

Maryland Board of Pharmacy
Public Board Meeting Minutes

April 20, 2005

Attendance

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

Commissioners Present: Joseph DeMino, Donald Taylor, John Balch, Mark Levi, Ramona McCarthy-Hawkins, Mayer Handelman, and Margie Anne Bonnett

Commissioners Absent: Donald Yee

Staff: LaVerne Naesea, Executive Director; Shirley Costley, Licensing Unit Manager; Patricia Gaither, Administrative Services Manager; Christina Harvin, Legislative and Regulations Manager; Anna Jeffers, Legislative and Regulations Officer; Chandra Mouli, Pharmacist Compliance Officer; Colin Eversley, Compliance Investigator; Linda Prince-Garrison, Compliance Specialist; Linda Bethman, Assistant Attorney General; Sandra Hines, Administrative Personnel; Jessica Acevedo, Legal Secretary

Guests: John McGrath, PEAC; Huseyin Tunc, Safeway; Howard Schiff, MPHA; Laura Howerton, Target; Dat Doan, Target; Steve Riggin, CVS; Stephanie McDaniel, CVS

I. Record of Conflict of Interest - President Melvin Rubin called the Public Board meeting to order at 9:10 a.m. Mr. Rubin asked Board members if there were any conflicts of interest concerning the April 20, 2005 meeting. No recusals were recorded. Mr. Rubin then asked the guests to introduce themselves.

II. Corrections to the Minutes (3/16/05)

Page 2

Under the Page 6 correction, 1st sentence, the name "Wulff" should have stayed as "Wolf." Delete this correction.

Page 3

Under New Board Offices, 1st sentence, insert the word "the" between "informed" and "Board"

Under MPJE Review, 1st sentence, replace the word "several" with the word "most."

Page 4

Under PEAC, second paragraph, 2nd sentence, replace the word "suggested" with the word "requested."

Under PEAC, second paragraph, 4th sentence, replace the section that says "The Board deals with" with "the Board deals with," the "t" in the should not be capitalized.

Page 6

The Heading that says "Flu Vaccine and Epipen" should say "New Flu Vaccine and Epipen."

Under Flu Vaccine and Epipen, 1st sentence, remove "word" from between the words "through" and "regulations"

Board Action

Ms. McCarthy Hawkins moved for the approval of minutes. The Board accepted the motion.

III. President / Executive Committee Report

A. President Rubin acknowledged the end of Board term memberships for Ramona McCarthy-Hawkins, Raymond Love, and himself and gave his farewell comments. Ms. McCarthy-Hawkins and Raymond Love expressed their gratitude and commented on their time with the Board. Mr. Rubin stated that he would still be attending the Public Board meetings, and would remain involved with Board activities. President Rubin reminded members of the upcoming Council of Boards meeting on May 3, 2005. He noted that David A. Swankin, President of the National Citizen Advocacy Center would make a special presentation on work that his agency has done with the various health occupation boards. Pres. Rubin encouraged members and staff to RSVP their intent to participate.

IV. Executive Director's Report - LaVerne Naesea

A. Ms. Naesea informed members that Board secretary, Aiyana Waldron, was unavailable to provide administrative support at the meeting due to illness and thanked staff members who staffed the public and executive meetings. She, then, announced that the Board of Pharmacy has been approved by DHMH to move its offices to the 1st floor of the 4201 Patterson Avenue building. She stated that the Board of Pharmacy anticipates moving in the early fall, and that the Board of Physicians may be moving into the Pharmacy Board's vacated space on the 3rd floor.

B. Ms. Naesea announced that the Board's budget requests to convert three contractual positions (Patricia Gaither, Administrative and Public Support Manager; the currently

vacant position of Public Information and Education Officer; and Colin Eversley, Compliance Investigator) to permanent positions were approved. Also, the request for three new positions (two for the upcoming technician program and an Administrative Assistant) were approved. Ms. Naesea noted that the Board would hold off hiring any extra staff until late FY 2006 to handle the projected increase in work load in preparation for the expected passage of the technician bill. Ms. Naesea reviewed State guidelines for travel, and asked Board members to provide advance notice of their travel arrangement preferences to Ms. Gaither (Administrative and Public Support Manager).

V. PEAC (Pharmacists Education and Assistance Committee) Client Update

Mr. John McGrath, PEAC Director, stated that PEAC has been working on insuring that PEAC monitors provide more frequent and accurate reports on those clients referred to them by the Board. Mr. McGrath also stated that PEAC has been working on a new report format for clients that they monitor that would include more information. The report would give the Board more information regarding client progress in complying with Board orders.

VI. Administrative and Public Support - Patricia Gaither

A. Staffing Update

Administrative Specialist II (Compliance Specialist)- This position was filled with Linda Prince-Garrison as of Wednesday, March 16, 2005.

Office Services Clerk (Licensing Unit)-The hiring freeze has been lifted and this position was approved on April 6, 2005. DHMH recruitment is underway.

Administrative Specialist III (Education Public Relations Officer)- This position, with revised job specifications, was submitted to the DHMH Contractual Office for Recruitment.

Board staffing now consists of 12 permanent and 3 contractual positions.

B. Newsletter

Quarterly Newsletters will now be referred to seasonally (Spring, Summer, Fall, Winter) rather than by a particular month (e.g., January, March, July and October). The Board decided, upon the request of John Balch, to feature various Board units and/or committees in each of the upcoming quarterly newsletters. The Legislative/Regulations Unit will prepare a set of submissions for the summer quarterly. The timeline for the Summer newsletter it is as follows:

May 13- Notices/Requests for articles;

May 27-Deadline for submission of articles;

June 3- Newsletter draft will be sent to vendor;

June 10-Final review returned to vendor; and

June 24-July '05/Summer Newsletter will be distributed.

Ms. Gaither and Ms. Furman requested that Board committee chairs and unit managers adhere to the above schedule.

C. Flower Mart

Ms. Gaither discussed the schedule for the May 18, 2005 event, in which the Board will participate from 7:30 a.m. until 5:30 p.m. Ms. Gaither summarized the plans for the event and provided the day's schedule, which included the names of volunteers and staff, as well as their responsibilities. Jeanne Furman suggested that we contact the Flower Mart coordinator to get a map of available parking. Jeanne will also contact NeighborCare in the Mercy Hospital lobby to request ticket stamps for parking at the Mercy Pleasant Street garage.

D. Media

The Board discussed several articles disseminated in the Board packets that discussed stolen controlled substances, particularly Oxycontin. Ms. Naesea noted the email request from the staff of the Baltimore Sun which requested statistical information regarding thefts and the involvement of the Board in addressing the issues. She said that she referred the Sun's staff to the Division of Drug Control, PEAC, and the Board's website, which has a link to RxPatrol.

E. Emergency Preparedness Committee (Melvin Rubin and LaVerne Naesea)

CEPAR-the John Hopkins Office of Critical Event Preparedness and Response, is funded through a federal grant to review and further develop Maryland hospitals' disaster response plans. The Board received a small sub-grant to support the project. Ms. Naesea and Mr. Rubin have been attending their meetings. Ms. Naesea stated that her participation is in lieu of the Board's Public Education and Information Officer (currently vacant), whose salary is partially funded through the sub-grant. Ms. Naesea stated that once new staff is hired, she will no longer be attending the monthly meetings. The CEPAR minutes were disseminated in the Board packets. Various local, state and federal agencies are expected to participate in the hospital emergency preparedness planning for the State of Maryland and the Washington D.C. area.

VII. Management Information Services

FY 2005 Internet Statistics for March 2005 were included in the Board packets.

VIII. Legislative and Regulations Manager Report -Christina Harvin

A. Christina Harvin summarized the Board Legislation Status Chart that was included in the Board packets (for Board members only), which listed the Board's position on recent proposed bills.

HB 618 Registration of Pharmacy Technicians-Supported with amendments- On 3/29/05, Ms. Harvin met with Delegate Rudolph, who introduced friendly amendments from MHA which added reciprocity procedures. The 3rd reading passed with amendments by the Senate, but failed as a consequence of the House not having sufficient time to approve the Senate amendments before the session ended.

HB 233 Public Health - Legibility of Prescriptions Workgroup-Technical Bill to require timelines for submission of the interim report and final reports. Submitted on 2/1/05, the Senate passed 2nd reading and it returned and passed again.

HB 835 Wholesale Prescription Drug and Device Distribution Protection and Licensing Act of 2005-Maryland State Police have a big concern about this in reference to criminal background checks. Mark Levi spoke with Delegate Rudolph about the feasibility of a summer study, but the bill subsequently received an unfavorable decision. The Executive Director or her designee is required to participate in the summer study. The Board will need to select an appointee.

HB 1058 Pharmacy Benefit Managers Regulation Act of 2005-Letter of Support-3rd Reading passed with amendments in the House. The bill was sent for summer study. The Board decided that it should begin to educate the Senate before the next session and clearly establish a position on the issue.

B. Regulations

COMAR 10.34.32 Pharmacist Administration of Influenza Vaccination - draft regulations are in preparation and will be submitted for review by the Practice Committee.

Committee Reports

A. Pharmacy Practice Committee-Raymond Love (met April 6, 2005)

1. USP 797-Task Force Update- The Task Force is still developing its recommendations. It will provide a set of areas that they recommend that the Board should begin inspecting on its revised hospital/institutional pharmacies inspection forms.
2. The next Legibility of Prescriptions task force meeting is scheduled on May 2, 2005
3. Long Term Care - Mr. Balch reviewed information discussed by the committee regarding moving dually eligible Medicare and Medicaid Long-Term Care Recipients into Managed Care. He said the Office of Health Care Quality (OHCQ) would soon sign a letter to be sent to assisted living facilities regarding patient discharge considerations related to prescriptions.
4. Committee recommendations were made regarding specific questions to the Board on the issue of pre-printed prescription forms for non-controlled prescriptions and how to address prescriptions received from authorized prescribers who are no longer in practice. The Board decided that it would provide several of its responses in the summer newsletter and on the Board web site.

B. Licensing Committee-Joseph DeMino

1. **Licensing Unit Statistics** - Joseph DeMino reviewed the Licensing Unit's statistics report for the Board.
Reciprocity Candidates

Eight (8) reciprocity candidates had met Board requirements as follows:

Leyla Esfandiary
Carla Peterman
Tina Tezky
James Heinlein

Mimi Tran Ly
Tegi Varghese
Craig Schury
Patricia Uber

2. Hospira Worldwide, Inc.7

An application for a Distributor Permit was received from Hospira Worldwide on March 21, 2005. The Board determined that both the applicant/manufacturer of the products and its in-state distributor would require distributor permits.

Informational Handouts given with packets

- A. U of M - Laughter helps blood cells
- B. Anti-Terror Drills Focus on Patient Care
- C. Governor Orders Prescriptions Filled

The April 20, 2005 public meeting was adjourned at 11:40 AM