

**Maryland Board of Pharmacy
Public Board Meeting Minutes**

May 19, 2005

Attendance

Officers Present: John Balch, President; Mark Levi, Treasurer; Jeanne Furman, Secretary

Commissioners Present: Raymond Love, Joseph DeMino, Donald Taylor, Melvin Rubin, Ramona McCarthy-Hawkins, Mayer Handelman, Don Yee, Margie Anne Bonnett

Staff: LaVerne Naesea, Executive Director; Shirley Costly, Licensing Unit Manager; Patricia Gaither, Administrative Service Manager; Christina Harvin, Legislative and Regulation Manager; Anna Jeffers, Legislative and Regulation Officer; Chandra Mouli, Pharmacist Compliance Officer; Colin Eversley, Compliance Investigator; Linda Price-Garrison, Compliance Specialist; Linda Bethman, Assistant Attorney General; Jessica Acevedo, Legal Secretary; Britney Jenkins, Executive Secretary

Guest: Howard Schiff, MPHA; John McGrath, PEAC; David Doan, Target; Judy Schaefer, ECC

I. Record of Conflict of Interest- President John Balch called the Public Meeting to order at 9:12am. There was no record of any conflict of interest.

II. Correction of the Minutes (4/20/2005)

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Under Executive Director's Report, 3rd sentence remove the "s" and add "ed" to the word "thanks."

Under Executive Director's Report, second paragraph, 7th sentence after the word "handle" add the word "the."

Under Executive Director's Report, second paragraph, 9th sentence add "ed" to the word "ask."

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Under PEAC, 2nd sentence replace the word "insuring" with the word "assuring."

Under Administrative and Public Support, second paragraph, 5th sentence add "a" before the word "set."

Under Administrative and Public Support, second paragraph, 6th sentence omit the word "it."

Under Administrative and Public Support, third paragraph, 1st sentence omit "d" from "scheduled."

Under Administrative and Public Support, third paragraph, 2nd sentence omit "a.m." and replace it with "p.m."

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Under Emergency Preparedness Committee, 7th sentence add "once" before the word "she."

Under Emergency Preparedness Committee, 9th sentence omit the word "are" and "ed" after the word "intended."

Under Management Information Services, 1st sentence replace the word "wee" with the word "were."

Under Legislative and Regulation Manager Report, second paragraph, 3rd sentence add the word "from" before the word "MHA", and omit the words "and" and "Board" and replace with the word "which."

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Under Pharmacy Practice Committee, 1st sentence place "Update" behind "-."

Under Pharmacy Practice Committee, 2nd sentence insert the word "begin" between "should" and "inspected", and replace the "ed" in inspected with "ing."

Under Pharmacy Practice Committee, third paragraph, 4th sentence add "to be sent" between the words "letter" and "to."

III. President/Executive Committee Report

A. President John Balch expressed his thanks to the Board members for electing him as President of the Board of Pharmacy. He stated that having served a seven-year tenure as a Board member of the Board of Pharmacy under two former role model presidents, Stanton Ades and Melvin Rubin, he was confident that he could serve the office and members well as their new leader.

B. President Balch announced that he had held two meetings with the Executive Committee, Executive Director and Board Counsel, and that these meetings will continue monthly in advance of each Board meeting. He suggested that since monthly public

meetings are not required monthly, it would be more efficient for public Board meetings to be held bi-monthly, effective after the scheduled meeting in June. The meetings will begin at the normal time of 9:00 am. In addition, he suggested that some hearings and committee meetings could be scheduled in the mornings preceding the executive (non-public) meetings on the months that the public meetings are not held, since Board members have reserved the entire day anyway.

In response to the schedule adjustment, Howard Schiff asked whether the change in the scheduled meetings would mean that less time would be required for Board member participation. He stated that potential new Board nominees are reluctant to run for Board positions because of the amount of work and time involved in being a member of the Board. He wanted to know the benefits of the adjusted public session schedule, and its effect on the workload. President John Balch responded that the change in schedule would allow special committees to meet prior to the public session to aid them in their preparation for public Board meetings. Therefore, any decrease in the workload would be minimum. Mr. Balch, also, suggested regularly adding Howard Schiff to the public agenda because of his devotion to meeting attendance and his extensive feedback as the Director of MPhA.

Board Action: The Board voted to support bi-monthly public meetings following the June public session. The subsequent public Board meeting will be held in August 2005.

C. President Balch informed members that he had asked Ms. Naesea to complete an employee self-evaluation form to review her strengths and weaknesses as the Board Executive Director. He said that her completion of the evaluation provides a better understanding of the staff and Board's roles and responsibilities. He said the form would be completed every six months.

D. President Balch stated that he plans to schedule luncheon meetings between Board officers and legislative representatives in Annapolis. He stressed the importance of the meetings to educate legislators on pharmacy issues and to promote lasting relationships. He said that the meetings might also give a better understanding to the legislators of the Board's support or opposition to certain pharmacy-related legislation.

E. A Recognition Dinner for former president Melvin Rubin, Ramona McCarthy-Hawkins and Raymond Love as well as former members, Stanton Ades, and Wayne Dyke, is being planned for the near future.

F. The Board of Pharmacy retreat will be held in September during the Executive session. The retreat will focus on the Board's mission statement, Board Member responsibility, and information regarding policies, procedures and Board operations.

IV. Executive Director's Report- LaVerne Naesea

A. LaVerne Naesea discussed the Board of Pharmacy's relocation plans. The plans proposed by the Department of Health and Mental Hygiene entail the demolition of seven out of nine existing enclosed office units and replacing them with modular units. She indicated that this plan would place most managers, who currently occupy conventional offices, into open cubicles and that could compromise confidential records. Board members expressed opposition to the proposed plans because of cost and operational considerations. The Board proposed a revised plan that would better accommodate the Board's operations. A response to the new proposal had not been received as of the date of the Board meeting.

B. Ms. Naesea noted that the Nominations Office has sent the name of Claytawn Richmond to the Board as the newly appointed Consumer member replacing Christiian Blake. She said that she called and left a message with him, but had not yet heard whether he had been sworn in.

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

A. John McGrath announced twenty-seven cases were being monitored by PEAC, of which seventeen are referred cases from the Board. Mr. McGrath also mentioned concerns regarding PEAC being required to submit a quarterly report to the Board of Pharmacy, since it would now be submitting detailed monthly reports. He suggested that the detailed monthly reports, his attendance at all Disciplinary Committee meetings, as well as the individual progress reports should meet the report needs of the Board. LaVerne Naesea stated that quarterly summaries were not adequate to give an aggregate overview of the monthly reports. She said that the monthly reports will not provide information that could be reconciled with expenditures reported on PEAC's quarterly fund requests. She said that the individual summaries do not support the quarterly invoices submitted.

Board Members expressed concerns regarding the unavailability of the PEAC coordinator and his administrative staff. Various members of the Board of Pharmacy and other constituents, who needed immediate assistance, have made phone calls to PEAC headquarters and have been unsuccessful in reaching the PEAC coordinator or the administrative staff. The Board concluded that PEAC should provide an efficient answering system to eliminate this increasing problem related to the Board's and pharmacist clients' inability to contact PEAC and its monitors. John McGrath responded that there is a contact number available for immediate use, but PEAC is creating a new means of communication for external calls.

B. Mr. Levi expressed concern regarding PEAC's increasing expenditures and the status of PEAC monitors. He stated that the duties are unclear to some members of the Board, as well as perhaps to the monitors themselves. He stated that it appeared that some monitors may lack the proper training to sufficiently meet their duties, and therefore

needed continuous training. John McGrath responded by affirming that the monitors are properly trained, and are aware of their individual responsibilities. However, he stated that he would reassess the current staff, and address these issues with the Board at a later date.

Board Action: Raymond Love motioned that all concerns regarding PEAC be resolved through the Disciplinary Committee and Mark Levi seconded the motion. The Board unanimously supported.

VI. Administration and Public Support- Patricia Gaither

A. The Licensing Clerk position is still pending the completion of interviews and the selection of a candidate. The Public Information and Education Officer position has been posted for recruitment.

B. The Newsletter deadline for entries has been pushed back until May 30, 2005. All information needs to be forwarded to Jeanne Furman via email by the specified deadline.

C. Ms. Naesea noted that participation in the Flower Mart was a success due to the exceptional commitment and leadership of Patricia Gaither, Administrator and Public Support Manager, and the Board of Pharmacy staff and members. The Board of Pharmacy placed first and received rave reviews for the overwhelming participation of consumers in the blood pressure drive. Patricia Gaither expressed her gratitude and appreciation for all members who participated in the annual Flower Mart. She concluded by stating it was a job well done, and hopes that the Board continues its successful path.

VII. Management Information Service

A Written report of statistics was provided to Board members.

VIII. Legislative and Regulation Manager Report- Christina Harvin

A. COMAR 10.34.02 Examination for Licensure and Professional Experience

This regulation was adopted to allow students to take the licensing exam before the student has actually graduated from a school or college of pharmacy. Applicants may not receive a license until the applicant provides proof to the Board of the applicant's graduation.

B. COMAR 10.34.29 Drug Therapy Management

The Board has received one application to the Drug Therapy Management Program. Christina Harvin, Contract Agreement Monitor has been in communication with the School of Pharmacy regarding the ramifications of a proposed Evaluation Study.

C. COMAR 10.34.32 Pharmacist Administration of Influenza Vaccination

Proposed regulations state that influenza vaccines can only be administered pursuant to a joint protocol between pharmacist and pharmacy; a licensed pharmacist can administer

influenza vaccines to anyone 18 years old or older; if the pharmacist has successfully completed a course approved by the American Pharmacists Association (APHA); or a course approved by the Board of Pharmacy that includes the current guidelines and recommendations of the Centers for Disease Control and Prevention.

D. Conscious Clause

Further investigation is underway regarding the issue of physicians' rights to deny dispensing emergency contraception after documentation of a client's repeated use.

E. HB 433 Legibility of Prescription Workgroup Update

The workgroup invited representatives from SureScripts and MedChi to its May 16th meeting to discuss the following: impact of CMS regulations (Medicare Modernization Act) on e-prescribing; industry standards for electronic prescription transmission; and e-prescribing affordability. Each guest presenter provided the workgroup with invaluable information that will assist the committee with drafting the interim and final reports due to the legislature on July 1, 2005 and August 15, 2005.

F. SB 372-Crime-Pseudoephedrine-Prohibitions

The practice committee has suggested promulgating regulations to move Pseudoephedrine products behind the pharmacy counter. The committee would like Maryland to be consistent with national standards of practice.

Committee Report

A. Pharmacy Practice Committee- Mark Levi

1. USP 797- Task Force (Donald Yee): No Report

2. Legibility of Prescription (Jeanne Furman): During the month of May, five experts in the field of E-prescribing presented information to the workgroup that can be used in the interim report. There is no significant data on reduction of errors available. The interim report will be prepared during the month of June for submission on July 1, 2005.

3. Long Term Care (John Balch): No Report

4. USP 797- At the May meeting, the Taskforce reviewed and discussed potential survey questions submitted by individual Taskforce members in April. Ms. Anderson had color coded repetitive questions or those questions needing clarification. A final survey will be consolidated from the discussion. The goal for the June meeting is to approve the survey questions and to begin work on their recommendations for the revision of COMAR 10.34.19. The goal of the Taskforce is to submit recommendations to the Board regarding 10.34.19 in the early fall.

B. Licensing Committee- Joseph DeMino

1. Joseph DeMino reviewed the licensing statistics with the Board. 103 online students and ten new licenses were recorded for the month of April.

2. Reciprocity Candidates are listed as Follows:

| | |
|-------------------|-----------------|
| Robert Alleavitch | Melanie Massiah |
| Maria Musoke | James Dawson |
| Kelly Carrier | Dao Le |
| Donald Njikam | |

3. Mr. DeMino referenced the comments received in relation to on-line renewals. He specifically noted the comments that regarded the tediousness of providing detailed CE information. The Board asked the Licensing Committee to review the process and develop recommendations for addressing this problem.

4. The Board reviewed an application for a pharmacist to reciprocate from Virginia to Maryland. The applicant had a disciplinary action in VA for a DUI.

Board Action: The Board voted to approve the candidate for MD licensure.

Informational Handouts given with the Packet

- A. Combating Counterfeit Drugs
- B. Automated Dispensing Systems

The May 19, 2005 Public Meeting adjourned at 11:20am by President John Balch.