

Maryland Board Of Pharmacy Public Meeting Minutes September 15, 2004

Attendance

Officers: Melvin Rubin, President; Jeanne Furman, Secretary; Raymond Love, Treasurer

Commissioners: John Balch, Christiaan Blake, Mark Levi, Mayer Handelman, Donald Taylor, Donald Yee, Margie Bonnett, Joseph DeMino, Ramona McCarthy Hawkins

Staff: LaVerne G. Naesea, Executive Director; James Slade, Regulatory Compliance Unit Manager; Shirley Costley, Licensing Unit Manager; Tamarra Banks, Management Information Services Manager; Joan Lawrence, Public Information Officer, Patricia Gaither, Administrative Services Manager, Christina Harvin, Regulations Officer; Linda Bethman, Staff Attorney Sharon Gordon, Board Secretary

Guests: None

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

1. Record of Conflict of Interest: Melvin Rubin began the first order of business by asking if Board members had any conflicts of interest with any meeting agenda item. There were no conflicts of interest pertaining to the September Public Meeting Agenda.

2. Corrections to the Minutes- (08/18/04)

Page 2 – Executive Director’s Report, 2nd sentence, the word “the is double typed in two places, remove the extra word “the”; and 5th sentence add “and for” after the word “function”; 2nd paragraph, 1st sentence, add “a” before the phrase “pharmaceutical cache”

Page 3 – Under Guest Presenter(s), 8th sentence, remove words “began to” ; Under Regulations/Legislative Officer Report, Board Action, 1st sentence: following “...a letter recommending that” add “any electronic reporting system” in place of “the a prescription monitoring program”; following “...refer the Council to”, add “the existence of pharmacy based collaborative practice models to emphasize the valuable role of the pharmacist in coordination of care among multiple providers and to point out the need for pharmacists to be able to participate in electronic medical records.”; delete “where such systems have caused both professional and financial burdens.”; Under Long Term Care-Board Action, 1st sentence, following “...letter to DHMH to”, remove the word “question” and add “note that the division of pharmacy benefits into mental health and non-mental health drugs could have a negative impact on the valuable coordination of care roles played by pharmacists.” and delete ““why mental health drugs are listed separately from other drugs.”

Page 4 – Under Pharmacy Practice, delete 2nd sentence; Paragraph 2, delete the word “, and” following Practice Act; Under Inspection of Hospital Pharmacies, following “Dr. Love indicated that” add, “a committee had been appointed to work on the”, delete “the Committee plans to meet with the Division of Drug Control to discuss setting an agenda for.”

Page 5 – Under Committee Proposed Responses to Correspondence, last sentence, replace “DDA” with “DDC”; under Board Action, replace “Developmental Disability Administration” with “Division of Drug Control”; under second set of Board Actions, 2nd bullet, delete language under the second bullet; 3rd bullet, 1st sentence, remove “radio pharmacists” and “cyclotron operations”, add “The Committee felt that the inquiry represented compounding.” 5th bullet, add “The Committee

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stated that a veterinarian may not dispense for an animal unless that animal is cared for by the veterinarian.” as the last sentence.

Board Action

Ray Love moved acceptance of the August 18, 2004 minutes as corrected. Mark Levi seconded the motion. The Board members unanimously supported the motion.

3. President/Executive Committee Report – Melvin Rubin

Melvin Rubin referred to a memo and advertisement in the Board packet that indicated prescription drugs being offered at a lower price by a Dr. Sungenis. Mr. Rubin noted that the letter included in the Board packet had been sent asking the Board of Physicians to investigate.

4. Executive Director's Report – LaVerne Naesea

LaVerne Naesea summarized staff recruitment efforts and asked Patricia Gaither, Fiscal Officer, to update the Board on the selection process and status for vacant positions. Interviews of candidates for the Pharmacist Compliance Officer have been completed and two final candidate have been interviewed. The selected Pharmacist Compliance Officer will participate in selecting a Compliance Specialist. The Compliance Specialist is not required to be a pharmacist. The position advertisement for the Investigator (Compliance Unit) has been posted on the website and the state bulletin board. Resumes are due September 16, 2004.

Ms. Gaither next presented the FY 2004 End of Year Budget Summary that indicated that the Board had collected \$1,491,969 and expended \$1,181,719, with a balance of \$310,250 remaining. Mr. Rubin explained that the fund balance for FY 2004 was slightly higher than expected because funds were not spent during periods of staff vacancies and a few information technology projects planned for FY 2004 were moved to FY 2005.

Ms. Naesea noted that the Practice Committee is recommending that a consortium be organized to conduct the evaluation of the Drug Therapy Management Program. The Consortium would be comprised of representatives from the Boards of Pharmacy and Physicians, University of Maryland School of Pharmacy, Johns Hopkins Hospital, and other with expertise in DTM practice and program evaluation. She suggested that since funding would be limited, a Memorandum of Understanding would be issued or developed with the University of Maryland to staff the consortium and sub-grant as required would best accommodate the five year evaluation. Ray Love recused himself but stayed for informational purposes. Linda Bethman, Staff Attorney wants the Ethics Commission to see if MOU with Pharmacy school is appropriate. Mr. Slade reminded members that the Board will need to submit a bill extending the DTM program in 2007 and that approval will be based on the outcome of the evaluation.

Board Action: Board members agreed to move forward with developing an MOU with the University of Maryland Pharmacy School to form and staff the DTM Evaluation Consortium.

PEAC (Pharmacists Education and Assistance Committee) – John McGrath, Executive Director

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Mr. John McGrath, Executive Director discussed the training handbook for PEAC recipients and indicated that his monitors would be required to use the handbook guidelines in working with pharmacists. Mr. McGrath also discussed improved turnaround time, improving documentation, and upgrade of electronic record keeping system. He indicated that PEAC was now requiring that the actual terms of Board orders be included in the client contracts. Mr. McGrath reminded members of the upcoming CE program sponsored by PEAC on October 21, 2004.

5. 2004 Regulations/Legislative Officer Report – James Slade

Jim Slade informed members that the Notice of Final Action for 10.34.07 (Subtitle 34 *Pharmacy Equipment*) was published in the Maryland Register. He recommended that the Board defer revisions to the Pharmacy Act for a year.

Board Action

Following discussion, the Board agreed to continue with the revisions that had been submitted to the Department for review and approval. Mr. Slade noted that the submittal still requires approval by Legislature.

6. Public Relations – Joan Lawrence

Joan Lawrence informed the Board that the October newsletter will be late. She reported that work has begun on the 2004 Annual Report. She mentioned that American Pharmacy Month and Pharmacy Week are in October. She suggested that the Board work with the Pharmacy Coalition to sponsor a banner to mark the event. The banner would be displayed from October 18 through November 1, 2004. The Board agreed to co-sponsor the banner.

DHMH Training Division approved and entered into a MOU with the University of Maryland Poison Center for the Phase I Electronic Training Module for just under \$30,000. The project is funded by a CDC grant. The Committee has been in communication with the Chain pharmacy representatives to set up a meeting to discuss the availability of medications in the event of an emergency. A Committee representative will be attending a September meeting sponsored by the Chains to further discuss this topic.

Joan was asked by Arlene Stephenson to design and coordinate the first issue of DHMH Volunteer Newsletter, which will include articles from all seven Boards and will be mailed to over 4,000 volunteers. The newsletter is funded by a grant from the Medical Reserve Corp. The newsletter will be published in October.

The next LHD Liaison and Team Leader Training is scheduled on Saturday October 2, 2004 from 9:00 a.m. to 12:30 p.m. at Howard Community College. As of September 14, 2004, 43 Team leaders have registered of which, and 8 liaisons are trained. Board staff and members will participate in the training along with DHMH and 3 Local health department representatives (Anne Arundel, Frederick, and Montgomery counties). Ms. Lawrence asked Board members to inform her if they plan to attend the session.

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9. Committee Reports

A. Pharmacy Practice Committee – Raymond Love

On behalf of the Practice Committee, Dr. Love moved that the Board form a committee to review USP's Chapter 797, Sterile Compounding. This committee would advise the Board to adopt Chapter 797 in its current form, adopt a modified version of Chapter 797 or reject Chapter 797.

Board Action: The Board agreed to form a Chapter 797 Committee..

On behalf of the Practice Committee, Dr. Love moved that the Board explore the possibility of retaining a pharmacist consultant to be used on an as needed basis to advise the Board regarding technical issues regarding sterile compounding and parenterals. This individual would assist the Board in developing regulations and procedures regarding these technical issues as well as assisting the Board and the Division of Drug Control in investigations. This is an area of increasing importance and the DDC is currently unable to provide an inspector with expertise of this nature.

Board Action: The Board agreed to look into hiring an expert consultant to provide technical consultation in the field of parenterals and sterile compounding.

Dr. Love noted that the proposed draft for the DTM protocol application and checklist were in the Board packets. He asked that members provide comments to Christina Harvin.

Dr. Love reported that the Practice Committee thought it was necessary to set a budget amount for the DTM study required by law in order that a contract or agreement could be pursued. The amount set would be a maximum amount and any fees collected would be used to offset the cost.

Board Action: John Balch moved and Mark Levi seconded the motion to allocate \$25,000 for the study. The motion passed.

Long Term Care

Christina Harvin, Regulation/Legislative Officer reviewed the proposed letter in the Board packet that addressed Departments' plan to restructure the Medicaid – Long Term Care system. She discussed concerns related to utilization of separate payment systems for non-mental health drugs and mental health drugs. She indicated that such a dual system potentially compromises the health care delivery system and could cause a breakdown in coordination of health care services. This could be avoided if one system is utilized.

Board Action: The Board agreed that the letter should be sent as proposed.

Mr. Balch reported that the Long Term Care Committee meeting was held on September 14, 2004. The committee proposed a letter to the Office of Health Care Quality (OHCQ) and LifeSpan regarding the difference between prescriptions and orders and the concern about pharmacy permit holders dispensing to patients that haven't had periodic evaluations from their authorized prescribers.

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Board Action: Board members agreed to send the letter with minor changes.

The OHCQ asked the Board to assist in developing medication protocols to improve pain management, overall patient medication in assisted living facilities and the delivery of medications. Bill Vaughn of OHCQ will be the staff representative for the initiative. John Balch asked all comments to go to Practice Committee for review.

B. Licensing Committee – Joseph DeMino

Committee Minutes: Joe DeMino reviewed the Licensing Committee Minutes and statistics included in the Board Packets from the committee’s August meeting.

New Licensure – Pharmacists

New License Applications received	29
New licenses issued in August	38

<u>Reciprocity</u>	<u>Date Issued</u>
Amie Taggart	8/4/2004
Christopher Powers	8/4/2004
Christina Schober	8/10/2004
Josiah Akinsoji	8/23/2004
Steve Mok	8/24/2004
Suzanne Berkman	8/26/2004
Kinh Luan Nguyen	8/26/2004

Non-Renewed 25

Mr. Joe DeMino reviewed Licensing Unit Statistics, noting that since a pharmacist may still retain his Maryland license if he asks to reciprocate to another state, the language referring to the number of licensees who request to “transfer out” of Maryland should be changed to the number who request to “reciprocate to another state”.

Mr. DeMino reported that the committee discussed how long permit holders would have to open from the time that they submit an application to open a new pharmacy. The Licensing Committee recommended that applicants had up to 90 days to open or until the renewal period ended, whichever ever occurs first. Dr. Love suggested that applicants be asked to notify the Board when they open since the Board has no other way of knowing that they have not.

Board Action: Mr. DeMino moved to support the recommendation, Ramona McCarthy Hawkins seconded and the motions was approved by the full Board.

C. Disciplinary Committee – Jeanne Furman

The next meeting is scheduled on September 23, 2004. Ms. Furman indicated that she would provide the report during the Executive meeting.

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D. Council of Boards Report - Melvin Rubin

Mel Rubin reminded new members that the NEW Board Member Training has been rescheduled to 10/15/04. Minutes from Quarterly Meeting on September 14, 2004 have not been prepared by the date of the Board meeting.

The Public Board session adjourned at 12:00 p.m.

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