

**Maryland Board of Pharmacy  
Public Board Meeting**

**Meeting Minutes  
August 15, 2018**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, S.	Commissioner		
Evans, K.	Commissioner		
Gavgani, M.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		
Laws Jr, A.	Commissioner		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B.	Commissioner		
Peters, R.	Commissioner		
Toney, R.	Commissioner/Secretary		
Yankellow, E.	Commissioner		X
Bethman, L.	Board Counsel		
Felter, B.	Staff Attorney		
Speights-Napata, D.	Executive Director		
Fields, E.	Deputy Director of Operations		
Brand, E.	Licensing, Legislative and Regulation Manager		
Evans, T.	Compliance Director		
Chew, C.	Management Associate		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
I. Executive Committee Report(s)	A.) K. Morgan, Board President  B.) R. Toney, Secretary	<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>1. <b>Call to Order 9:31 a.m.</b></li> <li>2. <b>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>3. <b>Distribution of Agenda and packet materials</b></li> <li>4. <b>Review and approve June 2018 Public Meeting Minutes</b></li> </ol>	<p>1. President K. Morgan introduced and welcomed incoming Commissioner Alford Laws, Jr. to the Board.</p> <p>Motion by D. Ashby to approve the July 2018 Public Meeting minutes; 2<sup>nd</sup> B. Oliver.</p>	<p>4. The Board voted to approve this motion.</p>
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> <li>1. <b>Operations Updates</b></li> <li>2. <b>Meetings Update</b> <ul style="list-style-type: none"> <li>• NABP Maryland website domain</li> </ul> </li> </ol>	<ul style="list-style-type: none"> <li>• NABP has a program developed to combat illegal online prescription drug sales, and would like the Maryland Board of Pharmacy to participate in the program.</li> </ul>	

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		<ul style="list-style-type: none"> <li>• NABP Interactive Member Forum, Nov. 28-29<sup>th</sup>, in Chicago</li> <li>• NABP/Critical Point Sterile Compounding Certification Jered Pasay</li> <li>• Staffing Update</li> <li>• April 2019 Board Meeting at UMES</li> <li>• District I &amp; II Meeting, September 20<sup>th</sup>-22<sup>nd</sup> in Washington, DC</li> </ul>	<p>Motion to refer this issue to the Public Relations Committee by D. Ashby; 2<sup>nd</sup> by M. Gavvani.</p> <ul style="list-style-type: none"> <li>• NABP Headquarters will be hosting a Member Forum for Board members in Chicago, November 28<sup>th</sup>-29<sup>th</sup>.</li> <li>• The Boards Sterile Compounding Inspector, J. Pasay has received additional certification in Sterile Compounding.</li> <li>• The Board has two Administrative Officer positions open; one in the Legislative Regulation division, and the other a full-time pharmacy inspector.</li> <li>• The April 2019 Board Meeting will be held at the UMES School of Pharmacy.</li> <li>• Washington, DC will host the NABP District I &amp; II meeting on September 20-22<sup>nd</sup>. NABP District Meeting will be held in Baltimore in 2020.</li> </ul>	

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<p><b>B. Operations Report</b></p>	<p><b>E. Fields, Deputy Director/ Operations</b></p>	<p><b>1. Procurement and Budget Updates</b>  <b>a) July 2018 Financial Statements</b></p> <p><b>b) Governor’s Office and the Opioid Operational Command Center request for Expenditures supporting by BOP in support of this effort.</b></p> <p><b>2. Management Information Systems (MIS) Unit Updates None</b></p>	<p>1a. A financial report was provided for July 2018.</p> <p>1b. BOP submitted a detailed financial outline to The Department of Budget and Management of the resources used with educating the public of the opioid crisis.</p>																															
<p><b>C. Licensing</b></p>	<p><b>E. Brand/ Licensing, Legislative and Regulations Manager</b></p>	<p><b>1. Unit Updates</b></p> <p><b>2. Monthly Statistics</b></p> <table border="1" data-bbox="642 881 1241 1408"> <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>16</td> <td>1</td> <td>0</td> <td>1,283</td> </tr> <tr> <td>Pharmacy</td> <td>18</td> <td>4</td> <td>0</td> <td>2,096</td> </tr> <tr> <td>Pharmacist</td> <td>107</td> <td>475</td> <td>0</td> <td>11,818</td> </tr> <tr> <td>Vaccination</td> <td>34</td> <td>9</td> <td>0</td> <td>4,505</td> </tr> <tr> <td>Pharmacy Intern - Graduates</td> <td>3</td> <td>0</td> <td>0</td> <td>56</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	16	1	0	1,283	Pharmacy	18	4	0	2,096	Pharmacist	107	475	0	11,818	Vaccination	34	9	0	4,505	Pharmacy Intern - Graduates	3	0	0	56		
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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>  New Complaints – 45  Resolved (Including Carryover) –58  Actions within Goal – 28/58  Final disciplinary actions taken – 14  Summary Actions Taken – 1  Average days to complete -77</p> <p><b>Inspections:</b></p> <p>Total – 124  Annual Inspections – 110  Opening Inspections - 10  Closing Inspections – 1  Relocation/Change of Ownership Inspections – 2  Board Special Investigation Inspections – 1</p>		
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<b>E. Legislation &amp; Regulations</b>	<b>E. Brand Licensing, Legislation and Regulations Manager</b>	<b><u>1. COMAR 10.34.05.05 Security Responsibilities</u></b>	1. Motion to approve draft of amended language. Motion by M. Gavgani; 2 <sup>nd</sup> by D. Ashby.  Following a discussion, motion to amend and remove item 4, by R. Toney; 2 <sup>nd</sup> by J. Hardesty.	The Board voted to approve this motion.
		<b><u>2. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></b>	2. This regulation was approved by the Governor's office and will be published September 14 <sup>th</sup> in the Maryland Register.	The Board did not vote on this motion.
		<b><u>3. Proposed COMAR 10.34.09 Fees</u></b>	3. This regulation will eliminate the fee for a Board review of a pharmacy technician training program that includes a didactic portion that is comprised entirely of a didactic program. This proposal is currently awaiting departmental review.	

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<b>III. Committee Reports</b>  <b>A. Practice Committee</b>	<b>R. Peters, Chair</b>	<b>1. <u>Commissioner/Staff Protocol For Acting on Behalf of the Maryland Board of Pharmacy</u></b>  <b>2. Update on Technician representation on the Board</b>  <b>3. Consideration of revision of regulation to clarify what duties unlicensed personnel can perform</b>	1. Motion by M. Gavgani to accept revisions; 2 <sup>nd</sup> by D. Ashby.  2. Commissioner R. Peters provided an overview of one state (Oregon's) requirement that a technician be represented on their State's Board of Pharmacy.  3. The committee will meet on this topic and provide additional information in the future.	
<b>B. Licensing Committee</b>	<b>D. Ashby, Chair</b>	<b>1. Review of Pharmacist Applications: NONE</b>  <b>2. Review of Pharmacy Intern Applications: NONE</b>  <b>3. Review of Pharmacy Technician Applications: NONE</b>  <b>4. Review of Distributor Applications: NONE</b>  <b>5. Review of Pharmacy Applications: NONE</b>		

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		<p><b>6. Review of Pharmacy Technicians Training Programs:</b></p> <p>a. Professional Pharmacy-Requesting approval for Technician Training Program and exam and refund of fee. <u>Licensing Committee's Recommendation</u>: Approve program and waive fee.  <b>Neil Leikach Recused</b></p> <p><b>7. New Business:</b></p> <p>a. <b>Ashley Sarantinos</b>-Johns Hopkins Continuing Education program: 33<sup>rd</sup> Annual Pediatrics for the Practitioner Update 2018. <u>Licensing Committee's Recommendation</u>: Approve 2 hours instead of the requested 13.5 hours.  <b>Mitra Gavgani and Daniel Ashby Recused</b></p>	<p>6a. Recommendation by Committee to approve program and waive fee; 2<sup>nd</sup> by J. Hardesty.</p> <p>7a. Recommendation by Committee to approve 2 hours; 2<sup>nd</sup> by B. Oliver.</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>
<p><b>C. Public Relations Committee</b></p>	<p><b>R. Toney, Co-Chair</b></p>	<p><b>Public Relations Committee Update:</b></p> <ul style="list-style-type: none"> <li>• Commissioner R. Toney provided a summary of the meeting held on July 25<sup>th</sup>. The summer newsletter has been published and is available for review.</li> <li>• The CE Breakfast speakers and CE accreditation is currently being finalized. The breakfast will be held October 28<sup>th</sup> at The Sheraton North in Towson.</li> </ul>		



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		<ul style="list-style-type: none"> <li>• <b>The Committee continues to review brochures and giveaways for its public outreach events.</b></li> <li>• <b>The committee continues to review the working conditions survey. When completed, the committee will draft a newsletter article to address the most prevalent concerns raised by pharmacists and technicians.</b></li> </ul>		
<b>D. Disciplinary</b>	<b>K. Morgan, Chair</b>	<b>Disciplinary Committee Update:</b> <ul style="list-style-type: none"> <li>• <b>Committee met August 1<sup>st</sup>. Commissioners J. Hardesty, B. Oliver were present.</b></li> <li>• <b>A confidential discussion will be held in the Board's Closed Public Session.</b></li> </ul>		
<b>E. Emergency Preparedness Task Force</b>	<b>N. Leikach, Chair</b>	<b>Emergency Preparedness Task Force Update:</b> <ul style="list-style-type: none"> <li>• <b>Meeting was held July 11<sup>th</sup> at the new RSS site.</b></li> <li>• <b>Emergency Preparedness Task Force articles are available in the newsletter if pharmacist would like to volunteer with Maryland response.</b></li> </ul>		

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		<ul style="list-style-type: none"> <li>The next point of dispensing in case of an emergency assembly will be held at Notre Dame November 8<sup>th</sup>.</li> </ul>		
<b>IV. Other Business &amp; FYI</b>	<b>K. Morgan, President</b>	<ul style="list-style-type: none"> <li>Former Commissioner David Jones thanked the Commissioners and staff for their presence during the ASCP meeting that was held in August.</li> </ul>		
<b>V. Adjournment</b>	<b>K. Morgan, President</b>	<p><b>A. The Public Meeting was adjourned at 10:30 A.M.</b></p> <p><b>B. K. Morgan 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, K. Morgan, 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>	Motion to close the Public Board Meeting by D. Ashby; 2 <sup>nd</sup> by R. Peters.	The Board voted to approve this motion.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")  
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

This form has two sides. Complete items 1 – 4:

1. Recorded vote to close the meeting: Date: 3/15/18; Time: 10<sup>30</sup>; Location: 4201 Patterson Ave.  
Motion to close meeting made by: D. Ashby Seconded by R. Peters  
Members in favor: all; Opposed: none  
Abstaining: none; Absent: E. Yankellow

2. Statutory authority to close session (check all provisions that apply):

This meeting will be closed under General Provisions Art. § 3-305(b) only:

(1)\_\_\_ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)\_\_\_ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)\_\_\_ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)\_\_\_ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)\_\_\_ "To consider the investment of public funds"; (6)\_\_\_ "To consider the marketing of public securities"; (7)\_\_\_ "To consult with counsel to obtain legal advice"; (8)\_\_\_ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)\_\_\_ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)\_\_\_ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)\_\_\_ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)\_\_\_ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13)  "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)\_\_\_ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

Continued →

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (13)	Applications for licenses registrations and permits	Engage in medical review committee deliberations regarding confidential matters contained in applications.
§3-305(b) ( )		
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§3-305(b) ( )		

4. This statement is made by Kevin M. Morgan, Presiding Officer.  
 Kevin Morgan

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**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING**

Time of closed session: 10<sup>30</sup> am Place: 4201 Patterson Ave.  
 Purpose(s): engage in medical review committee deliberations re: applications  
 Members who voted to meet in closed session: \_\_\_\_\_  
 Persons attending closed session: all members present  
 Authority under § 3-305 for the closed session: § 3-305(b)(13)  
 Topics actually discussed: applications for licenses, registrations and permits  
 Actions taken: process applications accordingly Each recorded vote: \_\_\_\_\_

For a meeting recessed to perform an administrative function (§ 3-104): Time: 11<sup>02</sup>  
 Place: 4201 Patterson Ave Persons present: all members not recessed Subject matter discussed: complaint investigations