

Maryland Board of Pharmacy

Public Board Meeting – April 10, 2002

President Ades called the Public Session of the meeting to order at 9:15 a.m.

Attendance:

Commissioners Present: Stanton Ades, President; John Balch; Melvin Rubin; Donald Yee; Ramona McCarthy-Hawkins; Raymond Love; Jeanne Furman; Laura Schneider, Wayne Dyke, W. Irving Lottier, Jr., and Barbara Faltz-Jackson

Absent: Rev. William Johnson

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

Board Staff: LaVerne Naesea, Executive Director; Michelle Andoll, Pharmacist Compliance Officer; James Slade, Legislative/Regulations Officer; Doris James, Licensing Supervisor; Deitra Gale, Compliance Specialist and Angela Long, Executive Secretary;

Guests: Howard Schiff (MPhA); Jack Freedman (DDC); Dave Kotzin (MSHP); Rosalind Montgomery (UMAB, Pharmacy Student); Catherine Crowley (MHA); Laura Borda Short (Taro Pharma); and Kathryn Lavriha, (Barr Labs)

Introduction

President Ades asked each guest to introduce him or herself.

Recusals

There were no recusals of members due to conflicts of interest.

Corrections and Approval of Minutes (03/20/02)

No corrections to the minutes.

Board Action

Ms. Faltz-Jackson moved for acceptance of the March 20, 2002, public meeting minutes. The motion was seconded by Dr. Love and passed by the Board.

President/Executive Committee Report

Noting that the Board has begun its 100th anniversary year, Pres. Ades circulated a copy of the original Charter enacted to create the State Board of Pharmacy, dated April 8, 1902.

Bio-Terrorism Task Force

Pres. Ades reported that Mr. Rubin met with local health officers from Prince Georges' and Montgomery counties, on March 27, 2002, and other DHMH officials to review state plans (particular Board of Pharmacy plans) for emergency preparedness. Pres. Ades indicated that there would be another briefing on April 13, 2002 with Baltimore City and Baltimore and Anne Arundel counties. DHMH is applying for a grant in which they have included \$5,000 for the Board to train pharmacist volunteers.

The next Task Force meeting is scheduled for April 19, 2002, at 8:30am.

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Shortage of Pharmacists Task Force

Pres. Ades reported that the Shortage of Pharmacists Task Force met on Monday, March 25, 2002. He reminded members that Dr. Beardsley of the School of Pharmacy had developed a draft pharmacist survey, and that Dean Knapp had suggested that the survey be modified to address patient care and safety items. Task Force members suggested several other revisions, which Dr. Beardsley agreed to incorporate and present at the next meeting.

Pres. Ades indicated that the next steps for the members of the Task Force include each reviewing the Task Force “Charge” and providing written assessments from the prospective of the groups that they represent. Also, the Department of Labor and Licensing Regulations (DLLR) is looking into the costs and logistics for running a statewide query on vacancy rates for hospitals, chains, independents and long term care pharmacies.

The next Task Force meeting will be held on May 6, 2002 @ 5:00pm, at the Board Office.

Executive Director’s Report

Meeting with DDC

A meeting was held on April 2, 2002, with Division of Drug Control representatives; Jack Freedman, Robert Chang and Brian Stallsmith and Pres. Stanton Ades, LaVerne Naesea, Michelle Andoll and Tamarra Banks, representing the Board. The purpose of the meeting was to determine how to address the Sunset Review recommendations to automate the inspection process, perform annual inspections of each pharmacy, and develop a method for assessing the adequacy of quality assurance programs and technician training programs conducted by pharmacies. Ms. Naesea said that at the meeting, Ms. Andoll had distributed inspection forms revisions and recommendations prepared by the Disciplinary and Practice committees. Meeting participants agreed that the Board would revise those questions that related to pharmacy regulations and DDC would revise the questions that related to FDA regulations. Ms. Andoll agreed to revise the questions for the Board.

Mr. Freedman indicated that the group discussed the concept of issuing pre-surveys to pharmacies in order to be less intrusive during the physical inspection. Board members agreed that although pharmacies would be forewarned of an impending inspection (within 6-8 weeks) by receiving the pre-survey, the actual date would still not be disclosed.

Ms. Naesea asked Board members to discuss approaches for assessing the adequacy of quality assurance programs and training for unlicensed personnel. Ms. Furman suggested quantifying specific standards and questions and then to determine whether the Board and DDC require training in assessing quality assurance programs. Mr. Freedman suggested that the adequacy of quality assurance programs could be assessed based on the numbers and nature of complaints on individual pharmacies.

Board Action

Following several suggestions and ideas being shared, Ms. Furman moved that a Committee be formed to address assessing the adequacy of quality assurance programs and technician trainings. The motion was seconded by Ms. Faltz-Jackson and passed by the Board.

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Office Renovation Update

Ms. Naesea indicated that she received the final floor plans and cost projections for renovating the Board office space. She requested the Board to consider deferring action on the plans until issues related to the building lease are resolved. She also pointed out that she was informed that the costs were probably good for at least 5 years.

Board Action

Mr. Lottier moved that the Board defer renovation to Board's offices until issues related to the building lease are resolved. The motion was seconded by Ms. Faltz-Jackson and passed by the Board.

Legislative Update (Staffing, Budget, etc.)

Ms. Naesea stated that the legislature rejected the Budget Analyst's recommendation to cut the Board's request for two permanent positions, Secretary III and Licensing Clerk. She noted, however, that the Board could not fill the permanent positions in July (next fiscal year) unless they receive exception approvals to hire during the state-hiring freeze.

Quarterly Budget Report

Mr. Lottier reported that the Board's appropriated expenditure budget for fiscal year 2002 is \$891,481 and that the Board's actual expenditures for 3rd quarter totals \$838,305. An additional \$205, 581 anticipated expenditures are projected for the remainder of the fiscal year. He said that the Board has a deficit in the salary column due to annual increments, increased cost of Health Insurance, Cost of Living Adjustment (COLA) in January 2002, not meeting projected turnover budgeted reduction of \$42,193 (due to no vacancies during the year) and the state imposed Attrition Reduction of \$47,376. Other deficit areas include postage, contractual labor and printing. The Board currently contracts three (3) positions and it is estimated that there would be a \$28,835 deficit in contractual positions.

Mr. Lottier stated that the Board's FY 2002 ending balance is projected to be \$200,897.

Mr. Lottier stated that the Licensing Secretary II freeze exception request has been approved and the job announcement is posted and expect the position to be filled by May 2002.

Community Presentation (MFR)

Ms. Naesea mentioned that she made a presentation before the Baltimore City Ministerial Alliance per request of Board member Rev. William Johnson. The presentation focused on the role of the Board of Pharmacy and Board activities. She noted that participants suggested that the Board consider making similar presentations to the individual churches that were represented at the meeting and that she directed them to speak with Rev. Johnson, if additional presentations are needed. Ms. Naesea indicated that Board members should keep records of presentations to community groups and stakeholders and forwarded to Joan Lawrence to insure that the Board meets its state Managing for Results and Strategic Plan goals.

Visitation from WBAL

Ms. Naesea reported that David Collins of WBAL visited the Board office to review public orders that dealt with violations and the use or sale of controlled drug substance. Ms. Naesea complimented Ms. Gale for assisting Mr. Collins with the documents he was interested in. Mr. Collins stated he did not know what "slant" the story would take, however, he would notify the Board prior to broadcasting the story.

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Board Counsel Report

Advice on Nursing Dispensing

Mr. Ballard reported that he had asked the Board of Nursing whether nurses could re-delegate prescribing authority that they receive from physicians. He indicated that the Nursing Board had no regulatory responsibility for delegating authority and that he is awaiting a formal response to the same question from BPQA.

Legislative/Regulations Report

Legislation Report

Mr. Slade stated that the Legislation Session has ended.

He reported that the pharmacy profiles are currently tracking 70 bills. He reviewed those bills that may have an impact on pharmacy practice:

SB 22. – Osteoporosis Prevention and Education Task Force. The bill was passed with the amendment to include “pharmacy.”

SB 234 – Powers of the Governor and the Secretary of Health and Mental Hygiene. The bill was passed and signed by the Governor.

SB 235 – Governor’s Emergency Powers. The bill was passed.

SB 239 – Maryland Emergency Management Assistance Compact. The bill was passed and signed by the Governor.

SB 240 – State Government – Access to Public Records – Public Security Documents. The bill was passed and signed by the Governor.

SB 265 – Persons with Limited English Proficiency. The bill was passed with the amendment to exclude examinations and licensure information.

SB 269 – Health Care – Programs and Facilities – Pain Management. The bill was passed.

HB 329 – Health Care Worker Whistleblower Protection Act. The bill was passed. Mr. Slade stated that he was not sure if the Board’s amendment was taken. The bill was not available.

SB 418 – Board of Pharmacy – Sunset Extension. The bill was passed.

SB 421 – Medical Review Committees. The bill was passed.

HB 462 – Board of Pharmacy – Sunset Extension. The bill was passed

HB 676 – Physicians and Pharmacists – Therapy Management Contracts. The bill was passed.

SB 781 – Physicians and Pharmacists – Therapy Management Contracts. The bill was passed.

HB 1141 – State Advisory Council on Quality Care at the End of Life. The bill was passed with the amendment to include pharmacist.

Mr. Slade indicated that the bill signing would take place on the following dates:

April 25, 2002 @ 10:00am

May 6 & 16, 2002 @ 10:00am

Regulations Report

Mr. Slade reported that the Automated Medication Systems and the Impoundment & Disposal of Drugs & Prescription Records were published for comments.

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PEAC

Ms. Furman indicated that the Disciplinary Committee and PEAC had to cancel a scheduled meeting to discuss Board concerns, but it will be rescheduled. Ms. Naesea indicated that the upcoming fiscal year would be the last year that the PEAC contract can be renewed without going out on bid. Therefore, Pres. Ades has directed the Disciplinary Committee to evaluate Board requirements and PEAC's effectiveness in meeting the Board's compliance needs over the next fiscal year, and develop recommendations for how the Board should best meet its need to monitor impaired pharmacists following the conclusion of PEAC's current contract.

Committee Reports

Pharmacy Practice Committee

Dr. Love reported that the next Practice Committee meeting is scheduled for May 1, 2002, at 12:00 noon. The meeting is scheduled a little earlier than the normal meeting time.

DTM Bill/Regulations/Study

Responding to Mr. Schiff's expressed concerns related to the Board not having sufficient time to develop regulations under the collaborative practice statute, Dr. Love indicated that the Board of Pharmacy plans to complete the first set of draft regulations during one sitting. He indicated that the draft would be reviewed by the Practice Committee and then submitted to BPQA for comments and revisions. Ms. Furman indicated that the associations should also have an opportunity to review the regulations before they are submitted for formal comments. Ms. Schiff noted that Magaly Rodriguez de Bittner would make a presentation on collaborative practice at the MPhA conference in June 2002.

Patient Safety Regulations

Dr. Love reported that the Patient Safety Regulations were published with several comments. The Practice Committee elected not to take any action until the legislative session ends. Mr. Slade will draft responses to the comments and the Committee will review them at the next Practice Committee meeting.

Revisions to Pharmacy Inspection Form

Dr. Love reported that the Committee spent significant time discussing changes to the inspection form and the inspection process. The Committee recommended that the Licensing Committee review the inspection process.

LTC Task Force

Dr. Love mentioned that Mr. Ballard had been asked for advice regarding whether the Board would need to approve the LTC Task Force members. The Task Force is appointed by Pres. Ades. Board members assigned to the LTC Task Force include Mr. Balch, Mr. Ades and Mr. Yee.

Unlicensed Personnel Task Force

Dr. Love stated that Mr. Rubin presented recommendations for the Unlicensed Personnel regulations at the most recent Practice Committee meeting. Dr. Love reported that the State laws and regulations 'tie the Board's hands' in term of regulating "Pharmacy Technicians." The Committee concluded that three issues need addressing in regulation: technician compounding, pharmacist breaks, and technician check technician (final check by technician). The Committee recommended that the Board first amend the Pharmacy

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Practice Act to include establishing the term and definition for the concept of a “Pharmacy Technician” under the jurisdiction of the Board of Pharmacy.

Board Action

Dr. Love proposed, on behalf of the Practice Committee, that the Board direct the Practice Committee establish the concept of ‘pharmacy technician’ as a legal practitioner under the jurisdiction of the Board of Pharmacy. The motion was seconded by Ms. Faltz-Jackson and passed by the Board.

Licensing Committee

Reciprocity – List of Candidates

Mr. Dyke reported that the Reciprocity meeting was held on April 9, 2002. He presented the names of candidates for licensure for reciprocity in Maryland. Eight (8) candidates took the examination; six (6) passed the exam; and two (2) applicants; Christopher Mercer and Stephany Smith are pending oral competency.

Candidates - Passed

Rhonda Baker	Tammy Daniel
Sam Habet	Henry Irving
Joseph Notte	Samuel Wetherill IV

Board Action

Ms. Faltz-Jackson moved to license the six (6) candidates who passed the exam and to approve the two (2) candidates pending their meeting oral competency requirements. The motion was seconded by Ms. Furman and passed by the Board.

Wet Lab Examination

Mr. Dyke reported that the spring wet lab examination is scheduled for the June 12, & 13, 2002 and Board volunteers are needed to proctor the exam.

Disciplinary Committee Report

Standard Complaint Letters

Ms. Gale presented the standard complaint letter for the Board to review and make comments. The Board reviewed the letter and suggested that Ms. Gale work with the Board Counsel, Mr. Ballard, to refine language.

Ms. Furman developed a draft medication error data collection form to be used along with the standard complaint letter when a complaint involves a medication error. The form will be presented at the next Board meeting for review.

Revised Complaint Form

Ms. Gale presented the complaint form for the Board to review and make comments. The Board decided to review the form and submit changes to Ms. Gale in the next week.

The next Disciplinary Committee meeting will be held on April 25, 2002 at 9:00am.

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Technology and Automation Report

MHCC

Ms. Naesea stated that the Board is moving forward with the on-line renewal application, which is being developed by MHCC. A meeting has been scheduled between MHCC and Ms. Naesea and Ms. Bank on May 1, 2002 to develop the Memorandum of Understanding.

Public Relations Committee

Newsletter

Ms. Faltz-Jackson acknowledged Ms. Andoll, Ms. Gale, Mr. Rubin, Ms. Naesea and Ms. Furman for their contribution to the Newsletter. She also acknowledged Ms. Naesea, Ms. Hawkins, Ms. Furman Mr. Ballard and Ms. Gale for proofing the Newsletter. The PR Committee spent approximately \$3,500 for printing of the Newsletter.

Flower Mart

Ms. Faltz-Jackson requested representation from pharmacists, pharmacy students, and Board members to volunteer at the Flower Mart. A sign up form was distributed for volunteers.

MPhA Conference

Ms. Faltz-Jackson reported that the Board would give a 15-minute presentation at the MPhA Conference on Sunday, June 9, 2002.

Board Action

Ms. Furman moved that Mr. Rubin present Board updates at the MPhA conference. The motion was seconded by Ms. Schneider and passed by the Board.

The next Public Relations Committee meeting is scheduled for May 1, 2002.

Council of the Boards

Ms. Faltz-Jackson stated that the Council of the Boards has not met.

Announcements

Ms. James announced that the new smaller size licenses are currently being used this month and distributed a voided copy for members to examine.

The Public Session adjourned at 11:57a.m.