

**Maryland Board of Pharmacy  
Public Board Meeting**

**Agenda  
April 18, 2018**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, E	Commissioner		
Evans, K.	Commissioner		
Gavani, M. Z.	Commissioner/President		
Hardesty, J.	Commissioner		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/Treasurer		
Oliver, B	Commissioner		
Peters, R.	Commissioner		
St. Cyr, II, Z. W.	Commissioner/Secretary		
Toney, R.	Commissioner		
Yankellow, E.	Commissioner		
Bethman, L.	Board Counsel		
Felter, B.	Staff Attorney		
Speights-Napata, D.	Executive Director		
Fields, E.	Deputy Director /Operations		
Evans, T.	Compliance Director		
Brand, E.	Licensing Manager		
Logan, B.	Legislative Liaison		
Chew, C.	Management Associate		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)										
<b>I. Executive Committee Report(s)</b>	<b>A.) M. Gavgani, Board President</b>  <b>B.) Z. St. Cyr, II, Secretary</b>	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> <li><b>1. Call to Order</b></li> <li><b>2. Sign-in Introduction and of meeting attendees –</b> <i>(Please indicate on sign-in sheet if you are requesting CE Units for attendance)</i></li> <li><b>3. Distribution of Agenda and packet materials</b></li> <li><b>4. Review and approve February 2018 Public Meeting Minutes</b> <i>(Note: March 2018 meeting was canceled due to inclement weather)</i></li> </ol>											
<b>II. A. Executive Director Report</b>	<b>D. Speights-Napata, Executive Director</b>	<ol style="list-style-type: none"> <li><b>1. Operations Updates</b></li> <li><b>2. Meetings Update</b></li> </ol>											
<b>B. Operations</b>	<b>E. Fields, Deputy Director/ Operations</b>	<ol style="list-style-type: none"> <li><b>1. Administration and Public Support (APS) Unit Updates</b> <ol style="list-style-type: none"> <li>a) Accounting Report through March 31, 2018</li> <li>b) Rehabilitative Services Contract Update</li> </ol> </li> <li><b>2. Management Information Systems (MIS) Unit Updates</b> <ol style="list-style-type: none"> <li>a) Pharmacy Online Renewal Revisions with System Automation</li> </ol> </li> </ol>											
<b>C. Licensing</b>	<b>E. Brand, Licensing Manager</b>	<ol style="list-style-type: none"> <li><b>1. Unit Updates</b></li> <li><b>2. March Monthly Statistics</b></li> </ol> <table border="1" data-bbox="745 1263 1486 1427"> <thead> <tr> <th>License Type</th> <th>New</th> <th>Renewed</th> <th>Reinstated</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Distributor</td> <td>21</td> <td>8</td> <td>0</td> <td>1,219</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	21	8	0	1,219	
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<b>D. Compliance</b>	<b>T. Evans, Compliance Director</b>	<p><b>1. Unit Updates</b></p> <p><b>2. Monthly Statistics</b></p> <p><b>Complaints &amp; Investigations:</b></p> <p>New Complaints - 48  Resolved (Including Carryover) – 0  Actions within Goal – 0/0  Final disciplinary actions taken – 0  Summary Actions Taken – 0  Average days to complete - 0</p> <p><b>Inspections:</b></p> <p>Total - 202  Annual Inspections - 95  Opening Inspections - 4  Closing Inspections - 1  Relocation/Change of Ownership Inspections - 101  Board Special Investigation Inspections – 1</p>																										

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E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<p><b><u>Regulations</u></b></p> <p><b><u>1. COMAR 10.34.05.05 Security Responsibilities</u></b></p> <p><b><u>2. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></b></p> <p><b><u>3. COMAR 10.34.40 Pharmacist Prescribing and Dispensing Contraceptives</u></b></p> <p><b><u>3.a. Comment from NACDS/MACDS</u></b>  <b><u>3.b. Response to NACDS/MACDS</u></b></p> <p><b><u>3.c. Comment from MPhA</u></b>  <b><u>3.d. Response to MPhA</u></b></p> <p><b><u>3.e. Comment MedChi/MDAAP/MDACOG</u></b></p> <p><b><u>3.f. Comment Kaiser Permanente</u></b>  <b><u>3.g. Response to Kaiser Permanente</u></b></p> <p><b><u>3.h. Comment MSHP</u></b>  <b><u>3.i. Response MSHP</u></b></p> <p><b><u>4. COMAR 10.34.30 Applications</u></b></p> <p><b><u>Legislation</u></b></p> <p><b><u>5 HB 591 and SB549 Health Occupations - Physician Assistants - Dispensing of Drugs Under a Delegation Agreement</u></b> This bill authorizes a physician assistant to personally prepare and dispense a drug that the physician assistant is authorized to prescribe under a delegation agreement if the</p>	

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		<p>supervising physician possesses a dispensing permit. <b>Support with Amendments</b></p> <p><b><u>6. HB0601 and SB1255 Public Health - Opioids - Dispensing Requirement</u></b> The proposed legislation requires that an opioid be dispensed with a nontoxic composition designed to deactivate and dispose of the opioid. <b>No Position</b></p> <p><b><u>7. HB653 and SB522 Health Care Providers - Opioid Prescriptions - Discussion of Information and Risks</u></b> This proposal would require certain “health care providers” to discuss the risk of certain opioids with certain patients. The bill relates to prescribing and not dispensing. <b>No Position</b></p> <p><b><u>8. HB922 Maryland Department of Health - "Pill Mill" Tip Line</u></b> This bill requires the Maryland Department of Health (MDH) to identify by December 1, 2018, a method for establishing a tip line for a person to report a licensed prescriber whom the person suspects is prescribing or overprescribing medication. <b>No Position</b></p> <p><b><u>9. HB1035 and SB1063 Natalie M. LaPrade Medical Cannabis Commission - Certifying Providers – Referrals</u></b> This bill, under the State’s medical cannabis program, prohibits a referral of a qualifying patient to a certifying provider by any person or entity who has any specified employment or compensation interest in facilitating a person. <b>No Position</b></p> <p><b><u>10. HB1063 Physicians - Dispensing Permit Exemption - Prepackaged Topical</u></b> This bill authorizes physicians to personally dispense a “prepackaged topical” without a dispensing permit.</p> <p><b><u>11. HB1452 and SB1223 Controlled Dangerous Substances Registration - Authorized Providers - Continuing Medical Education</u></b> This bill requires an authorized provider of controlled</p>	

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		<p>dangerous substances (CDS) to attest to the Maryland Department of Health (MDH) that the authorized provider has completed two hours of specified continuing education. <b>No Position</b></p> <p><b><u>12. HB1558 Pharmacists - Dispensing of Prescription Drugs - Single Dispensing of Dosage Units</u></b> This bill authorizes a pharmacist to dispense, in a single dispensing and in exercising the professional judgment of the pharmacist, a quantity of a prescription drug that (1) is up to the total number of dosage units authorized by the original prescription and any refills; and (2) does not exceed a 90-day supply of the drug. <b>Letter of Concern</b></p> <p><b><u>13. HB1752 Aids for the Cessation of Tobacco Product Use - Prescribing and Dispensing by Pharmacists and Health Insurance Coverage</u></b> This bill authorizes a pharmacist who meets the requirements of certain regulations to prescribe and dispense medications approved by the U.S. Food and Drug Administration as an aid for cessation of the use of tobacco products; requires the State Board of Pharmacy to adopt certain regulations by September 1, 2019. <b>Letter of Support.</b></p> <p><b><u>14. Prescription Drug Monitoring Program - Prescription Monitoring Data - Insurance Carriers</u></b> This bill requires the Prescription Drug Monitoring Program (PDMP) to disclose prescription monitoring data to a health insurance carrier for the purpose of determining medical necessity of a prescription drug claim. <b>Letter of Concern</b></p>	
<p><b>III. Committee Reports</b></p> <p><b>A. Practice Committee</b></p>	<p><b>R. Peters, Chair</b></p>	<p><b><u>Lisa Burdick, R.K. Associates</u></b></p>	<p><b>Please be advised, pursuant to Annotated Code of Maryland, Health Occupations, §12-313 (b) (11), a pharmacist is prohibited from providing</b></p>

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		<p>COP markets Colgate oral care products to the dental profession. Part of the product line is a prescription fluoride named Prevident 5000. There are several variants of Prevident 5000, all requiring a prescription from a licensed dentist. We are reaching out to all of the United States to determine whether Colgate's pre-printed prescription pads are in compliance with state regulations. I have attached a copy of Colgate's generic pad for your review and comment as it has been Colgate's understanding that Maryland is one of the states that accepts a multi-state generic pad. As you can see, it is pre-printed with the product information but the licensed dentist does need to complete the pad with his and the patient's name, address, etc., as well as instructions for product use. I'm sorry the back of the pad did not reproduce very well. It has language regarding the number and type of tamper resistant features that the prescription paper contains</p> <p><b><u>Farangis Rafi</u></b></p> <p>A very prominent and extremely large outpatient surgical center group with multiple locations wants the pharmacy to provide them with blister packs that contain a combination of prescription medications.</p> <ol style="list-style-type: none"> <li>1. Can a retail independent pharmacy fulfill this request? N/A</li> <li>2. Does this require a purchase order from the center or do they simply have to send a "for office use" prescription to the pharmacy. N/A</li> <li>3. Is there a quantity limitation of what the pharmacy can supply? N/A</li> <li>4. Can these blister packs be mailed out to the centers or do they have to be picked up/hand delivered? N/A</li> <li>5. If the surgical centers are in surrounding states can we still fulfill their orders? N/A</li> </ol>	<p><b>a prescriber with forms that bear the name or other means of identification of a pharmacy or pharmacist. The Maryland Pharmacy Act does not address the issue you have presented, namely, a company providing pre-printed prescription pads. You should contact the Maryland Dental Board for guidance on this matter.</b></p> <p><b>Please be advised that you will have to be registered with the FDA as a repackager. "Repackagers" are required to be licensed in Maryland as Wholesale Distributors. (See Health Occupations Article, 12-6C-01(r), Annotated Code of Maryland.)</b></p>



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		<p>6. What limitations if any would we encounter if this blister-pack becomes a formulary standard for all of their procedures? N/A</p> <p>7. If hospital centers were to order as well, would the same laws apply? N/A</p> <p><b><u>Ms. N. Lois Adams, B. Pharm., MBA, CRPh</u></b>  <b><u>President &amp; CEO</u></b>  <b><u>HHCS Health Group of Companies, LLC</u></b>  <b><u>Freedom Pharmacy &amp; Cystic Fibrosis Pharmacy</u></b></p> <p>To whom it may concern, we are writing in request for an advisory opinion as to whether or not in your state two commonly owned and managed pharmacies located at the same physical address can lawfully provide central fill or pharmacy coverage for one another. If the answer is yes, is it required to have a central fill agreement? Is it required to seek BOP approval? Please outline the steps needed to provide central fill coverage.</p> <p>Would this central fill relationship require more than one permit? If the relationship does not require a "central fill" agreement because the pharmacies are commonly owned and located in the same place, will a single out of state permit suffice?</p>	<p>Please be advised that the two commonly owned pharmacies will each need a pharmacy permit pursuant to <i>Annotated Code of Maryland, Health Occupations, §12-401 (b)</i>. With regard to central fill agreement, the Maryland Pharmacy Act does not address such an agreement. Please reference, <i>Code of Maryland Regulations (COMAR) 10.34.04, Chapter 04 Transfer and Outsourcing of Prescriptions and Prescription Orders</i>.</p>

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<p><b>B. Licensing Committee</b></p>	<p><b>D. Ashby, Chair</b></p>	<p><b>1. Review of Pharmacist Applications:</b></p> <p>a) <b>#114953-</b> The applicant is requesting a refund of \$150 from his reciprocity fee. The applicant is currently licensed in VA. In November 2017, he submitted a reciprocity application with the application fee of \$300. He did not realize that he could have filed a new application for \$150. He is requesting that he be refunded \$150 and that \$150 be applied to the new initial examination application that he has submitted. <i>Licensing Committee's Recommendation:</i> Approve.</p> <p>b) <b>#115667-</b> The applicant is requesting a waiver of the requirement to have worked in a pharmacy for 520 hours in order to obtain a license via reciprocity. He was licensed in Washington, DC, in January 2018. <i>Licensing Committee's Recommendation:</i> Deny. Application by examination is available.</p> <p>c) <b>#111528-</b> The applicant is licensed in the state of Oklahoma. Her reciprocity application expired on February 22, 2018. Her MPJE was scheduled for February 20, 2018, but it was canceled due to inclement weather in Oklahoma. She checked immediately for available opportunities to reschedule at all three of the testing sites in the state, but there were no testing appointments available within the short timeframe. She took the MPJE on March 3, 2018, and passed. The applicant requested an extension of her reciprocity application expiration date for a short period until she was able to take the MPJE exam. <i>Licensing Committee's Recommendation:</i> Approve a 60-day extension.</p>	
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		<p>2. <b>Review of Pharmacy Intern Applications: NONE</b></p> <p>3. <b>Review of Pharmacy Technician Applications: NONE</b></p> <p>4. <b>Review of Distributor Applications: NONE</b></p> <p>5. <b>Review of Pharmacy Applications: NONE</b></p> <p>6. <b>Review of Pharmacy Technicians Training Programs:</b></p> <p>a) <b>Weis Markets</b>  <i>Licensing Committee's Recommendation:</i> Approve</p> <p>7. <b>New Business:</b></p> <p>a) <b>CE approval request-</b> Pharmacist requests CE credit for a CPR course.  <i>Licensing Committee's Recommendation:</i> Deny. Not sufficiently related to the practice of pharmacy.</p> <p>b) <b>#111680-</b> The applicant is requesting an extension of his application expiration date March 6, 2018. Immediately after filing the application, the applicant went to Ethiopia to care for his father for two months (March 2017 – May 2017). He returned there in September 2017 – October 2017, and in January 2018. He took the MPJE in February and scored 74. He will be leaving again to care for his father in Ethiopia from April 15, 2018, until June 16, 2018.  <i>Licensing Committee's Recommendation:</i> Approve six-month extension (from March 6, 2018, expiration date).</p>	
<b>C. Public Relations Committee</b>	<b>E. Yankellow, Chair</b>	<b>Public Relations Committee Update:</b>	

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D. Disciplinary	K. Morgan, Chair	Disciplinary Committee Update	
E. Emergency Preparedness Task Force		Emergency Preparedness Task Force Update	
IV. Other Business & FYI	M. Gavgani, President		
V. Adjournment	M. Gavgani, President	<p><b>A. The Public Meeting was adjourned.</b></p> <p><b>B. M. Gavgani convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</b></p> <p><b>C. The Closed Public Session was adjourned. Immediately thereafter, M. Gavgani convened an Administrative Session for purposes of discussing confidential disciplinary cases.</b></p> <p><b>D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session.</b></p>	