

Maryland Board Of Pharmacy

Public Minutes May 17, 2000

The public session was called to order 8:48 A.M.

Attendance

Commissioners Present: President: Stanton Ades, Secretary W. Irving Lottier, Commissioners Laura Schneider, Donald Yee, Wayne Dyke, John Balch, Raymond Love, Ramona McCarthy-Hawkins, Melvin Rubin, Jeanne Gilligan-Furman, Reverend William Johnson.

Board Counsel- Paul Ballard.

Board Staff- James Slade; Legislative/Regulatory Officer, Sharon Demory-Cornish; Licensing Supervisor, Melissa Crowder; Secretary

Commissioners Absent- Barbara Faltz-Jackson

Visitors- Nathan Gruz, Mike Johansen, Kathryn Lavriha, Mark Levi, Mike Nicholson, Catherine Putz, Howard Schiff, and Steve Francesconi

Introductions

President Ades asked guests to introduce themselves.

Approval of Minutes

The following corrections were made to the minutes or April 19, 2000:

P 1 "Office" should be "Officer"

P 2 Database is one word

P 4 Change the name of "Johnathan Brantnar" to Jonathan Brantner

P 5 Correct spelling of "Tom Carioglo" to Tom Carigiulo"

P 7 change "\$12 thousand" to \$12,000

P7 Correct spelling of "authorized"

P 7 LaVerne Naesea is "Executive Director"

The minutes approved as corrected on Motion by Commissioner McCarthy-Hawkins, seconded by Commissioner Balch. The Board unanimously voted to approve the minutes.

Executive Director's Report/Executive Committee Report

Since LaVerne Naesea, Executive Director, was unable to attend due to having to attend a conference with the Department of Health and Mental Hygiene, Sharon Demory-Cornish, Licensing Supervisor provided the report.

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Staffing Updates

Data Base Specialist - The data base specialist position was advertised May 3-14, 2000. The interviews will begin on Thursday May 18, 2000.

Licensing Supervisor – The splitting of this position and the hiring of a new supervisor was approved by personnel on Monday May 15, 2000.

Executive Secretary - A job description for the position which will act as secretary to the Executive Director has been completed and Personnel is being asked to suggest a title for the position.

Administrative Officer - This position was approved on Monday May 15, 2000.

Board Retreat

Mrs. Demory-Cornish and Executive Director Naesea met with Mr. Harry Christiansen, consultant with the University of Maryland at Baltimore, to discuss the goals of the Board retreat. The retreat will be rescheduled from the proposed June 24-25 date. A strategic planning committee will be set up and a planning meeting will be held before a date is set for the retreat. The strategic planning committee will consist of four Board members and four Board staff that will develop a framework for the Board strategic planning process and discuss strategic issues for plan considerations. The University of Maryland at Baltimore sent a contract agreement to the Board on May 5, 2000 that is under review by Ms. Naesea.

Computer Equipment Policies

New policies have been developed by the Information Resources Management Administration (IRMA) regarding laptop and off-site equipment. All staff and Board members who use a laptop and/or computer equipment issued by the Board are requested to submit signed copies of the department policies to indicate they are aware of the policy changes and accept responsibility for the equipment.

Board Counsel – Paul Ballard

Mr. Ballard stated that he did not have anything to report.

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Guest Presenter-Harry Christiansen -Strategic Planning Consultant

Before Sharon Demory-Cornish introduced the speaker, she mentioned that there were problems reserving space at the Harbortowne Conference Center in St. Michael's on the originally scheduled retreat date, June 24 and 25, 2000. Some weekends in July are available and a discount from the \$259 per person cost has been offered since the Board could not have its first choice.

Mr. Harry Christiansen, a consultant who has delivered strategic planning services to other State agencies, described the initial plan developed as an outline for the strategic planning process. He mentioned meeting with Executive Director Naesea, Tamara Banks, and Sharon Demory-Cornish to develop the plans. The effort is expected to take about a year and to include 'stakeholders' –other groups with which the Board interacts. He indicated that a planning team of four Board members and four staff member would initiate the process. Phase one will involve the committee's gathering and review of all areas of Board activities, including its current mission and vision, and identifying strategic issues that should be considered jointly by all Board members and staff. Phase 2 will be a to three day Board/Staff Retreat where long term and short term goals will be determined, as well as some guiding principles. Phase 3 will include forming workgroups including the planning committee and appropriate others to refine goals. Phase 4 will include the use of the established consensus direction to prepare a specific action plan for attaining identified goals. The plan will include specific objectives and strategies for meeting goals. Phase 5, the implementation period, will be when the Board actually "makes the plan happen."

Committee Reports

Licensing Committee – Wayne Dyke

- On motion from Commissioner McCarthy-Hawkins/second by Commissioner Schneider, 11 people were approved for licensing by reciprocity. The names are as followed:

Marline Asongwe, Adrene Burke, Jeffrey Edwards, Elaine Herrin, Donna Marchese, Sharifa Meredith, Ajita Nair, Mary Nelabivige, Gwen Nguyen, Thomas Tomcanin, and Wai-Ming Yau.

- A Board member reviews candidate applications for Board examinations when they are received and the process is up to date. The Wet Lab Exam scheduled for June 15 and 16, will have four or five sessions depending on the number of applicants. Board members were asked to sign a form volunteering to serve as proctors for exam. The Board will try to provide the results of the exam within a week after the examination, or as soon as possible after the assay results are known.

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- Since a candidate who fails one portion of the examination can retake in (NAPLEX every 90 days, MPJE every 30 days, lab three times a year) at differing times, the licensing unit will inform appropriate candidates that they have failed or passed a portion without waiting for the results from all three parts. A candidate wanting the results of an exam before all results are in will have to request that in writing. (other than results of failure being sent automatically.)

Legislation and Regulations – James Slade

- Legislative/Regulatory Officer, James Slade, discussed several suggestions for proposed legislation changes for pharmacy law. One would be similar to Health Occupations statutes, Section 8-317(g), which immediately suspends the license of a pharmacist who is expelled from a rehabilitation program. (Section 8 relates to nurses.) Additionally, Mr. Slade suggested adding Section 12-313(b)(23). Making it a violation of Maryland law to be disciplined by a branch of the U.S. Uniform Services or the Veterans Administration. Mr. Slade received these suggestions from Board Council Paul Ballard. In addition to those changes, it was suggested that the Board consider adoption of the nursing Board's statute Section 8-316(c) that requires the return of licenses and permits to the Board upon suspension and revocation; and Section 8-316(d) that provides that suspensions and revocations are immediately listed in the Maryland Register. The deadline for Departmental sponsorship for legislation is the end of June.
- A letter was sent to BPQA with the Board's concern about the proposed *unlicensed personnel regulation* on which the BPQA is working
- *Delivery of Prescription regulations* – Carol Benner of Health Care Quality is reviewing the effect these regulations may have on acute care and extended care facilities.
- The publication packet for the *Format of Prescriptions* proposed regulations is in process of being completed.
- The proposed statute requiring a *uniform prescription card* to be issued by insurance companies and pharmacy benefit managers, will be considered by the legislature before the next Session, probably in September or October.
- James Slade suggested that the Board consider proposing a bill related to the crisis in pharmacy manpower that similar to the Crisis in Nursing bill from this past session. A discussion was held about the possibility of having the legislature authorize a study of pharmacy manpower issues and to establish ways to encourage students to enter the

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profession, as did occur with nursing this year. Howard Schiff discussed pharmacist shortages and methods to determine where the shortages are most acute.

Commissioner Love said that there is an ongoing Bureau of Health Manpower study. NACDS claims that chains have well over 6000 open positions and that pharmacists are working extra shifts to cover them. The Board will consider asking the Legislature to authorize a study of the pharmacy manpower issue. Commissioner Love brought up the problem of attracting qualified students to the pharmacy program as well as other health professions.

Mr. Slade suggested that, because the time for submitting departmental sponsorship packages for the 2001 session is short, the Board may want to use the next year to develop a legislative program and seek departmental sponsorship for the following session. Dr. Love stated that a legislator could sponsor legislation for the Board if the department is unable to do so, however the department's support is still necessary.

PEAC (Pharmacists Education and Assistance Committee) Update

There were no representatives present from PEAC.

Ms. Demory-Cornish reported that the contract with PEAC has been renewed.

PEAC does not have web site, just an e-mail address. Persons accessing the Board's Pharmacist Licensure page can now click on a link to PEAC's e-mail address and read information about their services from the Board's *Related Web-Sites* page. PEAC is in the process of updating this information and will provide new WebPage formatted information to Tamara to post on the Board site in a month or so.

Pharmacy Practice Committee

Dr Love reported that the May 3rd meeting was devoted to the draft regulations on automation. Committee members reviewed the revisions suggested by MSHP taskforce and made more modifications to the document. The draft regulations will be sent to the MSHP taskforce and a joint meeting will be scheduled. The June 7 date may not be acceptable for the next meeting due to the APhA annual meeting that week.

Medication Error Prevention Project—Commissioner Yee reported that the committee met on May 16, 2000 and discussed the first phase—education. Bruce Gordon and the USP made presentations. The Committee will meet again on June 20, 2000 to begin discussing each step individually. Commissioner Furman said the first meetings were largely concerned with defining what an error is and ensuring that pharmacists feel comfortable reporting 'near miss' errors so the task force can work on ways to reduce the potential for errors. Howard Schiff said the MPhA will have programs on errors at the Annual Convention.

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Narrow Therapeutic Index Drugs – On motion by Commissioner Love and seconded by Commissioner Schneider, a letter will be written to the pharmacist legislators to request possible meeting dates with the Board to discuss the Board initiative to eliminate NTI drugs from the ‘negative formulary.’

Nurse Mid-Wife Formulary - Commissioner Yee reported he met with the mid-wife group and explained that he felt that their original formulary would cover their needs, although the original formulary should be better organized. The Board offered help with that process. The original formulary has some drug names and some therapeutic categories. The Board of Pharmacy acts in an advisory role, but the Midwives want to present before the Board to explain the role of the Nurse Mid-wife. They will be invited to the July Practice Committee meeting and will present before the Board at its June 2000 Meeting.

Health Department Nurse Dispensing Policy (Draft #18) - The Nurses are working on a final draft that will be presented to the Board shortly.

Outsourcing Regulations - The proposed regulation was presented to the Board. On motion by Dr. Love and seconded by Ms. Schneider, the draft was approved with the following changes:

.01 B (2)-add the word ‘is’ to the first line, between the words ‘prescription’ and ‘transferred’

.03 B. Strike the introductory words ‘Waiver permits’.

Make lines 3 read ‘more of the pharmacy’s total NUMBER OF prescriptions [volume] shall’

Delete the number (1) make the ‘S’ in ‘submit a small letter and continue it as the same sentence after ‘shall’.

Eliminate the number (2) and the text that follows on that line.

.05.A (2) add ‘providing this medication’ after the first words ‘the pharmacy

Public Relations Committee/Counsel of Boards Report- Given by Ms Demory-Cornish for Ms. Faltz-Jackson who was working at the Flower Mart Booth.

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The Committee received a copy of the 30-minute interview that Reeves recorded in which Nicole Brandt of the School of Pharmacy, Bruce Anderson of the Poison Control Center and Michelle Andoll of the Board of Pharmacy participated. This will be used when Public Service spots are secured. A 10-minute interview with Commissioner John Balch, which was aired on April 30, 2000, will be received soon. The Board listened to part of the tape which the Committee members made.

The Committee agreed to advertise in the School of Pharmacy yearbook, the Terra Maria, which will be printed in the fall. The Board will purchase 1/4 page for \$150.

Budget Committee. Ms Demory-Cornish reported that the Board has had income of \$775,285 with a fourth quarter projection additional funds to bring the final total to \$939,535. The Board will need to expend \$266,878 by the end of the fourth quarter to meet budget projections. The reserve fund is currently higher than the legislature supports. Ms Demory-Cornish reported that the recent new hires and the purchases of a new server, new software items, and new office furniture should expend most of the remaining funds.

Questions and Informational

President Ades asked about the changes in the closure of pharmacies that were proposed. Commissioner Dyke stated some changes are being made in conjunction with DDC and that it will be going to interested parties for comments shortly.

A discussion was held about the information provided by iScribe, a company that sought Board consideration of the palm-sized electronic machine for electronic writing and printing of prescription. iScribes' specific question regarded a digital signatures. The Board agreed that the electronic signature would be acceptable as long as the system meets the Format of Prescription regulations which are in process..

The meeting was adjourned at 11:30 a.m.

Respectfully submitted

W. Irving Lottier, Jr.