

Maryland Board of Pharmacy

Public Board Meeting – July 18, 2001

The Public Meeting was called to order at 8:15 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 (Acting Executive Director); Barbara Faltz- Jackson; Donald K. Yee; 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 Education Officer; Angela Hamlin, Executive Secretary; Doris Thomas, Licensing Supervisor; and Shirley Costley, Personnel Officer

Guests: Robyn Elliott and Susan Johns, Sunset Review team for the State; Cathy Putz (Division of Drug Control); Howard Schiff (MPhA); Patricia Johnson (DuPont Pharmaceuticals); Kathryn Lavriha (Barr Labs); Jack Freedman (Chief, Division of Drug Control); Juliette Larmie (Pharmacy Student/UMAB); Randy R. Delker (PEAC); Richard Rumrill (PEAC); Nathan Gruz (MPhA); and Lynette Bradley-Baker (CVS Pharmacy)

Absent: LaVerne Naesea, Executive Director; Tamarra Banks, Network & Information Specialist; Laura Schneider, Commissioner; John Balch, Commissioner.

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 3, 3rd paragraph Legislative Officer, change Michelle to *Ms. Andoll* (and all other in minutes)

Page 4, PEAC, 2nd paragraph, "Uta" should be "*Utah*"

Page 4, under Drug Therapy Management Meeting, 3rd paragraph, "Chiralugical" correct spelling "*Chirurgical*"

Page 5, "Del Morheim" should be "*Del. Morhaim*"

Board Action

Since a corrected copy of the minutes was distributed at the start of the meeting, in the interest of time President Ades asked that the minutes be accepted. Board members were requested to offer additional corrections, if any, at a later time. Ms. Faltz-Jackson motioned to accept the minutes as amended. Ms. Ramona McCarthy-Hawkins seconded the motion and it was passed by the Board.

President/Executive Committee Report

President Ades met with Dean Knapp to discussed the Task Force on Pharmacist Shortage.

Executive Director Report –acting Director Rubin

Mr. Rubin reported that Ms. Naesea would be returning to work part-time, resuming her role as Executive Director starting Tuesday, July 24, 2001. Mr. Rubin will be on vacation from July 23, 2001 through August 3, 2001.

Mr. Rubin mentioned that the Sunset Review team has monitored several meetings. He introduced Robyn Elliott and Susan Johns who are performing the review.

Mr. Rubin introduced Shirley Costley as the newest staff member, in the position of Personnel/Fiscal Officer.

Maryland Board of Pharmacy

Public Board Meeting – July 18, 2001

Mr. Rubin mentioned that the September and October Board meeting locations have been changed and both meetings will be located at Spring Grove Hospital in Catonsville. The September date has been changed to Sept 12, 2001 and the Reciprocity test will be given September 11, 2001. The October meeting date remains the same.

Legislative Officer Report

Legislative Update

- Mr. Slade presented two proposals that he prepared for the Department to consider offering in the 2002 Legislative Session as part of their legislative program. The packets for the QA Non-Discovery and Late Renewal of License Legislation proposals are due August 1, 2001.
- Mr. Slade and Mr. Rubin will be meeting with Richard Proctor on July 19, 2001, to discuss the legislative proposals.
- Mr. Slade also mentioned that Delegate John Hurson (D. Montgomery County) has replaced Ronald Guns who has resigned from the Legislature, as Chairman of Environmental Matters.

Regulations Update

- Mr. Slade reported that the regulations pertaining to unlicensed personnel have been filed. The Delivery of Prescriptions regulations have been re-filed because the Board decided to file a new set of regulations rather than reprinting the previously filed language with changes.
- Mr. Slade and Ms. Jeanne Furman met to discuss the Automation regulations and develop recommended changes. Dr. Love asked that the proposed changes be submitted to the Practice Committee for review.

Guest Presenters

President Ades said that there were no guest presenters.

Committee Reports

Pharmacy Practice Committee

Dr. Love reported that the Pharmacy Practice Committee met on July 11, 2001 and discussed the following issues.

- Dr. Love mentioned that the Committee received a reply from the Board of Physician Quality Assurance (BPQA) to the Board's inquiry regarding non-licensed personnel in assisted living homes and other facilities calling pharmacists to relay prescriptions from prescribers. BPQA has ruled that an agent must be someone who is under the supervisory control of and trained by the prescriber. This does not affect the ability of a nurse in a skilled care unit to accept a prescriber order, write it on the Physician Order Sheet and Fax the sheet with the order to a pharmacy for dispensing. Ms. Andoll will be working with BPQA and the Office of Health Care Quality to develop a joint memorandum from all three agencies to inform all concerned parties.
- The Practice Committee talked briefly about House Bill 418, which allows the Division of Drug Control (DDC) to impound prescription drugs and records under certain conditions. The Committee requests that DDC formally outline the required content of any necessary regulations for the Committee.
- The Medication Error Task Force is working on two (2) sets of possible regulations. One would be used if a non-discoverability statute becomes law in the next Legislative Session and another to be used in case it is not. Ms. Furman will bring these proposals to the August Board meeting.

Maryland Board of Pharmacy

Public Board Meeting – July 18, 2001

- The Practice Committee recommended to MPhA that they sponsor an educational program to show pharmacists how to develop and implement a quality assurance program in a community pharmacy practice.

Unlicensed Personnel

Mr. Rubin asked that the Board approve a document to be made available to pharmacists to offer guidance on adhering to new regulations on unlicensed personnel.

Board Action

Ms. McCarthy-Hawkins motioned to approve use of the document with changes to be made by Dr. Love and Mr. Rubin. Ms. Faltz-Jackson seconded the motion and it was passed by the Board.

OT/PT Regulations

Dr. Love reported that the Practice Committee submitted a letter to the Occupational Therapy Board about its concerns related to their proposed storage of patient drugs regulation. Dr. Love mentioned that since the Board was just given the response today, Board members should submit any comments to him for discussion at the next Practice Committee meeting.

Licensing Committee

Reciprocity

- Mr. Dyke presented the names of the candidates for licensure by reciprocity. Of 15 candidates for reciprocity, 14 passed all portions of the examination. Mr. Dyke asked that all candidates who met the reciprocity requirements be approved for licensure.

Board Action

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

- Mr. Dyke reported that the Licensing Committee received the results of the Laboratory examination in which 166 of 168 candidates passed. Ninety-nine (99) candidates have passed the examination required to become a pharmacist. The date for the next Lab Examination is set for October 3, 2001. The committee met twice, June 26, 2001 and July 16, 2001. The Committee discussed maintaining the wet-lab exam and adding questions to each of the four segments. Mr. Dyke asked that the Board defer this discussion until the next Board meeting due to time constraints. Mr. Dyke asked all non-committee Board members to analyze the results of the Pilot Lab exam that was passed out several months ago, so the results may be considered at the next Board meeting.
- The Licensing Committee was asked to review the forms regarding applications for licenses and permits which may need to be modified. The forms have been reviewed by Ms. McCarthy-Hawkins and Ms. Schneider and are waiting for comments from other Licensing Committee members.
- Mr. Rubin reported that the Licensing Committee asked that the Board withdraw its request for the Department to sponsor a bill to allow the Board to renew licenses after the renewal deadline has passed. The Board will consider a reinstatement request for the renewal of a license that came in after it had expired. Absent a compelling reason to withhold reinstatement (possibly such as C.E. credits received after the renewal period), the license would be issued and the case given to the Disciplinary Committee to consider further actions, if necessary. Dr. Love suggested that the Disciplinary Committee develop criteria for reinstatement under these circumstances.

Maryland Board of Pharmacy

Public Board Meeting – July 18, 2001

Board Action

Dr. Love moved to withdraw the proposal to renew licenses after the renewal deadline. Ms. Faltz-Jackson seconded the motion and it was passed by the Board.

PEAC

Randy Delker reported that PEAC served 23 clients in FY 2001 of which 11 were Board referred.

- PEAC is sponsoring a Retreat on July 27, 2001.
- The October 25, 2001, Continuing Education Program is taking form.
- Dr. Ray Love and Michelle Andoll will be attending the July 27, 2001 Retreat.

Public Relations

- Ms. Faltz-Jackson reported that the PR Committee discussed the request funding for PEAC in the amount of \$10,000 and has referred the proposal to the Budget Committee. The PR Committee funds are not sufficient to meet the requested amount. PR will support PEAC's October 25, 2001 activities ensuring that they have mailing labels, promoting the activity on the Board's website, and in the Board newsletter and hosting a display table.
- The PR Committee discussed the consumer brochure and newsletter, which is part of the Budget. Ms. Faltz-Jackson presented a sample brochure from the New York State's Board of Pharmacy on "How to File a Complaint." She suggested that the Board could develop a similar consumer brochure for the MD Board of Pharmacy.
- PR Committee representatives will be meeting with the Ryan White Planning Council on July 19, 2001 to discuss Continuing Education credits for participation at the HIV/AIDS workshop.
- The PR Committee discussed plans for the Traveling Medicine Show to be held on October 22-26, 2001.
- The PR Committee asked for approval to apply for membership on the National Council on Patient Information and Education

Council of Boards Report

Ms. Faltz-Jackson will be attending the Consumer Advisory Board meeting on July 26, 2001. The Council is planning to have consumer representatives from all of the DHMH Boards to make presentations.

Informational

- Mr. Rubin received a request from Purdue to address the Board on the subject of OxyContin. This issue will be presented at the August Board meeting.
- Mr. Slade asked members to check their emails on Friday, July 20, 2001 regarding the Non-Discoverability regulations.
- President Ades will be attending the MD-ASCP meeting and assist at the BOP booth.
- Ms. Lawrence will be sending out copies of the Board's Strategic Plan to major State pharmacy groups.
- Ms. Furman will be attending the DelMarva Steering Committee meetings. The Committee will report on Medication Errors to the Office of Health Care Quality.
- President Ades apologized to the public audience for the change in the time of the meeting. The appropriate notice had been placed in the Maryland Register.

President Ades adjourned the Public Board Meeting at 9:45am.