

**Maryland Board of Pharmacy
Public Board Meeting**

**Agenda
January 20, 2020**

Name	Title	Present	Absent
Bouyoukas, E	Commissioner		
Evans, K.	Commissioner		
Fink, K.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		
Geigher, P.	Commissioner		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B	Commissioner		
Rusinko, K.	Commissioner/Secretary		
Singal, S.	Commissioner		
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		
Chew, C.	Management Associate		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)										
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 – <i>(Please indicate on sign-in sheet if you are requesting CE Units for attendance)</i> 3. Distribution of Agenda and packet materials 4. Review and approve December 2020 Public Meeting Minutes 											
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Staffing Update 2. Meetings Report 3. Legislative Update 4. COVID Vaccine Update 											
B. New Business	K. Morgan, Board President	<ol style="list-style-type: none"> 1. None 											
C. Operations	E. Fields, Deputy Director/ Operations	<ol style="list-style-type: none"> 1. Procurement and Budget Updates <ol style="list-style-type: none"> a: December 2020 Financial Statements 2. Management Information Systems (MIS) Unit Updates <ol style="list-style-type: none"> a: None 											
D. Licensing	E. Bouyoukas, Commissioner	<ol style="list-style-type: none"> 1. Unit Updates 2. Monthly Statistics <table border="1" data-bbox="751 1300 1514 1383"> <thead> <tr> <th data-bbox="751 1300 905 1383">License Type</th> <th data-bbox="905 1300 1058 1383">New</th> <th data-bbox="1058 1300 1211 1383">Renewed</th> <th data-bbox="1211 1300 1365 1383">Reinstated</th> <th data-bbox="1365 1300 1514 1383">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="751 1383 905 1383"></td> <td data-bbox="905 1383 1058 1383"></td> <td data-bbox="1058 1383 1211 1383"></td> <td data-bbox="1211 1383 1365 1383"></td> <td data-bbox="1365 1383 1514 1383"></td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total						
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E. Compliance	T. Leak, Compliance Director	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints – 30</p> <ul style="list-style-type: none"> • Customer Service – 0 • Refusal to Fill - 4 																																														

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)
		<ul style="list-style-type: none"> • Employee Pilferage – 2 • Disciplinary Action in Another State – 4 • Unlicensed Personnel - 1 • Unprofessional Conduct – 3 • Dispensing Error – 1 • Medication Error - 3 • Invalid/Expired CPR – 0 • Failure to Report Adverse Event in Compounding - 3 • Inspection Issues – 6 • Fraud – 2 • Arrested for Possession of Firearm - 1 <p>Resolved (Including Carryover) – 28 Actions within Goal – 23/28 Final disciplinary actions taken – 3 Summary Actions Taken – 1 Average days to complete – 63</p> <p>Inspections:</p> <p>Total - 167 Annual Inspections - 142 #17 Follow-up Narc Audits Opening Inspections - 6 Closing Inspections - 2 Relocation/Change of Ownership Inspections - 0 Board Special Investigation Inspections – 0</p>	
F. Legislation & Regulations	B. Clark, Legislative Liaison	<u>Regulations</u> None	

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		<p><u>Legislation</u> None</p>	
<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>Evans, K. Commissioner</p>	<p>Jeannie Saylor-Pharmacy Inc.: Pharmacy Incorporated recently obtained a pharmacy permit in Maryland. Your law is very specific stating a pharmacy cannot provide prescription forms that have the pharmacy name, address, or other identifiers.</p> <p>Pharmacy Incorporated provides only nebulizer medication and almost all of our patients are Medicare part B recipients. Often the prescriptions we receive from prescribers do not include all the necessary requirements to bill Medicare part B, so we generate a prescription form in response to these prescriptions and fax it back to the doctor to review, sign and fax back to us so we can bill Medicare. If a patient refills regularly we will send this form to the doctor the month before the prescription expires so there is no interruption in therapy for the patient. This form has the name address phone and fax of the pharmacy so they know where to send this when it is signed or who to call if there is a question. Is it okay for us to do this in Maryland since it is in response to the prescription the provider has sent to us?</p> <p>Proposed Response: Under Maryland Board of Pharmacy statute Md. Code Ann., Health Occ. § 12-313(b)(11), pharmacies may not provide prescription forms that provide the name or address of a pharmacist or pharmacy. Therefore, all identifying information about the pharmacy would need to be removed from the form in order to ensure compliance with the statute.</p> <p>Leila Sasanpour-Midtown Pharmacy: We are trying to be able to sell Covid-19 home kit tests in our pharmacy but we want to be sure that we are authorized to do that because we got different responses. So now the main question is that:</p>	

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		<p>Are we able to do point of care testing for Covid-19 specifically using the BD Veritor system for Rapid Detection of SARS-CoV-2 when we have a CLIA Waiver from CMS and the State of Maryland? The reason we want this clarification is based on the email from Maryland Dept. of Health Office of Health Care Quality who said</p> <p>“Maryland is requiring that the Covid-19 EUA point of care tests be performed in a non-waived laboratory setting. While it states it is authorized to be distributed and used in settings outside a clinical lab environment, this is not binding for Maryland. Due to the infectious nature of the virus and the risks to safety in manipulating the test swab for these instruments, in Maryland we are requiring these testing sites hold non-waived CLIA Compliance or Accreditation certification (at least BSL-2) are performed in a Biosafety cabinet.</p> <p>The performance of these points of care tests have not been appropriately evaluated or reviewed by FDA, and using these tests in a CLIA waived setting, by inexperienced CLIA waived personnel, may put staff, patients, and their contacts in danger due to the infectious nature of this pathogen. Providers and laboratories are responsible for ensuring that any testing performed is done so in compliance with all applicable state policies during this emergency.”</p> <p>Proposed Response: Governance of test kits is not under the purview of the Maryland Board of Pharmacy. For further information on this matter, please contact the Maryland Office of Health Care Quality. (OHCQ)</p> <p>Kwabena Nimarko-Central Pharmacy: I have two questions concerning the collaborative practice agreement.</p> <ol style="list-style-type: none"> 1. Does a patient consent form need to be signed by the physician, pharmacist, and patient? Can it only be signed by the patient? 2. Can a CPA be established between a nurse practitioner and physician and without the involvement of a physician? 	
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		<p>Proposed Response:</p> <p>1. Pursuant to COMAR 10.34.29.06, a collaborative practice agreement must include a contract, signed by the prescriber, the pharmacist, and the patient.</p> <p>2. COMAR 10.34.29.01B(2-1) defines an “authorized prescriber” as “a licensed physician, licensed podiatrist, <i>or certified advanced practice nurse with prescriptive authority.</i>” Assuming that your question is whether a collaborative practice agreement may be established between a pharmacist and a nurse practitioner without the involvement of a physician, the answer is yes, this is permissible.</p>	
<p>B. Licensing Committee</p>	<p>K. Rusinko, Chair</p>	<p>1. Review of Pharmacist Applications:</p> <p>a. #124662 - Applicant is requesting an extension of her Board’s application. Due to COVID 19 closures she has been unable to sit for the exams. Per verification with Pearson Vue, both exams have been scheduled prior to the expiration of her Board application. <i>Committee recommendation: If you do not pass the exams, you are welcome to reapply which will give you additional time to retest.</i></p> <p>b. # 123213 - Reciprocity applicant is requesting an extension to take the MPJE. Approval for the exam expired 04/24/2020. <i>Committee recommendation: Extend ATT for 6 months, applicant will need to reapply.</i></p> <p>c. # 127448 - Applicant is requesting that her NAPLEX score be accepted outside of the Score Transfer window. She took the exam 09/2020. <i>Committee recommendation: Will accept NAPLEX score. Will need to notify applicant and NABP.</i></p>	

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		<p>d. AW - Applicant is requesting a waiver of the 520 hours' experience hours. <i>Committee recommendation: No exemption to the 520 hours' requirement. Applicant may apply via examination to Maryland.</i></p> <p>e. # 124776 - Applicant is requesting approval to take the NAPLEX for a 7th attempt. <i>Committee recommendation: Approve</i></p> <p>f. # 121725 - Applicant is requesting an extension of MPJE score. In September 2020, the Board approved an extension of her score until 12/31/2020. In April 2020, her application was extended. She is also requesting an extension of her NAPLEX eligibility date, which was previously extended in April 2020 until February 2021. <i>Committee recommendation: Approve both requests for 6 months. Will need to reapply if application expires.</i></p> <p>2. Review of Pharmacy Intern Applications:</p> <p>a. DD - Registrant is requesting additional time for her Intern registration as she had to repeat two years of pharmacy school. She is requesting an extension until 05/23/2021. <i>Committee recommendation: Approve extension until 05/31/2021.</i></p> <p>3. Review of Pharmacy Technician Applications:</p>	
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		<p>a. #127790 (127790 A1, 127790 A2, 127790 A3, 127790 A4, 127790 A5, 127790 A6- The applicant is requesting approval of her application as she has worked in the pharmacy for 15 years. The Board received an Initial Technician Application on 12/04/2020. A status email was sent to the applicant on 12/07/2020 requesting the following information: Date of Completion from Board-approved Training Program. The applicant provided a notarized Pharmacy Technician Work Experience Affidavit. According to the affidavit, she has worked in the pharmacy since November 06, 2006 in the role of a pharmacy technician. Applicant explains: She has been employed as an unlicensed pharmacy technician for 15 years. In the past, she has practiced duties as a technician until the pharmacy was inspected. At this time, she only does deliveries for the pharmacy. However, she was informed by her employer and the MDBOP that she could be Grandfathered in and would only need to submit a Pharmacy Technician Work Experience Affidavit to meet the training requirements.</p> <p><i>Committee recommendation: Must complete a Board approved Technician training program and exam. Approve a refund.</i></p> <p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications: NONE</p> <p>6. Review of Pharmacy Technicians Training Programs:</p> <p>a. Craig's Drug Store <i>Committee recommendation: Approve</i></p>	

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		<p>b. Health Mart <i>Committee recommendation: Approve</i></p> <p>c. Wise Technician Training Program (Wise Technician Training Program 1, Wise Technician Training Program 2) <i>Committee recommendation: Approve</i></p> <p>7. New Business:</p> <p>a. Jacob Creel - Mr. Creel is requesting an exception to the 6-month requirement for completion of the Technician training program. The trainee was hired 02/2020 and left the job in 07/2020, they were rehired 12/2020. The trainee has completed the program; however, it is outside of the 6-month requirement. Committee recommendation: Will accept the completion of the program, although outside of the 6-month period. KEVIN MORGAN RECUSED</p>	
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		

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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>	