

**Maryland Board of Pharmacy  
Public Board Meeting**

**Agenda  
October 18, 2017**

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.	Pharmacist Inspector		
Brand, E.	Licensing Manager		
Logan, B.	Legislation/Regulations Manager		
Chew, C.			

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)
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<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 September 20, 2017 Public Meeting Minutes</b></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) <b>Financial Status September 2017</b></li> <li>b) <b>Rehabilitative Committee Solicitation</b></li> </ol> </li> <li><b>2. Management Information Systems (MIS) Unit Updates - None</b></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. Monthly Statistics</b></li> </ol> <table border="1" data-bbox="745 1161 1480 1399"> <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>12</td> <td>26</td> <td>0</td> <td>1,186</td> </tr> <tr> <td>Pharmacy</td> <td>15</td> <td>0</td> <td>0</td> <td>2,133</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	12	26	0	1,186	Pharmacy	15	0	0	2,133	
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<b>D. Compliance</b>	<b>T. Evans, Pharmacist Inspector</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 - 55  Resolved (Including Carryover) – 41  Actions within Goal – 36/41  Final disciplinary actions taken – 7  Summary Actions Taken – 0  Average days to complete - 141</p> <p><b>Inspections:</b></p> <p>Total - 170  Annual Inspections - 164  Opening Inspections - 3  Closing Inspections - 3</p>	
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		Relocation/Change of Ownership Inspections - 1 Board Special Investigation Inspections – 1	
E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<p><b><u>1. COMAR 10.34.37 Pharmacy Permit Holder Requirements — Wholesale Distribution and Non-Resident Pharmacy Operations</u></b></p> <p><b><u>2. COMAR 10.34.34.05 Pharmacy Students</u></b></p> <p><b><u>3. COMAR 10.34.05.05 Security</u></b></p> <p><b><u>4. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></b></p> <p><b><u>5. COMAR 10.34.40 Pharmacist Prescribing and Dispensing Contraceptives</u></b></p> <p><b><u>6. COMAR 10.06.07 Sexually Transmitted Infections- Expedited Partner Therapy for Chlamydia and Gonorrhea, and Trichomoniasis</u></b></p>	
III. Committee Reports A. Practice Committee	R. Peters, Chair	<p><b><u>6. Senator Mathais-Does the board think it is feasible for pharmacies in Maryland to be required to state the country of origin on prescription labels? And is this something that the Board of Pharmacy would pursue by issuing a regulation.</u></b></p> <p><b>Answer: The Board would oppose such a requirement. The Board noted that requiring the country of origin on the label would not solve the problem of the allergic reaction which occurred with your constituent. The FDA is the appropriate agency to engage with regard to impure drugs as they must be approved by the FDA. Finally, the patient can always ask the pharmacist for the country from which the drug originated.</b></p>	

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		<p><b><u>Jeff Bernstein, M.D. Co-Chair: Pediatric Council, Maryland Chapter of the American Academy of Pediatrics</u></b></p> <p>When a pharmacist is presented with a properly issued paper or electronically transmitted prescription written generically for a CD2 drug, that prescription may be filled (without the need for revision by the prescriber) with an equivalent name brand drug, when such substitution results in lowest patient cost and/or compliance with insurance company formulary requirements. Such a generic-to name-brand substitution permission for non-CD drugs (for the same cost savings/formulary reasons) would also be sought if not currently existing.</p> <p><b><u>Answer:</u></b> Please be advised, the Maryland Pharmacy Act only addresses the substitution of a generic equivalent drug for a brand name drug of the same dosage form and strength (Health Occupations sec 12-504). Although the Act does not address when the prescription is for the generic drug but cost more than the brand drug, pharmacists can use their best professional judgement unless the authorized prescriber states expressly that the prescription is to be dispensed only as directed.</p> <p><b><u>Jacob Thompson, PharmD, MS Providence Health and Services-Oregon</u></b></p> <p><b>Situation:</b> Providence Health &amp; Services in Oregon has MS patients who are being denied prescriptions that are being filled by specialty pharmacies in Maryland.</p> <p><b>Background:</b> Oregon allows pharmacists to be part of the patient care team and write prescription pursuant to Collaborative Drug Therapy Management (CDTM) agreements.</p>	
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		<p><b>Assessment:</b> The specialty pharmacy is stating that Maryland law does not honor pharmacists as eligible to write prescriptions, despite a CDTM agreement. This causes issues for patients and access to their medications as patients have to have some of their prescriptions sent back to the provider to be written when dispensed through a specialty pharmacy in Maryland.</p> <p><b>Question:</b> Could you please clarify if patients can have prescriptions dispensed from a Maryland pharmacy when written by pharmacists in another state's CDTM agreement?</p> <p><b>Answer:</b> The Maryland Pharmacy Act prohibits a pharmacist from exceeding the scope of practice for a pharmacy under a Drug Therapy Management. You can have a prescriber licensed in another State write the prescription as Maryland pharmacists can dispense a prescription from a licensed prescriber from any of the 50 States, the District of Columbia, or the Territory of Puerto Rico. The pharmacist could also call-in the prescription as an agent of the physician.</p>	
B. Licensing Committee	D. Ashby, Chair	<p><b>1. Review of Pharmacist Applications:</b></p> <p>a) <b>#113007-</b> The applicant is requesting the Board's approval to retake the MPJE for the seventh time. She has scored 73 or 74 in her previous attempts. She currently holds an active license as a pharmacy intern (PI00704) in Maryland. <i>Licensing Committee's Recommendation:</i> Approve</p> <p>b) <b>#23919-</b> The applicant is the spouse of an active duty military service person. She was unable to renew her pharmacist license due to receiving military orders that required her to move from Maryland on short notice. She claims she never received her renewal notice in the mail due to the move. Her license expired on August 31, 2017. She has completed 30</p>	

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		<p>CE hours. She is requesting a waiver of the reinstatement application fee and extension on renewing her pharmacist license.  <u>Licensing Committee's Recommendation:</u> Approve waiver of reinstatement application fee.</p> <p><b>2. Review of Pharmacy Intern Applications: NONE</b></p> <p><b>3. Review of Pharmacy Technician Applications: NONE</b></p> <p><b>4. Review of Distributor Applications: NONE</b></p> <p><b>5. Review of Pharmacy Applications: NONE</b></p> <p><b>6. Review of Pharmacy Technicians Training Programs: NONE</b></p> <p><b>7. New Business:</b></p> <p>a) <b>ThermoFisher Scientific-</b> The Company is requesting an extension on the expiration date of the Wholesale Distributor application that expired in August 2017. The company claims that the delay was due to the delay in processing criminal background checks.  <u>Licensing Committee's Recommendation:</u> Approve 90-day extension.</p> <p>b) <b>Yasmine Sursock-Khouri- Per K. Morgan:</b> Recommend denial of CE program  <b>M. GAVGANI AND D. ASHBY RECUSED</b>  <u>Licensing Committee's Recommendation:</u> Deny. It is not sufficiently related to the practice of pharmacy</p>	

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		<p>c) <b>Cintas</b>- Company is requesting a waiver of the accreditation requirement for WSD's. They distribute OTC products almost exclusively; they have only one product (AED) that is a prescription medical device.  <u>Licensing Committee's Recommendation: Deny</u></p>	
C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update:	
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>A. The Public Meeting was adjourned.</p> <p>B. M. Gavgani convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, M. Gavgani convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p>	



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		<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>	