

Maryland Board of Pharmacy

Public Board Meeting – January 17, 2001

The Public Meeting was called to order at 8:30 a.m.

ATTENDANCE:

Commissioners Present: Stanton Ades, President; Melvin Rubin, Treasurer; Commissioners: Ramona McCarthy Hawkins; John Balch; Raymond C. Love; Wayne Dyke; Barbara Faltz-Jackson; Laura Schneider; Reverend William E. Johnson, Sr.; Jeanne Furman and Donald K. Yee

Commissioners Absent: W. Irving Lottier, Jr.

Board Counsel: Paul Ballard, Linda Bethman

Board Staff: LaVerne G. Naesea, Executive Director; Michelle Andoll, Pharmacy Compliance Officer, James Slade, Legislative/Regulatory Officer; Tamarra Banks, Network & Information Services; Sharon Demory-Cornish, Personnel Officer; Doris Thomas, Acting Licensing Supervisor, and Sandra A. Hines, Executive Secretary.

Guest: Howard Schiff (MPhA); Robert Vlk (Purdue); Nastaran Alemi (Third-Year Pharmacy Student); Catherine Putz (Division of Drug Control); Laura Borda (Taro Pharmaceuticals); Yelee Kim (MPhA-Intern); David Tsung (UMB Pharmacy); Jack Freeman (Division of Drug Control), and Kathryn Lavriha (Barr Labs)

INTRODUCTION

President Ades asked each guest to introduce him or herself.

RECUSALS

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

Corrections and Approval of Minutes

Page 1: last paragraph, remove apostrophe after the word objectives.

Page 2: 2nd line should read, “as part of the appointment requirements.” 3rd paragraph, next to the last line, should read “the mandatory CE requirements, the lab exam, and substance abuse issues regarding the younger pharmacist.”

Page 3: fifth paragraph, 2nd sentence, should read, “will interview.”

Page 4: 1st paragraph, 2nd sentence should read “Mr. Rubin asked the Board to endorse the requirement for use of a standard benefit card format. Dr. Love made a motion to endorse the concept of the NABP approving the use of the standard pharmacy benefit card. Ms. Faltz-Jackson seconded the motion which was passed by the Board.” 2nd paragraph, second sentence should read, “Mr. Rubin said that the regulations specify that on prescriptions written by the PA, the name of the PA and the name and address of the supervising MD must be included. Mr. Rubin moved that the Board policy be that pharmacists are required to obtain and record that information on oral prescriptions also. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.” 6th paragraph, change to read, “Mr. Rubin reported that he will appear on the Maryland Pharmacist Association’s mid-year meeting panel discussion of unlicensed personnel February 3-4, 2001 at the University of Maryland College Park. 3rd paragraph, 2nd sentence should be “4:00 p.m.”

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Page 5: 1st sentence should read, “Dr. Love moved to approve the Outsourcing Regulations as presented at the last meeting.” 3rd paragraph, 3rd sentence should read: “Mr. Dyke announced that the Board sent letters stating that the wet lab exams are held quarterly. 5th paragraph, 2nd line, delete “Ms. Furman reported that there were no action items required by the Board at this point.”

Dr. Love moved to accept the minutes with corrected amendments. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

President/Executive Committee Report

Council of Boards and Commission Legislative Reception

President Ades announced that The Council of the Health Occupation Boards and Commission has invited all Boards and Commission staff to a Legislative Reception on Wednesday, January 31, 2001, 11:00 a.m. – 2:00 p.m. at the Senate Office Building, Second Floor Reception Room.

Update on Law Book Contracts

President Ades announced to the Board that since the Law Book contract is considered a commodity purchase from Lexis, a bid was not required. The Board is still looking into a possible grant to MPhA. Ms. Demory-Cornish reported to the Board that she is corresponding with people that are doing some research on how grants can be awarded and expects to be contacted by next week.

Executive Director’s Report

Board of Pharmacy Strategic Planning Update

Ms. Naesea reported that the Planning Committee has been “word-smithing” the goals and strategy language that came out of the Board/staff retreat. The Committee is close to completing the entire project. In order to present the Board the complete project, the Committee will hold a few more meetings with Mr. Harry Christiansen to make sure they have a full packet that reflects the language and the intent of the plan that was worked on at the retreat. The project should be completed by March or April 2001, and ready to be implemented by July 1, 2001.

Privacy of Medical Records – Health Insurance Portability And Accountability (HIPAA)

Ms. Naesea announced that she attended the DHMH briefing on Privacy of Medical Records Regulation that President Clinton signed. Ms. Naesea reported that Mr. Rubin retrieved the overview of the Regulation requirements on the Internet. The Regulations consist of a variety of fines that will be assessed for various violations. Ms. Naesea suggested that the Board and association memberships familiarize themselves with the Regulations.

Board Packet Request List

Ms. Naesea informed the Board and visiting guest that a “Request List” form was inserted in each Board packet, requesting that all persons interested in remaining on the mailing list and/or who are interested in being added to the mailing list to receive the Board packet, to complete the form and return it prior to the specified deadline.

Review of Board Forms

Ms. Naesea asked that the Board, on behalf of the staff, formulate a forms committee. In reviewing the forms, most of the information that they gather is not sufficient or is either not necessary or cannot be cross-used.

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Ms. Naesea asked the Board to assign the committee to look at all of the forms that the Board is using and make recommendations to the individual committees (i.e., Licensing, Disciplinary, etc.) for changes to be made to the forms.

President Ades announced to the Board that he will be involved in this project. President Ades will discuss forming the committee with Commissioners Furman and Dyke and report back to the Board.

Maryland Health Care Commission (MHCC)

Ms. Naesea reported to the Board that the MHCC is thinking about increasing their practitioner fees up to 22%. Mr. Schiff, on behalf of the Maryland Pharmacy Association, wrote a letter opposing the proposed increase assessment on individual pharmacist. Mr. Schiff's letter indicated that it is a disservice by the General Assembly to attach fees to the working practitioner and not to the maker of the drug product. Mr. Schiff's letter also suggested that a way should be found to attach license fees to those that benefit the most.

Ms. Naesea requested that the Board also approve a letter requesting that pharmacies; which do third party billing, be assessed rather than pharmacists who only bill on behalf of pharmacies. Dr. Love moved that the Board approve the letter drafted by Ms. Naesea. Ms. Furman seconded the motion, which was passed by the Board.

National Association of Boards of Pharmacy (NABP)

Ms. Naesea announced to the Board that the NABP will host a training session on preparing questions for the NAPLEX Exam, which the Board has to submit every year. The training will focus on how to write and select the questions that will be used on the exam. The training will be held in Florida on February 9-11, 2001. Ms. Naesea and Ms. Demory-Cornish will attend the training.

Expense Report

Ms. Demory-Cornish reiterated to the Board; particularly for members who were not available during the last Board meeting, that the proper way to complete the expense report when noting the per-diem, would be to list the per-diem in the column located between the Taxi/Phone and Daily Total columns. Ms. Demory-Cornish reminded the Board to please not write in the Daily Total column. Ms. Demory-Cornish will cost-compute all expenditures incurred during a period and indicate that amount in the Daily Total column.

Staffing Updates

Ms. Demory-Cornish announced to the Board that interviews for the Education and Training Specialist position were conducted on December 27 and 28, 2000. Eight persons were interviewed. A second interview for the top three interviewees is scheduled for January 24, 2001. Ms. Demory-Cornish, Ms. Furman and Mr. Balch will conduct the second interview.

Ms. Demory-Cornish announced that due to scheduling conflicts, interviewing for the Licensing Supervisor was cancelled and has been rescheduled for January 26, 2001. The Board hopes to have the Licensing Supervisor on staff before the end of February 2001. During the interim, Ms. Thomas will continue to serve in an acting capacity as Licensing Supervisor.

Ms. Naesea requested that the Board consider hiring Mr. Slade as a full-time Regulation/Legislative staff person. Currently, the Board shares Mr. Slade with the Board of Social Work (50-50). Ms. Naesea reported that the Board is at the point where a full-time Regulation/Legislative staff person is necessary. Ms. Naesea stated that she would like to have Mr. Slade hired as a full-time staff member by the end of the Legislative session. Ms. McCarthy-Hawkins moved to hire Mr. Slade as a full-time employee with the Board. Dr. Love seconded the motion, which was passed by the Board.

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Board Counsel Report

Disclosure for Compelling Public Purpose

Mr. Ballard reviewed with the Board, a revised draft of the Regulations for Disclosure for Compelling Public Purpose. The court has reviewed and approved the Regulation. Mr. Ballard informed the Board that the revisions are highlighted on the sheet in their Board packets and reflect the regulations formulated from the Public Information Act. President Ades moved that the Board approve the Disclosure. Ms. Furman seconded the motion, which was passed by the Board.

Legislative Officer Report

Senate Bill 1

Mr. Slade reported to the Board that Senate Bill 1, "Criminal Procedure Article," states that any law enforcement agency that receives a complaint of death or bodily harm allegedly caused by a nurse who holds a license or a certificate under this title, shall notify the Board of the complaint. Mr. Slade stated that he has been corresponding with Anna Jeffers, Legislative Liaison for the Public Health Occupations Board. Mr. Slade asked that the Board approve filing a joint response with all the Health Occupation Boards to allow all Boards to be included in the law. Mr. Balch moved that the Board participate in the joint response. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

House Bill 6

Mr. Slade reported to the Board that House Bill 6, "Coverage of Insurance Gaps in Pharmaceutical Benefits for Seniors," includes a pharmacy discount program and the Maryland MedBank Program, which would provide certain short-term medications for seniors who are participating in manufacturer assistance programs.

Universal Drug Program Card

Mr. Slade announced to the Board that Dr. Love, Mr. Balch, Ms. Naesea and he, will meet with Medicaid on January 24, 2001 to discuss the Universal Drug Program Card.

NACDS Priority Issues

Mr. Slade presented to the Board the NACDS information packet. The packet explains the NACDS industry positions on various pharmacy practice issues, such as: Automated Dispensing Systems; Board Representation; Central Fill and Processing; Continuing Education; Electronic Transmission and Facsimile Transmission of Treatment Information; Waivers and Workload. Most of the information is based on NACDS' position that assistance with the technical dispensing functions is essential to freeing the pharmacist to do what he or she is trained to do; and that enabling the pharmacist to focus on the patient will also benefit the public to the maximum degree.

Guest Presenter(s): - None

Committee Reports

Licensing Committee

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Reciprocity

Mr. Dyke announced to the Board that the Reciprocity format was changed based on regulatory requirements for an evaluation process. Following a review of Maryland Pharmacy Practice information at the reciprocity meeting, the first written test was administered.

Mr. Dyke presented the names of eight (8) reciprocity candidates: Fouzia Abisourour; Michael Bonchonsky; Nancy Brockman; Isiah Harper, Jr.; Farzana Kennedy; Joseph Lawrence; Payal Patel and LaShawn Washington. Of the eight candidates, six (6) satisfied the requirements by passing the test. Michael Bronchonsky and LaShawn Washington will have to pass the test to reciprocate in Maryland. Mr. Dyke moved that the six candidates be approved for licensure. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

NTI Drugs Meeting with Del. Elliott

Dr. Love reported to the Board that the NTI section should be taken off the agenda for future meetings.

Outsourcing

Dr. Love reported to the Board that the Outsourcing Regulations were finished and a decision was made at the last Board meeting to submit the draft for publication.

Automation Task Force

Dr. Love reported to the Board that the Practice Committee held its last meeting on January 3, 2001 at which time, several changes were made to the Automation Regulations to incorporate some of the comments received. That information will be presented to the Board at the next Board meeting in February.

Delivery of Prescriptions

Dr. Love reported to the Board that the Committee made several changes to the Regulations at its last meeting. The information will be presented to the Board at the next Board meeting.

Division of Drug Control

Dr. Love reported to the Board that the Committee received a letter from the Division of Drug Control to meet and discuss the Board's regulations and how to keep the Division of Drug Control up-to-date on the Board's regulations. Dr. Love reported that Ms. Naesea, Ms. Andoll and he met with Mr. Freedman and Mr. Chang, from the Division of Drug Control, to discuss better ways to cooperate. Some of the specific information that the Division of Drug Control needs to have during inspections is whether the Pharmacy license is valid, whether the Pharmacy license has any restrictions or if the pharmacist is on probation.

Dr. Love reported to the Board that the Division of Drug Control will be looking at updating their drug inspection form, for flexibility, to indicate the pharmacy license number and to add medical assistance questions and medical error questions, etc.

Dr. Love reported that the Division of Drug Control is interested in the Board's Regulations process. The Board has invited the Division of Drug Control to attend the Board's Committee meetings. The Board felt that Drug Control could increase information by attending the Disciplinary Committee meeting.

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Pharmacist Code of Conduct (10.34.10)

Dr. Love reported that Board Counsel suggested that the Practice Committee close a hole in the status of the regulations. Dr. Love stated that the Code of Conduct states that the Board may take action on a health professional who engages in an unprofessional conduct, such as, in cases where a pharmacist, in the course of pharmacy practice engages in an unprofessional manner without violating the pharmacy regulations, i.e.: a pharmacist exchanging sexual favors for drugs or committing acts of violence against a patient. Dr. Love moved that the Regulations, under .01 B, add a third item that will read, "A pharmacist may not engage in an unprofessional conduct." Ms. Furman seconded the motion, which was passed by the Board.

Lab Exam

Mr. Dyke reported to the Board that the Laboratory Exam is scheduled for January 30, 2001. Mr. Dyke announced to the Board that there are 23 candidates scheduled to take the exam.

Mr. Dyke announced to the Board that the final meeting for evaluating pilot questions will be held on January 29, 2001. The Committee mailed an eligibility letter to the potential pilot participants. Mr. Dyke stated that the Committee should have the responses from potential participants by the next Board meeting.

Continuing Education (CE) Requirements – Update

Mr. Dyke reported that the Committee's decision on the current credit requirements is still open and any credits obtained may be modified without changing regulations.

Dr. Love moved that the Board send letters to all the major Pharmacy Organizations in the State, including: MPhA, MPhS, the Maryland Chapter of ASCP, and MACDS, for soliciting their opinion on delineation of specific CE topics; also, with possible consultation from Ms. Banks surveying people from the web site. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

Medications Error Task Force

Ms. Furman reported to the Board the recommendations for CE requirements on patient safety issues. Ms. Furman stated to the Board that the Medications Error Task Force is waiting to receive a response to its previously submitted recommendations. Ms. Furman will set-up a meeting with the Executive Committee and Ms. Naesea to discuss Task Force issues and concerns.

Public Relations Committee

Media Campaign

Ms. Faltz-Jackson reported that the Board's advertising agency, the Reeves Agency, has filed under Chapter 7 and reportedly closed its doors as of January 15, 2001. A letter has been drafted to the Reeves Agency, requesting confirmation of their status and the return of all items produced as a result of the campaigns.

Ms. Faltz-Jackson reported that National Poison Week is March 19-25, 2001. The Education and Training person will be hired by then and should be able to initiate a "Brown Bag" activity.

Technology and Automation Report

Ms. Banks reported to the Board that the next Technology and Automation meeting will be held on January 29, 2001.

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Web Site Statistics

Ms. Banks reported that new items added to the web site are the Physician Assistance Prescribing Authority list. Ms. Banks reported that the Physician Assistance Prescribing Authority list indicates prescribing authority and information on the supervising physician. The Legislative Section has been updated to include links to COMAR, the Maryland Register and other State Statutes.

Internet Licensing

Ms. Banks reported that the Board now has a copy of the user manual describing the License 2000 database. The License 2000 database is software being considered by the Board for licensing pharmacists over the Internet.

Data Processing Initiatives

Ms. Banks reported that the Board has hired a temporary employee to finish scanning closed establishment and old pharmacist applicants.

Hardware & Software Updates

Ms. Banks announced to the Board that all Board members will soon have access to the GroupWise e-mail system used by the Board. This will require that Board members have access to the Internet. Ms. Banks will notify the Board members about training and when the system becomes effective.

Council of Boards Report

Ms. Faltz-Jackson announced to the Board that a Consumer Advisory meeting will be held on Monday, January 22, 2001, 4:00 p.m. at 4201 Patterson Avenue. Rev. Johnson informed the Board that he will attend the meeting to represent the Board. Mr. Rubin volunteered to attend if Rev. Johnson ran into a schedule conflict.

President Ades adjourned the Public Board meeting at 11:10 a.m.