

**Maryland Board of Pharmacy
Public Board Meeting
February 18, 2004**

Melvin Rubin called the Public Board Meeting to order at 9:00 a.m.

Attendance

Commissioners Present: Melvin Rubin, Secretary, Jeanne Furman, Treasurer, John Balch, Raymond Love, Wayne Dyke, Ramona McCarthy-Hawkins, Christiaan Blake, Rev. William Johnson, Sr., Donald Yee, Joseph DeMino and Mark Levi

Commissioners Absent: Stanton Ades

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; Joan Lawrence, Public Relations; Tamarra Banks, Information and Technology; Latonya Dickerson, Board Secretary

Guests Milton Moskowitz, PEAC, Howard Schiff, MPhA, Huseyin Tunc, Safeway, Jack Freedman, DDC, Daniel Serritella, Intern, Gerald Morgan, Intern, Gilbert Ngan, Intern, Stephan Riggan, CVS, and Corey Johnson, Healthcare Consulting and Logistics.

Recusals

Melvin Rubin asked Board members to indicate if there were any conflicts of interest with agenda items. Wayne Dyke recused himself from the Andrew McLaughlin's reinstatement hearing.

Approval of Minutes (1/21/04)

Page 2, change Genns to "Genn" throughout the document.

Page 3, fifth paragraph, delete the last sentence

Page 7, heading, Upcoming Events, change "Boil" to "Boyle"

Page 9, Correct the spelling of Arlene Stephenson's name

Page 9, under Board action add " Dr. Love recused from the discussion.

Page 10, change "accommodation" to "commendation"

Dr. Love moved to accept the January 21, 2004 meeting minutes with corrections. John Balch seconded the motion. The Board passed the motion.

President/Executive Committee Report – Stanton Ades

Board Nominations

In March 2004 the Board will hold elections of new officers for the positions of President, Secretary, and Treasurer. Ms. Naesea distributed nomination forms.

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Follow-Up Chart

Ms. Naesea presented the 'Follow-up Chart dated 2/18/04 indicating action items which are still in progress for Board members and staff to execute.

Executive Director Report – LaVerne Naesea

Staff Updates

The new Fiscal Officer, Ms. Marianne S. Pindell will begin in mid March 2004.

Interns

Ms. Naesea introduced Gilbert Ngan and Gerald Morgan who began pharmacy internships with the Maryland Board of Pharmacy on February 16, 2004.

Budget Hearing

Ms. Naesea noted that she had attended one of two budget hearings on the Boards and Commissions proposed 2005 budgets on February 12, 2004. She indicated that the Board of Pharmacy's initial submittal projected a cost of living increase to the FY 2004 approved budget, as well as an increase from \$10,000 to \$25,000 for a potential grant(s) award. She noted that the Board had discussed providing seed money in the form of a grant to PEAC to identify and hire a director/developer, but since PEAC now has sufficient funds to move forward without a Board grant, the increase in that line item of the FY 2005 budget request was withdrawn."

Summit with Chains

Ms. Naesea reported that based on advice of Counsel the Summit with Chain Pharmacy representatives regarding discussion on the Error Data Collection Form was canceled. The Board still wishes to have a summit covering other issues of mutual concern.

HRSA Special Project Collaborative Proposal

The Johns Hopkins Health System would like the Maryland Board of Pharmacy to provide a letter of commitment for a grant proposal they will be submitting to HRSA entitled, Bioterrorism Hospital Preparedness Program (BHPP). The BHPP grant would allow Maryland to continue building on its foundation of statewide hospital preparedness for public health emergencies. Ms. Naesea reported that the scope for the project would include planning hospital responses for all biological, chemical, radiological and blast occurrences. Mary Myers, Senior Project Administrator would like Johns Hopkins to collaborate with the Maryland Board of Pharmacy and the Department of Health and Mental Hygiene. Ms. Naesea asked the Board to delegate the decision of whether to support the grant proposal to its Emergency Preparedness Committee since an expedited response is required.

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The Board agreed to allow the Emergency Preparedness Committee to decide whether to support the grant proposal.

Public Board Packet

All Microsoft documents will be emailed to Board members before the Public Board Meeting.

The Information and Technology unit will work in the future to place the public Board packet on a website so Board members and the public can access/download the information.

PEAC

Milton Moskowitz, PEAC reported that PEAC has a caseload of 23 pharmacists, of which eleven were Board referred. Mr. Moskowitz reported that PEAC's CE program is scheduled for October 21, 2004. The topic is on "Prescription Drug Use: Overcoming Abuse of Addiction". PEAC is recruiting for a Director's position. Two candidates are currently being considered for the position.

Regulations/Legislative Officer Report – James Slade

SB 167 – Prescription Drugs – Canadian Mail Order Plan - Requires the Secretary of Health and Mental Hygiene, in coordination with the Secretary of Budget and management, to implement a Canadian Mail Order Plan for prescription drugs, on or before a certain date. To date no hearing is scheduled.

Board Action

Dr. Love moved for the Board to send a Letter of Information with the revised position paper on the Illegal Importation of Prescription Drugs and Devices from Foreign Countries attached. Mr. Balch seconded the motion. The Board passed the motion.

HB 203 – Public Health – Licensed Pharmacists – Dispensing Emergency Contraception – Authorizes a licensed pharmacist to dispense emergency contraception if the pharmacist has a certain arrangement with a certain physician under certain circumstances. To date no hearing is scheduled.

HB 204 – Public Health - Licensed Pharmacists – Emergency Contraception Dispensing Program – Establishes the Emergency Contraception Dispensing Program in the Department of Health and Mental Hygiene. Authorizes the Department to adopt certain regulations, collect certain fees, issue and renew certificates to certain licensed pharmacists, and conduct and approve certain educational training programs. To date no hearing is scheduled.

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Board Action

The Board passed a motion to send a letter of general support with amendments.

HB 384 Maryland Pharmacy Act – Practice – Alters the definition of the term “practice pharmacy” to include administering medication in accordance with certain regulations adopted by the State Board of Pharmacy requiring the Board, in consultation with certain entities, to adopt certain regulations. On February 12, 2004 a hearing was held. A hearing will be held today.

HB 397 – Pharmacy Benefits Management Act – Prohibits a person from practicing pharmacy benefits management in the State unless the person registers with the Secretary of Health and Mental Hygiene. The hearing is scheduled February 18, at 1:00 p.m.

HB 433 – Prescription Drug Safety Act – Requiring certain health practitioners to print or type written prescriptions in a legible manner, include certain information on the prescription, and sign the prescription.

Board Action

The Board offered amendments to this bill.

SB 454 – Health Insurance – Health Insurance Benefit Cards – For the purpose of requiring certain health insurance carriers to provide to insured subscribers, and enrollees a health insurance benefit care that includes certain data elements.

The hearing is scheduled today at 1:00 p.m.

HB 519 – Pharmaceuticals – Marketing – Disclosure and Registration - For the purpose of requiring a pharmaceutical manufacturing company to make a certain disclosure to the Board of Pharmacy of certain marketing information on or before a certain date each year.

Board Action

The Board passed a motion to send a letter of concern.

SB 680 – University of Maryland Eastern Shore – School of Pharmacy – For the purpose of requiring the President of the University of Maryland Eastern Shore to establish a School of Pharmacy at the University of Maryland Eastern Shore.

HB 840 – Pharmacy Benefits Managers – Would require a pharmacy benefits manager to perform in accordance with certain standards of care and in the interest of certain persons entitled to certain health benefits; establishing certain duties and obligations of pharmacy benefits manager.

HB 881 - Regulatory Units – Fee Setting Authority – For purposes of providing that certain fees imposed by certain licensing units, regulatory units, and officials of State government in effect on a certain date remain in effect until altered by the General Assembly.

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Board Action

The Board passed a motion to oppose HB 881.

Public Relations

Strategic National Stockpile Training

Joan Lawrence reported that she attended a two day Strategic National Stockpile (SNS) training at the Hyatt Regency in Cambridge, Maryland February 9th and 10th, 2004. Approximately 60 persons participated from various LHDs, including the Delaware Board of Pharmacy. Three LHD Liaisons were in attendance, Murhl Flowers, Southern Maryland, Donald Taylor, Eastern Shore, and Aki Haramai, Montgomery County. Training highlights included State and Local Program Planning, SNS request process, SNS Formulary – Unit of Use, Small incident: Vendor Management Inventory, Receipt, Storage and Staging process – state and local level, Technical Advisory Response Unit Team roles, and the Service Roles and Responsibilities of U.S. Marshalls. Attendees received hands-on training with the Push Package, counting machines and labeling,

FlowerMart

The Board will participate in the FlowerMart scheduled for May 12, 2004.

Licensing Issue

"Mr Rubin said that he would have to leave shortly for a hearing in Annapolis and wanted to bring up one licensing issue: He wanted a clear policy from the Board about the need for Federal and State pharmacies to obtain a permit from the BOP and whether they need to pay for them. On motion by Dr Love, 2nd by Ramona Hawkins the Board voted to require State agencies to pay for and have a pharmacy and/or distribution permit as is required of other entities, but not to require Federal agencies to have or pay for a permit."

Public Session closed

The Public Session was closed at 10:00 a.m. for Andrew McLaughlin's reinstatement hearing on motion of Jeanne Furman seconded by Ramona McCarthy-Hawkins and passed by the Board.

Public Session re-opened

The Board passed the motion to re-open the public session at 11:20 a.m.

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Andrew McLaughlin's Reinstatement Hearing

Board Action

The Board passed a motion to reinstate Andrew McLaughlin's license provided he agrees to certain conditions.

Commissioner/Treasurer Jeanne Furman presiding from this point in the meeting.

Pharmacy Practice Committee- Dr. Ray Love

The Pharmacy Practice Committee met on February 4, 2004. The Committee discussed SB167- Prescription Drugs – Canadian Mail Order Plan, HB 203 – Public Health-Licensed Pharmacists – Dispensing Emergency Contraception, HB 204 – Public Health-Licensed Pharmacists- Emergency Contraception Dispensing Program, HB 344-Health Insurance-Maintenance Drug Prescriptions-Mail Order Purchase, and HB 371 – Crime-Driving or boating while impaired by a Controlled Dangerous Substance Per Se-Penalties during the meeting.

With regards to the Canadian Mail Order Plan, the Committee recommended that the Board write a letter of information pointing out: (1) this bill would place the Board in a conflicted position since it is responsible for enforcing federal laws and regulations; (2) this bill could have an adverse financial impact on pharmacies in the state; (3) this bill would lead to fragmented pharmaceutical care and an increased chance of undetected drug interactions and other therapeutic misadventures; (4) this bill would leave the Board unable to assure quality pharmacy services or take actions against those providing unsafe or poor services due to jurisdictional issues with Canada.

In addressing the question of emergency contraception legislation, the Committee recommended that any bill include a conscience clause and liability protection for pharmacists. The Committee further recommended that any bill not describe the training and services in exacting detail, but leave that to jointly developed regulations.

With regards to PBMs, the Committee recommended that any bill specifically exclude pharmacies and hospitals from being considered PBMs. The Committee also recommended that the language in the bill be rewritten to reflect the fact that PBMs don't dispense medications, but that pharmacists do.

The Committee also recommended that HB 433, the Prescription Drug Safety Act be amended to allow electronic prescribing and to not apply to hospitals. The Committee further recommended that the Board oppose HB519 regarding regulations of pharmaceutical industry representatives as it would be impractical and would impose an enormous financial and work burden on the Board.

The Committee also reviewed comments by MACDS on the Pharmacy Technician Bill and came up with suggestions to deal with these comments.

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Finally, the Committee received correspondence from Jack Freedman, Chief Division of Drug Control asking for help in revising institutional pharmacy inspection forms. Jeanne Furman agreed to seek assistance from MSHP in this project.

Licensing Committee- Wayne Dyke

The next Licensing Committee meeting is scheduled for March 9, 2004.

Licensing Unit Statistics

The Licensing Unit Statistics FY 2004 for January 2004 report was included in the Public Board packet for review. Wayne Dyke reported that in January 2004, eight (8) people were licensed by reciprocity. They were: Christopher Lopez, Bernard Clark, Kwasi Gyan, Samia Nasr, Kimberly Dinh, Julia Zhu, Costantine Sabak, and Muluken Seyoun.

The following pharmacists was voluntarily non-renewed: Rasem Ansari, Phuong CucT Doan, Irvin Fink, Adina Greene Moultrie, Mary Ann Halloran, Jennifer Hillman, Albert Japko, Randy Barbour, Abdelgadir Gebrel, Alvin Groman, Chan dresh Harjivan, Amy Hirsch, and James Johnson III.

Disciplinary Committee – Jeanne Furman

The next Disciplinary Committee meeting is scheduled for February 26, 2004.

The position paper submitted by the Ad Hoc Re-importation Committee, entitled *Illegal Importation of Prescription Drugs and Devices from Foreign Countries*, was reviewed.

Board Action

The Board passed a motion to eliminate the second paragraph on page 4 of the position paper.

Technology and Automation Committee

FY 2004 Internet Statistics

The Maryland Board of Pharmacy FY 2004 Internet Statistics sheet for January 2004 was included in the public Board packet.

Informational

Why Your Drugs Cost So Much

Included in the Board packet is an article published by Time magazine dated February 2, 2004 entitled "*Why Your Drugs Cost So Much*".

The Public Board session was adjourned at 12:30 p.m.