

**Maryland Board of Pharmacy  
Public Meeting Minutes  
December 15, 2004**

**Attendance**

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

**Commissioners:** John Balch, Mark Levi, Mayer Handelman, Joseph DeMino, Don Yee, Christiaan Blake, Margie Bonnett, Don Taylor

**Staff:** LaVerne Naesea, Executive Director; Shirley Costley, Licensing Unit Manager; Patricia Gaither, Administrative Services Manager; Christina Harvin, Regulations Manager; Chandra Mouli, Pharmacist Compliance Officer; Grant Gerber, Interim Assistant Attorney General; Aiyana Waldron, Board Secretary

**Absent:** Ramona McCarthy Hawkins, Commissioner; Tamarra Banks, Management Information Services

**Guests:** Howard Schiff, MPHA; David Chason, MedStar Health; Cindy Anderson, MedStar Health; John McGrath, PEAC; Stephen Riggan, CVS Pharmacies; Maria Triantis, Community Pharmacy

**Melvin Rubin called the Public Board Meeting to order at 9:10 a.m.**

**1. Record of Conflict of interest**

Melvin Rubin first asked the Board Members if there were any conflicts of interest concerning the December 15<sup>th</sup>, 2004 Public Meeting. There were no conflicts of interest.

**2. Corrections to the minutes- (11/17/04)**

Melvin Rubin suggested that the minutes be reviewed at a later date since most of the board members received the November 17<sup>th</sup> minutes late. The Board then agreed to submit any corrections through email.

**3. President/ Executive Committee Report- Melvin Rubin**

Melvin Rubin first went over the agenda for the University of Maryland School of Pharmacy meeting. The meetings in times past were held every 2-3 months, but they are now being held every 4 months. The upcoming meeting in January will be held to discuss access to more detailed information about student outcomes on the Naplex. Jeanne Furman suggested that the meeting be open to all pharmacy schools in the surrounding areas as well as. Joseph DeMino and Melvin Rubin agreed to discuss the new format idea with Dean Knapp of the University of Maryland in the near future.

Mr. Rubin also went over the Counsel of Boards Report. He mentioned the current contractual positions that need to be changed to permanent and the current vacancies are going to take a little longer to be changed and filled than desired. This is due to a lack of pin number distribution. As of now the Board of Pharmacy will not be receiving any pin numbers.

Christina Harvin gave an update to the Board and public with regards to the Pharmacy Technician Bill. She mentioned how The Board of Pharmacy is waiting for Governor's office approval of the Bill.

**4. Executive Director's Report- LaVerne Naesea**

LaVerne Naesea first spoke on issues with understaffing in the Board of Pharmacy. She mentioned that there are 3 contractual positions that the Board would like to convert to permanent and there also vacancies that need to be filled. She spoke on an alternative the board has applied for in order to obtain help with the administrative needs of the office. This alternative is The Governor's Quest internship Program. This program gives work experience to individuals with disabilities and provides a free source of temporary help to the offices in need.

LaVerne Naesea also spoke on the NABP-MPJE State-specific Review, scheduled for January 21-2, 2005, in Scottsdale, Arizona. The Maryland Board of Pharmacy's goal is that every Pharmacist know basic law. Jeanne Furman expressed that it would be helpful if people knew exactly where their weaknesses are in regards to the MPJE. Raymond Love suggested a letter be written to NABP regarding a resolution regarding NABP testing.

#### **5. Guest Presenter- Community Pharmacy- Maria Triantis**

Maria Triantis of Community Pharmacy in Montgomery County first made a presentation with statistics on the percentage of poverty in Montgomery County. She then proceeded to ask the board for approval to couple with a repackaging company named Pharmedix to provide meds to under privileged households. The Board voiced some of it's legal concerns with Community Pharmacy and Pharmedix arrangement. Jeanne Furman suggested that the issue be sent to the licensing committee meeting on the second Tuesday of January to be further discussed since there was no current approval from the Board.

#### **6. PEAC- John McGrath**

John McGrath gave a report on PEAC client status. PEAC is currently monitoring 14 clients as of the month of November. He also reported that there are currently 11 monitors in the state of Maryland. Joseph DeMino suggested that Mr. McGrath provide a report of all the monitors information and locations in Maryland. John McGrath also spoke on all the measures PEAC is taking to further educate their monitors. PEAC will be holding a Monitor training program on January 14<sup>th</sup>. Ms. Naesea mentioned that John McGrath is responsible for putting out more printed materials to better educate the PEAC monitors since he started working at PEAC.

#### **7. Regulations/ Legislative Officer Report- Christina Harvin**

Christina Harvin discussed previous issues that were raised concerning the Pharm- tech bill. These issues were acts that a pharmacy technician can perform, direct supervision, grand fathering, education requirements, minimum age and existing unlicensed technicians. The Board then reviewed the final report provided in the board packet. Christina noted that it looks like the bill will be approved from the Governor's office soon. Raymond Love mentioned that the current format of the final report is too confusing for most people to understand. He suggested that all the old language in the bill be taken out of the final report and attached separately for cross referencing. The board agreed to the reformatting of the final report.

**Board Action:** Raymond Love moved to accept the final draft of the bill. The Board agreed to accept.

Ms. Harvin also discussed the House Bill Prescription Drug Safety Act. She mentioned that HB 433 was discussed at a meeting that was held on December 6<sup>th</sup>. The current strategy the board is taking is to look at other states and what they are doing concerning Prescription Drug Safety. The next meeting that will be held concerning this issue is on January 18<sup>th</sup>, 2005 from 1:00-3:00 p.m. Ms. Harvin will be sending out documentation for any that want to attend. Jeanne Furman added all specifics of the next meeting on January 18<sup>th</sup>. The agenda includes order legibility, outlawed abbreviation, prescription formatting, electronic prescriptions, including birth dates and weights on children.

#### **8. Public Relations- Patricia Gaither**

Jeanne Furman mentioned that the newsletter is up and running. Patricia Gaither asked whether or not the Board of Pharmacy would be participating in Flower Mart 2005 for outreach. Jeanne mentioned that any participation in Flower Mart would be based upon staff availability. Melvin Rubin will work on changing the Maryland Board of Pharmacy Public Meeting date in order to participate in Flower Mart 2005. The change in date is to ensure staff participation.

**Board Action:** Raymond Love moved that Flower Mart be done based upon staff availability. Jeanne seconded.

## **9. Management Information Services**

There was no one from the Management Information Services Unit to present the material in the Packet. The packet included FY 2005 Internet Statistics and MIS Unit updates.

## **10. Pharmacy Practice Committee- Raymond Love**

Raymond Love first informed the Board, staff and public of the issues that were discussed at the December 1<sup>st</sup> Practice Committee Meeting. The issues included the Pharm-tech bill, Hospital Pharmacy Inspection Form Task Force and Long Term Care.

### **Long Term Care**

A letter was edited and approved to the Long Term Care Pharmacy Alliance regarding comments made concerning the draft regulations that were published in the Maryland Register. The Board informed offices at the DHMH that there will be no changes made to the regulations based on the comments.

John Balch spoke on a joint effort between the Board of Pharmacy and OHCQ to alert hospitals of the problems associated with discharge into Long Term Care facilities. They are asking for a pharmacist review of the discharge orders. This will be further addressed on January 1<sup>st</sup>. A Medicaid representative will be attending the January 1<sup>st</sup> meeting in order get some assistance and input.

### **USP 797**

Don Yee spoke on USP 797. There was a meeting in December addressing USP 797. The board is now looking into what other states are doing concerning USP 797 and what is important for the state of Maryland. There will be a section in an upcoming newsletter that will inform pharmacies of the emerging and requirements of USP 797. Jeanne Furman mentioned that the Board will have to determine whether they even have the resources to inspect and discipline if USP 797 is even enforced. Raymond Love expressed a possibility of less expensive alternatives to USP 797. Raymond Love discussed concerns regarding expense to hospitals and restriction of access to the public. Enforcing USP 797 can cost hospitals millions of dollars.

Raymond Love asked approval on various letters that were drafted. The letters were regarding electronic initials and records, emergency room labeling, anicolagulin(?) therapy and anesthesiology trays. Mr. Love recommended that the executive committee approve the final responses addressing each topic.

### **Questions to the Board**

#### **Suspended Pharmacist Allowances**

“Can a suspended Pharmacist work as a Technician?”

The Board agreed with Mr. Love’s recommendation to answer “No”.

**Board Action:** Raymond Love moved that the Board adopt specific language drafted by the disciplinary committee concerning this matter. John Balch seconded and the whole Board agreed.

Raymond Love recommended that the Board communicate with PEAC about the need to communicate the inappropriateness of a suspended Pharmacist working as a technician or in any position where there is medication distribution. John McGrath mentioned that this is already something that is in PEAC’s contract and this is already taught to their monitors.

#### **Electronic initials and records**

Mr. Love recommended the response be that the Pharmacist can use the electronic medical record as a prescription, as long as all the elements for a prescription contained within it and the Pharmacy documentation requirements are met. It also must be in full compliance with the DEA record. However, this would not be appropriate for schedule 2 substances. Christina Harvin will draft a letter to be formally presented to and approved by the board at a later date.

### **Prescription Radiology Preparation**

The next topic dealt with whether or not a prescription radiology preparation can be dispensed by the radiology department rather than by the pharmacy. The practice committee determined that the prescription radiology preparation could be dispensed by the radiology department if it complied with all the physician dispensing regulations and if a physician was doing the actual dispensing. This could be found in the laws and regulations book.

### **Anticipatory Compounding**

In regards to anticipatory compounding, it was determined that there is nothing wrong with anticipatory compounding as long as a permit holder meets the provisions of manufacturing and have a distributors permit.

Mark Levi suggested that the Board of Pharmacy write a letter to the Secretary of the DHMH, letting him know of The Sun Newspaper advertising drugs that are not legal here in the United States and communicate to The Sun and the public to make people aware of the illegal advertising.

**Board Action:** Jeanne Furman moved that a letter and press release be written to the Secretary of the DHMH; Don Yee seconded

### **11. Licensing Committee- Joseph DeMino**

First Joseph DeMino read off the Licensing Unit Statistics on Pharmacist Renewals.

**Board Action:** Mark Levi moved that the 3<sup>rd</sup> letter to non-renewed pharmacists be registered; Don Yee seconded

### **MPJE Waiver**

A woman failed the MPJE and asked if she could get a waiver due to her extensive education and experience. The Board determined that there are no exceptions. Everyone must pass the test!

### **On-Line CE Listing**

Mark Levi motioned that the Electronic and Paper CE Listing be converted from a check off box to ACPE or Maryland CE credit numbers and credits hours. Raymond Love seconded the motion and most of the board agreed.

### **12. Disciplinary Committee- Jeanne Furman**

#### **Complaint Information**

Chandra Mouli suggested that it would be better to send an accused pharmacist a copy of the actual complaint against them along with the current documentation. Grant Gerber said that it is legal to submit that information to the pharmacist. The board gave Chandra Mouli permission to send the complaint form after being informed that it is in fact legal to do so.

**The meeting was adjourned at 12:15 p.m.**

