

**Maryland Board of Pharmacy
Public Board Meeting Revised Minutes
May 19, 2004**

Attendance: **Officers:** Melvin Rubin, President; Jeanne Furman, Secretary Ray Love, Treasurer

Commissioners: John Balch, Ramona McCarthy-Hawkins, Christiaan Blake, Donald Yee, Joseph DeMino, Mark Levi, Mayer Handelman

Absent: William Johnson, Sr., Donald Taylor

Staff: LaVerne G. Naesea, Executive Director; Linda Bethman, Staff Attorney, James Slade, Legislative Officer; Catherine S. Putz, Compliance Officer; Jacqueline Higgins, Compliance Officer, Shirley Costley, Licensing Officer; Joan Lawrence, Public Information & Education Officer; Tamarra Banks, Management Information Services Officer; Latonya Dickerson, Secretary III

Guests: Howard Schiff, MPhA, Stephan Riggan, CVS, Corey Johnson, Healthcare Consulting and Logistics, Jack Freedman, DDC, Gil Genn, M.A.C.D.S., Gil Cohen, PEAC, Huseym Tunc, Safeway, and Colleen Bonadonna, Solvay Pharmaceutical, Inc.; Wayne Dyke, Rite Aid Corp.

New Board Officers presided at the meeting since President Ades, term ended effective May 17, 2004 following the swearing in of Mr. Mayer Handelman as the new Long Term Care pharmacist representative. Melvin Rubin called the Public Board Meeting to order at 9:00 a.m.

1. Record of Conflict of Interest

Melvin Rubin began the Public Session with the first order of business, asking if any Board member present had any conflicts of interest on any agenda item. For the record, there were no conflicts of interest pertaining to the May Public Agenda Items.

2. Minutes – (4/21/04)

Board Action

Ray Love moved acceptance of the May 19, 2004 minutes as submitted. Mark Levi seconded the motion. The Board members unanimously supported the motion.

3. President/Executive Committee Report – Melvin Rubin

A. New Board Members Welcome

President Rubin welcomed Mr. Mayer Handelman who was appointed as the representative of Long Term Care practice, to the Maryland Board of Pharmacy for a term of four years effective May 1, 2004 through April 30, 2008. He replaces Mr. Stanton Ades. Mr. Donald W. Taylor, who was not in attendance, has been appointed as one of the two Chain pharmacy representatives. He replaces Mr. Wayne Dyke.

B. Committee Assignments

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President Rubin presented a description of committees for the Board of Pharmacy and the new assignments for the Board of Pharmacy officers and committees.

C. 3rd Quarter 2004

President Rubin reviewed and discussed the FY 04 Spending budget with the Board (attached to official record).

D. Conference Room

President Rubin asked the Board to support the installation of a sound proof divider between Room 108 and 109. The sound proof divider will cost approximately \$15,500.

Board Action

The Board passed a motion to support the installation of a divider to separate room 108 and 109 conference rooms provided there is sufficient funding available after all of FY 2004 expenses are accounted for.

E. Drug Therapy Management Committee

James Slade noted having difficulty in scheduling a meeting between members of the DTM Committee from the Board of Pharmacy and Physicians.

Board Action

The Board passed a motion for Melvin Rubin to be assigned as an alternate for the Board representatives on the Drug Therapy Management Committee.

4. Executive Director Report – LaVerne Naesea

A. Staffing Updates

LaVerne Naesea informed members that Ms. Marrienne Pindell, Personnel/Fiscal Officer, resigned effective May 19, 2004. The Board has recruited Ms. Sandra Dinkins as the new Personnel/Fiscal Officer, pending completion of the State hiring process. She also reported that Ms. Latonya Dickerson, Board Secretary had resigned effective June 1, 2004. A request with the Department of Personnel has been made for a freeze exemption to replace Ms. Dickerson.

B. Office Renovations

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LaVerne Naesea announced that the Board renovations are complete. The storage area was rebuilt and three additional office spaces have been created.

C. NABP Annual Meeting

LaVerne Naesea, Catherine Putz, Jeanne Furman, Melvin Rubin, and Joseph DeMino attended the NABP 100th Annual Meeting and Centennial Celebration in Chicago. Joseph DeMino reported the following resolutions and committee recommendations:

- #100-19-04 - Illegal Importation – Federal & State Enforcement of Re-importation Laws - Passed
- #100-2-04 - Canadian – United States Cooperation – Passed
- #100-3-04 - Electronic Transmission of Prescriptions – Passed
- #100-4-04 - Organization and Operation of Boards of Pharmacy – Passed
- #100-5-04 - Bar Code Imaging Technology – Passed
- #100-6-04 - Medication Identification – Passed
- #100-7-04 - Medication Indication on the Prescription – Passed
- #100-8-04 - Medication Error Reduction and Continuous Quality Improvement Programs – Passed
- #100-9-04 - National Patient Safety Goals: Prohibited Abbreviations – Passed
- #100-10-04 - Definition of Compounding – Passed
- #100-11-04 - Sterile Products – Passed
- #100-12-04 - Emergency Contraception – Did Not Pass
- #100-13-04 - Medication Sample Vouchers Program – Passed
- #100-14-04 - National Standards for Pharmacy Computer Systems – Did Not Pass
- #100-15-04 - California Membership – Passed
- #100-16-04 - 100th Anniversary – Passed
- #100-17-04 - Prosecution of Entities Aiding and Abetting in the Illegal Importation of Prescription Medications – Passed
- #100-18-04 - Recognition Resolution – Passed
- #100-19-04 – Recognition Resolution – Passed

The resolutions are part of the official record.

5. PEAC (Pharmacists Education and Assistance Committee)

Mr. Gil Cohen announced that PEAC is presently working on 29 cases of which 4 are Board referred. All clients have been removed from the federal exclusion list. PEAC has two interviews scheduled for the Executive Director's position.

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PEAC's next meeting is scheduled for May 20, 2004.

7. Regulations/Legislative Officer Report – James Slade

A. Regulations Status Report

10.34.07 Pharmacy Equipment – Filed for publication. Expected to be published in the June 11, 2004 Maryland Register.

10.34.22 Licensing of Wholesale Prescription Drug Distributors – Published in the December 26, 2003 Maryland Register. Comments due January 26, 2004. Comments received. Preparing responses to comments. 2005. Licensing Committee to review.

10.34.32 Pharmacist Administration of Influenza Vaccination – Bill signed by Governor on May 11, 2004.

B. Pharmacy – Legislation Profile

SB-167 – Prescription Drugs – Canadian Mail Order Plan –Bill was Special Ordered..

SB 330 – Health Occupations Boards – Misdemeanor Offenses – Delegation of Authority, Fines, and Penalties – referred for an interim study.

HB 384 - Maryland Pharmacy Act – Practice of Pharmacy – Administration of Influenza Vaccination – Became law – Chapter 339

HB 397 – Pharmacy Benefits Management Act – The bill did not pass.

HB 433 – Prescription Drug Safety Act – The bill passed and has been Enrolled. Part of the bill requires the Secretary of DHMH to convene a workgroup to study certain issues related to prescriptions. The workgroup is to include the Board.

C. Pharmacy Law Book for 2004

President Rubin distributed recommended additions/changes to the Pharmacy Law Book for FY 2005. MBOP Board members were asked to submit any desired additions or updates not included in the handout.

8. Pharmacy Practice Committee

A. Long Term Care Task Force

The Long Term Care Task Force will meet with Carol Benner and Bill Vaughn on Wednesday, June 9, 2004 to discuss (1) pharmacies receipt of prescriptions or orders; (2) differences in prescriber monitoring of prescriptions requiring refills versus orders with

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indefinite renewal requirements; (3) Pharmacist oversight of medication monitoring; (4) Quality Improvement; (5) Pharmacists taking part in the training of certified medication technicians and (6) Long-Term Care Facilities purchasing over-the counter medication in bulk for use of residents. The meeting will take place on the 2nd floor of the Bland Bryant Building at Spring Grove, 55 Wade Avenue, Catonsville, Md. 21228. The Health Care Quality letter will be added to the agenda.

B. Post-Inspection Survey

The Pharmacy Practice Committee presented the Board with a pamphlet designed to evaluate the inspection process and provide feedback from the permit holder. The Committee proposes that the Division of Drug Control leave the pamphlet with pharmacies to complete and mail to the Board of Pharmacy. The Committee asked Board members to review the pamphlet and submit to them any changes or additions. The Committee amendments will be discussed at the next Pharmacy Practice Committee meeting on June 9, 2004, 10:00 a.m. at Spring Grove.

C. MSDE Student Health Services Protocol

Dr. Love reported that the MD Department of Education had requested the Board to review and comment on the guidelines for student health services. The Board asked the Executive Committee to provide comments.

D. Regulations related to Automated Dispensing

The Board received an email dated 4/12/04 regarding “Regulations related to Automated Dispensing” from Frederick Memorial Hospital.

Board Action

The Board passed a motion for Catherine Putz to draft a letter in response to the email. The letter will deal with the requirements for quality assurance and the lack of a current role for technicians in checking prescriptions.

E. Requirements for use of Automated Systems in Maryland Long-Term Care Facilities

Cardinal Health wrote the Board a letter April 19, 2004 with the following inquiries (1) Which type of authorizations a pharmacy servicing a LTCF using an automated dispensing system would need to obtain from the state? (2) Since automated systems are driven electronically from the patient’s medication profile and the medications are administered to residents by licensed healthcare professionals, are the prescription labeling requirements different for items removed from an automated unit verses those dispensed directly to an individual in an outpatient setting? (3) Are there any other requirements that must be met to allow a pharmacy to service a LTCF using an automated dispensing system?

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The Committee recommended the following response to the questions: (1) No authorization is needed from the state when a pharmacy is servicing a LTCF using an automated dispensing system; (2) The current regulations require no patient specific labeling for individual unit dose and the proposed regulations require the information on unit dose medication; (3) Yes, there are requirements that must be met to allow a pharmacy to service a LTCF using an automated dispensing system. There are current LTC regulations, automation regulations, OHCQ regulations, DDC, and Federal regulations regarding LTC facilities.

Board Action

The Board moved to accept the Committee recommendations and assign James Slade to draft a response for Cardinal Health.

F. Electronic Signatures

River Family Physicians wrote the Board a letter concerning local pharmacies not accepting their computer generated prescriptions and faxed without actual signatures. The Committee recommends that the response be in accordance with 10.34.20, however the pharmacist must determine that it is a legal prescription.

Board Action

The Board approved for the Pharmacy Practice Committee to respond to River Family Physicians letter referring them to 10.34.20.

G. Letter from Judge Fader

The Board reviewed a draft letter that responded to Judge Fader's letter concerning physician prescribing for self or family.

Board Action

The Board passed a motion approving the response to Judge Fader letter for mailing.

H. Maryland Higher Education Commission

The Maryland Higher Education Commission inquired about how they should approach pharmacy technician training. The Committee response is that they have no jurisdiction over pharmacy technicians.

Board Action

The Board will provide the Maryland Higher Education Commission any technical assistance within their means.

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I. Health Care Facility

The Board discussed the need to review the automation regulations to determine how they apply to different types of health care facilities. It was suggested that a definition might be needed in the automation regulations which describes the types of health Care Facilities to which the regulations apply.

Board Action

The Board asked James Slade, Legislative Officer, to provide a report of the different Health Care Facilities to obtain a clear definition of a health care facility.

J. Board of Pharmacy Inspection Form

Bonnie Pitt and Moe Delcher have been nominated by the MSHP Board to participate on the Peer Review Committee for review of the hospital pharmacy inspection form. MSHP also nominated Aki K-Singam as an “alternate” to the process if either Bonnie or Moe find that they are unable to participate.

Board Action

The Board approved the nominations and will appoint a committee to begin the hospital inspection form.

9. Public Relations

Ms. Lawrence thanked Board staff, MSHP, DHMH, Volunteers, Tamarra Banks, and Jeanne Furman for their help during the FlowerMart.

10 Licensing Committee – Wayne Dyke

The statistics for April 2004 were read during the meeting.

A. Reciprocity

The following pharmacists have met Board requirements for reciprocity this month:

Karin Anderson
Tokunbo Banjoko
Lisa Eicher
James Hatfield
Jennifer Markovits

B. Examination Procedures

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Board Counsel, Linda Bethman, provided an advice of counsel, not an opinion of the Attorney General on procedural issues that had arisen regarding approval of applicants to sit for the licensing examination (NAPLEX AND MPJE). Ms. Bethman advised the Board not to approve any individual to sit for the examination until that individual submits to the Board an application for licensure that is reviewed and approved.

Ms. Bethman also noted that in accordance with Health Occ. Section 12-304, the Board has discretion in determining how the examination requirement may be met. The Board may amend its regulation to allow for pharmacy students in their last year of school to sit for the examination. Without such an amendment, however, pharmacy students may not sit for the examination until they have actually graduated from the pharmacy program.

D. California Board Signs Contract to Use the NAPLEX

The National Association of Boards of Pharmacy (NABP) announced that the California State Board of Pharmacy has signed an agreement for California to use the North American Pharmacist Licensure Examination (NAPLEX) as a requirement for pharmacist licensure.

Board Action

The Board passed a motion to accept reciprocity candidates from California.

12. Emergency Preparedness

Joan Lawrence announced that there would be a statewide drill next month. DHMH will notify the Board.

Ms. Naesea reported that a reimbursements from federal grants will be received from DHMH for the Board's participation in Bioterrorism training activities. Ms. Naesea recommended that a portion of the reimbursement be used to make Joan Lawrence full-time with the Board.

Board Action

Joseph DeMino moved to accept the recommendation to make Joan Lawrence full-time. Jeanne Furman seconded the motion. The Board passed the motion.

14. Technology and Automation Committee – Tamarra Banks

Ms. Banks attended a Network Administrators Meeting on May 17, 2004. It was reported that BG&E will cut the power to all the Preston Street buildings for 12-14 hours beginning Friday, May 21 at 6pm until Sunday, May 23 around 10 a.m. There will be no

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Internet, email, or mainframe services during this time period. They have also scheduled another outage for June 5, weekend.

GroupWise version 6.5 upgrade is rescheduled to May 28, 2004.

The Public Board session adjourned at 12:15 p.m.

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