

**Maryland Board of Pharmacy  
Public Board Meeting  
October 15, 2003**

President Ades was unable to attend so the Board Secretary, Melvin Rubin called the Public Board Meeting to order at 9:10 a.m.

**Attendance**

**Commissioners Present:** Mel Rubin, Secretary, John Balch; Raymond Love, Jeanne Furman; Wayne Dyke, Ramona McCarthy-Hawkins, Christiaan Blake, Mark Levi, and Donald Yee, Joseph DeMino

**Absence Commissioner:** Stanton G. Ades, President, Rev. William Johnson, Sr.

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

**Board Staff:** LaVerne G. Naesea, Executive Director; James Slade, Legislative Officer; Catherine S. Putz, Compliance Officer, Shirley Costley, Fiscal/Personnel, Joanne Lawrence, Public Relations, Tamarra Banks, Information and Technology and Latonya Dickerson, Board Secretary

**Guests** Howard Schiff, MPhA, Gilbert Cohen, PEAC, Corey Johnson, Health Care Consulting & Logistics, Kathryn Lavriha, Barr Labs, Jack Freedman, DDC, John Ballinger, UM School of Pharmacy, Daniel Serritella, UMAB School of Pharmacy, Anna Manneh, Shenandoah School of Pharmacy, and Jay Carter, Elililly, Public Health Division.

**Recusals**

Secretary Rubin asked Board members to indicate if they had any conflicts of interest with agenda items. No members responded.

**Approval of Minutes (9/17/03)**

Page 1, heading Commissioners Present, add Joseph DeMino; heading Board Staff, delete Catherine Putz's name; add Public Relations after Joanne Lawrence's name.

Page 4, heading Board Counsel, second sentence should read, " Ms. Naesea asked that the Board support promoting Ms. Linda Bethman to an Assistant Attorney General position and hire a second staff attorney to assist her.

Ms. McCarthy-Hawkins moved to accept the September 17, 2003 meeting minutes with corrections. Mrs. Jeanne Furman seconded the motion. The Board passed the motion.

## **President/Executive Committee Report – Melvin Rubin**

### *Bio-terrorism and Emergency Preparedness Task Force*

The most recent Bio-terrorism Task Force meeting was held Friday, October 3, 2003. The Local Health Department Liaisons training is scheduled for November 1, 2003. The next Bio-Terrorism Task Force meeting is November 7, 2003.

### *MPJE Schedule*

Catherine Putz and Melvin Rubin will be attending the Item-writing Workshop, January 9-11 2004 in Rosemont, Illinois. They will also be attending the State-specific Review Meeting #1, January 23-25, 2004 in Phoenix/Scottsdale, Arizona.

### Quarterly Budget Report

Ms. Costley summarized the Quarterly Budget Report (attached).

### Pre-Inspection Forms

Melvin Rubin will **have pre-inspection forms mailed to 5 chain and 5** independent pharmacies, to ask them to voluntarily complete the pilot form.

### Appreciation Dinner

Jeanne Furman was appointed to organize an Appreciation Dinner on November 20, 2003 for Paul Ballard, Irving Lottier, Barbara Faltz-Jackson, Michelle Andoll, and Laura Schneider.

## **Executive Director Report - LaVerne Naesea**

### *Report – DHMH Senior Staff Retreat on Emergency Preparedness*

On October 7, 2003 Mrs. Naesea attended Secretary Sabatini's Senior Staff Retreat on the topic of "Emergency Preparedness and Response Activities in DHMH" at Turf Valley Resort. During the morning session each DHMH section chief/director provided updates on their unit activities. She indicated that the reports did not include information that would have been news to the Board's Task Force. Ms. Donna Dorsey, Ms. Margaret Anzalone and Ms. Naesea presented a PowerPoint presentation on the Board's Bio-terrorism preparedness activities. In the afternoon the staff received Incident Command Training.

### Collaborative Drug Therapy Management Evaluation Plan

The Board discussed the Memorandum of Understanding proposed between the Board of Pharmacy and the Maryland Physician Board regarding how collected funds will be distributed.

### Board Action

Ray Love moved to approve the Memorandum of Understanding and submit it to the Board of Physicians for review and signature. Ramona McCarthy-Hawkins seconded the motion. The Board passed the motion.

Jeanne Furman moved that the Board contact the University of Maryland to assist with designing a study to formulate into a Request for Proposal (RFP). John Balch seconded the motion. The Board passed the motion.

### Staff Updates

The Board received eighty (80) applications for the 60% Contractual Investigator position. Thirty (30) applications met specific criteria for acceptance and six (6) applicants were selected for an interview. The Board waiver request was approved to hire a full-time Contractual Administrative Officer. The Board will also be requesting a waiver to hire a contractual clerical person to process annual establishment renewals in November 2003.

### Administration by Pharmacists

Ms. Naesea sent a letter to Ms. Donna Dorsey, Executive Director of the Board of Nursing to request a meeting to discuss with the Board of Nursing on legislation to allow for pharmacists to administer medication. Ms. Naesea will follow-up with the request.

### **PEAC – Gilbert Cohen**

PEAC will hold its annual fall continuing education training on, Thursday, October 16, 2003, at the Handelman Learning Center, Beacon Institute, Columbia, Maryland. Approximately eighty (80) pharmacists had registered for the conference as of the Board's meeting date.

PEAC received one new case in October. Two pharmacists who are being monitored by PEAC will have hearings before the Board; cases will be submitted for the Board for hearings; one in November, and the other in December.

Gilbert Cohen reported that the chains have not responded to PEAC's request to meet to discuss the treatment needs of impaired pharmacists. PEAC will be re-contacting representatives in the near future.

### **Regulations/Legislative Officer Report – James Slade**

Mr. Slade presented the Regulations Status Report (included in Board packet), dated October 3, 2003. The status report included Regulation 10/34/01 COMAR 10.34.01 (Disciplinary Proceedings) that became effective September 1, 2003. Mr. Slade distributed copies of Medical Care Programs regulations COMAR 10.09.03 (Pharmacy Services), and 10.31.02 (Tax Compliance Regulations), and the Compelling Purpose Disclosure **regulations**, all of which had become recently effective.

### **Pharmacy Practice Committee- Dr. Ray Love**

The Pharmacy Practice Committee met on October 1, 2003. They discussed the response to the ACPE Survey on Pharmacy Technician prepared by Mr. Slade.

The Committee also discussed an inquiry involving a specialty pharmacy. In this case, the dispensing of a limited distribution product requires approval of the manufacturer. The question addressed was “If a pharmacy is dispensing pursuant to a manufacturer’s approval, can the pharmacist accept the physician’s prescription from the manufacturer. The Committee decided that the pharmacy must receive a copy of the prescription directly from the physician in order to make sure that the manufacturer did not alter the directions or quantity. For instance, the physician can send copies both to the pharmacy and the manufacturer.

The next question was a continuing issue from a company about pharmacist compounding a preparation that this company makes as a completed formulation. The Committee told the company that the Board will not issue an advisory to all pharmacies on behalf of the company and would endorse any specific product. However, if the company wishes to file complaints against specific pharmacies, the complaints would be referred to the Disciplinary Committee for action.

The Committee dealt with different types of packaging available under the Long Term Care Regulations (packing, repacking, pre-packing, and packaging). ‘Interim boxes’ were also discussed at the Committee meeting. The Practice Committee concluded that interim boxes are presently illegal. However, as the Board is revising the Long Term Care Regulations to allow interim boxes at facilities with 24 hour a day, 7 day a week staff licensed to administer medications, the Board will not enforce this provision at those facilities at this time.

The Committee discussed HB 684 – Pharmacists Practice Information on Generic Drug Option. This Bill advises Consumers of the availability of generic preparation under certain circumstances. The Committee recommended that the Board to implement HB 684 by placing an article in the Newsletter and to add it to the Consumer brochures. The Committee distributed a draft titled “ Consumer Information-Information on Generic Drug Option” to be placed in brochures and on the website.

#### **Board Action**

Dr. Love moved to approve the draft titled “ Consumer Information-Information on Generic Drug Options and to place the information on the website and in newsletters. Ms. Furman seconded the motion. The Board passed the motion.

### **Licensing Committee- Wayne Dyke**

Wayne Dyke reported that in September 2003, nine people that were licensed by reciprocity. They were:

Carey Silas  
Margaret McEvilly  
Nathan Pritts  
Tiffany Limerick  
Nancy Meehan  
Raichell Savoy  
Emmanuel Nyarko  
Daniel Hurst  
Ambar Khan

The Licensing Committee received communication from NABP that the State of California legislature has authorized use of the NAPLEX and MPJE Examinations instead of the state administered test, effective on January 1, 2004.

The Board reviewed several requests for waiver of the FPGEC examination. The Board can only grant a waiver if a foreign school has been ACPE approved and the foreign student graduates matriculated from the approved school between 1993 and 2004

#### Board Action

The Board passed a motion to waive the FPGEC requirements for Bonnie Raines.

#### **Technology and Automation Report – Tamarra Banks**

Ms. Banks reported that the total number of web site visitors for fiscal year 2003 was 78,574. The Board received 2,083 e-mails which mostly (70%) pertained to licensing issues. Ms. Banks noted that the online licensing system is planned to be launched on October 20, 2003. The renewing pharmacists for November will receive a letter asking them if they would like to renew online. Once the system is tested and any comments are reviewed the system will be opened for use by all pharmacists during their renewal periods. Instructions for renewing online will be sent with each renewal packet mailed to licensees. Ms. Banks and Ms. Costley are working with the Treasury Office to implement the usage of electronic checks.

#### **Public Relations- Joan Lawrence**

##### Booth Events

Joan Lawrence announced the Boards' participation in the 4<sup>th</sup> Annual Howard County Diversity Fair. The Board also participated in the MSHP Conference in Rocky Gap. Mr. Slade and Ms. Furman attended the MSHP Conference. Joan Lawrence reported that she made several attempts to contact WBAL and they did not respond to the request to do an interview on Canadian Drugs to educate consumers. Jeanne Furman will find out the date the Flower Mart is scheduled in May 2004 and the Board will decide at the November Board meeting whether it will participate.

### Newsletter

The Board discussed the purpose of the newsletter, which is to convey new information to the public and to request volunteers when needed. The Board agreed that Committee/Task Force Chairs would submit newsletter articles to the Editor, who in turn will forward to Joan Lawrence for printing.

### Board Action

The Board passed a motion that Jeanne Furman, would be the Editor and Ramona McCarthy-Hawkins would be the Assistant Editor of the Board of Pharmacy Newsletter. Each Committee/Task Force Chair will submit an agenda item for the newsletter at each Public Board Meeting.

Meeting adjourned at 12:30 p.m.