

**Maryland Board of Pharmacy
Public Board Meeting
August 20, 2003**

President Stanton G. Ades called the Public Board Meeting to order at 9:00 a.m.

Attendance

Commissioners Present: Stanton G. Ades, President , W. Irving Lottier, Jr., John Balch; Raymond Love, Jeanne Furman; Wayne Dyke, Ramona McCarthy-Hawkins, Christiaan Blake and Donald Yee

Absence Commissioners: Rev. William Johnson, Joseph DeMino, and Mel Rubin

Board Counsel: Paul Ballard, Assistant Attorney General and Linda Bethman, Staff Attorney

Board Staff: LaVerne G. Naesea, Executive Director; James Slade, Legislative Officer; Catherine S. Putz, Compliance Officer; Deitra Gale, Compliance Specialist; Tamarra Banks, Information Technology Officer, and Latonya Dickerson, Board Secretary

Guests Howard Schiff, MPhA, Gil Cohen, PEAC, Nayab Hussain, University of Md. Pharmacy, Corey Johnson, Healthcare Consulting and Logistics, Sherrise Yaumberladere, Walgreen Pharmacy

Recusals

President Ades asked Board members to indicate if they had any conflicts of interest with agenda items. No members indicated a conflict.

Approval of Minutes (7/16/03)

Dr. Love moved to accept the July 16, 2003 meeting minutes as presented. Mrs. Jeanne Furman seconded the motion. The Board passed the motion.

President/Executive Committee Report

2003-2004 Committee and Task Force Appointments

Mrs. Jeanne Furman has been appointed by the National Association of Boards of Pharmacy (NABP) as an alternate on the Committee on Law Enforcement/Legislation.

Bio-terrorism and Emergency Preparedness Task Force

The most recent Bio-terrorism meeting was held Friday, July 18, 2003. Mr. Steve Barry and Mr. John Murphy, Public Information staff of DHMH, provided an overview of the bio-terrorism education training, funding, and services that they are able to provide to the

Board. The focus training areas are smallpox related illnesses, the national stockpile, and cross training of various health care practitioners. The Phase II Training will emphasize the strategic national stockpile. Also present was a nurse from the Frederick County, Local Health Department. An upcoming training drill by Johns Hopkins is planned on Saturday, August 23, 2003.

The Board's next Phase I Training is scheduled for Saturday, September 13, 2003. The Local Health Department Liaison Training is scheduled for Saturday, September 20, 2003 in Columbia, Maryland. Currently 21 liaisons will be attending the training. Further, Arlene Stephenson and Gail Wowk will be attending the Board of Pharmacy's Public Meeting in September 17, and placed on the agenda for a short presentation. The next task force meeting is scheduled on Friday, August 22, 2003.

Executive Director Report - LaVerne Naesea

Staff Updates

Ms. Naesea announced Ms. Tamarra Banks is working the Information Technology Unit about 90%, but still providing about 10% support to the Licensing Unit. Ms. Naesea is temporarily supervising the Licensing Unit. Ms. Naesea will put in a request to hire a contractual employee for the position of Personnel/Fiscal Officer. Once the Personnel/Fiscal Officer's position is filled, Ms. Costley will be assigned to permanently supervise the Licensing Unit. Additionally, Ms. Naesea reported that the Board is in the process of filling the newly approved position in the Compliance Unit for a 60% staff person.

SACPM – Survey of Pharmacists

Mr. Don Yee attended the Pain Management Committee meeting, along with Howard Schiff and Mark Levy on Wednesday, August 13, 2003. Mr. Yee stated that he provided useful and practical options to the Committee for collecting data. Mr. Yee said he also informed the Committee that the Board is against the mandatory requirement for CEs and explained the Board's position.

Continuing Competence Conference

Ms. Naesea reported that she attended the Citizens Advocacy Coalition (CAC) conference on demonstrating continued professional competence last month. The conference, at which Carmen Catizone (Executive Director for NABP) was keynote speaker, was held to identify actions and strategies to help promote the introduction of expanded programs to measure health care practitioners' continuing competence. It was decided at the CAC meeting that a large association would be delegated to research the methods that various professional regulatory Boards measure continuing competency. She said that most likely it would be the Federal Association of Regulatory Boards (FARB) that would accept the responsibility to perform related tasks.

2003 Units of Measure

Ms. Naesea distributed a report and updated the Board on the status of applications, examinations, renewals, reciprocity applications, etc. for the year. The report will be included in the Management for Results report.

Pharmacist Rehabilitation – RFP Update

Two potential bidders attended the Pre-Bid Conference. The Bidders were Milton S. Moskowitz, PEAC and Mike Llufrío, Maryland State Medical Society. Ms. Pamela Genco, the Maryland Physician's Board was present primarily to examine the process in detail.

The Board's goal is to award the contract by September 2003. Both Bids will be presented to the Board of Public Works.

PEAC

Mr. Gil Cohen reported that the number of cases in 8/03 remains the same as 7/03. The Board referred nine of the current 31 cases that PEAC is serving.

PEAC completed a mailing to pharmacists regarding the continuing education conference scheduled on Thursday, October 16, 2003, at the Handelman Learning Center, Beacon Institute, Columbia, Maryland. PEAC is offering 6 CE's during the conference. The theme for the conference is "New Opportunities for Addiction Treatment: Solve A Problem, Save A Life".

PEAC representatives asked the Board to host a meeting with chain representatives at the Maryland Board of Pharmacy on September 24, 2003. All chains will be invited to discuss the high percentages of complaints from the chains.

PEAC is scheduled to attend the Disciplinary Committee meeting next week.

Regulations/Legislative Officer Report

Regulations Status Report of 8/12/03

Mr. Slade reviewed the Regulation Status Report dated August 12, 2003. The report is included in the Board Packet.

Statute of Limitations Draft Legislation

This Bill, which will be submitted on behalf of all of the Boards and Commission, extends the statute of limitations for misdemeanor offenses from one year to three years.

The bill states that a prosecution for a misdemeanor offense under section 14-601 of the Health Occupations Article (of practicing, attempting to practice, or offering to practice medicine without a license) shall be instituted within 3 years after the offense was committed.

This Bill also increases the penalty from \$4000 to \$5000. The Bill allows the President or chairman of a Board to delegate authority to conduct a hearing to a committee consisting of three or more Board members.

Correspondence – Tax Compliance

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Included in the Board packet is a letter from Secretary Nelson J. Sabatini, DHMH, to Ms. Claire Rooney, Counsel for the Committee on Joint Administrative, Executive and Legislative Review, requesting that the usual procedures for adopting regulations be set aside due to emergency circumstances, and that approval of the adoption of Regulations .01 and .02 under a new chapter COMAR 10.31.02 Tax Compliance Regulations be granted. The Board, joining other Boards, voted last month to implement the regulations as emergency regulations and to publish the proposal for public comment. The regulations outline the process that will be followed by the Board, and other boards, when a licensee or permit holder has a tax or unemployment insurance contribution liability.

Pharmacy Practice Committee

Dispensing System

The Pharmacy Practice Committee met on August 6, 2003. The Committee received a question from a pharmacy asking whether pharmacists could provide consultation to patients in a dispensing physicians office. The Committee recommended responding in writing to inform the pharmacy that pharmacist may answer questions outside of a pharmacy; however, ~~the~~ dispensing operations under the physician dispensing provisions statute is not under the Board's jurisdiction. The Committee will advise the pharmacy that Division of Drug Control may be called upon to perform an on-site inspection. The Board agreed with the recommendation.

Ms. Naesea noted that she also received a letter from a chain pharmacy describing a new Pharmacy Dispensing System that it will be developing. Ms. Naesea responded to the inquiry in writing, noting that the Board did not have questions regarding the new system, but that the pharmacy should review federal pharmacy laws, as well as pharmacy laws for each state in which it plans to use the system before implementing it. She said that she indicated that it is the pharmacy's responsibility to assure that the new system will meet respective federal and state requirements.

Electronic Records

The Board received a letter from a chain pharmacy regarding the fax server technology system that they are considering utilizing. The Practice Committee responded in writing to the pharmacy stating that the Board does not answer general requests for advice relating to specific products or medication delivery systems because to do so would amount to endorsement of the product or medication delivery systems.

Scope of Practice

The Board received a question about an out-patient anticoagulation clinic that is operated by an in-patient institutional pharmacy. The Committee believes that anticoagulation services provided by an inpatient institutional pharmacy, under the auspices of the facility's therapeutic committee and pharmacy permit, are covered under the pharmacy scope of practice pursuant to 10.34.03.01. Furthermore, the statute defines the practice of pharmacy to include providing pharmaceutical care and "monitoring, recommending, identifying, and appraising..."

Board Action

Dr. Love moved that the Board include on the Board's website under a link for the Pharmacy Practice Committee, a statement indicating that neither the Board nor the Pharmacy Practice Committee endorse new or revised products or services and that the Pharmacy Practice Committee will only answer specific practice questions. The details of the statement should be worked out by Mr. Slade and cleared by the Board Counsel. Also, Dr. Love moved that the Board state on the web site that, unless otherwise indicated, the Practice Committee meetings are closed meetings. Mrs. Jeanne Furman seconded the motion. The Board passed the motion.

Pharmacy Technicians

Mr. Slade distributed to the Board for approval, a revised version of the Pharmacy Technicians proposed legislation from the Pharmacy Practice Committee. Mr. Slade will make the recommended amendments requested of the Board a revised copy at the September 2003 Board meeting. The Board voted to submit a proposal for legislation to the Governor's office.

Board Action

Dr. Love moved that the Board submit a request to create an investigator position to respond to complaints relating to the implementation of the pharmacy technicians law if passed. Ramona McCarthy-Hawkins seconded the motion. The Board passed the motion.

Drug Therapy Management (DTM)

The Committee reviewed comments on the DTM Regulations, which included a pharmacist's objection to the fact that the regulations did not specifically permit him to write prescriptions. The Committee response to the comment was that this was not the intent of the legislation and that he was improperly interpreting it.

Long Term Care

Mr. Balch reported that the Committee has made significant progress on discussing medication problems in assisted living homes during the meeting held with the Office of Health Care Quality (OHCQ). The OHCQ readily admitted that there is numerous problems with care at assisted living homes including medication administration and have begun addressing the situation.

The next scheduled Long Term Care Task Force meeting is Tuesday, September 16, 2003.

Licensing Committee

Mr. Wayne Dyke reported on the Licensing Unit Statistics for FY 2003.

The Licensing Committee met on Tuesday, August 19, 2003 and discussed the possibility of requiring a new permit number when there is a change of ownership. Historically, the same existing permit number is used when there is a change. The Committee will continue to review the process because of scenarios that might require a new permit number.

Tax Liability

The Board has established an outline of internal procedures for processing tax compliance information. The procedures include a flag stop being placed on electronic processing which prevents the renewal candidate from renewing through the on-line system.

Three letters were composed on tax liability problems; one to pharmacists, the second to establishments, notifying them that they appear on the Tax Liability list. The third letter notifies the pharmacist or permit holder that the Board has been informed by the Comptroller's Office that their tax liability is cleared. For those who appear on the tax liability list, a three-month advance renewal notice will be provided instead of the two-month notification letter. This will allow them an extra month to correct the tax liability issue.

Electronic Renewals

Ms. Banks reported that electronic renewals are available for credit card payments. Ms. Costley stated that the electronic checking system be available November 2003.

Licensing of Wholesale Prescription Drug or Device Distributors (included in Board Packet)

Board Action

The Board moved to make the changes recommended by the Committee and place Licensing of Wholesale Prescription Drug or Device Distributors on the next meeting agenda for final approval.

Public Relations

Ms. Lawrence provided the below report.

Buying Drugs From Foreign Countries

The Board's Taskforce on Re-Importation and Drug Sales developed a brochure to educate the public on information they should have knowledge of when purchasing drugs from foreign countries.

State Fair

DHMH has designated August 28, 2003, 10:00 a.m. - 10:00 p.m. for the Board to set up a booth at the Maryland State Fair. Approximately 15 pharmacists have volunteered. MSHP will assist in manning the booth. The Board received over 100 boxes of giveaways and literature items. Ms. Lawrence thanked the Pharmacy Coalition, MSHP, MDASCP and MPhA for their assistance. Dr. Love asked that thank you letters go out to all of those who made donations and participated in the event.

Annual Report

The 2002 Annual Report has been printed and distributed.

Consumer Website

DHMH produced a number of brochures regarding smallpox and bio-terrorism in English, Spanish, Korean, Vietnamese, and Russian languages. Currently, four or five of the brochures are in foreign languages on the Consumer Website. The brochures talk about what is bio-terrorism, smallpox, and what is a plague.

Newsletter

During fiscal year 2004 there will be four newsletters. However, October's issue will consist of four pages.

Meeting adjourned at 12:30 p.m.