

# **Maryland Board of Pharmacy**

## **Public Board Meeting – May 16, 2001**

The Public Meeting was called to order at 9:00 a.m.

### **Attendance:**

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

### **Board Counsel: Paul Ballard, Linda Bethman**

Board Staff: LaVerne G. Naesea, Executive Director; Michelle Andoll, Pharmacy Compliance Officer; Deitra Gale, Compliance Specialist; James Slade, Legislative/Regulatory Officer; Sharon Demory, Personnel Officer and Sandra A. Hines, Executive Secretary

Guest: Robert Feroli (Johns Hopkins Hospital); Cathy Putz (Division of Drug Control); Howard Schiff (MPhA); Patricia Johnson (DuPont Pharmaceuticals); Stacey Windham (TAP); Ashor RamKissoon (HomeCall Pharmaceutical Services, Inc.); Robert Vlk (Purdue); Nathan Gruz (MPhA)

### **Introduction**

President Ades asked each guest to introduce him or herself.

### **Recusals**

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

### **Corrections and Approval of Minutes**

Page 1: under "NACDS Conference," first paragraph, last sentence should be "issues meeting is on Saturday, August 18<sup>th</sup>."

Page 2: under "Cosmetic Contact Lenses," second paragraph, second sentence should be "on behalf of consumers."

Page 3: under "HIPPA Advisory Meeting," third paragraph, third sentence should be "By April 2004, all Health Practitioners and organizations will..."

Page 6: under "Pilot Practical Exam," second paragraph, should be "Community Pharmacists," Hospital Pharmacists," Manage Care Pharmacists," Industry Pharmacists," and Resident Pharmacists"

Page 6: under "Public Relations Committee," first paragraph, second sentence should be "The Ryan White Planning Council of the Associated Black Charities"

Page 6: tenth paragraph, should be "May 16<sup>th</sup> – Flower Mart"

Page 7: ninth paragraph, should be "President Ades is hosting the lunch"

Ms. Faltz-Jackson made a motion to accept the minutes with correction amendments. Ms. Furman seconded the motion, which was passed by the Board.

### **President/Executive Committee Report**

#### **Collaborative Practice Meeting**

President Ades announced that the Work Group on Drug Therapy Management and Cooperative Procedures met on May 2<sup>nd</sup>. The multi-disciplinary group consist of Board members, representatives from the original Task Force and BPQA, Kaiser Permanente, MPhA, CVS, Med Chi, PharmaCare, the School of Pharmacy, DHMH, and NACDS. Based on the recommendations of the Chairman of the Committee, the Group was formulated to discuss how to move forward with SB 772 (Therapy Management Agreement and Cooperative Procedures) and how to come to a consensus before the next legislation session.

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The next scheduled meeting will be held on June 7<sup>th</sup> from 10:00 a.m. – 1:00 p.m. at 4201 Patterson Avenue.

### **Pharmacy School**

President Ades reported that the School of Pharmacy held its quarterly meeting May 1<sup>st</sup>. In attendance were: Dr. Knapp; Richard Rumrill; Gary Smith; Bob Beardsley; Dr. Love; Wayne Dyke, LaVerne Naesea and Stanton Ades. Mr. Dyke gave a presentation on the Pilot Lab Exam.

### **Shortage of Pharmacist Task Force**

President Ades reported that the Board will receive assistance from Dr. Benjamin's office in order to proceed in the right direction. The Board will contact trade organizations for representatives in the state.

President Ades reported that Mr. David Brushwood, P.D./Attorney, University of Florida, did a presentation on pharmacy practice issues, Continuous Quality Improvement and pharmacy technicians.

Dr. Love added that the state of Florida's law has changed to reflect that a permit holder cannot operate a pharmacy without a Continuous Quality Improvement system in place. A pharmacy cannot operate unless it has a Continuous Quality Improvement plan available for state inspection.

### **Executive Director's Report**

Ms. Naesea apologized for the scanty Board packet. Many of the Board staff and members who are responsible for providing material for the packet, were out-of-town and involved in several other activities that were planned during the month of May.

### **Managing For Results**

Ms. Naesea presented the Managing For Results Plan to the Board. The Board's performance will be evaluated based on the performance measures, indicated under FY 2002 and FY 2003 of the plan. Also, Ms. Naesea noted that the goals outlined in the report were very close to some of those developed in the Board's strategic plan. The Board was asked to review the report and call Ms. Naesea with comments or suggestions.

### **Cosmetic Contact Lenses**

Ms. Naesea reported that Dr. Benjamin issued a letter stating that based on the MD Annotated Code, Health-General Article, § 2-105(b), all future complaints regarding the sale of the contact lenses by unlicensed health professionals will be directed to the Division of Drug Control for investigation.

The Department of Health and Mental Hygiene will prepare a proactive press release that will reinforce the dangers of purchasing and using cosmetic contact lenses without proper fittings by a licensed practitioner. The press release will also direct consumers who have complaints to contact the Division of Drug Control.

Dr. Benjamin has requested that the Boards of Pharmacy, Optometry, and Physician Quality Assurance inform their respective licensees that selling lenses without a valid prescription is a violation of federal and state law and may place them in jeopardy of fines and/or license revocation.

Mr. Ballard added that the Division of Drug Control is working closely with the FDA. Only Dr. Benjamin will have the authority to notify the unlicensed health professionals when they are in violation.

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### **Sunset Review**

Ms. Naesea announced that the Board of Pharmacy will undergo the Sunset Review process this summer. The Maryland Program Evaluation Act provides a system of periodic legislative review of regulatory activities of the executive branch of government. The act is informally referred to as the “sunset review.”

Two legislative auditors (Ms. Robin Elliott and Ms. Susan Johns) will meet with Ms. Naesea on Monday, May 21<sup>st</sup>, to discuss how they will proceed with the audit.

Ms. Naesea reported that she has asked Board staff to begin reviewing the final report of the review performed ten years earlier to see how far the Board has progressed, and whether the recommendations from the last review were met.

### **NABP’s 97<sup>th</sup> Annual Meeting**

Ms. Furman reported the following information that was gathered from NABP’s 97<sup>th</sup> Annual Meeting in Seattle, WA:

NABP and APHA are launching a new joint web site that will contain CE information, drug information, co-opportunities and confidentiality assessment information.

There are currently four (4) State Management Exams that are computer based. NABP is looking into formulating a technician competency exam and establishing new headquarters in Chicago.

NABP is interested in expanding their executive committee to nine (9) members to represent the eight (8) districts and the one (1) district at large. NABP will hold the elections for the executive committee at the District level. NABP’s newly elected officers and executive committee members are: John Keyago, President Elect; Donna Hall, Treasurer; Mr. Winsley, District IV Representative; Charles Anderson, District V Representative, and Dennis McAllister, At-large Representative.

Ms. Andoll reported that the Electronic Signatures presentation discussed the difference between a digital signature and a electronic signature and the standards for adequate security.

Ms. Naesea reported that the US Food and Drug Administration is seeking comments on its proposed changes to the format of prescription drug package inserts. NABP is planning to comment on these changes and would like the State Boards of Pharmacy’s input. Any comments are due to NABP by Friday, June 8<sup>th</sup>.

Ms. Furman reported that she attended the meeting where proposed resolutions were discussed. The following indicate the outcomes of the votes taken on the resolutions:

The Mutual American and Canadian Educational Program passed. Canadian graduates can now take the NAPLEX exam provided they meet NABP’s standards.

The Task Force to study electronic transmission passed.

The Task Force to study means to minimize medication errors did not pass.

Labeling medication with “Rx Only” warning did not pass.

The Uniform definition of “Live Continuing Education” passed.

The “Opposition to Mandated Tablet Splitting” passed.

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The option to receive Bachelor's Degree in Pharmacy did not pass.

Mr. Lottier announced that the "Medication Errors" booklet published by the Washington State Department of Health and the "Chronic Pain" booklet, published by Purdue, is available to the Board.

### **Annual Report**

Ms. Naesea announced that the Board's Annual Report is completed and will be distributed before the end of the Board meeting. The Report covers a six-month period from January 1, 2000 – June 30, 2000.

### **Flower Mart 2002**

Ms. Naesea presented a request to the Board to consider scheduling the Board meeting on the fourth Wednesday in May, 2002, in order to allow Board members and staff to participate in the Flower Mart activities. The Board will address this issue after receiving official dates of scheduled activities that will occur during May, 2002.

### **Staffing Update**

Ms. Naesea reported that the Board is scheduling interviews for the two secretarial positions that are available.

Ms. Naesea reported that the paperwork for Vladimir Konstantinov to be hired as a permanent state employee has been submitted. The Board does not foresee any problems with the request.

Ms. Naesea announced, regretfully, that Ms. Sharon Demory, Contracts/Personnel Officer, will be retiring after 31 years of state service. Ms. Demory's last day with the Board is on June 8<sup>th</sup>.

### **Board Counsel Report**

#### Public Information Act Notice

Mr. Ballard reported that effective October 1, 2000, State Government Article, § 10-624 was amended to require that licensing agencies provide the following information to persons from whom personal information is collected:

1. The purpose for which the personal information is collected;
2. Any specific consequences to the person for refusal to provide the personal information;
3. The person's right to inspect, amend, or correct personal records, if any;
4. Whether the personal information is generally available for public inspection; and
5. Whether the personal information is made available or transferred to or shared with any other entity.

In addition, State Government Article, § 10-624(b)(4), requires that each unit of State government "...post its privacy policies with regard to the collection of personal information, including the policies specified in this subsection, on its Internet web site."

Mr. Ballard presented a standard notice that he recommends that the Board post on its license application form, renewal application form, newsletter, and web site.

### **Legislative Officer Report**

Mr. Slade reported that the following Bills were signed yesterday:

The Uniform Prescription Card Bill

The Impounding Bill, which will be effective October 1<sup>st</sup>.

Mr. Slade had his picture taken with Governor Glendening during the bill signing.

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HB 6 and SB 236 were signed on April 20<sup>th</sup>.

### **Committee Reports**

#### Pharmacy Practice Committee

Dr. Love reported that the Pharmacy Practice Committee met on May 2<sup>nd</sup>. The Committee is reviewing Regulations and had received comments on Long-term Care Regulations from ASCP. The comments pertained to the different types of long-term care facilities since the law has changed. Mr. Slade and Ms. Andoll are reviewing the Regulations for the correct terminology. They will also be reviewing the Regulations for clarification of Unit Doses and Bingo Cards distributed in long-term care facilities.

Dr. Love reported that the Practice Committee discussed the issue of sanitation. The Board received two consumer complaints pertaining to hygienic practices in pharmacies. The legislators urged the Board to review the standards, requirements and education materials for pharmacists and technicians to ensure sanitary and healthful conditions and medication handling in pharmacies.

Two actions have been proposed by the Committee; an educational article in an upcoming newsletter/transmittal to raise awareness of the issue, and to make certain amendments to the unlicensed personnel regulations and the pharmacist code of conduct.

The Committee will work on Sanitation Regulations to be placed in the COMAR.

Dr. Love reported that the Committee received a formal request from the Medication Errors Task Force to endorse the General Principles for Patient Safety Reporting Systems that was developed subsequent to the Institute of Medicine Report. The Principles were developed by the Coordinating Council and distributed by USP.

Dr. Love made a motion for the Board to endorse supporting the General Principles. Mr. Dyke seconded the motion, which was passed by the Board.

Dr. Love reported that the Committee met with BPQA and the Board of Nursing regarding Medication Errors. Dr. Love made a motion that the Board formally propose to both BPQA and the Board of Nursing that the Board of Pharmacy convene a regular meeting (with all three Boards) as a means to a multi-disciplinary approach with medication errors. Mr. Dyke seconded the motion, which was passed by the Board.

Dr. Love presented the Committee's amendments to the Delivery of Medication Regulations to the Board for approval. After careful reviewing and clarification by the Board, Dr. Love made a motion, on behalf of the Committee, that the Board adopts the changes to the Regulations. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

Mr. Slade informed the Board that the Committee decided not to pursue the issue on the Drug Storage Regulations. The Committee has asked Mr. Ballard to write a letter to Ms. Michelle Phinney, stating that the issue presented is not required by law and that the Board will not pursue at this time.

### **Medication Error Task Force**

Ms. Furman reported that the sub-committee on Medication Errors is writing regulations for the Board.

The Committee met with Marie Savage, BPQA, Donna Dorsey and Barbara Newman, Board of Nursing. The Committee updated BPQA and the Board of Nursing on the Medication Errors activities in Maryland, California, and Washington.

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The Board of Nursing is participating a Pilot Program with the Maryland Hospital Association. The Board of Nursing is looking at new ways to handle disciplinary cases with medical errors. They are also working on remediation training.

Ms. Naesea presented to the Board, a draft letter that will be sent to the Board of Nursing and BPQA, to thank them for attending the Medication Error meeting and summarize the issues that were discussed at the meeting.

### **Unlicensed Personnel/Technicians**

Mr. Rubin reported that the Unlicensed Personnel/Technicians Task Force reviewed a letter about inspection procedures from the Division of Drug Control.

The Unlicensed Task Force is developing examples that community pharmacies can use for policies, procedures, job descriptions and training.

### **Licensing Committee**

#### **Reciprocity – List of Candidates**

Mr. Dyke presented the names of the eight (8) reciprocity candidates: Wallene Bullard; Christine-Obasi Coon; Amani Elamin; Darren Evans; Dennis Eyler; Rafi Haq; Tonyua Lee and Marybeth Missenda. All candidates passed the written examination. Four candidates will have to retake the oral competency.

Mr. Dyke motioned that all candidates who met the reciprocity requirements be approved for licensure. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

### **Pilot Practical Exam**

Mr. Dyke reported that the Committee presented the exam results at the School of Pharmacy Quarterly Meeting.

### **Continuing Education Requirements – Update**

Mr. Dyke presented the responses he received from the Newsletter article published in the April. Dr. Love made a motion that, at this time, the Board no longer pursue any changes in the Continuing Educational Requirements. Mr. Balch seconded the motion, which was passed by the Board.

### **PEAC**

President Ades announced that based on the limited amount of discussions that the Board can participate in at PEAC's meetings, and to avoid any potential conflicts of interest, the Board will no longer send a representative to their meetings.

### **Public Relations Committee**

#### **Committee Minutes**

Ms. Faltz-Jackson reported that the Committee met on Wednesday, May 9<sup>th</sup>. The Ryan White Planning Council survey results were presented to the Board.

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The Board participated in the Johns Hopkins University School of Nursing Health Fair, held on April 26<sup>th</sup>, at the Tench Tilghman Elementary School in Baltimore. Over 400 children (ages 5 through 10 years old) were in attendance.

The Board received numerous products/literature from pharmaceutical companies to display at the Flower Mart on May 16<sup>th</sup> at Mt. Vernon, Baltimore. The Board will display and distribute the products/literature from 10:00 – 6:00 p.m. Ms. Faltz-Jackson presented a “Consumer’s Survey,” to be distributed at the Flower Mart, for the Board’s approval. Reverend Johnson made a motion to accept the survey. Ms. Furman seconded the motion, which was passed by the Board. Dr. Love opposed. The survey will help the Board learn how to better serve the consumer.

Ms. Naesea announced that the Board and Committee conducted an HIV/AIDS Telephone Survey during the week of April 23<sup>rd</sup>. The results will be used to determine whether to recommend to the Board, to present an HIV/AIDS workshop during National Pharmacy Week. The Committee will vote on their recommendations at their next meeting.

The Board calendar is now located on the web site at [www.mdbop.com](http://www.mdbop.com). The calendar is produced in three sections, Maryland, Washington DC and Northern Virginia.

The Board’s Annual Report (January 1 thru June 30, 2000) is completed.

The Board’s Brochure, “Your Right to Know,” will be available by October 2001.

#### **Technology and Automation Report**

Ms. Naesea reported that Ms. Banks is attending the Board’s booth at the Flower Mart and therefore was not available to give the report.

Ms. Naesea updated the Board on the request for estimates for developing the Board’s new on-line services. DHMH will work with Ms. Banks to develop the request. Ms. Banks is scheduled to meet with DHMH on May 17<sup>th</sup>.

#### **Council of Boards Report**

Ms. Faltz-Jackson announced that the next Council of Boards and Commissions meeting will be held on June 11<sup>th</sup>. Designated members are encouraged to attend.

#### **Informational**

Ms. Naesea announced that she will be on sick leave for approximately 4-6 weeks starting June 15<sup>th</sup>.

Mr. Schiff invited the Board to attend MPhA’s Convention on June 9-12<sup>th</sup> in Ocean City.

NABP is looking for committee volunteers to serve on their Association Committee Task Force for 2002. Executive officers and members of the State Boards of Pharmacy who wish to volunteer may send a written request and current vitae to Carmen A. Catizone, MS, RPh, at NABP, by May 31, 2001.

#### **Adjournment**

President Ades adjourned the Public Board Meeting at 11:25 a.m.