fee. The Board participated in this conference two years ago. Ms. Furman will recruit for bioterrorism training. Mr. Balch asked Howard Schiff, MPHA to announce the MSHP Conference in the MPHA newsletter in April. Ms. Furman moved that the Board sponsor a booth at the MSHP conference in 2003 and to rotate next year with sponsoring a booth at the MPHA Annual Conference. Dr. Love seconded the motion. The Board approved the motion.

MPHA Annual Conference

Ms. Lawrence reported that MPHA Annual Conference is June 7th – 10th, 2003. The Board passed a motion to attend the Conference in 2004.

Informational

Prevention Pays Off

A handout containing information regarding the types of health care payment system that are best for consumers are included in the Board Packet.

Foreign Pharmacy Graduate Equivalency Examination Update (FPGEE)

The new FPGEE paper and pencil administration is set for Saturday, June 21, 2003. Candidates who have been accepted for the FPGEE and who testing was affected by the recent security breach will be mailed personalized letters on February 28, 2003, to register to site for the June 2003 FPGEE administration. To be guaranteed a slot for the June 21 administration, candidates must send in their registration requests to the NABP office before April 30, 2003.

Importation of Foreign Prescription Medications

Discussed the illegal importation of foreign prescription drugs and addressed a factual scenario involving health plans that include coverage for foreign drugs.

Illegal Drug Importation

E-mail from Larry Kocot, of NACDS talks about illegal importation.

Seneca Trading Post – Discount Prescriptions

Information on discounts prescriptions available to consumers.

NABP Resolution No. 97-2-2001: Electronic Transmission of Prescriptions

Addresses the requirement that physicians' prescriptions for brand name drugs providing a handwritten statement to prevent generic substitution. Such requirements discourage the use of and increase the costs associated with electronic prescribing technologies.

Dietary Supplements Containing Ephedrine Alkaloids.

A copy of the proposed rule and where to submit your comments from the FDA is included in the Informational Packet. The deadline for submitting your comments to the FDA is April 4, 2003. The National Association of Boards of Pharmacy will be submitting comments on this to the FDA.

Drug Addiction Treatment Act

Information included in the informational packet regarding two workshops on January 10, 2003 and February 21, 2003 for state medical and pharmacy boards covering provisions of the Drug Addiction Treatment Act (DATA). The buprenorphine clinical practice guidelines; the Federation's Model Guidelines for Opioid Addiction treatment in the Medical Office; and the application of federal drug and alcohol confidentiality law, 42 CFR, Part 2, to office-based treatment.

Canadian Pharmacy Graduates

This is a survey to State Boards regarding Canadian pharmacy graduates to return by March 21, 2003.

NABP's '800' Line

NABP established a toll free line to facilitate communications between the State Boards and the NABP Headquarters and to eliminate the expense of those communications for the Boards. It appears members of the State Boards to individuals who wish to contact NABP and discuss its various program or services are distributing the number.

Mr. Ades adjourned the Public Session at 12:15 p.m.