

**Maryland Board of Pharmacy  
Public Meeting - October 18, 2000**

**The Public Meeting was called to order at 8:45 a.m.**

**ATTENDANCE**

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

Board Members Absent: Barbara Faltz Jackson and Laura Schneider

Board Counsel: Paul Ballard, Linda Bethman

Board Staff: LaVerne Naesea, Executive Director; Michelle Andoll, Pharmacy Compliance Officer; James Slade, Legislative/Regulatory Officer; Deitra M. Gale, Compliance Specialist; Tararra Banks, Network & Information Services; and Sandra A. Hines, Executive Secretary

Guests: Mike Nicholson (DuPont Pharmaceuticals); Nate Gruz (MPhA Executive Director Emeritus); Marlene Anarah (University of Maryland Pharmacy Student); Phil Cogan (Maryland Pharmacist Association); Kathryn Lavriha (Barr Labs); Richard Baylis (Neighbor Care, LTC); Michael Brodfur (University of Maryland)

**INTRODUCTION**

President Ades asked each guest to introduce him or herself.

**RECUSALS**

There were no recusals of Commissioners due to conflicts of interest.

**APPROVAL OF MINUTES**

The following corrections were made to the minutes:

Under Guest, correct “Ban Labs” to “Barr Labs.”

**A motion for minutes to be approved as amended was passed.**

## **PRESIDENT/EXECUTIVE COMMITTEE REPORT**

President Ades made no report at this meeting.

## **EXECUTIVE DIRECTOR REPORT**

### **Board/Staff Retreat**

Ms. Naesea reported on the Board/Staff Retreat held in Clinton, Maryland on October 6-8, 2000. All Staff and Board members attended with the exception of one staff and three Board members. Paul Ballard of the Attorney General's Office, attended and gave a briefing on Board members' responsibilities. There was a lengthy discussion on goals. The Board and staff also worked on internal and external Board of Pharmacy issues that were important and why they were important. A full summary will be prepared by the next Board meeting. The Board intends to develop a full strategic plan by June, 2001, which will be made public at that time.

### **Staffing Updates**

Ms. Naesea introduced the newly hired Executive Secretary, Sandra Hines, and reported that she was able to attend the Retreat which was a good introduction to Board activities.

Ms. Demory-Cornish reported that the position for Licensing Supervisor was approved, effective October 26. Interviewing for that position will start in a few weeks.

### **DHMH Strategic Plan Update**

The Department of Health and Mental Hygiene's Strategic Plan Retreat was held October 11-13, 2000. Unfortunately, Ms. Naesea was unable to attend. However, she will receive a full report of the proceedings and will inform the Board as soon as it becomes available.

### **Law Book**

The Board's purchase of law books for pharmacies will need to be rebid because some of the required State specifications for bid issuances were not followed.

### **Office Space Issues**

Ms. Naesea made note of a letter sent by the Board of Social Work Examiners requesting the Board of Pharmacy to allocate some of the its space to the Board of Social Work Examiners. **The Board approved a motion for Ms. Naesea to take any actions appropriate to retain its current office space allocation.**

## **BOARD COUNSEL REPORT**

Mr. Ballard reported on the proposed regulations which would permit Health Occupations Boards to disclose investigative information to other agencies and/or entities under certain circumstances. The Board agreed that it would like some changes in the guidelines to permit sharing of information and complaints where appropriate. Mr. Ballard indicated that he will relay the Board's comments.

## **LEGISLATIVE OFFICER REPORT**

### **Update on Legislation**

Mr. Slade stated that there was no update to report on the Board's proposed legislation.

### **Update on Regulations**

Mr. Slade reported that the proposed regulations for Record of Drug Inventory Acquisitions was submitted for publication in the Maryland Register.

The Format For Prescriptions Transmissions was published in the Maryland Register on October 6, 2000. Comments will be received up until November 6, 2000.

### **Labeling Study (HB 783)**

Mr. Slade reported on the Environmental Committee's Labeling Study which supported providing more education to patients. Mr. Slade attended a Hearing on Access To Health Care which consisted of three (3) panel groups: Overview, Governmental and Industrial. Mr. Slade will provide a summary at the next Board meeting.

**GUEST PRESENTER(s)** - None

## **PRACTICE COMMITTEE REPORTS**

Dr. Love commented that the committee dedicated an extensive amount of time and effort working on the Outsourcing and Transfer of Prescription Regulations. Mr. Slade will make revisions based on comments received, for the committee to review.

## **QUESTION(S) FOR THE BOARD**

Dr. Love reported that the Practice Committee received a letter from Michael A. Podgurski of Rite Aid seeking the Board's comments on allowing a technician to dispense medications from the pharmacy when the pharmacist is on break. The Committee said that this was inconsistent with our security regulations. Mr. Love has asked Ms. Andoll to address a letter to Mr. Podgurski informing him that this practice would not be consistent with our current regulations.  
**Return and Re-use of Blister Packaging/Bingo Cards Prepared by the Pharmacy**

Dr. Love mentioned that during a recent Drug Control site inspection, it was learned that a pharmacy routinely accepted the return of blister packages and offered these packages for resale. Mr. Richard Baylis brought samples of blister packaging to the Board meeting. Mr. Baylis felt that unit dose is not defined clearly. He pointed out that in his samples, each unit was labeled with an expiration date, name and control number and that the package met the USP and FDA specifications. Mr. Baylis informed the Board of the blister package advantages, such as easy opening for senior citizens, and the potential cost savings when the a full prescription is not taken because a doctor may change the prescription. Also, Medicare/Medicaid allows credit for any unused portions. Mr. Baylis suggested that the Board address the regulations the way they are written and clarify them so that arrangements to credit the individual for medications unused may be made. After a lengthy conversation, a motion was made for the the Board to interpret the term “individual unit dose” to exclude containers which have multiple doses in them that would need to be repackaged for dispensing to a second individual. Returns could be reused if the integrity of the packaging was maintained such as individual unit dose blisters on 20 day punch cards that are not repackaged, but re-dispensed in the original packaging.

### **Policy on Electronic Signatures**

Dr. Love reported on the question as to whether the Board considered computer generated images of a prescriber’s signature, printed on a hard copy prescription, to be legal. The Board has proposed regulations called “Format For Prescription Transmission” which indicate that the pharmacist should determine whether a signature is valid. The Practice Committee’s response was that pharmacists have to be reasonably sure that the prescriber’s actually prescribed the medication and that the proposed regulations should be referred to in order to understand the pharmacist’s obligations. Electronic signatures are accepted with appropriate safeguards.

### **Question About Allowing Inpatients To Take Certain Medications Home**

Dr. Love stated to the Board that inpatients may be given multi-use containers such as inhalers and eye drops. The Board was questioned as to whether a patient may be allowed to take multi-use containers home. The Committee stated that if the containers are given to the same patient with appropriate labeling for outpatient use, it is permissible.

### **Question On Technician Verification**

Dr. Love addressed a question that was brought to the Committee by a hospital regarding technicians checking prescriptions filled by other technicians (“Tech Check Tech” system) in lieu of pharmacists checking to ensure prescriptions are filled properly. The Committee referred to the law under which “Tech Check Tech” are illegal; although exceptions have been allowed related to specific automated systems.

### **Medication Error Task Force**

Ms. Furman commented on the Task Force on Medication Errors, which has been meeting monthly and is formulating a program.

### **Licensing Committee**

Commissioner Dyke presented the Licensing Committee report.

### **Reciprocity**

Commissioner Dyke presented the names of 10 reciprocity candidates. All candidates have satisfied the requirements except one who is pending the oral competency portion.

**Commissioner Dyke moved that the candidates be approved for licensure. The motion was seconded by Mr. Lottier and passed by the Board.**

### **Wet Lab Exam**

The wet lab examination was held on October 3, 2000. Commissioner Dyke thanked everyone who proctored the exam. The results are being compiled now and should be placed on the web-site by early next week.

Commissioner Dyke asked that the Licensing Committee hold its next meeting on Thursday, November 2, 2000 at 9:00 a.m. Commissioner Dyke stated that the Committee is ready to proceed with the final development of the Board's non-wet lab practical examination. Questions have been submitted and they will be reviewed.

### **PEAC (Pharmacists Education and Assistance Committee) - Update**

There will be seminar on October 19, 2000 at the Maritime Institute. Ms. Andoll is one of the speakers on what appears to be an excellent program.

### **Public Relations Committee/Council of Boards Report**

Ms. Furman announced the Traveling Medicine Show scheduled for National Pharmacy Week (October 22-28, 2000). Board and staff are volunteering to visit various pharmacies throughout the State for consumers to bring in their medicines (prescription and nonprescription) for a "check-up." Pharmacists will be available for personal consultations to ensure proper use and storage of medication, and to advise consumers of possible side effects and interactions.

Friday, October 20, 2000 the Health Commissioner of Baltimore City will appear at Mercy Hospital to proclaim National Pharmacy Week in the City of Baltimore. Hopefully, this will receive news coverage.

The Senior Expo was an enormous success. Two students from Mercy staffed the Expo and reported that it is wonderful to see the Board of Pharmacy participating in National Pharmacy Week. The Board was one of a few pharmacy groups participating. Ms. Furman reported that

she is very proud that the Public Relations Committee Group participated.

The Counsel of Boards has asked the Board of Pharmacy to present Medication Errors information at its next meeting on November 10, 2000 and to possibly do a more extensive presentation in March, 2001.

### **Budget Committee**

Mr. Lottier received the quarterly auditors report July1, 2000 to July 30, 2000. The revenue side of the report is accurately reflected.

### **INFORMATIONAL**

Ms. Naesea will send staff to the FDA's Public Hearing On Prescription Drug Marketing Act being held on October 27, 2000.

### **COMMUNICATIONS**

Ms. Naesea reported that the Board of Pharmacy's latest transmittal has been sent to permit holders. Ms. Naesea reported that our new web-site address is now: [www.md.bop.com](http://www.md.bop.com)

### **FOLLOW-UP LETTERS/MEETINGS**

#### **Technology For The Future**

Ms. Naesea announced that staff members: Doris Thomas, Vladimir Konstantinov and Board member Jeanne Furman attended the Technology workshop. Ms. Furman reported that the workshop provided education on technology, current and future. Ms. Furman stated that it was good to see that the Board is not behind in automation. Attendees were able to view an automation system dependent on bar coding, which is going to be the wave of the future. Ms. Naesea reported that Maryland's Board of Pharmacy is one of a few states in which automation regulations are being considered.

Ms. Furman attended the Maryland Society of Health Systems Pharmacists last week and announced that the Board of Pharmacy's presentation was well received. Ms. Furman reported that Ms. Andoll gave a great overview on the Board of Pharmacy.

Ms. Andoll reported that in spite of our requests to reserve rooms (this time last year) for our Board meetings, we were unable to secure a room for our November and December Board meetings. We are hoping that one of the other Boards will cancel space. However, Building Services has informed us that currently they do not have a room available. The School of

Pharmacy has offered to accommodate the Board's November and December Board meetings at the Allied Health Center, located at 100 Penn Street. However, the Board will continue to look for other alternatives.

Ms. Andoll spoke on the behalf of a suggestion made by Ms. Jackson that the Board consider holding some of its meetings in the evening so that more pharmacists could attend and it would be easier for consumer members. Ms. Andoll added that the Maryland Society of Health Systems Pharmacist has held some of its Board meetings in the evening to increase attendance.

## **ADJOURNMENT**

The Public Meeting was adjourned by President Ades at approximately 11:10 a.m.

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