

**Maryland Board of Pharmacy
Public Board Meeting Revised Minutes
April 21, 2004**

Attendance: **Officers:** Stanton Ades, President, Melvin Rubin, Secretary, Jeanne Furman, Treasurer

Commissioners: John Balch, Wayne Dyke, Raymond Love, Ramona McCarthy-Hawkins, Christiaan Blake, Rev. William Johnson, Sr., Donald Yee, Joseph DeMino, Mark Levi

Staff: LaVerne G. Naesea, Executive Director; Linda Bethman, Staff Attorney, James Slade, Legislative Officer; Catherine S. Putz, Compliance Officer; Jacqueline Higgins, Compliance Officer, Shirley Costley, Licensing Officer; Marianne Pindell, Fiscal/Personnel Officer; Joan Lawrence, Public Information & Education Officer; Tamarra Banks, Management Information Services Officer; Sandra Hines, Secretary III

Guests: Howard Schiff, MPhA, Stephan Riggin, CVS, Corey Johnson, Healthcare Consulting and Logistics, Jack Freedman, DDC, Gil Genn, M.A.C.D.S., Gil Cohen, PEAC, and Ben Steffen, Deputy Director, Data Systems & Analysis, Maryland Health Care Commission.

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

1. Record of Conflict of Interest

Stanton Ades began the Public Session with the first order of business, asking if any Board member present had any conflicts of interest on any agenda item. For the record, there were no conflicts of interest pertaining to the March Public Agenda Items.

2. Minutes – (3/17/04)

Page 2, last paragraph, second line, change “pharmacy” to “pharmacist”; fourth line, add “regarding the number of pharmacy school graduates”.

Page 3, letter C, correct the spelling of “Pharmacopoeia”; second bullet, add the word “Committee”.

Page 4, HB 203, third line, change “bill” to “bills”; HB384, fifth line, delete the word “one” and add “ set a single combined fee”; HB397, add to the end of the last sentence “but the bill has to go through the Senate”.

Page 6, first paragraph, last sentence should read “ The amendments were to exempt people who are covered by third party payers and to change some of the wording in the bill”; paragraph beginning with Joseph DeMino delete the word “it”; Under Public Relations, first and last paragraphs, change ”Joanne” to “Joan”.

Page 8, letter E, change the word “distribution” to “distributors”

Page 9, delete the second sentence in the first paragraph.

Page 11, under the heading packaging/repackaging, at the end of the second sentence delete “and” after repackage and add “, and determine personnel” and delete “Pharmacist Personnel”; under Update Report, first bullet, delete “a little less than 50%” add “, 32%”.

Page 12, number 13, add “quality” after the word “auditory”.

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Board Action

Jeanne Furman moved acceptance of the March 17, 2004 minutes as amended. Mark Levi seconded the motion and Board members unanimously supported the motion.

3. President/Executive Committee Report – Stanton Ades

A. Board Election Results

President Ades announced the following election results from the March 17th reopened Public Session: Melvin Rubin, President; Jeanne Furman, Secretary; and Ray Love, Treasurer.

B. Committee Chair Appointments

President Ades announced committee chair appointments for FY 2005. He noted that incoming President Rubin might change the appointments once he begins his term.

Pharmacy Practice Committee – Ray Love
Licensing Committee – Joe DeMino
Disciplinary Committee – Jeanne Furman
Budget Committee – Jeanne Furman
Legislative Committee – Christiaan Blake & Mark Levi
Technology Committee – Ramona McCarthy-Hawkins
Long Term Care Committee – John Balch
Emergency Preparedness – Melvin Rubin
Executive Committee – President, Treasurer, and Secretary

4. Executive Director Report – LaVerne Naesea

A. Staffing Updates

LaVerne Naesea introduced Jacqueline Higgins who joined the staff as the Compliance Specialist earlier in April 2004.

B. Office Renovations

LaVerne Naesea announced that the Board renovations to office space will begin on May 6. Some employees will telework on the 6th, 7th and in the morning on May 10th, while movers clear the area, and builders reconfigure work areas. Noting that a few staff will remain on-site, Ms. Naesea said that Board staff is committed to providing some continued services as possible, to customers throughout the period of renovations. She projected that by Tuesday morning, May 11, the office would be fully operational again.

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C. Nurse Mid-Wife Formulary

Ms. Naesea informed members that she had obtained a copy of the Mid-Wife Formulary from the Board of Nursing and has passed it on to Dr. Love for review by the practice Committee.

5. Guest Presenter – Ben Steffen

Mr. Ades introduced Mr. Ben Steffen, who provided a summary of Maryland Prescription Drug Use and Spending Information from the Medical Care Data Base (written presentation attached to official minutes). Mr. Steffen is the Deputy Director, Data Systems & Analysis for the Maryland Health Care Commission (MHCC). He indicated that national spending on prescription drugs has risen from 6.2% for personal health care spending in 1988 to 10.4% in 2002 and projected that in 2003 indicate annual growth may rise to 14%.

In 1999, of 1.4 million Maryland prescription drug users, the average number of prescriptions per user was 9.5, the average total expenditure was \$450 and the average out-of-pocket was \$85. For the same number of prescription drug users in 2002, the average number of prescriptions per user is 10.0, the average total expenditure was \$680, and the average out-of-pocket was \$162.

Mr. Steffen suggested that MHCC may be useful to the Board of Pharmacy in performing relevant studies such as tracking pricing changes, # of users and # of scripts per person, as well as the cost of drug; examining prescribing patterns for narrow-spectrum antibiotics versus broad-spectrum products; comparing drug costs of various chronic conditions; and/or examining utilization of drugs post-MMA in the Medicare population. Next steps that he recommended included MHCC sharing results of future studies (i.e., prescription drug spending patterns) and convening a Board of Pharmacy/MHCC workgroup to identify informational needs and determine if MHCC Prescription Data would meet BoP needs.

Board Action

The Board agreed to assign Board representatives to work with MHCC in a smaller workgroup. Representatives were not determined.

6. PEAC (Pharmacists Education and Assistance Committee)

Mr. Gil Cohen announced that PEAC will be sending a representative to staff a booth at the MPhA Annual Meeting in Ocean City, MD. He stated that the committee is still seeking a Director as a consequence of an earlier prospect's withdrawal of interest in the position.

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7. Regulations/Legislative Officer Report – James Slade

Pharmacy – Legislation Profile

SB-167 – Prescription Drugs – Canadian Mail Order Plan – The bill died.

SB 330 – Health Occupations Boards – Misdemeanor Offenses – Delegation of Authority, Fines, and Penalties – referred for an interim study.

HB 384 - Maryland Pharmacy Act – Practice of Pharmacy – Administration of Medication - & SB – 389 – Maryland Pharmacy Act – Practice of Pharmacy – Administration of the Influenza Vaccination – The bills passed. The Board will develop regulations jointly with the Board of Physicians and the Board of Nursing.

HB 397 – Pharmacy Benefits Management Act – The bill did not pass.

HB 433 – Prescription Drug Safety Act – The bill passed after being amended. Part of the bill requires the Secretary of DHMH to convene a workgroup to study certain issues related to prescriptions. The workgroup is to include the Board.

HB 519 – Pharmaceuticals – Marketing – Disclosure and Registration – this bill was sent to an interim study.

Drug Therapy Management- The Board of Physicians has appointed its members to the Joint Committee. They are Drs. Frank M. Calia and M. Ramsay Farah. Jim Slade will contact the Board of Physicians to set up the first meeting of the Joint Committee.

8. Pharmacy Practice Committee

A. Automation in Transitional Care Units in Hospitals (draft)

The Board voted to forward the letter regarding the use of automated medication systems in transitional care units, to the Division of Drug Control.

B. Prescribers prescribing for self or family member

The Practice Committee discussed a letter forwarded from an interested party regarding prescribers prescribing for themselves or family members. The Committee will prepare a response to the request.

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C. Meeting with the Division of Drug Control

Mark Levi and Ray Love met with Jack Freedman on the Board's behalf April 7, 2004, to discuss putting together a series of policies and procedures to better serve customers.

Website/Newsletter

The Pharmacy Practice Committee recommends that the Board post an article on its website and/or newsletter informing the public of the relationship between the Board and DDC. The article should include a notice that permit holders and pharmacists who wish to provide input or feedback regarding inspections may contact the Board with their suggestions and concerns. The article should also note that with regards to issues other than controlled substances, the Board is the one that takes action rather than the DDC

Procedure for questions whose answers are not absolutely clear in Statute or Regulation

Procedure for questions to committees- The Practice Committee proposed a procedure for questions to committees. If a question has a clear answer in the law, refer the person to the applicable law. If a question does not have a clear answer, the question will be forwarded to the appropriate committee. The committee will discuss the issue and propose a response to the Board. The Board will approve the answer. If time is of the essence, then the executive committee will approve the answer instead of the Board.

The following additional items were covered during the meeting:

- Board staff will forward Practice Committee minutes to Jack Freedman.
- The Practice Committee or its representatives will meet with drug inspectors quarterly to review new regulations and any issues which may have arisen between quarters.
- The Board will work with Jack Freedman to determine if two different *types of inspections are permissible – a physical inspection and a self-report or quick visit inspection every other year for pharmacies that complete pre-inspection forms and have a clean previous inspection.*
- The Board will work with DDC to develop criteria for “judgement issues” which arise on inspections such as: adequacy of separation of outdated stock; posting of permits, hours and other notices in public view; the interpretation of clean and neat; the interpretation of running water; the interpretation of adequate equipment; the interpretation of adequate training for an iv pharmacist; and/or the interpretation of expiration date labeling requirements.

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D. *OHCQ OTC Medications in bulk stock proposal*

Mr. Rubin mentioned that the Board received a question regarding interpretation of over the counter medications in stock proposal by the Office of Health Care Quality. It was determined that this was another issue, which should be discussed during quarterly meeting with the Office of Health Care Quality.

E. *Drug Therapy Management*

The Board will be working with the Board of Physicians in the very near future to develop framework for the Drug Therapy Management Program (Collaborative Practice), including development of protocols, acceptable language for patient, physician and pharmacists agreements, and components of the program outcomes study.

9. Public Relations

Ms. Lawrence announced that the Board, in conjunction with MSHP, will host a booth at the 2004 Flower Mart on May 12, 2004. She encouraged Board member to participate at the event. Ms. Lawrence also circulated a draft flyer regarding consumers' right to be informed of generic drug equivalents when prescribed brand name drugs (under certain circumstances). Members provided comments and Ms. Lawrence indicated that she would make the necessary revisions.

10 Licensing Committee – Wayne Dyke

A. Meeting

Wayne Dyke reported that the Committee did not meet during April 2004. The statistics for March 2004 were read during the meeting.

B. Reciprocity

The following pharmacists have met Board requirements for reciprocity this month:

Anthony Carney_Jr.
Malcolm Dubar
Anne Crandall
Bethany Lowe
Kendra Stewart
Trang Nguyen
Belynda Kinney
Emil Sidawy
Carol Cho
Cyrus Pacis

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12. Technology and Automation Committee – Tamarra Banks

Ms. Banks reported that the Department of Health and Mental Hygiene is planning to upgrade GroupWise on April 30, 2004, and the Board has approximately 2 weeks to upgrade in order for the two systems to remain compatible. She informed members that they may expect some delays or problems sending email via GroupWise during the upgrade period. Ms. Banks also noted the Management Information Services Update Report that was included in the Board packet.

13. Council of Boards Report

Melvin Rubin reported that the music on the telephones in the building has been changed. New Board Members are expected to attend the upcoming Board Member Training sponsored by the Council of Boards.

14. Chain Summit

Ms. Naesea asked the Board to place discussion of the previously canceled Summit with Chains on the May agenda because although certain items could not be discussed (e.g., the error data collection form), there were still other issues on mutual concern, including Board's emergency preparedness efforts. The Board agreed to discuss the item at its next meeting.

The Public Board session adjourned at 2:15 p.m.