

Maryland Board of Pharmacy

Public Board Meeting – August 15, 2001

President Ades called the Public Session of the August 15, 2001, Board meeting to order at 9:10 a.m.

Attendance:

Commissioners Present: Stanton Ades, President; Ramona McCarthy-Hawkins; W. Irving Lottier, Jr., John Balch; Laura Schneider; Melvin Rubin; and Barbara Faltz-Jackson.

Board Counsel: Paul Ballard, Assistant Attorney General

Board Staff: LaVerne Naesea, Executive Director; Michelle Andoll, Pharmacist Compliance Officer; Deitra Gale, Compliance Specialist; James Slade, Legislative/Regulations Officer; Joan Lawrence, Public Education Officer; Shirley Costley, Personnel/Fiscal Officer, Doris Thomas, Licensing Supervisor; and Angela Hamlin, Executive Secretary

Absent: Raymond Love; Jeanne Furman; Wayne Dyke; Donald Yee; Reverend William E. Johnson and Linda Bethman, Staff Attorney; Tamarra Bank, Network & Information Specialist

Guests: Robert Vlk (Purdue); Allan Geiwitz (Purdue); Cathy Putz (Division of Drug Control); Pam Kasemeyer (Dupont); Kathryn Lavriha (Barr Labs); Jack Freedman (Chief, Division of Drug Control); Richard E. Rumrill; (PEAC); Phil Cogan (MPHA); and Lynette Bradley-Baker (CVS Pharmacy).

Introduction

President Ades asked each guest to introduce him or herself.

Recusals

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

Guest Presenter

Mr. Ades introduced Allan Geiwitz, who is currently a Director at Purdue Pharma, North Atlantic region. Mr. Geiwitz's presentation to the public was on the abuse and diversion of Oxycontin. He emphasized the fact that this is not the most commonly abused prescribed medication and gave statistical findings and provided background information related to the history of Oxycontin being so highlighted by the media. Following the presentation there was a brief question and answer period. Mr. Geiwitz invited participants to contact him or his company for follow-up information.

Corrections and Approval of Minutes

Page 2, under Legislative update, 1st paragraph, second sentence, should read "*The packets for the QA Non-Discovery and Late Renewal....*"

Page 2, under Committee Reports, last bullet paragraph, should be "*used*"

Board Action

Ms. Faltz-Jackson moved for acceptance of the minutes as amended. Ms. Ramona McCarthy-Hawkins seconded the motion and was passed by the Board.

President/Executive Committee Report

Mr. Ades reported that the Drug Therapy Management Workgroup met on August 2, 2001 with the usual participants in attendance. Mr. Ades indicated that this 3rd meeting turned out very good. He mentioned that Drs. Charles Twilley and Kevin A. Rossiter did presentations on their successes in working in drug therapy management arrangements, which seemed to have a positive effect on the meeting discussions.

Med Chi requested Mr. Slade to investigate the legality of Drug Therapy Management.

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The next meeting has not been scheduled, however the Drug Therapy Management Workgroup will be presenting to the Environmental Matters Committee on August 28, 2001, at 3:00pm in Annapolis. The Board of Pharmacy and Board of Physicians Quality Assurance will be presenting testimony within the 15-20 minute timeframe allowed. Other major associations will also attend.

Pharmacy Shortage Task Force

Mr. Ades reported that the Pharmacy Shortage Task Force is scheduled to meet for the first time on September 11, 2001. The charge for this group has been sent to the Secretary via Roz Goldner. The Secretary and Roz Goldner have information on the invited membership. The Board has requested participation from members of the major trade organizations and Ms. Goldner will be contacting other members to be invited.

Executive Director Report

Ms. Naesea thanked everyone for sending cards and gifts during her extended absence.

Danna Kaufman

Ms. Naesea and Mr. Slade met with Danna Kaufman, who is the newly appointed representative for the Governor on health related issues dealing with legislation. Also in attendance were all of the Board Directors and some support staff who gave two minutes briefing on major legislation. The Boards were interested in tracking legislation they wanted passed. Ms. Kaufman said she thought it was not a good idea for any of the Boards or Commissions to press for legislation this year because the Governor is in his last term and there is a potential that State statutes that are opened for any type of change may have other changes placed in them by the legislature (through amendments).

Ms. Naesea briefed Ms. Kaufman on medication errors and drug therapy management activities, which are still pending and may result in future legislation. The legislature has been tracking these activities for the last year or so. The Board will have to provide a briefing to the legislature on its Committee's work regarding medication errors, sometime in October. The Committee is working on non-discoverability clauses related to medication errors, which should pass prior to requiring the collection of data in any mandated quality assurance programs. Ms. Kaufman replied that the Board should keep the Governor's office apprised of any activities and focus more on providing technical assistance than volunteering to sponsor or co-sponsor any legislation that may come out of the two initiatives.

Ms. Naesea and Mr. Slade also met with Richard Proctor, who is the liaison for the Boards & Commissions with DHMH, to let him know of the progress that the Board is making with addressing medication errors, drug therapy management and the shortage of pharmacist. He was receptive and supportive of the direction the Board has taken thus far.

Reeves Agency

Ms. Naesea reported that the Reeves Agency was contracted by the Board last year to provide services related to the Board's Public Relation campaigns. The Reeves Agency went into bankruptcy proceedings about six months ago. The Board paid the Reeves agency all funds owed under the contract. Apparently, the agency did not pay one of its sub-contracted radio stations in Cumberland. The sub-contracted radio station's attorney sent a letter to the Board requesting reimbursement of \$800.00, which is owed by the Reeves Agency. The letter was forwarded to Paul Ballard, Board Counsel, who responded that the Board has no responsibility for the debt because it had paid the Reeves agency in full and that even if the Board had been liable for the debt, the statute of limitation has been exceeded.

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Upcoming Conferences

Ms. Naesea reported on upcoming conferences. She requested approval from the Board to send Barbara Faltz-Jackson and herself to the Citizen Advocacy Center 2001 annual meeting in Pennsylvania on November 14, 2001 thru November 16, 2001. Ms. Naesea mentioned another conference being held in Monterey, California in October 2001. She requested that she attend the Citizen Advocacy Center instead.

Board Action

Ms. Faltz-Jackson moved to accept the approval to send a Board member and staff person to Citizen Advocacy center conference. Mr. Balch seconded the motion and was passed by the Board.

Board Meeting Date Changed

Ms. Naesea mentioned that a flyer was distributed announcing the September Board meeting was changed to September 12, 2001, and will be held at the Spring Grove Hospital – Cafeteria. Directions were also included in the packet.

Board Space Renovation

Ms. Naesea mentioned that the Board is running out of space and is anticipating the need to accommodate work space for two filled positions that have been vacant for over a year, licensing and renewal secretaries, as well as for student interns who come periodically. Ms. Naesea spoke to the Office of Planning to provide the Board with a floor plan to accommodate necessary space. Ms. Naesea had discussed this matter with the Executive Committee, which approved \$8,500 for renovations for space additions. Ms. Naesea asked the Office of Planning to keep 80% of the module materials currently in use. There may also be an additional \$5,000 to \$7,000 added to cost for purchasing additional modules, dividers, rewiring and computer purchases. Ms. Naesea said that Board staff has grown and that she will keep the Board updated on this project.

Finally, Ms. Naesea publicly thanked Mr. Rubin for doing an excellent job running the Board office during her absence and for keeping her apprised of Board activities.

2002 Upcoming Board Meetings

Ms. Naesea discussed with the Board members the possibility of changing the Board meeting to another day or week because of conflicts experienced with meetings held in the building on Wednesdays and Thursdays. Mr. Landerman, the building manager, asked Mr. Rubin if we would consider other dates. If so, a decision has to be made by September as to whether the Board wants to change their scheduled Wednesday meeting day or move to other available days, which are Mondays, Tuesdays or Fridays. Ms. Naesea would like the May Board meeting date to also be changed next year because it falls on the Flower Mart date.

Mr. Ades asked that Angela Hamlin send an email to poll all board members about changing the Board meeting date. He suggested that choices include keeping the date on the 3rd week of the month and/or within that week changing the day to Monday, Tuesday or Friday.

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Legislative/Regulations Officer Report

Legislative Update

Non-Discoverability of QA Records

Mr. Slade reported that the Board filed the Non-Discoverability of QA Records packet and the department was held to submitting 10 proposals to the Governor's office. This means that very few proposals from any Board or agency will be departmentally sponsored. This is particularly true because a number of those 10 proposals are already filled with federally mandated legislation. The department will not be sponsoring the Non-Discoverability of QA Records this session. During the meeting with Ms. Dana Kaufman, she said that this session would be focused on redistricting and a limited number of other issues.

Regulations Update

BOP Regulations Status Report/2001 Regulations

Mr. Slade mentioned that Mr. Rubin handed out the 2001 BOP regulations to be inserted in their red book.

Mr. Slade mentioned that the Regulatory review is due September 1, 2001. He will email the forms that would be of interest to the different committees responsible for handling the different chapters. If anyone has any changes, Mr. Slade will make the changes then submit the packet to the Executive Committee for final approval before submitting it on September 1, 2001.

Committee Reports

Pharmacy Practice Committee

In the absence of Dr. Love, Ms. Andoll reported that the Practice Committee met on August 1, 2001. The Committee spent the bulk of time discussing two regulations; Medication Errors Task Force Patient Safety Improvement and Automation Regulations.

Patient Safety Improvement

Mr. Slade reported that the Committee changed the regulations title from "Medication Errors Prevention" to "Patient Safety Improvement" in anticipation that other patient safety regulations could be added in the future. Mr. Slade mentioned there are two definitions in the regulations; high-alert medication and medication errors. He also gave an overview of the three broad sections in the regulation, which are patient education, pharmacy staff education and quality assurance program.

The Board reviewed the regulations and made the following changes: Section 04(A)(1) QA Program, should read "*Identify, investigate, and promote the prevention of medication errors; and*"

Board Action

Mr. Balch made a motion to approve the proposed regulation as amended for publication. Mr. Lottier seconded the motion and was passed by the Board.

Automation Regulations

Ms. Andoll reported that the remainder of the meeting entailed reviewing the Automation regulations, which the Board already approved but had not yet published. The Committee received some comments that Mr. Slade, Ms. Furman and Ms. Andoll reviewed. Some of the points made were thought to be

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valid so changes to the regulations were made. Since the changes were extensive, Dr. Love made a suggestion at the Committee meeting that they re-present the regulations at the next Committee meeting. It appears that the Board will have to re-vote on the Automation regulations with the latest changes.

Ms. Andoll reported that the Committee is working on the regulatory review process and expecting that two more regulations will be reviewed before the September 1, 2001 deadline.

Licensing Committee

Reciprocity

In the absence of Mr. Dyke, Ms. Doris James presented the names of the candidates for licensure by reciprocity. There were 15 candidates scheduled to take the examination, 11 candidates took the exam and all 11 passed, 4 of which need oral competency exam.

Candidates - Passed

John Anderson	Larisa Chagan	Patricia Conry
Stella Fappiano	Dipti Kalra	Evelyn King
Alicia Kniska	Jean McGrath	Ada Nwokedi
Samuel Park	Michael Stegall	

Board Action

Ms. Faltz-Jackson moved to license the 11 candidates, with the exception of the 4 candidates who did not pass the oral competency exam. They were: Patricia Conry, Ada Nwokedi, Samuel Park, and David McQuaid. Mr. Johnson seconded the motion and was passed by the Board. The four candidates were approved pending passing oral competency exam.

PEAC

Mr. Richard Rumrill from PEAC reported that they have 23 client contracts, 8 of those are Board referred. On July 27, 2001, PEAC held their annual retreat at which Dr. Love and Ms. Andoll were in attendance. The topics of discussion included: handling mental illness cases and the feasibility of providing ethic courses. PEAC is also working on its CE program that will be held on October 25, 2001 at the Maritime Institute. The topic will be disclosure by employers. Mr. Balch asked if PEAC was linked to the Board's website. Ms. Andoll said that they briefly discussed this at the retreat and PEAC said they were planning to create their own web site.

Public Relations

Newsletter

Ms. Faltz-Jackson reported that the Committee met August 8, 2001 but did not have a full quorum to approve some things. However, the Committee brought to the Board the annual report and newsletter for approval.

Ms. Lawrence presented to the Board the layout for the current newsletter as well as the recommended newsletter layout.

Board Action

Mr. Balch made a motion to accept the recommended newsletter layout. Mr. Lottier seconded the motion, which was passed by the Board.

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BOP Annual Report

Ms. Lawrence presented the recommended design covers for the annual report requesting the Board's approval.

Board Action

Mr. Balch made a motion to accept the recommended design cover for the annual report. Mr. Dyke seconded the motion and was passed by the Board.

Your Right to Know Brochure

Ms. Faltz-Jackson mentioned that the "Your Right to Know" brochure would continuously be updated. Ms. Lawrence said that the brochure would go before Practice and PR Committees for review. They will present the brochure at the next Board meeting.

ABC/Ryan White Planning Council

The PR Committee met with the Ryan White Planning Council on August 8, 2001 to discuss the logistics of the HIV/AIDS Seminar and the responsibilities of Ryan White, MPhA and the Board of Pharmacy. It was agreed that the seminar would be a "Dinner Meeting" to be held November 6, 7, or 8, for approximately two hours. MPhA will work closely with ABC/Ryan White Planning Council and assist with sponsorship. Again, the Board of Pharmacy will provide mailing labels, promotion of the event on the Board's website and newsletter, in the October's issue. The logistics for the seminar will be ABC/Ryan White's responsibility. Ms. Naesea reiterated that the Board is endorsing the seminar and she asked that the Public guest send representatives to attend this seminar. Please note that the dinner is free.

Traveling Medicine Show

Ms. Faltz-Jackson reported that the Traveling Medicine Show is planned to take place between October 22 & 26, 2001. More pharmacists will be invited to participate this year.

PEAC

Ms. Lawrence mentioned that PEAC sent the Board a draft copy of their brochure for the upcoming conference, "See No Evil, Hear No Evil, Speak No Evil." Ms. Lawrence will send out address labels to PEAC next week.

Council of the Boards

Ms. Faltz-Jackson reported that most consumer members of Boards and Commissions are planning to attend the Citizens Advocacy Center 2001 annual meeting on November 14 thru November 16, 2001.

Technology and Automation

Ms. Naesea reported on web site hit statistics in the absence of Tamarra Bank. She also mentioned that Ms. Banks would be out on extended sick leave beginning sometime in the following week.

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

The Public meeting was re-opened at 1:00 p.m. after Board Counsel Paul Ballard advised the President that all discussions related to budget activities are required to be open for public review and information.

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Budget Report

Ms. Costley reported that the Board would experience a fiscal budget deficit, next fiscal year, 2003. Ms. Naesea noted that the surplus has decreased substantially and that by the end of next fiscal year (June 30, 2003), the Board will have a deficit. The Board cannot show a deficit in its FY 2003 budget projections. The Board's annual budget is currently around one million dollars. It collects approximately \$770,000 in revenues each year. The budget increases are related to the addition of four Board members, the addition of 3.5 permanent staff positions, and the acquisition and renovation of new office space. Also, there has been a substantial increase in rent assessment, indirect cost assessments, and other administrative activities (e.g., the strategic plan, a new web site, etc.) that have increased the budget.

Ms. Naesea stated that the Board has been operating using its surplus to supplement expenditures since 1997. The Board reduced fees in 1997 with the intent of decreasing its surplus funds to 25%. At the end of this fiscal year (June 20, 2002), the Board anticipates having approximately \$240,000 remaining in surplus funds. The positions that are currently filled under contract (renewal secretary, licensing secretary and Board Executive secretary) are anticipated to become permanent by the end of FY 2002. Fringe benefits for those positions have not been budgeted. Ms. Naesea proposed that the Board approve an increase in license and permit fees in order to meet the FY 2003 deficit.

Ms. Naesea stated that at a minimum, the Board will need to increase licensure, and permit fees to the level from which they were reduced in 1997, to allow the Board to meet fiscal year 2003 budgetary requirement and assure a surplus of 25% by the end of fiscal year 2003. There may be other areas that need increasing in order to meet all budgetary needs. Ms. Naesea mentioned that the Board should also review per diems and conference attendance expenditures, which have increased over the past two years.

The possible increases discussed by the Board included:

Pharmacists - \$200
Pharmacies - \$250
Distributors \$500
Manufacturers - \$500

The Board agreed to increase the fees, in order to meet the budget for FY 2003. Also the Board agreed to include language to indicate that the proposed increases are made to adjust any deficits that it may experience in FY 2003 and ensure that the Board has a sufficient surplus to meet unbudgeted expenditures (e.g.: the state mandated e-Gov initiative to begin on-line licensing by FY 2004). Ms. Costley indicated that the Board does not have to adhere to initial revenue projections that she will submit to the Department next week.

Board Action

Ms. Faltz-Jackson made a motion to accept the language in the Budget report for FY 2003 and Mr. Lottier seconded the motion and was passed by the Board.

Ms. Naesea asked that Ms. Costley email to the Board members, the projected FY2003 budget that will be submitted to the Department the following week. The Board will review this issue at the next meeting.

President Ades again adjourned the Public Board Meeting at 1:30pm.