

MARYLAND BOARD OF PHARMACY PUBLIC MEETING - JANUARY 19, 2000

Meeting called to order at 8:50 A.M.

In attendance were: President Stanton Ades, Commissioners: Secretary Irving Lottier, Wayne Dyke, Ramona McCarthy-Hawkins, Melvin Rubin, Jeanne Gilligan-Furman, Donald Yee, Barbara Faltz-Jackson, John Balch, Laura Schneider, Rev. William Johnson and Dr. Raymond Love; Board Counsel, Paul Ballard; Board Staff: PCO Michelle Andoll, Secretary Wendy Wilson.

Guest Present: Nathan Gruz, Mike Johansen, Kathryn Lavriha, Mike Nicholson, Catherine Putz, Howard Schiff, Scott Rohrbaugh and Tony Tommasello.

Recusals

President Ades asked that any member of the Board with a conflict of interest relating to an item on the agenda should notify the Board at this time.

There were no recusals.

Approval of Minutes

Change title to APublic Minutes≡ instead of APublic Agenda≡; AMichelle Phinney≡ named should be spelled AMichele Phinney≡; page one (1), the word Aguest≡ should be plural; page three (3), under the Semi Annual Report, delete the comma from ASecretary Benjamin=s≡ name.

A motion was made by Ms. McCarthy-Hawkins to approve the December 15, 1999 minutes as amended. The motion was seconded by Mr. Yee, with a unanimous decision from the Board.

Executive Director=s Report/Executive Committee Report Office Space -

Mr. Rubin reported that the Board now has the space once occupied by the Dental Board and the possibility of the Board moving to Spring Grove is remote. Also, the Board of Physician and Quality Assurance (BPQA) move to Spring Grove may not be definite and therefore may provide the Board with slightly more space to occupy. Mr. Rubin stated that the Board will maintain its current space but will loose one or two offices. There will be a conference room added for Board Members to hold small committee meetings. The Board has been working with Mr. Tom Jackson, Building Maintenance Manager, who will be responsible for providing the Board=s office equipment and space requirements.

New Hires -

Mr. Rubin reported on several positions that the Board had posted for hire which are:

- Executive Director - Mr. Rubin reported that the Board has hired LaVerne Naesea as the Board's new Executive Director. Ms. Naesea is scheduled to start her first day of work at the Board on February 9, 2000.
- Database Technician - Mr. Rubin reported that the Board has hired Vladimir Konstantinov.
- Legislative Officer - Mr. Rubin reported that the Board has hired Jim Slade. Mr. Slade will probably begin his first day of work at the Board two (2) to three (3) weeks from today, January 19, 2000.
- Typist Clerk - Mr. Rubin reported that the Board has hired a temporary person to fill this position, Phyllis Nelson, for the Licensing Unit.
- Mr. Rubin stated that the Board is working on changing job descriptions which will effect Ms. Banks position. The Board has submitted two new job descriptions to personnel and is waiting for their approvals.

Mr. Rubin stated that the National Association of Boards of Pharmacy (NABP) annual meeting is coming up and they will be accepting nominations for Honorary President. These nominations are to be in by January 21, 2000. The state will only allow two (2) persons to attend this meeting which is usually the Executive Director and the Pharmacist Compliance Officer.

Mr. Rubin stated that the American Institute of the History of Pharmacy is now accepting applications for membership. The fee is two hundred dollars (\$200.00).

Confidentiality of Medical Records Proposed Legislation -

Mr. Johansen stated that a new draft of the proposed legislation is now available. Mr. Johansen stated that the focus of the proposed legislation is on entities that have medical record information and not just specific pharmacy topics. Also, the new draft no longer has a section that targets pharmacies.

Formulary - NTI

Mr. Rubin stated that he wrote a letter to Secretary Georges C. Benjamin on December 22, 1999, requesting that he authorize a hearing to take place to determine whether the six (6) drugs currently restricted from substitution in this state can be removed from the disqualified list. Mr. Rubin stated that to date, there has been no response from Secretary Benjamin other than a commitment that he will address the issue.

Directory of Board Members -

This item was informational.

Proposed Table of Organization -

These items are informational.

School of Pharmacy Evaluation -

Mr. Rubin stated that The American Council on Pharmaceutical Education will visit the School of Pharmacy on March 7 and 8, 2000, to evaluate its Doctor of Pharmacy program.

The Council has extended to the Board an opportunity to designate one of its members to work with the evaluation team. In the Executive session, the Board voted to have Mr. Yee represent the Board on the evaluation team.

Mr. Rubin stated that he spoke with Dr. Beardsley and Dr. Knapp who will attend the February=s Board meeting to discuss ways to increase enrollment at the School of Pharmacy.

Mr. Johansen stated that he feels that the Governor and The Department of Economics and Business Development is going to put a lot of efforts into increasing intensive career tracks in health care.

Dr. Love stated that he met with Secretary Benjamin regarding the NTI issue where he mentioned the shortage of pharmacists and his response was that there is a current project regarding the shortage for nurses and once that project was completed, he would then be willing to talk about a project for pharmacists.

Guest Presenter

There was no guest presenter.

Board Counsel=s Report

There was no report.

Committee Reports

Licensing Committee -

Mr. Dyke reported that there were five (5) candidates at the reciprocity meeting held on Tuesday, January 18, 2000. These candidates are as follows:

Rostand Bouchard, Jr., Sushanta Chakder, Hang Do Nuyen, Amilcar Rodriguez and Assad Saliba. Mr. Dyke motioned that all candidates be approved for licensure. The motion was seconded by Ms. McCarthy-Hawkins, with a unanimous decision from the Board.

January Laboratory Examination -

Mr. Dyke reported that there were nine (9) candidates for the Wet Laboratory Examination that was held on Tuesday, January 11, 2000. Mr. Dyke reported that all nine candidates successfully passed the examination.

The next Licensing Committee meeting will be held on Thursday, February 24, 2000, at 9:00 a.m. The main topic of discussion will be the Board switching from a Wet Laboratory Examination to a Dry Laboratory Examination.

Mr. Dyke stated that he would like the Board=s next intern student to solicit other states to determine whether they have requirements for a Laboratory Examination other than a Wet Laboratory Examination. Mr. Dyke stated that he would like to find out about other states who do not have a requirement for these types of examinations and perhaps solicit their methods of examination(s).

Mr. Dyke stated that the reason for the examination inquiry is to streamline the licensing process. Currently, candidates may take all the other examinations at any time but licensure is held up until the Board offers the Wet Laboratory Examination. Dr. Love stated that according to the Board=s statute, it states that Athe applicant shall pass an examination given by the Board=, but does not specify a Laboratory Examination of any kind. Mr. Ballard stated that the Board does have the authority to change regulations if necessary.

NABP Internet Licensing Assistance -

NABP has begun the process of implementing a multi-state, Internet-based licensure and renewal system which will allow the Board to streamline its licensure and renewal process through Internet registration. A special session at the Annual Meeting will be held on Tuesday, May 9, 2000 to provide a live demonstration of the program as well as allow states the opportunity to schedule individual appointments to meet with NABP and eGovnet.com representatives to assist with development and implementation.

Pharmacy Closures -

Mr. Rubin stated that when a pharmacy closes, there is a three (3) step process which includes asking the permit holder to notify the Board fourteen (14) days before the closure, notify the Division of Drug Control (DDC) to perform a closing inspection and after the closing inspection, notify the Board to let us know where they have sent their medications.

Mr. Rubin suggested changing the regulation of pharmacy closures to say that a person closing a pharmacy shall notify the Board fourteen (14) days prior to the closing of a pharmacy and the Board will notify DDC. DDC in turn notifies the Board that the closure took place. Mr. Rubin stated that the reason for this would be to allow the permit holder to make only one call. Ms. Putz stated that she would be happy to give input on the changes of any regulations regarding Mr. Rubin=s suggestion if necessary.

Regulations Update -

Proposed regulations on the Kidney Disease Program, Physician Assistant and Physician Delegation were distributed.

Dr. Love suggested that Mr. Ballard inform BPQA of the Board=s concerns with the physician delegation regulations regarding the preparation of medication and the dispensing of sample drugs.

PEAC

Mr. Tommasello stated that PEAC now has their number listed with the Baltimore

Metropolitan Yellow Pages. Mr. Tommasello stated that PEAC will be attending the MPhA Conference and will have a booth. PEAC is moving forward on doing some education in chain stores and has had several meetings with some major chain stores. Mr. Tommasello stated that Milton Moskowitz and Gill Cohen will be spear heading this effort. Also, CE programs will be provided for the chain store pharmacists. Mr. Tommasello stated that PEAC has been discussing the idea of a major statewide, day long CE program which they hope to do in conjunction with the Board. Mr. Tommasello stated that some time ago, PEAC once had a day long program in the Timonium area which attracted over one hundred (100) participants.

Mr. Lottier asked if PEAC envisions expanding beyond pharmacy and to reach other professions. Mr. Tommasello stated that he feels that PEAC's success is in the area of pharmacists with Substance Abuse problems. Mr. Tommasello stated that, regarding other professions, he believes that there are two (2) models emerging across the country that will deal with impaired pharmacists. One model is where each profession has their own recovery program and the other is where some states have moved into an umbrella system where one committee serves all the professions under a joint contract. Mr. Tommasello stated that PEAC is currently the only committee independent enough to be able to sustain their existence by being able to bring in money from campaigns other than direct funding from the Board. Mr. Tommasello further stated that he feels that PEAC needs to recruit good people to become monitors and sustain a good relationship with the Board.

Dr. Love stated that on a number of occasions, the Board has in making disciplinary recommendations, encourage people to take continuing education in the area of professional ethics courses and seek counseling. Dr. Love stated that there are not a lot of resources in the area of professional ethics. Therefore, the Board would welcome this type of continued education for professional ethics and would encourage PEAC to move forward on this issue.

Mr. Tommasello stated that PEAC has a pharmacists trainer in psychiatric medicine as a monitor who can address these types of cases but that more thought needs to be put into PEAC's role when the problem is not substance abuse.

Dr. Love stated that in defining the role of PEAC regarding impairment, there has been several occasions where pharmacists were referred to him for psychiatric problems and would like to know whether PEAC is addressing individuals that are impaired due to some psychiatric problem.

Mr. Tommasello responded that he was not sure whether an ethics course at this time would be developed, but indicated that the School of Pharmacy and Essex Community College are offering courses in this area.

Pharmacy Practice Committee - Ray Love -

Handout of the Pharmacy Practice Committee minutes were presented to the Board for

review regarding the committee meeting that took place on January 5, 2000.

Unlicensed Personnel Task Force - Mel -

Mr. Rubin stated that he sent out letters to interested parties and Board members for comments regarding the proposed regulations for unlicensed personnel. Some suggestions of the regulations included registration of support personnel, establishing standardized training, increasing training opportunities, requiring certification and establishing accountability and penalties for violations. Mr. Rubin stated that most of the comments came back stating that some prefer that the Board spell out a training course and requirements. Other comments indicated that some wanted the permit holder to be able to train unlicensed personnel for whatever task they needed them to perform.

Automation Task Force - Jeanne Furman -

Ms. Furman stated that the task force will meet on Thursday, January 20, 2000, at 8:30 a.m., at 4201 Patterson Avenue, Baltimore, MD 21215 to discuss the use of automated dispensing machines and how they want their regulations to read.

Medication Error Prevention Donald Yee -

Mr. Yee stated that Mr. Bruce Gordon has submitted a proposal to the Task Force offering his consulting services to guide them in addressing the issue of medication errors. Mr. Yee stated that one issue arising from the medication error prevention, is nurse mid-wives practicing as pharmacists. Mr. Yee stated that his main concern is public safety. Mr. Yee recommended restriction of the original formulary rather than expansion as proposed. However, he indicated that the current formulary has already been approved, so restriction is unlikely. Dr. Love recommended that the Board ask Mr. Yee to meet with Mary Jane Peiterson, Director of Advance Practice at the Board of Nursing, to discuss this issue further and that the Board go on record as having significant concerns about the expansion of nurse mid-wives practice beyond what they should be authorized to perform.

President Ades stated that he would meet with BPQA and the Board of nursing to discuss the Board=s concerns regarding this issue.

Narrow Therapeutic Index Drugs -

Waiting for comments from Secretary Benjamin.

Additional Item - Medication Transfers -

Dr. Love stated that at the December 1999 Board meeting, the committee decided to take no action regarding regulations requiring documentation of medication transfers between pharmacies. However, the committee invited DDC to discuss the matter at the January Practice Committee meeting. The committee has asked Ms. Andoll to put those suggestions into an organized format to be considered at the next Pharmacy Practice Committee meeting which is scheduled for Wednesday, February 2, 2000, at 4:30 p.m., 4201 Patterson Avenue, Baltimore, MD 21215.

Local Health Department P & P for Registered Nurse Dispensing -

Dr. Love stated that in the December 1999 Board packets was draft seventeen (17) of the

policies and procedures for the local health department for registered nurse dispensing which was sent to the Board for review. Dr. Love stated that the committee has an updated draft with the Board's suggestions and alterations. Dr. Love stated that he received a call last Friday, January 14, 2000 from a nurse at the Howard County Health Department who is heading the local health department p & p for registered nurse dispensing effort, indicating that they have modified their proposal in a way that would be more acceptable to the Board and would like to schedule a meeting with the Board to reconcile their new draft. Dr. Love stated that he would like to the Board members to determine whether the suggestions they made regarding the draft seventeen (17) would be acceptable. Dr. Love stated that if these suggestions are acceptable, he would use them to enter into a negotiation with the local health department. Ms. Andoll stated that she has copies of the latest version of these suggestions.

Regulations for Board Approval

The Board did not vote on any regulations today.

Public Relations Committee/Counsel of Boards Report - Barbara Faltz- Jackson

Ms. Faltz-Jackson reported that the committee met on Tuesday, January 12, 2000 along with the Oversight Committee and representatives from the Reeves Agency. Ms. Faltz-Jackson stated that there were several topics of interest discussed at this meeting, they are as follows:

- < Media Campaign Contract
- < Oversight Committee
- < Marketing Strategies which consist of defining the product/service, objective (what to achieve), defining the target area, primary marketing/advertising problems, unique selling positions, support features and why, key copy points, primary competition, mandates, estimated budget (production/media), suggested media and the strategy.

Ms. Faltz-Jackson stated that she will have the minutes from this meeting available for review at a later time. Ms. Faltz-Jackson stated that The Reeves Agency will work with the committee regarding media interviews on issues concerning pharmacy.

Budget Committee

There was nothing to report from the Budget Committee.

Election of Board Officers

Mr. Rubin stated that the Board members needs to entertain nominations for officers. Dr. Love motioned to nominate these individuals for the following offices.

President - Stanton Ades

Secretary - Irving Lottier

Treasurer - Melvin Rubin

The motion was seconded by Ms. Faltz-Jackson, with a unanimous decision from the Board.

Questions for the Board

OIG Advisory Opinion No. 99-12 -

This item was FYI.

Brand Name on Generic Prescriptions -

Gary Wirth, Assistant Director of the Managed Care Programs at Giant Food, Inc., wrote a

letter to the Board requesting its assistance in reducing the confusion of patients when receiving generic drugs. The purpose of this request is to lower errors. Further discussion was deferred for a later date. The Board did determine that the following issues will have to be addressed.

Standard Prescription Card Legislation -

Mr. Johansen provided an update on activities in the legislature of the intent of the Board and pharmacy practice. He also discussed the standard prescription card, the pharmacist conscious clause and the confidentiality bills.

Informational

Dr. Seuss

Statistics on Sexual Misconduct

Proposed Federal Internet Initiatives

Practice Committee Meeting Schedule

FDA - Internet Initiatives

Follow - Up Letters/Meetings

To Dean Knapp & Dean Lecca re: Lab Exam

Legislation

Electronic Transactions - SB3 -

This bill allows electronic signatures to be accepted as a legal signature and may affect electronic transmission of prescriptions.

Telemedicine - SB76

This bill limits out-of-state physician prescribing on the Internet to referrals from local physicians.

Meeting adjourned at 11:30 A.M.

Respectfully submitted

W. Irving Lottier, Jr. ,
Secretary

WIL/wfw G:\NET\BOARD\PUB\111920.PUB