

FALL 2006

# Maryland Board of Pharmacy news

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The Mission of the Maryland Board of Pharmacy is to protect Maryland consumers and to promote quality health care in the field of pharmacy through licensing pharmacists and issuing permits to pharmacies, and distributors, setting standards for the practice of pharmacy through regulations and legislation, educating consumers, and receiving and resolving complaints from the public regarding pharmacists, pharmacies, and distributors.

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## NEW BOARD MEMBERS APPOINTED

*By Summar J. Goodman, Public Information Officer*

**T**he Maryland Board of Pharmacy is pleased to announce the appointing of three new members to the Board. Cynthia Anderson, Harry Finke Jr. and Alland Leandre bring a wealth of knowledge and expertise to the existing Pharmacy Board.

Ms. Cynthia Anderson, MS, RPh, was sworn in as the new Home Infusion/Home Care pharmacist Board member. She is a graduate of the University of Maryland School of Pharmacy and currently serves as the Director of Infusion Pharmacy Clinical Services at Neighbor Care Pharmacy. Previously, she served as a volunteer member on the Board's USP 797 Task Force to update the Board's Sterile Compounding Regulations and related hospital inspection procedures. A former employee of Med Star Pharmacy, she brings to the Board experience and expertise in the areas of sterile compounding and home infusion. Her Board term will expire April 30, 2010.

Mr. Harry Finke, Jr., the newest Independent Pharmacist representative, is a graduate of the University Of Maryland School of Pharmacy. He has a career that has spanned the last thirty years in both academia and pharmacy management. He taught pharmacology in a therapeutic community program,

served as a Professor of Pharmacology at Essex Community College and was employed by the Maryland Poison Information Center as the chief clinical pharmacist. Mr. Finke opened his first pharmacy in 1978 as The Medicine Shoppe and went on to teach pharmacology at both Towson University and Loyola College of Maryland. In 1986, he opened a second Medicine Shoppe, now known as the Elkton Friendly Pharmacy, where he is currently the pharmacist/owner. He is also credited with creating the Pharmacy Technician Training course at Essex Community College and he acts as a consultant for VISICU and eICU. His Board term will expire April 30, 2010.

Mr. Alland Leandre was sworn in as the newest consumer member of the Board. Mr. Leandre is the Principal Consultant, President and CEO of the start-up management counseling firm VYALEX, Inc. He holds a B.S. from Syracuse University, a M.S. from Embry Riddle Aeronautical University and a MBA from the University of Michigan Business School. He has extensive experience in advance electronic systems integration and strategic planning in the Defense Aerospace Industry. His Board term will expire June 30, 2010.

Please join the Board in welcoming its newest members. ■

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# EXECUTIVE DIRECTOR'S REPORT

*By LaVerne Naesea, Executive Director*

## **A Fond Farewell to President John Balch and Commissioner Don Yee**

In 2000 when I became the newly appointed Executive Director for the Maryland Board of Pharmacy, I did not have the foresight to prepare myself for the emotional loss experienced at the end of each Board member's term. After all, not one of the members' terms ended during the first three years of my Board tenure, and I had become quite comfortable with the dynamics related to that first group of 'bosses', including most recently, former President and independent pharmacist representative John Balch and home infusion pharmacist representative Donald Yee. Preparing to say goodbye is undoubtedly the hardest part of my job.

One of the first comments I remember Mr. Balch making at a public Board meeting was that pharmacist Board members were confronted with a dilemma of how not to compromise their commitment to the pharmacy profession while fulfilling their new state commitment to protect pharmacy patients. Coming from a patient/consumer advocate background like John, I viewed the two concepts (i.e., professional commitment and patient commitment) as conflicting. I must confess however, I was a bit *greener* than John Balch because he understood that there was a way to reconcile the two concepts. He understood that by providing Maryland's pharmacy patients with a high standard of care, thus fulfilling the Board's mandate to protect Maryland consumers, the profession of pharmacy would thrive. Mr. Balch worked to create a better relationship between the pharmacy profession and pharmacy patients throughout his two terms (seven-plus years) on the Board.

Granted, many of the Board's achievements, such as implementation of the pharmacists' administration of influenza vaccines, pharmacy technician and drug therapy management programs, were attained in great part because of the groundwork laid under the leadership of former presidents Melvin Rubin, Stanton Ades and the many that preceded them. However, if you read the cover article, *Change! Patience!* in the Board's Summer 2006 Newsletter, you may begin to understand how Mr. Balch quite effectively educated legislators, representatives of various other health occupation boards, representatives of several other state agencies, Board mem-

bers and pharmacists about the need to work together in changing fragmented patient care delivery systems to a more transparent system that better provides for and monitors patient care.

Included among the many successes achieved through Mr. Balch's leadership were working on a better medication tracking system for patients upon discharge to long term care facilities; alliances between pharmacists and physicians under the Drug Therapy Management and Administration of Influenza Vaccines programs; monthly Executive Committee meetings between Board officers, Board Counsel and yours truly to discuss Board organizational strategies for meeting Board goals and objectives. In addition to serving as Board President during FY 2006, he chaired the Long Term Care Task Force and served as a member of the Pharmacy Technician sub-committee. The truth of the matter is that John Balch accomplished much over a relatively short period. Thank you very much Mr. Balch for your patient demeanor, visionary leadership and quiet roar.

Speaking of great accomplishments, the first comments I remember hearing from former Board member Donald Yee related to the physiological effect of some drug when it interacted with another. Talk about *being green!* With me not being a pharmacist, I had no idea about that which he spoke. Mr. Yee took pride in his many accomplishments with the Board and as a current supervising pharmacist at Kaiser Permanente. A seasoned clinical pharmacist, Mr. Yee served in many Board capacities, including: Chair of the Board's USP 797 Task Force, member of the Practice Committee and Long Term Care Task Force, and as the Board-appointed representative on the statewide Pain Management Task Force, the Pharmacist/Physician Joint Committee for review of Drug Therapy Management protocols and the State Nurse Dispensing Formulary Review Committee.

Mr. Yee is involved in many professionally related activities outside of the Board. Board and staff members often warm heartedly kidded him about the many electronic devices that would ring out

*Continued on page 3*

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# EXECUTIVE DIRECTOR'S REPORT

*By LaVerne Naesea, Executive Director ...continued from page 2*

during meetings with persons on the other end seeking his expert advice. My fondest memory of Mr. Yee was when I was still a "rookie" at the Board. He and I had traveled to a NABP conference in Seattle, Washington. During several downtime periods, he took me to the side to give me insight about the Board and its operations. He also helped to build my self-confidence. *'Anytime you need information about pharmacy issues call me,'* he offered warmly, adding *...you don't need help with running that office, I can tell that you know what you're doing.* Six years ago, that latter comment meant more to me than he could have imagined.

On behalf of the Board and Staff members, farewell and thank you John and Don...we look forward to the opportunity to work with you both again.

## **Maryland Board of Pharmacy and University of Maryland School of Pharmacy Co-Host National Association of Boards of Pharmacy (NABP) District I & II Meeting at the Renaissance Inner Harbor Hotel**

The National Association of Boards of Pharmacy (NABP) District I & II Meeting was co-hosted by the Maryland Board of Pharmacy and the University of Maryland School of Pharmacy at the Renaissance Harborplace Hotel on October 12th – 14<sup>th</sup>. Highlights of the meeting included keynote speakers Katherine Eban, author of *"Dangerous Doses"* during the Friday Luncheon and former Oriole Hall of Famer Jim Palmer at the dinner banquet held at Camden Yards. CE sessions included presentations on the Avian Flu (Gary Smith), Drug Counterfeiting and Diversion (Marvin Shephard), Medication Safety (Bob Feroli and Bruce Gordon), and a review of several states most recent judicial and legislative changes and legal cases as well as a discussion of the Plan B 'conscience clause' (Dale Atkinson). Several NABP business sessions were also held throughout the two and a half day event.

The event was attended by over 150 representatives of 17 state boards of pharmacy, schools of pharmacy and

pharmacy organizations and was extremely successful with many of the attendees commenting on the smooth flowing sessions, the ease in receiving staff assistance and the fact that this was one of the "best coordinated" district meetings ever attended. NABP Executive Director Carmen Catizone (Chicago) and National President Larry Mokhiber (New York) were also in attendance to welcome and greet attendees.

Kudos to Public Information and Education Officer, Summar Goodman, for her expertise in developing, executing and coordinating well thought out plans for each day of the meeting. She spent an entire year working on this project in addition to meeting her usual responsibilities. Administration and Public Support Unit Manager Patricia Gaither's contributions are also noteworthy, as she developed the meeting's budget and tracked expenditures. NABP sent thanks to the many sponsors and meeting contributors including: PharmaCare of Cumberland, Brooks Eckerd, Leightner Pharmaceuticals, Nutramax, Wyeth Laboratories, the National Association of Chain Drug Stores and many more. The Board acknowledges and thanks staff members Colin Eversley, Sandy Hines, Alicia Carter, Briget Melvin, Duane Truesdale, and Tamarra Banks for meeting their specific assignments in extremely professional and cheerful manners.

Thanks to all of the Board members for supporting the event. Board President Mark Levi, Secretary Don Taylor, Treasurer Jeanne Furman and Joe DeMino provided specific assistance to staff members with the planning and execution of this event. Board member Margie Bonnett must also be acknowledged for her *most excellent flute* performance, with Compliance Investigator Colin Eversley accompanying her on piano on Thursday evening. Former President John Balch is also acknowledged for his generous support and encouragement throughout the planning of the District I & II Meeting.

Please join me in congratulating the Board and staff members, as well as Dean Knapp and the staff of the University of Maryland School of Pharmacy, Mimi Wasti and Kristen Watson for their support and efforts with the 2006 District I & II NABP Meeting. ■

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# FAST BYTES

*Courtesy of NABP e-News*

## **FDA Approves Over-the-Counter Access for Plan B for Women 18 and Older, Remains Prescription Only for those 17 and Under**

*On August 24, the Food and Drug Administration (FDA) announced approval of Plan B, commonly referred to as emergency contraception or the “morningafter pill”, as an over-the-counter (OTC) option for women aged 18 and older.*

Prior to the FDA decision, Plan B, like other birth control tablets, has been available to all women as a prescription drug. Plan B will remain available as a prescription-only product for women age 17 and under. Barr Pharmaceuticals, manufacturer of Plan B, has agreed to initiate a rigorous labeling, packaging, education, distribution, and monitoring program to ensure the OTC/Rx split is enforced. Plan B will only be available at licensed pharmacies and clinics, not at gas stations or convenience stores where health-care professionals are not present. Individuals who want to obtain this drug product will have to show identification proving they are at least 18 years old. For those younger than 18, the drug will still require a prescription. For more information on Plan B and the FDA’s action, visit <http://www.fda.gov/cder/drug/infopage/planB/default.htm>.

## **NABP Joins APhA/FWS Collaborative Medication Disposal Effort**

In late July, NABP attended a meeting hosted by the American Pharmacists Association (APhA) and US Fish & Wildlife Service (FWS) aimed to assist the two organizations in developing a national consumer marketing campaign to address medication disposal. The meeting consisted of representation from a cross-section of organizations from within the health care, pharmaceutical, and environmental communities. With a launch date set for the later part of the year, APhA and FWS are currently reviewing the recommendations from the meeting to develop the consumer marketing campaign. During the 102nd NABP

Annual Meeting, Resolution 102-2-06, Safe and Environmentally Friendly Medication Destruction Programs, directed NABP to work with the pharmacy, environmental, and regulatory communities to develop guidance for patients in the safe and proper disposal of medication. ■

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## **DISCIPLINARY CASES**

### ***By Colin Eversley, Compliance Investigator***

#### **Eunice Oshodi, License # 14276**

Effective September 13, 2006, license to practice pharmacy in Maryland was Summarily Suspended.

#### **Community Care Pharmacy, Permit # Po4358**

Effective October 19, 2006, Final Order of Revocation.

#### **David Kotzin, License # 10932**

Effective October 16, 2006, Order staying Summary Suspension.

#### **Kelly Sobota, License # 17170**

Effective September 6, 2006, license to practice pharmacy in Maryland was placed on probation for three years.

#### **Thomas Bolt, License # 08155**

Effective August 23, 2006, license to practice pharmacy in Maryland was Summarily Suspended.

#### **Medicine Shoppe, Permit # Po1901**

Effective November 15, 2006, Order of Summary Suspension.

#### **Vicki Coutros, License # 14959**

Effective October 18, 2006, license to practice pharmacy suspended for six months, all stayed, probation for two years. ■

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# Pharmacy Technician Registration Process

*By LaVerne Naesea, Executive Director*

Maryland law requires that all pharmacy technicians performing delegated pharmacy acts to be registered with the Maryland Board of Pharmacy on or about January 1, 2007. The program will be announced (via written notification to permit holders) after the program forms become available. Pharmacy technicians may continue working for approximately three (3) months from the date of the notification to permit holders. The actual deadline for working in a pharmacy without a registration with the Maryland Board of Pharmacy will be provided in the written notification to permit holders and posted on the Board's web site ([www.mdbop.org](http://www.mdbop.org)). Required forms with instructions for completion and attaching documentation will also be posted on the Board of Pharmacy web site.

All applicants must submit 1) a completed application; 2) required documentation; and 3) a \$45.00 registration fee. Types of registrants include:

## 1) Customary

Pharmacy technician applicants must be at least 17 years old (or at least 16 years and 6 months old when beginning the fulfillment of their registration requirements). Documentation must include:

Evidence that the applicant is a **high school student, high school graduate or has a GED**;  
Satisfactory evidence of **successful completion of 160 hours in a Board-approved pharmacy technician training program** that does not exceed six months;  
Evidence of having passed a **Board approved technician examination**; and  
A completed **State Criminal History Records Check**.

## 2) Grandfathered

Pharmacy technician employee applicants who have been working for the same permit holder since January 1, 2006 may be grandfathered. To qualify, applicants must be at least 17 years old. Documentation must include:

An attestation from the **pharmacy permit holder** that the applicant has worked in the pharmacy area continuously since January 1, 2006;  
An attestation from the **pharmacist** who has supervised the applicant for at least 6 months that the individual has performed competently; and  
A completed **State Criminal History Records Check**.

## 3) Currently Certified

Pharmacy technician employees currently certified by a national technician certification program must be at least 17 years old. Documentation must include:

Evidence of **current certification by a national pharmacy certification program**; and  
A completed **State Criminal History Records Check**.

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# PRACTICE COMMITTEE CORNER

*By Mark Levi, Board President and Anna Jeffers, Legislative Manager*

## *Who owns the prescription document?*

The Maryland Board of Pharmacy recognizes that the prescription document belongs to the patient until the prescription has been dispensed, unless there is a question concerning the authenticity of the prescription. Once the prescription has been dispensed, the prescription document is in the custody of the pharmacy. The patient may have a copy of the prescription, or may transfer the prescription, but the original document resides in the original dispensing pharmacy.

## *Can a nurse dispense medication from a medication cart in a long-term care facility to a patient or the patient's family in anticipation of a temporary leave from the facility?*

No. The family needs to have the prescription dispensed from the long-term care pharmacy with proper labeling. A nurse may not dispense medication. They may only administer medication.

## *What is the Board's policy if a prescription is never picked up by the patient? Can it be returned to stock and dispensed again?*

A prescription that is not picked up by the patient may be put back on the shelf, but not put back into a stock bottle. Those medications may be re-dispensed. Please be advised, however, that if a recall occurs, that medication must be assumed to be included in the recall.

## *May a pharmacist transfer an original prescription that has not been filled, but was retained on file by the pharmacist for future dispensing at the patient's request?*

The Code of Maryland Regulations (COMAR) 10.34.04 Transfer and Outsourcing of Prescriptions and Prescription Orders does not specifically address this scenario. The standard of practice, however, would suggest that the primary pharmacy should fax the original prescription to the secondary pharmacy. If the original prescription was received by phone, then it would behoove the secondary pharmacy to verify the validity of the prescription with the prescriber. As always, pharmacists should exercise their professional judgment when filling any prescription. After the prescription transfer has occurred, the primary phar-

macy should maintain the unfilled, transferred prescription on file. ■

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# Pharmacy Technician Registration Process

*By LaVerne Naesea, Executive Director*

*...continued from page 5*

## **4) Students**

Pharmacy technician applicants who are enrolled in an accredited school of pharmacy must be at least 17 years old. Documentation must include:

Verification of **attendance at an accredited school of pharmacy**;  
Evidence of having passed a **Board approved technician examination**; and  
A completed **State Criminal History Records Check**.

## **5) Reciprocity**

Pharmacy technician applicants who are from another state must be at least 17 years old. Reciprocity candidates' applications will be approved by the Board of Pharmacy if the program requirements in the state that they are registered are similar to Maryland's pharmacy technician program requirements. Documentation must include:

Evidence of **registration in another state** under requirements similar to the registration requirements of this chapter;  
Evidence of having **worked as a pharmacy technician** in another state;  
Evidence of being **in good standing in the state or states of current registration**; and  
A completed **State Criminal History Records Check**. ■

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# EMERGENCY PREPAREDNESS UPDATE

*By Summar J. Goodman, Public Information Officer*

## **Recruiting Emergency Preparedness Volunteers**

Are you interested in becoming a pharmacist volunteer? Registered technicians may also apply. Please discuss the opportunity with the technicians in your pharmacy. Call the Board's office at 410-764-4755 or visit [www.mdbop.org](http://www.mdbop.org) and click on "Emergency Preparedness and Bioterrorism" to access the application.

## **Revised Liability Form**

*The State has issued a revised liability form which adds the State's workers compensation clause to the old form. All existing volunteers are now required to submit a signed copy of the revised form to be eligible*

for the expanded liability coverage. You may access the revised form on the Board's website under "Emergency Preparedness and Bioterrorism".

## **Badges**

The Board will be issuing procedures for renewing Volunteer Identification Badges in the near future. Meanwhile, please do not discard your current volunteer badge until you receive a replacement badge. If required for Board or state-sponsored training (or if deployed by the state for an actual emergency), please present your current badge along with your pharmacist license and driver's license. ■

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## \*\*\*\*\* NOTICE \*\*\*\*\*

### *Pharmacy Closures: Notification to the Public*

**I**n an effort to maintain continuity of medication therapy for pharmacy customers in the event that their pharmacy closes, the Board of Pharmacy has implemented suggested procedures for notifying the public about pharmacy closings. Please be reminded that under the existing Code of Maryland Regulations (COMAR) 10.34.14.01 - .06, the pharmacy permit holder is required to notify the public of the date that the pharmacy will cease to operate, and is also required to notify the public of the location to which the patients' records have been transferred by the date the pharmacy ceases to operate. To facilitate this notification, the Board will be sending a revised instruction letter to closing pharmacies that will include a sample "Closure Notification Letter" to be distributed to patients as they pick up their prescriptions. A copy of the Closure Notification Letter should also be posted on the door or window of the pharmacy. In addition, to provide consumers with information regarding pharmacy closures, the Board

will begin posting a list of closed pharmacies on the Board's website by the end of this year. This listing will notify patients of how to contact the Board to address concerns such as difficulty in retrieving unfilled prescriptions or filled medications. ■

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## **Maryland Medicaid Eligibility Verification System (EVS) Phone Number**

Maryland Medicaid has changed its EVS phone number to a new interactive voice response system (IVR) with one toll-free number for all of Maryland, **1-866-710-1447**. For more information, visit [www.dhmf.state.md.us/medcareprog](http://www.dhmf.state.md.us/medcareprog). ■



# Maryland Board of Pharmacy

## How are we doing?

Please telephone or e-mail the Board staff your questions and comments.

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## Address or Employment Change

Submit the *Pharmacist Change of Information form* on our website. Go to [www.mdbop.org](http://www.mdbop.org) and click on *Forms & Publications*.

## Special Notice

The Maryland Board of Pharmacy Newsletter is considered an official method of notification to pharmacists and pharmacies. **These Newsletters may be used in administrative hearings as proof of notification.** Please read them carefully and keep them in the back of the Maryland Pharmacy Law Book for future reference.

### Editorial Committee:

Summar Goodman, Patricia Gaither, LaVerne Naesea, Jeanne Furman, Donald Taylor and Linda Bethman

Newsletter Layout and Design: Summar Goodman

\*Have an Upcoming Event or Story Ideas? E-mail to [sjgoodman@dhhm.state.md.us](mailto:sjgoodman@dhhm.state.md.us)

## Meetings

The Pharmacy Board meetings are open to the public from 9:00 a.m. – 12 noon at 4201 Patterson Avenue, Baltimore, Maryland 21215. The Board encourages all interested parties to attend. Dates are:

**December 20, 2006**

**January, 2007**

**February 21, 2007**

**March 21, 2007**

**April 18, 2007**

## Board Members

**President:** Mark Levi

**Secretary:** Donald Taylor

**Treasurer:** Jeanne Furman

Cynthia Anderson

Margie Anne Bonnett

David Chason

Joseph Demino

Harry Finke, Jr.

Mayer Handelman

Allande Leandre

Michael Souranis

Rodney H. Taylor

Executive Director: LaVerne G. Naesea

# Maryland Board of Pharmacy

Note: Procedures for submission and approval of Pharmacy Technician Training Programs will be provided on the Board's website. Visit [www.mdbop.org](http://www.mdbop.org) for details.

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