

Maryland Board of Pharmacy news

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The Mission of the Maryland Board of Pharmacy is to protect Maryland consumers and to promote quality health care in the field of pharmacy through licensing pharmacists and issuing permits to pharmacies, and distributors, setting standards for the practice of pharmacy through regulations and legislation, educating consumers, and receiving and resolving complaints from the public regarding pharmacists, pharmacies, and distributors.

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Registration of Pharmacy Technicians

NEW PROGRAM

The long awaited technician legislation has now become a reality. The Registration of Technician bill authorizes the Maryland Board of Pharmacy (the Board) to register and regulate pharmacy technicians Effective January 1, 2007. Pharmacy personnel who perform certain delegated Pharmacy acts will be required to be registered with the Board. Pharmacy students, technician trainees and candidates for Pharmacist licensure are exempt from certain provisions of this law. A licensed Pharmacist may delegate certain Pharmacy acts to a registered technician under their direct supervision provided the acts are not required to be performed only by a Pharmacist and are appropriate to the education, training and experience of the Pharmacist and the registered technician. The bill also requires that the Board adopt standards for training programs and examinations of technicians. To qualify for registration as a Pharmacy technician, an applicant will need to submit to a criminal background check, be at least 17 years old, and either be certified by a national certification program or complete a training program and examination approved by the Board. An applicant for registration may be exempt from the training and examination provisions if they have worked in the Pharmacy area of a Pharmacy owned by the same permit holder since January 1, 2006. The Board will have the authority to deny, reprimand, suspend or revoke the registration of a Pharmacy Technician in certain circumstances.

To find out more about the Registration of Pharmacy Technicians law and read the full bill text, log onto www.mdbop.org. More details concerning education requirements, examinations and application procedures will be discussed in upcoming newsletters. □

Postcard Renewal Notice – Important Revised Procedure

Shirley A. Costley

Effective July 1, 2006: Pharmacists will receive via US mail, a brightly colored yellow postcard license renewal reminder. In an effort to keep up with the ever changing world of technology and to run the Board more efficiently and effectively, the Maryland Board of Pharmacy will no longer send renewal applications to Maryland licensed pharmacists. The yellow postcard reminder will be the only official notification to pharmacists whose licenses will expire September 30, 2006 and thereafter.

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From The Executive Director's Desk

LaVerne G. Naesea

Well, spring is almost over and the Board has had its share of new beginnings. April 2, 2006 marked the start of the 105th year of the Maryland Board of Pharmacy, but the Board has had other significant starts this spring as well. For example, the new procedures for implementing the *Administration of Influenza Vaccine Registration Program* were completed this spring. The procedures may be found on the Board's website at www.mdbop.org. Also, the Boards of Pharmacy and Physicians approved the first application and protocol submitted to the *Drug Therapy Management Program*. To review copies of the approved *Thrombosis* protocol, contact the Board's Licensing Unit. Thanks to the Board's Licensing Unit Manager, Shirley Costley for working hard to implement these two new Board programs.

Hopefully, by the time this article is published, the Board will be unpacking boxes in its new office location on the first floor of 4201 Patterson Avenue (same building) and organizing in order to regulate pharmacy technicians. Last year, the pharmacy technician bill was killed at the 'inth' hour because amendments approved by the Senate simply could not be approved by the House before *Sine Die* (the end of the session). This year, the technician legislation was cross-filed and the Board was optimistic about its passage. The Board worked closely with bill sponsors, Delegate Rudolph, Delegate Hammen and Senator Hollinger who tirelessly labored to see enactment of the legislation, which was signed into law May 2006, with an implementation date of January 1, 2007.

The Board also partnered with Delegate Joan Stern and the National Association of Board's of Pharmacy (NABP) towards the passage of HB1190, Prescription Drug Safety in Maryland. The legislation, which failed, focused on revamping how wholesale distributors do business in Maryland. Key legislators felt that the proposed bill was too complicated to pass without more careful review. As a result, Delegate Stern has indicated plans to re-propose a more simplified bill during 2007. The 2007 bill should revise definitions (e.g., 'normal distribution channels'), account for the different entities within the distribution chain, and address other specific issues in order to 'resolve problems inherent to the issues of reducing the influx of counterfeit drugs.' The Board thanks Delegate Stern and NABP staff for the opportunity to work with them on HB1190. Also, the Board acknowledges Regulations/Legislation Manager, Anna Jeffers, for the leadership she provided in responding to important legislative initiatives throughout the 2006 session. Well-done Anna! (See inside to learn the outcome of other key pharmacy-related legislation.)

By the way, how do you like our new look? Congratulations are also extended to Summar Goodman, Public Information and Education Officer, whose skills and expertise have allowed the Board to bring the layout and production of the Board newsletter 'in-house', effective with this issue. Summar has been an asset to the Board since joining staff last year. Under the artful guidance of supervisor Patricia Gaither, Administration and Public Support Manager, she has been instrumental in the success of several Board-sponsored events, including the Board Retreat, Emergency Preparedness Initiatives, creation of new brochures and other public information literature, planning for the upcoming NABP District I & II meeting in October 2006 (stay tuned to future newsletters and the Board web-site for details), and the May 2006 Baltimore City Flower Mart.

I would be remiss if I did not also recognize, others staff members for their efforts and leadership during the Board's period of new beginnings. As a key Board staff member and in addition to supervising Public Information efforts, Pat Gaither is responsible for fiscal planning and management, procurement, personnel recruitment and many administration functions at the Board. I have frequently referred to her as my personal 'angel' who is not only able to make things happen in a seemingly effortless fashion, but can usually calm and lead Board staff with her composed demeanor.

Congratulations to former Pharmacist Compliance Officer, Chandra Mouli, who recently resigned to assume the position of Deputy Director, Maryland Division of Drug Control. Mr. Mouli contributed much during his tenure with the Board. In addition to paring down over 200 backlogged complaint cases under investigation, he helped to organize the Board's Compliance Unit, instituting several new administrative procedures that have greatly enhanced Unit efficiency. Mr. Mouli will be missed, but he still plays an important role in regulatory compliance in Maryland.

Having been without a Compliance Unit manager for a couple of months, the very competent, Colin Eversley, Board Compliance Investigator, has managed the day-to-day operations of the Unit very smoothly. In addition to his usual investigator duties, he has been *dogged* in following up on Board decisions, staffing Disciplinary Committee meetings and in preparing letters and issuing documents on behalf of the Board and Attorney General's office.

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An Introduction To The Licensing Unit

Shirley A. Costley

The Licensing Unit is probably contacted more frequently than any other Unit at the Board. Thus, this primer article is intended to help pharmacists and permit holders better understand the Unit's day-to-day functions. The Licensing Unit plays a major role in the Board's mission to provide safe, high quality patient services by ensuring that pharmacists licensed by the Board are trained and credentialed appropriately. In addition to processing and issuing licenses and permits to pharmacists, pharmacy owners and pharmaceutical distributors, the Licensing Unit also processes applications for the Drug Therapy Management Program and registers qualified pharmacists to administer Influenza Vaccinations. Also, the Certification of Pharmacy Technicians bill was re-introduced and passed during the 2006 Legislative Session. The Licensing Unit will be responsible for developing procedures for certifying hundreds (possibly thousands) of new pharmacy technician licensees beginning in January 2007.

Maryland pharmacists renew licenses every two years during their birth month. The total number of pharmacists licensed at the end of FY 2005 was 7,662. All pharmacy and pharmaceutical distributor permits expire annually on December 31st. The total number of pharmacy permit holders at the end of FY 2005 was 1,446. The number of Distributor permit holders was 723. The Board encourages use of the on-line system to expedite the processing and mailing of renewal licenses and permits.

The Licensing Unit staffs the Board's Licensing Committee, chaired by Board member Joseph DeMino. Based on committee activities, the Unit continually updates applications to ensure compatibility with changes to licensing requirements. It also works closely with: the Information and Technology Unit, ...

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Postcard Renewal Notice – Important Revised Procedure

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Renewal applicants may renew licenses on-line by visiting the Maryland Board of Pharmacy website at www.mdbop.org. The Board encourages use of this user-friendly on-line system to expedite the processing and mailing of renewal licenses. The on-line system is available fifty-five days prior to the license expiration date and major credit cards are accepted. The on-line system is not available for license renewals five days or less before the license expires.

Renewal applicants may still request and mail in paper applications by downloading a renewal application on-line or requesting a renewal application by telephone at 410-764-4755 or 1-800-542-4964 (Maryland residents only); by fax at 410-358-6207; or by email at www.mdbop.state.md.us.

To assure receipt of your new license before your current license expires, please submit your electronic or mailed application at least fourteen days prior to the expiration date. Pharmacists cannot engage in the practice of pharmacy until their license is physically received. □

*****NOTICE*****

Increase in MHCC Fee Effective July 1, 2006. The Maryland Health Care Commission (MHCC) has announced an increase in the user fee assessment amount. The bi-annual renewal fee will be increased from \$177.00 to \$179.50. □

Internship Records—New Procedure

Michael N. Souranis

Maryland Board Changes Procedure For Acceptance of Internship Records From Non-ACPE Accredited Professional Experience Programs

As a prerequisite to Maryland board licensure, all applicants must either complete the requirement for internship training by having completed at least 1,560 hours of full-time training under the direct supervision of a licensed pharmacist or 1,000 hours of a school supervised professional experience program conducted by an ACPE accredited school/college of pharmacy. Applicants for licensure in Maryland who complete 1,560 hours of full-time training under the direct supervision of a licensed pharmacist are not required to seek pre-approval from the Maryland Board to earn training internship hours in Maryland. However, several state Boards of Pharmacy require aspiring pharmacists to pre-register or apply for a permit in order to earn internship hours in their state. In fact, in some states,

if an internship program is begun without a permit or proper registration in advance of earning the hours, it is considered a violation of that state's laws.

In order to prevent falsification of records and ensure the validity of internship hours earned out of state, the Maryland Board now requires applicants that earned hours outside of Maryland to have the state Boards' in which training internship hours are earned certify that the applicant, supervising pharmacist and the site of the experience are eligible and in good standing with that state before submitted hours are accepted by the Maryland Board of Pharmacy. □

From The Executive Director's Desk

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...Pharmacists may not want to meet Mr. Eversley through normal business relations, but be assured that he takes his job of ensuring the safety of Maryland's pharmacy patients very seriously. Thank you Colin, and in case you were wondering, the Board is recruiting a new Compliance Unit Manager; *hopefully*, before the publishing of the Board's next newsletter.

To keep abreast of other activities planned at the Board read the inside of this issue and, please, continue to visit the Board's website (www.mdbop.org).

□

Introduction to the Licensing Unit

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... to ensure the routine posting of relevant licensing updates (including candidate scores) on the Board's web site; the Compliance Unit, to ensure that pharmacists and establishments are compliant with the State and Federal laws and regulations; and the Division of Drug Control, regarding opening, closing and annual inspection reports for pharmacies and distributors. Application forms for all of the services currently provided through the Licensing Unit can be obtained from the Boards' web site at www.mdbop.org.

In order to meet the recently added and anticipated increase in workload, the Board is in the process of hiring two new staff members in the Licensing Unit. New staff will join the existing staff, Shirley Costley, Licensing Manager, Doris James, Licensing Specialist and Keisha Wise, Acting Renewal Clerk.

Please continue reading to learn more about some of the new initiatives undertaken by the Board of Pharmacy's Licensing Unit. □

The Practice Committee Corner

Mark Levi and Anna Jeffers

SPECIAL NOTE: *Pharmacists Alterations and Additions to CII Prescriptions*

The Board has received a number of calls from pharmacists regarding the discrepancy between the Board's response to the first question in the recent Fall 2005 Newsletter column "The Practice Committee Corner" and the brief article in the October 2004 Newsletter column "Fast Bytes – Can You Alter a CII Prescription.

The Maryland Board of Pharmacy has discussed the discrepancy and reconciled the matter as follows: the patient's name, prescriber's signature, name of the controlled substance prescribed (except for generic substitution where allowed by the State) and the date may NOT be altered or added by the pharmacist and a new prescription would be required.

Q. Does the Code of Maryland Regulations (COMAR) restrict a pharmacy from repackaging medication if they are aware of the manufacturer or distributor and are willing to assign a lot number and expiration date?

COMAR 10.34.23.08D allows a pharmacy to use a lot number and expiration date assigned by the pharmacy instead of the distributor or manufacturer information if a master log is kept with respect to all drugs that are repackaged with the facility. The master log must in-

clude the eleven (11) items listed in COMAR 10.34.28.08D.

Q. May pharmacists perform cholesterol checks in the pharmacy or would a pharmacist have to use a CLIA certified group?

Pharmacists in Maryland may not perform cholesterol checks. Please refer to the Centers for Disease Control and Prevention Clinical Laboratory Improvement Amendments (CLIA) for further information. <http://www.phppo.cdc.gov/clia/default.aspx>

Q. May a hospital pharmacy serve as a "back-up pharmacy" for an infusion service during inclement weather and dispense IV medications to a long-term care facility?

If the long-term care facility is physically part of the hospital then the hospital pharmacy may dispense medications to the long-term care facility. See the Code of Maryland Regulations (COMAR) 10.34.03. In an emergency situation, any qualified pharmacy may fill a prescription order. If a routine "back-up" is necessary, then arrangements should be made to use a fully licensed pharmacy, not a hospital pharmacy. Seasonal weather patterns are anticipated and would be considered "routine." Please be advised to include "back-up" arrangements in your approved policies and procedures. □

Disciplinary Cases

Colin R. A. Eversley

1. **Cardinal Health**, Pharmacy Permit # PW0080, Distributor Permit # D01333
Effective April 18, 2006.

Summary suspension of permit continued.

2. **Medical Pharmacy of Chevy Chase**, Pharmacy Permit # P02003
Effective April 26, 2006.

Permit revoked

3. **Fanchette S. Robinson**, License # 11481
Effective April 19, 2006.

License to practice pharmacy in Maryland revoked.

4. **Arthur Weinstein**, License # 13016
Effective April 26, 2006.

License to practice pharmacy in Maryland revoked. □

Influenza Administration

Michael N. Souranis

This will mark the first year that Maryland licensed pharmacists will be able to administer the influenza vaccine (intramuscularly and intranasally) to adults, eighteen years or older, within the scope of a Maryland physician-established protocol. This new initiative compliments Governor Ehrlich's Maryland Flu Preparedness Plan and will help prevent the debilitating and detrimental effects of influenza.

Currently, a fee is not required to apply for registration under the Pharmacists Administration of Influenza Vaccination Program. Pursuant to COMAR 10.34.32, a licensed pharmacist must be in good standing, meet all the requirements listed on the form and attest to the having successfully completed a certification course approved by the Board; and possessing an active certification in basic cardiopulmonary resuscitation (CPR). A pharmacist may not administer influenza vaccinations until receipt of written confirmation from the Board acknowledging approval of the pharmacist's registration.

Registration, authorizing a licensed pharmacist to administer influenza vaccinations, expires with the expiration of the pharmacist license to practice, unless the pharmacist has completed four hours of continuing education credits related to influenza vaccinations and has ascertained all other requirements of licensure renewal.

The pharmacy permit holder shall maintain documentation in the pharmacy delineating the vaccine administration for a minimum of five years. This will include:

1. The name, address, and date of birth of the individual receiving the influenza vaccination;
2. The date of administration, route, and site of vaccination;
3. The name, dose, manufacturer's lot number and expiration date of the influenza vaccine;
4. The name and address of the primary health care provider of the individual receiving the influenza vaccination, as identified by that individual;
5. The name of the pharmacist, pharmacy student, physician, or nurse administering the influenza vaccination;
6. A copy of the signed patient consent form and vaccine information form to whom the vaccine was administered;
7. The physician-established protocol for influenza vaccination that is to be reviewed annually with the physician. □

Emergency Preparedness Update

Donald W. Taylor

One of the main missions of the Emergency Preparedness Committee is to recruit volunteer pharmacists and technicians and train them to assist the citizens of Maryland in the event that an emergency situation occurs anywhere in the state. While it is hoped that the occasion will never arise, the state must prepare for the eventuality. Emergencies could be declared by the Governor's office for either natural or man-caused disasters anywhere within Maryland.

Even though the Board has recruited and registered over 1000 pharmacist volunteers, in the event of a statewide emergency, the state will need the ability to provide all affected areas with enough trained pharmacist and technician volunteers to work in manageable shifts that will meet the needs of all that require patient assistance. With the realization that a state of emergency could continue for several days or even weeks, more volunteers need to be registered with the state.

For that reason, the Board of Pharmacy in conjunction with the University of Maryland has developed a basic on-line training course, entitled "Bugs and Drugs," to train pharmacists who are unable to attend a live training in basic emergency response instruction.

The on-line 3 hours CE course may be accessed at: <http://ce.umaryland.edu>. The Board appointed Emergency Preparedness Committee encourages all Maryland pharmacists to take advantage of this on-line course, and then register with Board as a pharmacist volunteer. With your help and continued dedication, the Board will be in a better position to help all Maryland citizens whenever and wherever an emergency arises. □

Legislative Update

Anna D. Jeffers

Below are the results of the 2006 Legislative Session Bills of Importance to The Maryland Board of Pharmacy.

Bill #	Bill Name	Result
HB 41	Controlled Dangerous Substances – Pseudoephedrine Products	FAILED
SB 774	Controlled Dangerous Substances – Pseudoephedrine Products	FAILED
HB 135	Prescription Drugs – Label with Audible Capability	FAILED
SB 142	Health Care Providers - Disclosures of Mental Health Records – Subpoenas	FAILED
SB 297	Public Health – Licensed Pharmacists – Contraception Dispensing Program	FAILED
HB 828	Public Health – Licensed Pharmacists – Contraception Dispensing Program	FAILED
SB 333	Prescription Drug Monitoring Program	PASSED
HB 1287	Prescription Drug Monitoring Program	PASSED
SB 371	State Board of Pharmacy – Registration of Pharmacy Technicians	PASSED
HB 492	State Board of Pharmacy – Registration of Pharmacy Technicians	PASSED
SB 450	Controlled Dangerous Substances – Dextromethorphan Products	FAILED
HB 493	Pharmacy Benefit Managers Regulation Act of 2006	FAILED
SB 516	State Government – Administrative Procedure Act – Scope of Judicial Review	FAILED
SB 568	Prescription Drugs – Canadian Mail Order Plan	FAILED
HB 626	Prescription Safety Act	FAILED
SB 624	Maryland Medical Assistance Program – Prescriptions	PASSED
HB 1098	Criminal Law – “Meth Precursors” – Restrictions on Sale and Purchase	FAILED
HB 1190	Prescription Drug Safety Act	FAILED
HB 1214	Health Care Malpractice – Emergency Medical Care – Good Samaritan Immunity	FAILED
HB 1295	Health Occupations – Cultural Competency Workgroup	FAILED
HB 1404	State Board of Pharmacy – Disciplinary Grounds – Refusal to Dispense Prescriptions	Withdrawn
HB 1459	Health Occupations – Pharmacists – Return of Unfilled Prescriptions to Retail Customers – Required	FAILED
HB 1510	Public-Private Partnership for Health Coverage for All Marylanders	FAILED
HB 1569	State Board of Pharmacy – Revocation of License – Sale of Drug Different from that Ordered	PASSED
HB 1689	Prescription Drug Repository Program	PASSED
SB 1059	Prescription Drug Repository Program	PASSED



Maryland Board of Pharmacy

How are we doing?

Please e-mail the Board staff your questions and comments.

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Address or Employment Change

Submit the *Pharmacist Change of Information form* on our website. Go to www.mdbop.org and click on *Forms & Publications*.

Special Notice

The Maryland Board of Pharmacy Newsletter is considered an official method of notification to pharmacists and pharmacies. **These Newsletters may be used in administrative hearings as proof of notification.** Please read them carefully and keep them in the back of the Maryland Pharmacy Law Book for future reference.

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Summar Goodman, Patricia Gaither, LaVerne Naesea, Linda Bethman, Jeanne Furman and Donald Taylor

Newsletter Layout and Design: Summar Goodman

*Have an Upcoming Event or Story Ideas? E-mail to sjgoodman@dhmh.state.md.us

Meetings

The Pharmacy Board meetings are open to the public from 9:00 a.m.—12 noon at 4201 Patterson Avenue, Baltimore, Maryland 21215. The Board encourages all interested parties to attend. Dates are:

June 21, 2006

July 19, 2006

August 16, 2006

September 20, 2006

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