

**Maryland Board of Pharmacy
Public Board Meeting
June 18, 2003**

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

Attendance

Commissioners Present: Stanton G. Ades, W. Irving Lottier, Jr., John Balch; Melvin Rubin; Raymond Love; Jeanne Furman; Wayne Dyke, Rev. William Johnson, Ramona McCarthy-Hawkins, Joseph DeMino and Donald Yee

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 Gail, Compliance Specialist; Tamarra Banks, Information Technology Officer; Joan Lawrence, Public Information and Education Officer; Shirley Costley, Personnel/Fiscal Officer; Leeza Curnoles, UM Pharmacy School Student; and Latonya Dickerson, Board Secretary

Guests: Kathryn Lavriha, Barr Labs, Liz Pujolas, NACDS, Jack Freedman, DDC, Howard Schiff, MPhA, and Gil Cohen, PEAC

Recusals

President Ades asked Board members to indicate if they had any conflicts of interest with agenda items. There were no recusals for the public session.

Corrections and Approval of Minutes (5/21/03)

Page 2, heading Bio-terrorism and Emergency Preparedness Task Force, second sentence, delete the word 'as' and begin the sentence with 'The.'

Page 4, under heading Buprenorphine Meeting - Med. Chi, first line, corrects the spelling of 'Freeman' to 'Freedman.' The sixth sentence should read, 'There is a mandatory 8-hour CEU training course for participating physicians.'; last paragraph, second sentence should read, 'The pharmacist should give specific information to the patient.'

Page 5, under heading NABP Annual Meeting, third bullet, fourth line, add the word 'will' before commission.

Page 6, under heading Board Packet Survey, third sentence should read, ' Presently, thirty-three interested parties receive the public packet. Recipients were encouraged to complete the survey.'

Page 7, under heading Profile - Pharmacy (Current Status of Legislation) 5/1/03, title SB 376, second line, add a period after the word shortage and delete 'with their student loan'; under title HB 761, add the word 'requires' after 'Task Force.'

Page 8, under heading SB 500, DHMH, Maryland State Board of Physicians (MBP), fifth line change 'from' to 'two of.'

Page 9, under heading Drug Therapy Management, should read 'Pharmacist Dispensing in Non-Pharmacy Setting, .' Second paragraph should read, 'The Committee revised the draft regulations to allow a pharmacist to dispense and distribute if the pharmacist is located in the office of an authorized prescriber and whose primary duties involve drug therapy management.'

Page 10, under heading Nurses Assisting Patients in Adult Day Care Settings, first sentence should read ' The Practice Committee recommended allowing a nurse to assist patients in filling the pillbox.'

Page 11, under heading International Drug Sales, Heading, first sentence should read ' Mr. Rubin said that the Committee divided the problem into three issues and will take immediate action on the first'; Licensing Committee; third line delete 'go out'; under Board Action change '2nd' to '3rd'.

Page 12, under heading Pre-Inspection Community Pharmacy Form, second sentence changes 'eliminate' to 'separate.'

Page 13, under heading Patient Information Form, third line, and change 'take' to 'cannot'

Mrs. Jeanne Furman moved to accept the May 21, 2003, meeting minutes with amendments. Mr. Melvin Rubin seconded the motion. Motion passed.

President/Executive Committee Report

School/Board of Pharmacy Meeting

President Ades reported that the next meeting with the School of Pharmacy is scheduled for July 8, 2003. Among the agenda items are Updates on the Bioterrorism Task Force, appointments to the Board, the Shortage of Pharmacy Task Force, Discussion regarding Technician Regulations, and Electronic Licensing.

Bio-terrorism and Emergency Preparedness Task Force

The Task Force met on June 6, 2003. Ms. Naesea, Ms. Lawrence and Mr. Rubin attended. The DHMH Volunteer Preparedness meeting was held on May 30, 2003. The DHMH Training website link was discussed during the meeting. There will be another Phase I Training exercise on Saturday, September 13, 2003 in the Columbia area. The Task Force will promote the Phase I Training in the upcoming Board newsletter.

Mr. Ades may be attending DHMH Bioterrorism Preparedness and Response Planning Advisory Committee meeting on Monday, June 23, 2003, because Ms. Naesea will not be available to attend on that day.

The next Bioterrorism Meeting is scheduled for Friday, June 27, 2003.

Board Appointments/Reappointments

Mr. Joseph A. DeMino has been appointed to the Chain position for the Board. Mr. Christian Blake has been appointed to the Consumer position for the Board. Mr. Blake has not responded to date. The at-large position had not been appointed as of the Board meeting date.

Executive Director's Report - LaVerne Naesea

Staff Updates

Ms. Naesea reported that effective July 1, 2003, Mr. Jim Slade will be employed 100% for the Board of Pharmacy.

Ms. Tamarra Banks will be returning to the Information Technology Unit full-time effective July 18, 2003. Ms. Naesea will supervise the Licensing Unit until September 2003, when it is anticipated that a permanent supervisor for the unit will be appointed.

Staff/Board Meetings & Training

Ms. Naesea, Ms. Lawrence, Dr. Love, and Mr. Rubin attended the Incident Command Center System Training sponsored by DHMH. The training included hands-on activities and extensive written materials.

Ms. Naesea noted that she found the Incident Command Center System Training helpful in responding to the Bioterrorism drill on June 17, 2003. Ms. Naesea thanked the Board and Staff for their assistance in successfully completing the drill. To support the exercises, Ms. Naesea noted that Ms. Ramona McCarthy-Hawkins identified a pharmacist who specializes in infectious disease and indicated her availability as a resource person.

Ms. Naesea attended a training conducted by DHMH for Training Liaisons. She is the training liaison for the Health Boards.

Bio Training Funds

DHMH applied for two grants and received significant funding. One grant is for training all volunteer health care practitioners and the second grant is specifically for training about the national pharmaceutical stockpile. Over a \$100,000 was received for National Pharmaceutical Stockpile Training. DHMH wants to work with the Board of Pharmacy

to develop training related to the pharmaceutical stockpile over the next year. Monthly meetings have been established between Board staff and Mr. Steve Berry of DHMH's Training Services Division, to meet that goal.

PEAC

Mr. Gil Cohen reported that PEAC currently has 26 active cases. Nine of the active cases were referred by the Board of Pharmacy. PEAC expects 75 to 80 pharmacists to attend the CE program at the Beacon Institute. It has also scheduled an all day retreat on July 8, 2003. Mrs. Furman will represent the Board at the next couple of PEAC meetings on behalf of Mr. Rubin.

Regulations/Legislative Officer Report

Regulations Status Report of 6/9/03

Mr. Slade included an up-to-date copy of the Regulation Status Report in the Board Packet. Drug Therapy Management regulations will be published in the June 13 or June 27th Maryland Register.

Profiles - Pharmacy (Current Status of Legislation) 6/9/03

The final profile for pharmacy is provided in today's public board packet, which provides the final status of all the signed and vetoed bills.

Mr. Slade re-published the Patient Safety Improvement Regulations. Comments regarding the regulations are expected.

Mr. Slade stated that he e-mailed Board members the revised proposal for the pharmacy technician legislation. He received comments from Board members and proposed changes based on the comments. Mr. Slade will email the updated version of the regulation to Board members for approval.

Last month the Board discussed a bill that increased the penalty provision for certain violations of the Board Practice Act. The intent was to allow the State prosecutors to file actions in Circuit Court and avoid having to file in District Court, where time and resources are expended and oftentimes the respondent appeals to Circuit Court anyway. Presently, if a person violates the specified provisions and is convicted, the person can be fined \$1,000 or be imprisoned for 1 year. The Board voted to join the other Boards to increase the penalties to a \$2,500 fine or 3 years in prison. Mr. Slade asked if the Board wanted to increase the fine portion to \$5,000 so that if the Circuit Court jurisdiction changes in the near future, the Board would not have to return to the legislature to have the fine increased again. The Board voted to increase the penalty provisions to \$5,000 or 3 years in prison.

Board Action

Mrs. Furman moved that the Board support changing the penalty provisions for certain violations of the Board Practice Act. Mrs. Ramona McCarthy Hawkins seconded the motion. The motion passed.

Pharmacy Practice Committee

Dr. Love updated the Board on the Pharmacy Practice Committee activities. The Committee held a meeting on June 4, 2003. The bulk of the meeting was used to review the Long Term Care Regulations line by line. The Committee made suggestions for changes to some of the language. There were specific concerns about labeling requirements. The Committee recommended that the facilities' pharmacist services committees develop their own internal policies on labeling requirements and that normal pharmacy labeling requirements only pertain to bulk containers. The Committee also suggested that regulations be included regarding the ability to re-dispense. The Committee wants a reference to be made to the pharmacist services committee.

The Long Term Committee reviewed the proposed changes from the Practice Committee and a joint meeting is scheduled at the July 2, 2003 Practice Committee's regular meeting to discuss areas that need clarification regarding the Pharmaceutical Services to Residents in Long-Term Care Facilities regulations.

The Committee reviewed revisions that Mr. Slade made to draft regulations for a pharmacist's ability to dispense items from non-pharmacy settings. The draft regulations were presented at the last Practice Committee meeting. They would allow the Board to approve pharmacists to dispense from non-pharmacy settings during emergencies, if necessary. Dispensing for public health purposes falls under the Pharmacy Practice Act.

The Committee also discussed a request from the American Council on Pharmaceutical Education regarding Pharmacy Technicians. The Board had received a series of six questions to which it was asked to comment. The questions dealt with the definition of Technician, levels for pharmacy support personnel, competency requirements, including education and training, and quality assurance issues. The Practice Committee decided that it might be appropriate for the Board to discuss definitions and levels of support personnel.

Long Term Care Committee

The Committee will discuss the definition of what constitutes packaging, repackaging and prepackaging.

OHCQ hosted a meeting on Assistant Living Problems. Representation from pharmacy was not present at this meeting. Apparently, Mrs. Carol Benner represents DHMH on the Assisted Living Committee as the only voting representative.

Board Action

The Board of Pharmacy voted to ask other relevant Boards to join it in advocating to have voting representatives on the Committee.

Licensing Committee

The Licensing Committee submitted minutes dated May 2003. The Committee did not have a meeting in June 2003.

The Licensing Unit Statistic Report indicated that seven pharmacists were voluntarily non-renewed, there were 61 applications for new licensure in May 2003, and seven reciprocity candidates met the requirements for licensure. The FPGE examination is scheduled on June 21, 2003.

The Licensing Committee will schedule a meeting to ensure compliance with HB 935 which requires the BOP to withhold license renewals if applicant has not paid certain taxes. Ms. Banks reported that the Licensing Unit mailed July renewal information to the Comptroller's office. The Physician Board also sent their list last week and 94 out of 20,000 physicians were identified to have tax issues. The Comptroller's office did not indicate that any pharmacists who will renew in July have tax issues with the state. Ms. Banks said all information is communicated electronically. Mr. Ballard will be working on regulations to interpret the new law through DHMH.

Included in the Board packet is a letter from Mr. Mark Levi regarding Canadian Pharmacy Advertisements.

Disciplinary Committee

The Disciplinary Committee met on May 29, 2003 to address consumer complaints. With the help of student, Leeza Curnoles, Mrs. Furman and Mrs. Ramona McCarthy Hawkins the Committee completed an enormous amount of work in compiling and summarizing complaints. Mrs. Furman reported that the initial phase of reviewing consumer complaints is on schedule. The Committee will review responses to the complaints from the pharmacists and permit holder at the next meeting. Ms. Furman noted that the Committee is receiving an increased number of medication error reports.

Mr. Rubin reported that permit holder, Glen Lichtman asked the Board of Pharmacy to notify his pharmacist temporary employment company and other permit holders of action taken against pharmacists. The Board responded by stating that they will add a disciplinary section to the newsletter and website and indicate the last date it is updated.

Public Relations

Mr. Rubin reported on a HIPAA review meeting that he attended. The new emphasis is on the October 16, 2003 date when new standard code sets have to be in place. The

clearinghouse state that they will be ready, but probably will not be able to check health providers to ensure that they are ready.

State Fair

Ms. Lawrence stated that the Maryland State Fair will take place August 23 - September 1, 2003. DHMH will purchase 2 tables during the 10-day duration. There will be no cost to the Board to use the table. DHMH has designated August 28, 2003 for the Board 10:00 a.m. - 10:00 p.m. Ms. Lawrence contacted MSHP who agreed to assist the Board with giveaway items. MSHP offered to help volunteer to man the table during the event.

Annual Report

Ms. Lawrence reported that the 2002 Annual Report will be going to print during the week of June 15th.

Newsletter

The Board has completed labels for mailing the newsletter to Maryland licensees and included an announcement regarding the upcoming PEAC Conference. The Board included *Save the Date cards* to recruit additional pharmacist volunteers for the Bioterrorism training.

Council of Boards Report -Mel Rubin

Response to State Audit Report

Mr. Rubin reported that the Legislative Audit recommended that all of the Boards' consider centralizing some of their staff functions. A committee was appointed to review the recommendation and provide comments. The committee recommended that additional centralization amongst the Boards was impractical and not cost effective for several enumerated reasons. A response to the recommendations has not been received from DHMH.

Council Election

Elections of Officers for the coming year were held. Mr. Melvin Rubin was elected chair of the Council.

Building Lease

Mr. Rubin reported that the Council is not clear on the Boards' portion of the lease costs and the relationship between the new lease with the previous one. He reported that the lease cost did go down, but then the Board became responsible for paying for increased building security. In the past security was included in the rent.

Originally, it had been indicated that that the new tenants (Dept. of Human Resources) would pay for the new telephone system and additional security. It was reported at the meeting that the new telephone system cost will be paid for by all tenants of the building.

Informational

Canadian Pharmacies

The Board has jurisdiction over pharmacists and pharmacies illegally dealing with Canadian Pharmacies. The Board has no jurisdiction over storefronts where they are not employing anyone that the Board licenses, unless they are actually breaking laws by practicing unlicensed pharmacy. The recommendation has been made that the Board work with FDA and the Attorney Generals Office.

The meeting adjourned at 12:30 p.m.