

# Maryland Board of Pharmacy

## Public Board Meeting – October 17, 2001

President Ades called the Public Session of the October 17, 2001, Board meeting to order at 9:06 a.m.

### **Attendance:**

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

**Board Counsel:** Linda Bethman, Staff Attorney

**Board Staff:** LaVerne Naesea, Executive Director; Michelle Andoll, Pharmacist Compliance Officer; James Slade, Legislative/Regulations Officer; Joan Lawrence, Public Education Officer; Shirley Costley, Personnel/Fiscal Officer; Tamarra Banks, Information Services Manager; Angela Hamlin, Executive Secretary; Vladimir Konstantinov and Arh Lam, Pharmacy Student

**Absent:** None

**Guests:** Cathy Putz (Division of Drug Control); Milton Moskowitz (PEAC); Morris Rosenberg, (PEAC); Howard Schiff (MPHA); Kathryn Lavriha, (Barr Labs); Karen Nishi (Pyxis Corp); Mario B. Gonzalez (Abbott Labs); Bartlett Regan (MPHA); Phil Cogan (MPHA); Patricia Johnson (Dupont/Brish/Meyers Squibb); Cindy Anderson, (MedStar Health); and David Chason, (MedStar Health)

### **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 Drug Therapy Management Workgroup, third sentence add “ed” to the word “concern”

Page 2, under sub-title NCCME add to the letters “RP”

Page 4, change “Ms. Lottier” to “Mr. Lottier”

Page 6, under Summary of AHRQ Workshop, replace “legislation analysis” with “program logic”

Page 6, under Pharmacy Practice Committee, fourth paragraph, fourth sentence, “MFHP” is spelled “MSHP”

Page 6, under Unlicensed Personnel/Technicians, add “d” to the word “unlicensed”

Page 7, Renewal vs. Reinstatement, second sentence, add “t” to the word “statute”

### **Board Action**

Ms. Faltz-Jackson moved for acceptance of the September 12, 2001, Public meeting minutes as amended. The motion was seconded by Ms. Schneider and passed by the Board.

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

#### **Drug Therapy Management Workgroup**

Mr. Ades reported that the workgroup met on Sept. 21, 2001. During that meeting, Ms. Jennifer Burch, Clinical Pharmacist Practitioner from North Carolina, gave a presentation on the development and passing of the North Carolina collaborative practice law. Mr. Ades stated that Ms. Burch’s presentation gave the BPQA and Med-Chi meeting participants a better understanding of how Drug Therapy Management (DTM) agreements can work. Two concerns were raised during the meeting regarding anti-trust and the legal authority that currently permits a pharmacist to enter into collaborative agreements. Mr. Slade met

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with BPQA staff to discuss possible solutions to issues that were raised by the DTM. Mr. Slade mentioned that Med-Chi would entertain a proposal, which Mr. Slade is preparing.

### Pharmacy Shortage Task Force

Mr. Ades reported that the Department is still awaiting responses from invited groups for a definitive list of participants. It is anticipated that a meeting will be scheduled soon.

### Patient Safety Conference

Mr. Ades reported that on September 20, 2001, the University of Maryland School of Pharmacy hosted a Patient Safety Conference attended by Ms. Naesea, Ms. Andoll, Ms. Furman, and Mr. Ades. Ms. Naesea stated that a presenter noted that the healthcare industry is 10 years behind in developing quality assurance programs to address for medical errors. Ms. Naesea mentioned that a summary of the Patient Safety Conference is available in the Board conference room. The summary provides the perspectives of subscribers, physicians, consumers, legal and regulatory entities.

### Upcoming NABP Conferences

Mr. Ades reported that the next Region 2 NABP Conference is scheduled for November 1 thru 3, 2001, in Cooperstown, New York. Board members and staff will attend. He also mentioned that Ms. Andoll was asked to attend the Executive Officer's Conference held on November 10 thru 12, 2001 in Monterey, CA to learn more about anti-terrorist efforts from the national perspective.

### 2001-2002 NABP's Committee and Task Force Appointments

Mr. Ades reported that NABP published its 2001-2002 Committee and Task Force Appointments.

He also mentioned that he had received an invitation from Baltimore Mayor, Martin O'Malley to attend a meeting to discuss bio-surveillance systems and reporting requirements. The meeting is planned on Thursday, October 18, 2001 at 9:00am at Med-Chi, 1211 Cathedral Street. Mr. Ades offered to provide the letter to those who wanted to review it.

## **Executive Director's Report**

### Sunset Review

Ms. Naesea reported that she had not received the Sunset Review Report to date. She anticipates receiving a preliminary report within the next couple of weeks. She said that the Department called to request additional information and mentioned that the overall verbal comments received were good. The evaluation covers the Board's past 10 years of operations and the future direction of the Board.

### Strategic Plan

Ms. Naesea reported that the Strategic Plan Committee met to discuss the plan goals, objectives and performance measures. The Committee decided to meet at least quarterly to ensure that Board is meeting its deadlines. Ms. Naesea will keep the Board abreast of performance outcomes.

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### Secretary Benjamin Committee's Bio-Terrorism

Ms. Naesea mentioned that the Board was asked by Secretary Georges Benjamin's office to appoint someone to represent the Board on the DHMH Bio-terrorism Task Force. Mr. Ades agreed to represent the Board and Mr. Rubin was named as an alternate. Mr. Phil Cogan and Mr. Bart Regan are also representatives on the DHMH Task Force. They will not be representing the Board but will participate in a technical advisory capacity.

### **Guest Presenters**

Mr. Cogan and Mr. Regan gave a presentation on the Secretary's Committee on bio-terrorism. They mentioned that their roles are strictly advisory, not as representatives of the Board of Pharmacy or the Maryland Pharmacist Association. The purpose of the Committee is to develop a DHMH plan for bio-terrorism preparedness and develop pharmacy's role in an emergency situation. Mr. Dyke proposed that the Board become pro-active by issuing some kind of CE that can be provided for pharmacists in-state, possibly on Cipro counseling or other types of drugs that may be used in an emergency.

### **Board Action**

Dr. Love moved to create a Board bio-terrorism Task Force. Following some discussion related to the purposes that the Task Force would serve, the motion was seconded by Mr. Balch and passed by the Board.

### PEAC

PEAC representative, Milton Moskowitz reported that PEAC has 25 clients, 4 new cases in the last month and 2 new pharmacists under review. PEAC's next seminar entitled "See No Evil, Hear No Evil, Speak No Evil," will be held on October 25, 2001 at 8:00am, at the Maritime Institute. Mr. Moskowitz mentioned that he would like to see, in the near future, a Board of Pharmacy seminar that would attract more people from the pharmacy community.

### **Secretary/Budget Report**

Mr. Lottier stated that the Board voted at the last meeting to adjust the fees for pharmacies and pharmacists, which had not been revised since 1997. In 1997, the Board decreased fees because of the surplus exceeded 25% of the total budget. Mr. Lottier stated that the Board had voted to increase the pharmacist license fee to \$200 at the last meeting, but a review of projected budget at that rate indicated that \$200 would put the Board's surplus to \$1 million in five years. The Budget Committee presented two proposals. One proposal would increase the pharmacist license fee to \$150 and the other would increase the fee to \$175. If the fees were increased to \$175 for pharmacists, the surplus would be close to \$900,000 within five years. An increase to \$150, would result in a surplus in the range of 25-30% over five years and the surplus would fall below 25% after FY 2006. The Committee therefore recommended that the Board withdraw its original decision to raise pharmacist fees from \$95.00 to \$200 and vote to increase the fees from \$95 to \$150 instead.

### **Board Action**

Mr. Rubin moved to approve an increase in the pharmacist license fee from \$95 to \$150 instead of the original proposed fee increase of \$200. The motion was seconded by Ms. Faltz-Jackson and passed by the Board.

### **Board Action**

Dr. Love moved to increase the fees effective February 1, 2002. The motioned was seconded by Ms. Faltz-Jackson and passed by the Board. Mr. Slade will prepare the emergency regulations with an anticipated effective date of February 1, 2002 and the regular regulations with an anticipated effective date of July 2002.

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### **Legislative/Regulations Report**

Mr. Slade stated that there was no new information to report related to the Board's legislative activities. Mr. Slade directed members to review the regulations status report, which had updated information related to proposed regulations that had been filed and published.

### **Committee Reports**

#### **Pharmacy Practice Committee**

##### *Impoundment Regulations*

Dr. Love reported that the Practice Committee met on October 3, 2001. The Committee discussed working with the Division of Drug Control to develop regulations for impoundment and dealing with inventories of pharmacies that discontinue operations. The Committee began to sketch out concepts to be included in the regulations.

##### *Automation Regulations*

The Practice Committee recommended that the Board adopt the automation regulations systems regulations.

Ms. Karen Nishi commented on the automation regulations and asked whether the Board would consider revising the regulations to provide for requiring a double check method for certain types of drawers. She said she understood that the Board is concerned with errors related to restocking and removal. She asked if the Board would consider a double check system that used some type of technology instead of banning the drawers completely. Ms. Furman stated that this idea was an initial recommendation made to the automaton Task Force. Dr. Love stated the idea is being considered by the Task Force, however, the use of matrix style drawers was no longer state of the art. He said medication errors had been substantially documented and members of the hospice pharmacy community reported that those types of drawers allowed access to multiply medications. Dr. Love said the Committee did not feel that the Board could enforce bar code or double check systems. Also, that members of the Task Force, as well as others in the pharmacy community reported multiple instances of harm to patients that were due to the use of those sorts of drawers. Dr. Love mentioned that MSHP unanimously endorsed the proposal that is before the Board.

Ms. Nishi asked if the Board would grandfather the matrix drawer systems that are put into use up until September 1, 2003. Dr. Love replied that the drawers could continue to be used until the Task Force develops regulations dealing with ward stock and matrix drawers. Dr. Love stated that the regulations deal with a lot of other issues in addition to ward stock and matrix drawers. The Committee felt that the issue with matrix drawers would not be decided now. Two years from now if the purchase of new systems is in the planning, the Task Force is advising against buying new systems because they feel their usage would incur additional liability. Dr. Love indicated that the MD Society of Health Systems Pharmacists agreed with that position and added they were the ones who had reservations about the initial language proposed. He said they decided that the systems are inappropriate to buy in the future.

##### **Board Action**

Ms. Barbara Faltz-Jackson moved to support approval of the automation regulations as proposed. Ms. McCarthy-Hawkins seconded the motion. The motion was carried eleven to one, with Ms. Furman voting against the motion.

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### Unlicensed Personnel/Technicians

Mr. Rubin reported that the Practice Committee would review the proposed Unlicensed Personnel Regulations at the December meeting.

### Medication Errors Task Force

Mr. Slade reported that the Medication Errors Task Force presentation to the Legislative Joint Committee is scheduled for October 23, 2001. The Task Force was supposed to present before the Environmental Matters Committee but it will now be before a Joint Committee comprised of Senate and House representatives. He mentioned that the Board is finalizing the report and will submit it to the Board for review before presenting.

### Reciprocity – List of Candidates

Mr. Dyke reported that the Reciprocity meeting was held on October 16, 2001. He presented the names of candidates for licensure for Reciprocity in Maryland. There were 19 candidates scheduled to take the examination, one (1) candidate did not show, and two (2) were pending oral competency.

### **Candidates - Passed**

Trieu Bao	Jeanne Brennan	Carol Brozek
Stephanie Cline	Lisa Darko	Franklin Glover
Anthony Guerra	Sally Heckman	Sarah Ikponmwosa
Rashmi Kalla	David McQuaid	John Miller
Quan Nguyen	Stacey Pinder	Amber Polk
Stuti Sinha	Janine Stewart	Randy Trumbule

### **Board Action**

Ms. Faltz-Jackson moved to license the 18 candidates. The motion was seconded by Ms. McCarthy-Hawkins and passed by the Board. Two other candidates were approved pending passing the oral competency exam.

### Wet Lab Exam

Mr. Dyke reported that the Wet Lab was administered on October 3, 2001. Twenty-four (24) candidates took the examination. The results from the pharmacy school will be posted on the Board's website. Mr. Dyke mentioned that a letter was sent to the schools of pharmacy advising them that the wet lab examination will continue and that information about the new format will be published in the Board's newsletter.

Ms. Naesea circulated a copy of the revised wallet size licensure to the Board members.

### **Public Relations**

### Newsletter

Ms. Faltz-Jackson reported that the PR Committee met to discuss financial matters regarding the newsletter. She mentioned that the newsletter had been distributed and that the Committee requires an increase in the PR budget to pay for additional newsletter costs. The newsletter was expanded from 4 to 8 pages and was circulated to both pharmacists and pharmacies. Past Board newsletters that were circulated by NABP were only issued to pharmacists. Ms. Lawrence presented a cost analysis of the October and January's newsletter.

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### **Board Action**

Ms. Faltz-Jackson recommended that the Board approve an increase in the PR budget of \$4,000 (based on the approved emergency regulations), to distribute 9,000 newsletters to pharmacies and pharmacists. The motion was seconded by Ms. Furman and passed by the Board.

### **HIV/AIDS Seminar**

Ms. Faltz-Jackson asked that the interested members submit a reservation to attend the HIV/AIDS seminar on November 7, 2001. She asked that all members try to participate.

### **Public Awareness**

Ms. Faltz-Jackson reported that the Committee is planning to focus on other organizations to bring Public Awareness ( i.e., AARP and the League of Woman Voters) to consumer concerns.

### **Appreciation Celebration**

Ms. Faltz-Jackson reported that the Committee is planning an Appreciation Celebration, tentatively proposed for December 12, 2001. This event will build and develop partnerships and honor participants who worked on the various Committees and Task Forces during the previous year. She asked that Board members reserved the proposed date on their calendars.

### **Maryland Pharmacy Coalition**

Ms. Lawrence received an email from the Maryland Pharmacy Coalition (MPC) asking to partner with the Board's PR Committee on community service projects. The purpose of the MPC is to provide a forum for discussion and understanding between Maryland's pharmacy associations on issues impacting the practice of pharmacy and the public health.

### **Citizen's Advocacy Conference**

Ms. Faltz-Jackson and Ms. Naesea will be attending the Citizen's Advocacy Annual Meeting, in Philadelphia, PA on November 14 thru 16, 2001.

### **National Pharmacy Week**

Ms. Faltz-Jackson stated that the PR Committee is unable to participate in the National Pharmacy Week (Medical Traveling Show) because of budget constraints. To encourage all pharmacies and pharmacists to participate in pharmacy week, the Board committed to recognize pharmacies that participate during National Pharmacy Week with a certificate of appreciation, acknowledgements in the newsletter and placing information about the event on the Board's web site.

Ms. Naesea suggested that PR Committee begin focusing on publishing information for the consumers regarding bio-terrorism.

### **PEAC**

Ms. Andoll will be a presenter at the PEAC seminar to discuss the Board's prospective on disclosure, and the process of reporting, monitoring, and interfacing with PEAC. The Board will have a display table.

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### **Council of the Board**

Ms. Faltz-Jackson presented the Board with the proposed amendments to the Council's by-laws. Due to poor attendance, the Council Board has difficulty with having quorums, for voting purposes, on a consistent basis. The Council developed a proposed amendment to add two additional Boards to the Committee and to reduce the number of persons required for voting from nine to seven.

### **Board Action**

Ms. Faltz-Jackson moved that the Board support the amendment. Ms. Furman seconded the motion and the Board passed it.

### **Technology and Automation Report**

#### **Web Site Statistics**

Ms. Banks reported that the Committee would work with the intern on trying to find ways to entice visitors to the educational areas on the site. Ms. Banks mentioned that Germany is the most frequent customer. She mentioned that the Board received many request on the website from a K-12 grade school system in Massachusetts, however, the reason for the frequent 'hits' has not been determined. The Board recommended that Ms. Banks contact the school to find out the reason for searching the Board's web site and how the Board can assist them.

In August, the Board of Pharmacy was ranked 6<sup>th</sup> in access from DHMH web site. Maryland Medical Assistance, who ranked 5<sup>th</sup> place in August, updated their web site in June 2001. This site provides information on Long Term Care, Health Choice, Pharmacy Assistance, Maryland Children's Health and other new specialty programs that have been initiated.

Mr. Ades asked Ms. Banks to try to pin point specific individuals who visit the web site from Germany, the areas they are viewing and whether the frequency has changed over the last couple of months. Ms. Banks replied that the Board could not determine what they are viewing but there may be a way to determine the viewers' identification. Mr. Ades asked that Ms. Banks provide the Board with that type of information. Mr. Ades also requested that Ms. Banks research other State Board of Pharmacies to find out what they are experiencing with their web site.

Ms. Banks informed the Board of the new information logged on the web site, such as; information on Anthrax (from CDC) how to use Cipro and an APhA warning about ordering anti-biotic over the website. Ms. Banks mentioned that APhA is recommending that people use NABP's VIPPS system to determine whether the consumer should trust Internet pharmacies. Ms. Banks mentioned that there is also an article on Unlicensed Personnel that discusses the changes in technician law that will become effective January 2002.

Ms. Banks stated that the set of telephone numbers in the October newsletter were placed on the web site's complaint page so that consumer can call other organizations. She also described a national digital state survey for 2001, which rates all states on their progress in areas of law enforcement, social services, eCommerce, digital democracy (management/administration) and education. In 2000, Maryland was ranked 9<sup>th</sup> overall and 3<sup>rd</sup> in eCommerce, but in all the other areas Maryland ranked in the teens. Ms. Banks concluded her report with a discussion of technology advances in other states.

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## **Informational**

Ms. Lawrence thanked MPhA for working with the Board on the HIV/AIDS seminar. She encouraged all Board members to support the HIV/AIDS seminar by attending and asked that member inform her if they planned to attend.

Ms. Andoll introduced the pharmacy intern who is assigned to the Board this month. She also mentioned that Deitra Gale attended a conference in San Antonio, Texas on September 11-13, 2001. Ms. Gale will prepare a conference report and distributed it at the next meeting.

Ms. Naesea announced that the Division of Drug Control is revising their inspection form.

**President Ades adjourned the Public Board Meeting at 11:14am.**