

**Maryland Board of Pharmacy**  
**Public Minutes**  
**Meeting of March 15, 2000**

The Public Session was called to order by Secretary Irving Lottier, presiding in the absence of the President at 8:45 AM.

**Attendance:**

Commissioners Present: Irving Lottier, Secretary, Wayne Dyke, Ramona McCarthy-Hawkins, Jeanne Gilligan-Furman, Rev. William Johnson, Donald Yee, Laura Schneider, Dr. Raymond Love, Melvin Rubin

Board Counsel: Paul Ballard, Esq.

Board Staff: LaVerne G. Naesea, Executive Director; Michelle Andoll, Pharmacy Compliance Officer; James Slade, Legislative Officer; and Melissa D. Crowder, Secretary.

Commissioners absent: Stanton Ades, John Balch, and Barbara Faltz-Jackson.

Guests Present: Nathan Gruz, Kathryn Lavriha, Dorothy Levi, Catherine Putz, Mike Nicholson, Steve Franceseoni, Phil Cogan Milton Moskowitz, Morris Rosenberg, Daniel Ehrlich, pharmacy student intern.

**Introductions**

Secretary Lottier asked each guest to introduce themselves.

**Recusals**

Members of the Board with a conflict of interest relating to an item on the agenda were asked to notify the Board. There were no recusals.

**Approval of Minutes**

Secretary Lottier asked that due to late distribution, the approval of the minutes be done at the end of the meeting.

**Executive Director=s Report**

Ms Naesea reported that the office space is slowly rounding into shape. There is a Board Member Room in the space that was previously the Executive Director=s office.

Ms Naesea reported on her trip to Chicago to participate in the NABP=s new Executive Director orientation. There were 11 persons attending. The Association convention will be held in Nashville, Tenn from May 6,

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2000 to May 10, 2000.

#### **Guest Presenter**

Daniel Ehrlich, an intern assigned to the Board for this month, reported on a request by Paul Hutson, Pharm.D., an associate professor at the University of Wisconsin at Madison and the principal investigator for a study of the use of methylphenidate for alleviation of the side effects of fatigue and lethargy associated with interferon a2b therapy of carcinomas and hepatitis C. The Board was asked to review the study protocol and identify potential obstacles to implementation; in particular to consider approval of five exceptions from State Law.

The Board objected to several points related to accountability of a schedule II drug, such as: allowing the patient to destroy unused doses; giving an entire month=s supply at one time; and not excluding known drug dealers from the study. The protocol would also allow a nurse to increase the dosage, which is the Board considers as prescribing by someone who may not be an authorized prescriber. The intention is to allow either physician dispensing or the use of McKesson mail order pharmacy. The Board expressed opposition to using the physician=s office as described in the study, rather than pharmacies, and indicated that if the study goes ahead in Maryland as described that the Board might decide to notify Drug Control and DEA.

Dr Love motioned and Donald Yee seconded, a motion to advise Dr Hutson to run the protocol through a pharmacy (mail or community) and that we express our concerns to him in a letter. The motion passed unanimously.

#### **Committee Reports**

Board Counsel Report -- Paul Ballard

Paul Ballard announced that he is working with the National Association of Attorney General=s on an investigation of internet RX overall. He will report on the investigation in the future.

#### Licensing Committee --Wayne Dyke

- Mr. Dyke reported that there are no reciprocity candidates ready for approval since the reciprocity meeting will be held the following week. He is considering asking approval of Board members by fax or telephone so the successful candidates can be licensed before the next Board meeting.
- The proposed changes in the regulations for closure of pharmacies will be presented at the next meeting. This will streamline the procedure and assure that Division of Drug Control and the Board have the same information. Changes in the procedure for opening of pharmacies are being considered.
- The Division of Drug Control has asked the Board for a list of pharmacies which did not renew their

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permits. The Board agreed to send the list every January. This serves to check those pharmacies that neglect renewal registrations but remained open for business.

- Mr. Dyke asked the Board to consider waiving the fee for permit holders when the name of the pharmacy is changed. After discussion the Board decided against this.
- The Board will consider allowing renewal fees to be paid by charge cards after seeing the software that NABP is expected to show at their May meeting.
- Mr Dyke asked that the Board introduce those programs which have been approved by the Board to be placed for continuing education credits in Maryland, on our web-site.
- On a motion by Jeanne Furman, seconded by Dr Love, the Board decided to look at optional methods of testing compounding skills, other than the current wet lab. Only one other state requires a wet lab, although several have >dry= labs and each have different types of tests. One state has one-on-one counseling as a part of the exam. The University of Maryland School of Pharmacy only offers elective compounding courses and student experience during PEP rotations. The Board does not want to discontinue a laboratory examination of some sort, anticipating a further de-emphasis in the School curriculum. Michelle Andoll was directed to continue researching how other states address this problem. It was suggested that the next board newsletter solicit additional members for the committee to review the lab exam issue.
- The next Wet Laboratory examination will be held at the Pharmacy School Learning Center Thursday and Friday, June 15 and 16, 2000.

#### Legislation Update--James Slade

Mr. Slade, Board Legislative Officer reviewed the status of bills in the legislature which affect pharmacy.

- HB 783. Requires the pharmacist to notify the patient on the label of the prescription that a generic has been dispensed and to list the name of the brand prescribed.
  - < The Board suggested that the pharmacist have more latitude in the way that this information is disseminated: i.e. patient leaflet or other written information. The Board also expressed concern about the use of a trade marked name to identify the generic dispensed. The Committee seems to be leaning toward the original bill.
- HB 813. Requires the pharmacist to contact the prescriber for authorization if a different generic version of a NTI drug is dispensed on a refill than had been dispensed on the original order.
  - < Delegate Elliot withdrew the bill but has caused the Secretary of Health to temporarily hold

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up any action on the request of the Board of Pharmacy and the Board of Physician Quality Assurance to eliminate the >negative formulary=. The Board will send a letter to the sponsors of the bill stating that it wants to meet with them after the session to explain the boards reasoning. The letters will be copied to consumers that request them through the public information act.

- HB895/SB803 Requires prescription claim processors to issue a universal prescription card to its enrollees, which uses the NCPDP format.
  - < Mr Rubin testified as a pharmacist offering real situations which caused problems for patients due to the variety of cards available with differing, confusing, and sometimes erroneous information.
- HB1115. Requiring that social security numbers may not be placed on record logs if the pharmacist keeps such logs of prescriptions dispensed.
  - < The Board supports the bill, requesting that if a log is kept that only prescriptions filled be required to be maintained on the log, rather than all prescriptions requested to be filled.
- HB178/SB484. Drug dealer liability act. Relates to persons bringing CDS items into the State under certain circumstances.
  - < Amendments have been made that make the bills apply to criminal acts, rather than the original bill, which appeared to apply to the legitimate practice of pharmacy.
- HB1217. Professional disciplinary action. The bill would require use of an administrative procedure process, rather than Boards reviewing cases through their usual hearing processes.
  - < The bill was withdrawn.
- SB371 Medical records confidentiality - related to disclosure of medical records.
  - < The bill establishes an advisory council. The Board requested that a pharmacist be on the counsel an amendment was added addressing this.

Pharmacy Education and Assistance Committee (PEAC) --Morris Rosenberg

PEAC has 25 clients at this time, about half of whom are Board referred and the rest are self referred. The Committee is looking for more exposure to the profession, feeling that less than half of the pharmacists who need their assistance are receiving services. They are working with an ad agency. A continuing education program is being planned and the Board will be asked to co-sponsor it.

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#### Pharmacy Practice Committee - Dr Love

- Health Department Nurse Dispensing. The nurses accepted most of the Practice Committee recommendations in principle, and are working on draft #19 which Dr. Love will then review and bring to the Committee.
- Nurse Midwife Formulary. The nurse midwives claim to be the primary care givers for the patient and infant from pre-natal to post-natal, and therefore need to be able to prescribe a more broad range of medication. This relates primarily to the inconvenience of having to reach the physician each time a new medication is needed. The Board is concerned about the potential for medication errors, interactions, etc and feels that the current formulary is broad enough to cover most, if not all, of their concerns. On motion from Dr. Love, second by Ramona McCarthy-Hawkins, the board voted to make the following recommendations to the nurse midwife group:
  - < They should provide the Board with a list of specific agents they would need to treat pre-natal care, labor, delivery, and post natal care.
  - < Their current formulary be organized in a more consistent manner. Currently includes some drugs by specific name, some by category.
  - < Continuing education be required in the area of pharmacology and therapeutics.
- Medication errors -Donald Yee  
The Committee heard a presentation from Bruce Gordon. The next meeting will be Monday, March 20, at 5 pm. More fact finding will take place.
- Automation Task Force - Jeanne Furman  
Discussed changes suggested by Mr Ballard related to emergency availability of medications. However, the Board accepts that the use of interim boxes, crash carts, night boxes, and other emergency systems has been accepted practice for a long period and is necessary. The committee hopes to have a full report at the next Board meeting.
- Proposed Regulations

Record of prescription inventory acquisition.

This proposed regulation would require that pharmacies keep records of prescription medication that they obtained from all sources including from other pharmacies. The Board asked Ms Putz to find Drug Control=s feelings about the record keeping requirement. Should all records be required to be kept >on site= for a minimum period of time, and how long should a permit holder have to provide records that are allowed to be kept off site.

Delivery of Medication

On motion by Mr. Rubin, Second by Ms McCarthy-Hawkins, the Board approved this proposed regulation to

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be sent for publication in the Maryland Register.

- < Outsourcing -this proposal was deferred to the next meeting.
- < Unlicensed personnel

The Board accepted the changes since the last presentation with the following comments: Unlicensed personnel should not be allowed to obtain authorization for additional refills for controlled substances from prescriber=s; and the section subjecting the permit holder to disciplinary action should include a section that includes > fails to take reasonable safeguards to assure compliance with the rules and regulations of the Board by unlicensed personnel.=

#### **Public Relations Committee-** Barbara Faltz-Jackson

The report was given by Ms Andoll and Ms Furman. The Committee met with the public relations agency and reviewed the initial creative work presented. The radio spots planned with this project are projected to cost \$30,000 and to begin by the end of March, 2000. The Board discussed the samples provided and made suggestions for changing the theme from AMoms Care≡ to AFamilies Care≡. Discussion will take place with Reeves agency to determine the possibility of alternative language.

**Budget** - no report

#### **Questions For the Board**

- Methadone dispensing by registered nurses.

Pharmacist Glen Lichtman requested that the Board rule on whether it was permissible for nurses in an addiction clinic to dispense >take home= doses of methadone to their patients. The Board asked Mr. Ballard to research laws that may apply to this practice.

- LaVerne Naesea requested on behalf of Board member Barbara Faltz-Jackson that the members consider working with a group which is applying for a grant to look at ways to entice more qualified students to move into career paths in the health sciences. The Board agreed to become involved and to send a letter of support if required.

**Informational** - a copy of an article in The Daily Record which addressed the use of pharmacy technicians was provided for the Board=s information.

**Follow Up Letters** - A copy of the reminder notice for pharmacists who have not renewed their license, which will be sent just prior to the expiration of the previous license, was included in the packet.

The meeting was adjourned at **12:30 Pm**

After a short break for lunch, the Board reconvened the Public Session at 1:15 PM.

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**Approval of Minutes**

The following corrections were made to the minutes:

- < The meeting was adjourned at 12 noon, not 12 AM.
- < The correct spelling of the company for which Bruce Gordon works is >Becton Dickinson=.
- < The heading >Renewal Reminder= should be inserted on page 6, just prior to >Dr. Love motioned...=
- < Page 5, on the line above >Report by Jeanne Furman..=, change >that is illegal= to that **may be illegal**.=  
Jeanne Furman was named as our delegate to the NAPB convention. Wayne Dyke is alternate.

On motion of Ms Furman, second by Dr. Love, the pharmacist renewal reminder notice was approved.

The Public Relations Committee will coordinate Board participation in the Flower Mart at Mt Vernon Place May 17, 2000. That is the day of the monthly Board Meeting, and pharmacy students may be requested to help man a booth.

Dr. Love asked for the status of the regulation allowing physicians to delegate authority to persons not otherwise licensed in health professions. Staff will check with BPQA.

The Pharmacy School asked that a Board member participate in the graduation ceremonies May 25, 2000. President Ades will be asked to attend.

The meeting was adjourned at 1:38 pm.

Respectfully submitted,

W. Irving Lottier, Jr.  
Secretary

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