

**Maryland Board of Pharmacy
Public Board Meeting**

**Agenda
October 16, 2019**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, E	Commissioner		
Evans, K.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B	Commissioner		
Rusinko, K.	Commissioner/Secretary		
Yankellow, E.	Commissioner		
Bethman, L.	Board Counsel		
Felter, B.	Board Counsel		
Speights-Napata, D.	Executive Director		
Fields, E.	Deputy Director /Operations		
James, D.	Licensing Manager		
Leak, T.	Compliance Director		
Clark, B.	Legislative Liaison		
Chew, C.	Management Associate		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)
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I. Executive Committee Report(s)	A.) K. Morgan, Board President B.)K. Rusinko, 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"> 1. Call to Order 2. Sign-in Introduction and of meeting attendees – (Please indicate on sign-in sheet if you are requesting CE Units for attendance) 3. Distribution of Agenda and packet materials 4. Review and approve September 2019 Public Meeting Minutes 											
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. NABP Executive Officer Meeting 2. Upcoming NABP Task Force on Technician Education 3. NABP District 1 and 2 Meeting 											
B. Operations	E. Fields, Deputy Director/ Operations	<ol style="list-style-type: none"> 1. Procurement and Budget Updates a: September 2019 Financial Statements 2. Management Information Systems (MIS) Unit Updates a: Continuing Education Audit has been activated b: Letters identifying missing information on applications has been automated and activated 											
C. Licensing	E. Bouyoukas, Commissioner	<ol style="list-style-type: none"> 1. Unit Updates 2. Monthly Statistics <table border="1" data-bbox="737 1258 1501 1424"> <thead> <tr> <th data-bbox="737 1258 890 1344">License Type</th> <th data-bbox="890 1258 1043 1344">New</th> <th data-bbox="1043 1258 1197 1344">Renewed</th> <th data-bbox="1197 1258 1350 1344">Reinstated</th> <th data-bbox="1350 1258 1501 1344">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="737 1344 890 1424">Distributor</td> <td data-bbox="890 1344 1043 1424">14</td> <td data-bbox="1043 1344 1197 1424">24</td> <td data-bbox="1197 1344 1350 1424">0</td> <td data-bbox="1350 1344 1501 1424">1,329</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	14	24	0	1,329	
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D. Compliance	T. Leak, Compliance Director	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 68</p> <ul style="list-style-type: none"> • Customer Service – 1 • Professional Misconduct – 1 • Sterile Compounding – 5 • Inspection Issues – 45 • Refusal to Fill – 2 																																									

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		<ul style="list-style-type: none"> • Medication Error – 2 • Dispensing Error – 3 • Employee Pilferage – 3 • Disciplinary Action in Another State – 2 • Licensing Issue – 3 • Fraud – 1 <p>Resolved (Including Carryover) – 36 Actions within Goal – 36/36 Final disciplinary actions taken – 13 Summary Actions Taken – 5 Average days to complete – 47</p> <p>Inspections:</p> <p>Total - 106 Annual Inspections - 102 Opening Inspections - 1 Closing Inspections - 2 Relocation/Change of Ownership Inspections - 1 Board Special Investigation Inspections - 0</p>	
E. Legislation & Regulations	B. Clark, Legislative Liaison	<p><u>Regulations</u></p> <p>None</p> <p><u>Legislation</u></p> <p><u>Age change for vaccination:</u> The Board is in favor of changing the age to a younger age, however the Board may not be able to submit for this year or next year’s legislation. However if another outside agency is willing to propose may do so.</p>	

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<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>Evans, K. Commissioner</p>	<p>Erin Shidler: 1. If a resident is on cycle dose packs for scheduled medications and the cycle is for two weeks at a time The packs are labeled with residents name, date and time of medication administration, medication and description of medication. The label on each pack can only list up to 4 medications. Each pack can hold more than 4 pills -for instance if a resident is on</p> <p>Klor-Con 20 meq take two tablets by mouth daily at 8am coloace 100 mg take one tablet by mouth at 8 am and 8pm</p> <p>8 am dose pack would have 2 klor con tablets and 1 Colace</p> <p>***If new order is received to decrease klor con to 1 tablet daily at 8 am - can the licensed nurse take one tablet out of dose packs, place medication change label on package et document- that new order was received , dose pack adjusted accordingly, med destroyed per facility policy.</p> <p>Scenario 2</p> <p>If a resident is on cycle dose packs and a scheduled med is decreased et it is a med that is scored can the licensed nurse take the pill out of dose pack et cut the med and put the new order dose back in package - destroy the other half per policy, add medication change label et document of the change</p> <p>My questions and scenarios I previously listed were in regards to ALFs. I also need to know if the regulations are the same for Memory Care facilities as well.</p> <p>Proposed response: Any change to a prescription order requires the facility to send the medications back to be properly dispensed</p>	
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		<p>according to the new order. Please contact Office of Health Care Quality (OHCQ) and the Board of Nursing for further information.</p> <p>Samantha Rimback – Five RiversRx: 1.) What are your agency's requirements to operate an OTP clinic in your state?</p> <p>2.) What additional requirements exist to operate an OTP clinic in your state? (Eg. Board of Pharmacy and/or Controlled Substances licenses; Behavior Health requirements; SAHMSA requirements; any other government department requirements; etc.)</p> <p>Proposed response: The Board has no jurisdiction operating an OTP clinic. Please contact the Behavioral Health Administration (BHA) at 410-402-8300 or www.bha.health.maryland.gov</p> <p>Chad Baker – Flavorx.com: There are 14 states that currently have language on the books that says “flavoring isn’t compounding”. You’ll see from the file that not all of those states have confirmed they will maintain that position. I would be very surprised if they did not, but that is why you may find a few that don’t show up in the “flavoring isn’t compounding” category post USP 795. Several states that didn’t take a stance on the issue are now taking a position, and in all cases, are coming down on the side of keeping this service in pharmacy. Zero states have indicated they plan to regulate flavoring as if it were non-sterile compounding.</p> <p>Proposed response: The Board does have the authority to enforce standards of practice with respect to non- sterile compounding. However it has not adopted 795 into its regulations at this time unless you are doing veterinary compounding.</p> <p>Kristin Denne: What is the Board’s stance on pharmacists and pharmacies providing point of care testing such as Rapid Influenza Diagnostic Tests (Also interested in other rapid tests like strep, A1C,</p>	
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		<p>ect.)? Is this allowed? Are there any additional requirements in order to do this outside of applying for the CLIA certification? Is this outside of the Board's jurisdiction?</p> <p>Proposed response: Please refer to Lab Administration COMAR 10.10.03.02 on letters of exception. If the person in question is a lab director under this regulation, then they may perform the tests listed, provided that all other regulatory requirements are met.</p> <p>Steve Bouyoukas – Walgreen Co. Steve recused: Does the MD BOP allow for carve-outs, i.e. the flavoring of a conventionally manufactured/commercially available drug is not subject to the requirements associated with preparation of a compounded non-sterile product?</p> <p>Proposed response: The Board does have the authority to enforce standards of practice with respect to non- sterile compounding. However it has not adopted 795 into its regulations at this time unless you are doing veterinary compounding.</p>	
B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. #116269- The applicant's MDBOP application was received 03/16/2018 and expired 03/16/2019. He was granted a 6-month extension for his which ended 09/16/2019. The applicant is requesting another 9 to 10-month extension of his MDBOP application.</p> <p>This would allow for him to retake the MPJE for a fourth and potential fifth attempt.</p> <p>Per the applicant he has endured family issues, including sickness and deaths.</p> <p><u>Committee's Recommendation: Approve application extension through 03/16/2020</u></p>	

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		<p>b. #115206- The expired applicant is requesting another extension, which would allow him to retest for the MPJE exam. His MPJE exam eligibility originally expired 05/31/2019 and he was granted a 90 day extension which expired on 8/31/2019. He is thankful for the 90-day extension granted by the Board, however due to the unavailability of testing dates in the Maryland-Washington DC-Virginia metropolitan areas; it was not feasible to schedule both the NAPLEX and MPJE within this timeframe. He scheduled the NAPLEX in Delaware and passed.</p> <p>His MDBOP application expired on 12/6/2018 and he is aware that the Board requires him to submit a current MDBOP applicant, fees, and documentation. <u><i>Committee's Recommendation: Approve application to be extended until 12/06/2019</i></u></p> <p>c. HJ- The individual is requesting that the Board grant him the option of using his NAPLEX score transfer report or extend his score transfer deadline for 2 more months. Which expired on 9/24/2018. The individual is also requesting that their MD Pharmacist license be obtained through initial exam application process and not reciprocity. Applying by reciprocity is more costly and it is more than his current budget. He also states that he holds a Virginia pharmacist license. <u><i>Committee's Recommendation: Deny, the applicant is required to apply via reciprocity</i></u></p>	

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		<p>d. #119730- The applicant is requesting the Board to grant her a one-month extension for her NABP eligibility expiration date, which expired on 09/24/2019. She was also informed that her MDBOP application packet is due to expire on 12/06/2019, which was sent on 09/30/2019 via email and a voicemail for clarification of her Board request. There has been no response via phone call nor a return email from the applicant. <u>Committee's Recommendation: Approve NABP eligibility expiration until 12/06/2019</u></p> <p>e. #117619- The applicant is requesting the Board to extend her MPJE score report expiration date, which expired on 10/09/2019. Per an email sent from the applicant on 09/09/2019, she has mailed a new MDBOP application to the Board. (The original MDBOP application expired on 06/17/2019) The applicant is scheduled to retake the NAPLEX exam in December 2019. (She had to re-apply and was not able to schedule the NAPLEX exam before her MPJE score report expires) <u>Committee's Recommendation: Approve extension of the MPJE score report until 06/17/2020</u></p> <p>f. #119085- The applicant is requesting that the Board grant her an extension of her MDBOP application, which expires 10/02/2019. She is an active license pharmacist in Virginia. She is planning to retake the MPJE exam, which she has paid the \$100 exam deposit fee on 09/29/2019. Due to work obligations and the time necessary to take a review course.</p>	

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		<p style="text-align: center;"><u>Committee's Recommendation: Approve application for a 6-month extension</u></p> <ol style="list-style-type: none"> 2. Review of Pharmacy Intern Applications: NONE 3. Review of Pharmacy Technician Applications: NONE 4. Review of Distributor Applications: NONE 5. Review of Pharmacy Applications: <ol style="list-style-type: none"> a. ES- In July 2019, the Board denied the request for a waiver pharmacy permit. At the September 2019 Board meeting, approval to submit the waiver application for review was given. <u>Committee's Recommendation: Approve</u> 6. Review of Pharmacy Technicians Training Programs: NONE 7. Review of Contraception Training Programs: <ol style="list-style-type: none"> a. Hormonal Contraceptive Selection- <u>Committee's Recommendation: Approved</u> 8. New Business: <ol style="list-style-type: none"> a. CW- Ms. West is requesting an explanation for the denial of her CE program. <u>Committee's Recommendation: Approved online program</u> 	
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C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update:	
D. Disciplinary	J. Hardesty, Chair	Disciplinary Committee Update	
E. Emergency Preparedness Task Force	N. Leikach, Chair	Emergency Preparedness Task Force Update	
IV. Other Business & FYI	K. Morgan, President		
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned.</p> <p>B. K. Morgan 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, K. Morgan convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> <p>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.</p>	