

Maryland Board of Pharmacy

Public Board Meeting – June 20, 2001

The Public Meeting was called to order at 9:00 A.M. by President Ades.

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

Board Staff: Michelle Andoll, Pharmacist Compliance Officer; Deitra Gale, Compliance Specialist; James Slade, Legislative/Regulatory Officer; Joan Lawrence, Public Relations Manager; and Angela Hamlin, Executive Secretary

Guests: Robert Vlk (Purdue); Cathy Putz (Division of Drug Control); Howard Schiff (MPhA); Patricia Johnson (DuPont Pharmaceuticals); Stacey Windham (TAP); Kathryn Lavriha (Barr Labs); Jack Freedman (Chief, Division of Drug Control); Laura Short (Taro Pharmaceuticals); Juliette Larmie (Pharmacy Student/UMAB); Angelica Klinski (Pharmacy Student/UMAB); Milton Moskowitz (PEAC); and Morris Rosenberg (PEAC).

Absent: LaVerne Naesea, Executive Director

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: change “Collaborative Practice Meeting” title to “*Drug Therapy Management Meeting*”

Page 2: under “Pharmacy School” change “Rombrill” to “*Rumrill*” and “Bob Beasley” last name to “*Bob Beardsley*”

Page 2: under “Pharmacy School” should read “President Ades reported that the Board of Pharmacy held its quarterly meeting *with the School of Pharmacy* on May 1st.”

Page 3: third paragraph take out “*and*” (inserted twice)

Page 3: under “NABP’s”, second paragraph, it should read “*APhA*” instead of “MPhA”

Page 3: under “NABP’s”, fourth paragraph, second sentence, take out “*It*”, and fifth sentence, should read “*newly elected officers and executive committee members*”

Page 3: under “NABP’s”, second sentence from the end of page, take out “Health” and add “*Tablet*”

Page 5: seventh paragraph, second sentence, replace “firmly” with “*formally*”, and change “systems” to “*disciplinary*”

Page 5: ninth paragraph, first sentence, change “Store” to “*Storage*”

Page 6: first paragraph, last sentence, take out “*oral*”

Page 6: under “Unlicensed Personnel/Technician” should read “*Mr. Rubin reported that the Unlicensed Personnel/Technicians Task Force reviewed a letter about inspection procedures from the Division of Drug Control*”; second paragraph, should read “The Unlicensed Task Force is”; and change “policy” to “*policies*”

Page 6: under “PEAC” should read “*representative to their meeting*”

Board Action

Ms. Faltz-Jackson motioned to accept the minutes as amended. Mr. Balch seconded the motion and it was passed by the Board.

President Ades requested the minutes be copied on both sides of the paper.

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President/Executive Committee Report

President Ades reported that he, LaVerne Naesea and Jim Slade met with Roslyn Goldner about the Task Force for the Shortage of Pharmacists, which is under the auspices of DHMH Secretary Georges Benjamin.

The task force will explore the following issues:

- Identifying causative reasons for the shortage of pharmacists in Maryland.
- Assessing the present/future impact of the shortage of pharmacists in health care.
- Assessing the effect of the development of technology and other related factors and their potential and actual impact on the shortage of pharmacists in Maryland.
- Developing action plans to alleviate the problem of the shortage of pharmacist.

Mr. Ades indicated that the meeting centered around the structure of the taskforce and that it will have a total of 15-16 members.

Executive Director Report

- Mr. Rubin is Acting Executive Director, sitting in for LaVerne Naesea who is on short-term leave. Mr. Rubin reported that the Board needs to discuss changing two of the Board meeting dates: September 19th because of a Jewish holiday and October 17th, since no conference room is available at the 4201 Patterson Ave. location. The Board decided to change the 9/19th meeting to 9/12th and Mr. Rubin will find another location for both meetings.
- The Board will discuss the possibility of changing the regular monthly meetings to a different day of the week for the 2002 schedule, possibly a Tuesday, when room availability is better.
- Mr. Rubin pointed out that Board members should understand that the Executive Director has many Board members and staff pulling at her time and that the Board members should respect that and understand why their projects may not be gotten to as fast as they would like. The Director, while having to see that Board actions are carried out, also has to offer guidance to Board members. In that context she does not so much 'work for' the Board members, but work with them.
- William Allison temporarily moved into the personnel officer position. The Board hopes to have a permanent person in this position July 11, 2001. The Board is working on reclassifications for Tamarra Banks and Vladimir Konstantinov. We have two positions in the Licensing department open and are planning to hire a Data processor to work under Tamarra Banks.
- Mr. Rubin attended the June State Advisory Council on Medical Privacy and Confidentiality committee meeting. They expect to use licensing groups such as the Boards to disseminate information to their licensees and permit holders. Mr. Rubin indicated that at some point he might volunteer to ask chain pharmacies and the EPIC independent group to disseminate information to the consumers. He wants the Committee to be sure that all providers, such as pharmacists and physicians know what they can and cannot do related to the HIPAA regulations before information is given to the public. The Committee has to report to the Legislature by December, 2001 and probably will be meeting every month.

Office Space

- Mr. Rubin mentioned that the lease the State has on the Patterson Avenue building expires in February, 2003. We have contacted a person in the Dept of Planning who will provide plans for us to review to help us make better use of our current space. The plan will allow us to use most of the modules at a new location if we have to move. Dr. Love and Ms Faltz-Jackson addressed concerns about the conference room that is located in our area being turned into office space. Mr. Rubin said that this would not happen but that the open space in the center will be used for more cubicles and storage space.

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- Mr. Rubin thanked everyone for participating in Sharon Demory's retirement party. He indicated that it was the nicest one of all of these occasions that he has attended.
- Mr. Rubin mentioned that the fiscal year ends June 30, 2001 and all expense reports are due now, else Board member reimbursement may be delayed. Expenses for the pre- July 1st , period (fiscal 2001) must be on a separate form from expenses after the new fiscal year begins on July 1, 2001.
- Mr. Rubin asked Board members if everyone has had their orientation. All indicated that they had.

Sunset Review

Mr. Rubin reported that the Board prepared and mailed data to the Sunset Review Committee. Ms. Robyn Elliott and Ms. Susan Johns will be reviewing our work and attending some Board meetings. They may come to some Committee meetings. Mr. Rubin said that we hope that the conclusions of the reviewers will be that we should have more resources made available to allow us to more efficiently carry out the Board's mission.

Board Counsel Report

Mr. Ballard reported that the Occupational Therapy Board would introduce a bill to the Legislature to increase the statute of limitations for criminal prosecution of individuals who practice without a license.

Board Action

Dr. Love motioned that the Board endorse or co-sponsor the COMAR 10.46.06, Competency Requirements for Physical Agent Modalities bill introduced by the Occupational Therapy Board to extend the statute of limitation for prosecution from 1 year to 3 years. Ms. Schneider seconded the motion and it was passed by the Board.

Legislative Officer Report

Legislative Update

Mr. Slade included in the Board packet a profile of the bills introduced in the past legislative session that may have affected pharmacy. The list indicates the final status of all bills. Mr. Slade informed the Board that there is no bills signed which might impact negatively on the Board. Mr. Slade also enclosed a FYI newsletter that the Office of Government Affairs circulated.

Mr. Slade said that if the Board wants the Department to sponsor any bills for the Board in the next session, any proposals must be sent to them by June 22, 2001.

There was a discussion on two possible bills:

- 1) Ms. Andoll requested that the Board consider making a change which would effect HO 12-308 and HO 12-310. Ms. Andoll suggested a change to permit the Board of Pharmacy to renew, rather than reinstate, a pharmacist's license that has failed to renew on time, under certain terms and conditions. The bill would require the Board of Pharmacy to establish procedures for the late renewal of an expired license and require that an additional fee be assessed for the renewal of an expired license.

Board Action

Dr. Love made a motion to approve the concept and Ms. Faltz-Jackson seconded and it was passed by the Board.

- 2) Mr. Slade spoke of a proposal related to non-discoverability of records for quality assurance programs in community pharmacies in response to the work of the Medication Errors Task Force findings.

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Board Action

Ms. Furman moved to proceed with the proposed legislation. Mr. Yee seconded the motion and it was passed by the Board.

Regulations Update

Mr. Slade informed the Board that the Transfer and Outsourcing of Prescriptions and Prescription Orders regulations (COMAR 10.34.04) will be in effective June 25, 2001.

Guest Presenters

President Ades said that there were no guest presenters.

PEAC Report

- Mr. Milton Moskowitz, representing PEAC reported that the Pharmacy Education and Assistance committee would provide an update on their activities to the Board monthly. The Committee now has 24 cases, 10 of which are Board and 14 self-referred.
- Mr. Tony Tommasello attended the Utah Alcohol and Substance Abuse seminar, a week-long program, from June 17-22, 2001. It was noted that there were many representatives from boards of pharmacy throughout the country but that the Maryland Board of Pharmacy did not have a presence. He feels it is a worthwhile conference for anyone to attend.
- October 25, 2001, the PEAC committee will hold a seminar on “Exploring the Aspects of Disclosure- Who Do I Tell, What Do I Tell, a Professional Dilemma”. The Committee spoke to Joan Lawrence at the MPhA convention regarding dual sponsorship and asked that the BOP lend the prestige of its name to entice more pharmacists to attend for C.E. credit.
- Mr. Moskowitz discussed the financial support from the Board. The PEAC committee is requesting \$10,000 from the Board this year for the above seminar. Mr. Rubin asked Mr. Moskowitz how much was contributed last year for their program. Mr. Moskowitz replied \$4,000 in support was provided, but the request is more this year because of additional expenses and the attempt to broaden participation. He indicated that any funds left over will help support PEAC activities, growth and expansion including more staff, which is needed.
- Mr. Rubin mentioned that any contribution to the PEAC October program is intended to come from the PR budget. The PR Committee will bring an answer to the next Board meeting regarding the request for funding.

Committee Reports

Drug Therapy Management Meeting

President Ades reported that the second meeting of the Drug Therapy Management Committee was held on June 7, 2001, and was well attended. The medical community brought in a number of physicians and a physician-legislator was present. The Medical & Chirurgical had asked the Board to present an overview of the benefit that the patient would expect to receive from pharmacist involvement. Dr. Magaly Rodriquez de Bittner of the School of Pharmacy made a comprehensive presentation.

The key points of Ms. Rodriquez de Bittner’s presentation were:

- The process involves a pharmacist sharing responsibility for patient outcomes through a signed agreement with a physician which will specify protocols to be used.
- This arrangement, with varying requirements, is being practiced in 31 states and there have been numerous studies showing that benefits are being derived by patients and healthcare systems.

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- The discussion entailed both the scientific results obtained and results in human terms. The physicians present requested information on studies that were done under accepted protocols. Dr. de Bittner will bring such to the next meeting.
- Delegate Morhaim, a physician, spoke of what he considers to be the essential problem: the effect that pharmacist involvement will have on the economic situation of physicians. A primary concern is the possibility of managed care organizations requiring that physicians utilize pharmacists when the physician does not want to, but feels his job is in jeopardy by not complying. Mr. Ades felt that some of the arguments that the physicians presented had actually strengthened the position of pharmacy. At the next meeting the Board members will try to bring physicians who will support the pharmacy point of view and provide an understanding of how this program has benefited the healthcare systems and the patients involved in their experiences. Mr. Slade was asked to try to get more legislators to attend at the next DTM meeting.

The next Drug Therapy Management will be August 2, 2001 @ 9:00 a.m.

Pharmacy Practice Committee

Dr. Love reported that the Pharmacy Practice Committee met on June 6, 2001.

Board Action

Dr. Love moved on behalf of the Committee that the Board adopt the revised version of the Delivery of Prescription regulations specifying that completed prescriptions may be left in the “prescription area of a pharmacy” rather than just “in the pharmacy”. Ms. Faltz-Jackson seconded the motion and it was passed by the Board.

Dr. Love reported that the Committee felt that Long Term Care practice has changed enough to require that we take an in-depth look at our regulations, which will require a task force review.

Board Action

Dr. Love moved that the President of the Board appoint a task force to report back to the Practice Committee on the possible revision of regulations. Mr. Balch seconded the motion and it was passed by the Board. A change in the regulation, replacing ‘Domiciliary Care Homes’ by ‘Assisted Living Programs’, will be made independent of the Task Force activities.

Code of Conduct/Sanitation

Board Action

Dr. Love moved that the Board submit the following proposed regulation changes:

- Code of Conduct regulations under COMAR 10.34.10.01.(A) add number (3) “Maintain proper sanitation, hygiene, biohazard precautions and infection control when performing tasks in the prescription process”, Add in the same chapter: .01(B)(3) “Engage in unprofessional conduct”, and
- In COMAR 10.34.21, Standards of Practice (as related to the unlicensed personnel), add (B)(4) “maintain proper sanitation hygiene, biohazard precautions and infection control when performing tasks in the prescription process”. Ms. Faltz-Jackson seconded the motion and it was passed by the Board.

OT/PT Regulations

Dr. Love reported that the next issue that the Committee dealt with was changes being proposed in the Occupational Therapy regulations. The OT Board is proposing regulations that relate to the storage of drugs by Occupational Therapists that are being used for patients. The Practice Committee had concerns that the storage must be secure; that the agents used would be part of the individual patients’ treatment; and that the medication had been dispensed pursuant to an order from an authorized prescriber.

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Board Action

Dr. Love moved that the Board endorse the concerns expressed by the Pharmacy Practice Committee and direct a letter to the OT Board stating such. Mr. Slade indicated that the emergency regulations was already in affect, but that the Board could express its concerns regarding the proposed regulations by making formal comments. Mr. Slade will send a letter to Michelle Phinney, in Office of Regulatory Affairs and copy Donna Ashman , Executive Director of the OT Board. Ms. Faltz-Jackson seconded the motion and it was passed by the Board. It is expected that the PT Board will want the same regulation.

Medication Error Task Force

Mr. Yee reported that the next meeting will be Monday, June 25, 2001.

Ms. Furman mentioned that the agenda will include:

- Review of proposed regulations to be sure that they reflect the intent of the task force.
- Review the material that should be included in patient information brochures.
- Decide the testimony of the task force to the General Assembly including format and presenters.
- Update the Committee on the Board's Disciplinary Committee activities in dealing with medication errors.

Unlicensed Personnel/Technicians

Mr. Rubin reported that the Committee will be meeting on Friday, June 22, 2001, at which time it is expected to approve information for the Board to consider to make available to pharmacies to help them comply with the documentation required by the Standards of Practice regulation now in effect.

Licensing Committee

Mr. Dyke thanked the board for its support and expressions of sympathy on the death of his mother.

Reciprocity

Mr. Dyke presented the names of the candidates for licensure by reciprocity. 16 candidates were scheduled to take the examination but only 14 attended. All 14 passed the written examination. Four had not taken the oral competency yet and their license will be withheld until satisfactory completion of that requirement. Mr. Dyke asked that all candidates who met the reciprocity requirements be approved for licensure.

Board Action

Ms. McCarthy-Hawkins moved to license the candidates. Ms. Schneider seconded the motion and it was passed by the Board.

NAPLEX Scores

Mr. Dyke reported that the Committee received a letter from The Chauncey Group on behalf of the NABP, informing the Board that the Chauncey Group had made errors in scoring NAPLEX examinations that affected a small number of candidates nationwide, four in Maryland. Some candidates passed their exam but were informed that they had failed. The Group sent out a letter of apology to candidates and refunded the cost of subsequent examinations. The main concern of the Board was that all four had been licensed subsequently. On review of licensing records, it was determined that they are now licensed to practice in Maryland. Although the Maryland Board is not responsible for the error and NABP is the liable party, we will offer help to any of the four who request it.

Lab Examination

Mr. Dyke reported of 189 registered applicants, 172 applicants took the exam. Although the final assay result has not been received yet, 165 of the candidates have a score of 75 or more without the ten possible points for the assay, and have a high enough grade to pass. When assay points are added, it is expected that many of the 7 remaining candidates will also pass. The Board received e-mail from a candidate, complaining about difficulty finding auxiliary labels. Howard Schiff of the MPhA read a 'report' on the examination by one candidate, offering constructive criticism. Ms. Furman feels that the exam needs to be restructured. The Committee is still reviewing this.

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Continuing Education Requirements

Mr. Dyke said that Committee will not change the C.E. requirement regulations, as the Board had indicated this preference.

Public Relations

Ms. Faltz-Jackson reported the proposed fiscal year 2002 budget for Public Relations. The Committee will consider the PEAC request when determining a final budget for FY 2002.

Ms. Lawrence conducted a consumer survey, which provided 272 responses. She recommended to the Board that we continue to gather data; increase consumer awareness of the Board; and use the pharmacists and pharmacies to help to disseminate information and education to consumers, including using more pharmacies on our outreach programs. We should raise consumer awareness of the advantages of using pharmacists as a resource.

The Flower Mart pictures are located on the website at www.mdbop.com.

HIV/AIDS Seminar

Ms. Lawrence requested that the Board work with the Ryan White Foundation on their HIV/AIDS seminar. The Board will allow the group to use our name and provide mailing labels, place information on our website and in the newsletter.

Board Action

Ms. Faltz-Jackson moved for the Board to be a co-sponsor along with MPhA for the HIV/AIDS seminar during the National Pharmacy Week or at a different time if decided on. Ms. Furman seconded the motion and it was passed by the Board.

Mr. Rubin mentioned that the Board could offer C.E. credits to pharmacists for this event but that the credits would only be approved for Maryland re-licensure. ACPE approval would allow automatic approval in most States.

Consumer-Related Activities

Ms. Faltz-Jackson reported that there will be a Consumer Advisory meeting on Monday, June 25, 2001 at 4:00p.m. in Room 108. All consumer members of health boards are invited and encouraged to attend. Consumer members are encouraged to prepare themselves to speak to the public to inform them of the activities of Boards and the way Board's can help to ensure their safety. Ms. Faltz-Jackson asked that Rev. Johnson try to attend. Ms. Faltz-Jackson also mentioned that consumer Board members should try to be more actively involved in the Citizens Advocacy Center because there's no participation from the State level.

Health Profession – Related Activities

Ms. Lawrence reported that Ms. Andoll and herself had attended the MPhA Convention. There were 92 pharmacists in attendance. A survey was done, with 43 responses. The pharmacists were willing and open to provide information. Four law books were given out as raffle prizes from the Board.

Technology and Automation Report

Ms. Banks did not report at this time. Some Board members received their laptops after the Board meeting.

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Council of Boards Report

Ms. Faltz-Jackson reported that the last Council of Boards meeting was very informative. One discussion involved ethics. Another key area was a discussion on future locations for the Boards if they have to leave the Patterson Avenue Building by February 2003, when the current lease expires. Ms. Faltz-Jackson indicated that about 7-8 Board members attend the meetings.

Informational

Mr. Schiff made an announcement that NIPCO is presenting a two day program on September 15 & 16, 2001, Saturday & Sunday, 15 credit hours, at a cost of under \$100 and inviting people from VA and Delaware. It is a nationally certified program.

President Ades adjourned the Public Board Meeting at 11:45a.m.

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