

**Maryland Board of Pharmacy
Public Board Meeting Minutes
August 17, 2005**

Attendance

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

Commissioners Present: Michael Souranis, David Chason, Rodney Taylor, Mayer Handelman, Donald Taylor, Donald Yee, and Margie Anne Bonnett

Commissioners Absent: Joseph DeMino

Staff Members Present: LaVerne G. Naesea; Executive Director; Chandra K. Mouli; Pharmacist Compliance Officer; Linda Prince-Garrison; Compliance Specialist; Patricia Gaither; Administration and Public Support Manager; Shirley Costley; Licensing Manger; Summar Goodman; Public Information Officer; Jessica Lee Acevedo; Executive Secretary

Guests: Georgette T. Zoltani; Acting Program Administrator for Drug Control; Jack Freedman; Drug Control Retiree; Howard Schiff; Executive Director of Maryland Pharmacist's Association; John McGrath; Executive Director of PEAC; Melvin Rubin; Pharmacist; Steve Reagan; CVS Pharmacist Supervisor; James Polek; Inspector for the Division of Drug Control

I. Record of Conflict of interest

President John Balch called the Public Meeting to order at 9:00 am. There were no conflict of interest declarations.

II. Corrections to the Minutes (6/15/05)

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Under President/Executive Committee Report, 2nd paragraph, 1st line, add "ing" to the end of the word "meet."

Under President/Executive Committee Report, 2nd paragraph, last sentence, add "ed" to the end of the word "explain"

Under Executive Director's Report, 1st paragraph,

III. President/Executive Committee Report- John Balch

President Balch discussed the topics reviewed by the Executive Committee meeting held on August 3, 2005. Don Taylor agreed to serve on the disciplinary committee. The Board is still awaiting the appointment of a consumer board member. The new consumer member will be part of the public relations committee.

IV. Executive Director's Report- LaVerne Naesea

Board of Pharmacy Move Update

LaVerne Naesea told members that the Department of Health and Mental Hygiene has indicated that the Board relocation project will take place between October and December.

District 2 Meeting - Fall 2006

LaVerne Naesea informed the Board of the NABP District 1 and 2 meeting, which takes place every 3 years. The Board was given the option to host the 2006 meeting with District 1 and 2 either in Maryland or in Portland, Maine. LaVerne Naesea spoke to the Executive Director in Maine, who stated that Maine would be willing to host the meeting if the Maryland Board of Pharmacy would provide the agenda and speakers for the meeting.

Board Action

Don Taylor moved to allow Maine to host the District 1 and 2 meeting in 2006 and to have the Maryland Board of Pharmacy provide the agenda and speakers. Don Yee seconded the motion. The Board supported the motion.

Staff Retreat

LaVerne Naesea reviewed plans for the Board/Staff Retreat. Summar Goodman stated that the retreat would take place on Wednesday, November 16, 2005. The Board is considering The Belmont Conference Center for the retreat.

Legislative Audit Update

LaVerne Naesea informed the Board of the ongoing legislative audit. The audit has been going on since the end of May. LaVerne Naesea will be discussing the BOP on-line licensing system at a meeting with the auditors on August 18, 2004. The Department is considering merging the Board of Pharmacy licensing system with other boards under one unit. The executive directors from each board are going to express their concern with possible delays and problems should the licensing system be merged.

Introduction of New Staff Member

LaVerne Naesea and Ms. Patricia Gaither introduced Summar Goodman. Ms. Goodman will be the new Public Information Officer. Ms. Goodman introduced herself to the Board and informed them of her credentials.

Citation

John Balch awarded Sandra Hines a Board citation for being an employee of Maryland State for 30 years.

V. PEAC (Pharmacist Education and Assistance Committee)- John McGrath

Mr. McGrath informed the Board that the PEAC CE program will be held at the Maritime Institute on September 23, 2005. Brochures will be distributed in the near future.

The PEAC Monitor Training Retreat will be held on August 19, 2005. The meeting will be held at the School of Pharmacy in downtown Baltimore. The retreat will be from 8:00 a.m. to 4:00 p.m.

Mr. McGrath will be meeting with the Disciplinary Committee on September 1, 2005 in order to discuss the monthly client update report. There are no outstanding violations of any people PEAC is currently monitoring. There were 27 clients in the month of June. Since then 3 cases were made inactive due to lack of compliance with PEAC.

John Balch suggested that PEAC work with Summar Goodman to put an article in September's edition of the Maryland Board of Pharmacy Newsletter. Mr. Balch also suggested that PEAC have a regular entry in the Maryland Pharmacist Association Newsletter.

Donald Taylor suggested that a rehabilitation link be added on the left hand corner of the front page of the Board of Pharmacy website. Tamarra Banks stated that she would put the link on the front page immediately.

LaVerne Naesea noted that Ms. Linda Prince-Garrison would be working directly with Mr. McGrath on behalf of the Board of Pharmacy.

VI. Administration and Public Support- Patricia Gaither

Staffing Update

The Board currently has one contractual vacancy. The vacancy is a Secretary III position. Ms. Gaither was hired under permanent status as an Administrative Officer effective August 3, 2005. The Board is currently changing Colin Eversley to a permanent status. Summar Goodman recently filled the contractual vacancy as a Public Information Officer.

Newsletter (Timeline Suggestions)

Summar Goodman stated that she has been working closely with Jeanne Furman to establish a timeline for the newsletter. Ms. Furman would like all articles submitted by the end of September to Ms. Goodman also noted that she would be discussing a new format for the newsletter with Ms. Margie Bonnett in the near future.

Emergency Preparedness

LaVerne Naesea noted that Margie Bonnett would now be joining Summar Goodman as chair of the Public Relations Committee, and also as a member on the Emergency Preparedness Committee. John Balch suggested that the new consumer member, once appointed, be involved as well.

VII. Management Information Services- Tamarra Banks

Ms. Banks reviewed the FY 2005 Internet statistics as submitted to the Board in the public packet.

In-house Database Update

Ms. Banks is currently working on the in-house database with Towson University. They have already met with the licensing and fiscal departments. They will be meeting with the disciplinary and legislation/regulations units in the very near future. The database is expected to be implemented during the end of September and October.

Automation System Audit

All Board automation systems are currently being audited for security. Auditors are checking to make sure that confidentiality can be assured.

Board of Pharmacy Website Concerns - Don Taylor and Margie Bonnett expressed some concern with small glitches on the Board of Pharmacy website. Margie Bonnett suggested that a survey be issued to learn what improvements should be made to the website. John Balch suggested that a committee be formed to address all issues with the website and to also conduct a survey on what improvements people would like to see on the website.

VIII. Legislation and Regulation Manager Report- Christina Harvin

Influenza Vaccination Regulations

Christina Harvin discussed the Influenza Vaccination Regulations. The Practice Committee clarified that the Influenza Vaccine could only be administered to individuals 18 years of age or older, by a Licensed Pharmacist, provided they have successfully completed the appropriate number of hours in an approved program. The permit holder must retain a copy of the immunization protocol(s). The Nursing, Physician and Pharmacy Boards discussed the

originally drafted regulations. The Board of Physicians wanted to amend the regulations to require 4 hours of applicable CE for a Pharmacist to renew their certification. The Board of Nursing felt that the course requirements in the original draft were sufficient. Ms. Newman from the Board of Nursing indicated that the regulations would be presented at the August 23rd Board of Nursing's meeting for final approval. The Board of Pharmacy voted to approve the regulations, as presented.

Pharmaceutical Services to Residents in Long-Term Care Facilities regulations

Christina Harvin reported on Pharmaceutical Services to Residents in Long-Term Care Facilities regulations. The current regulations state that some residents in Long Term Care facilities may purchase their medications at a minimal or no cost if they reside in VA or a federal facility. These residents can have their medications packaged in manageable quantities or they may purchase their medications in individual prepackage manageable quantities. It was the recommendation at the June 15th meeting, to withdraw the currently proposed repackaging section of the LTC regulations, and re-propose them without the inclusion of the repackaging section. The repackaging section would be revised following enactment of Medicare Part D. The current proposed regulations have been withdrawn and the next steps to take regarding repackaging will be discussed at the September 7th Practice Committee meeting.

Methamphetamine and Dextromethorphan Production Workgroup Meeting

An update on Methamphetamine and Dextromethorphan production use in the State was discussed. Delegate Menes asked the Board to participate in a briefing meeting to discuss proposing related legislation during the 2006 Legislative Session. Delegate Menes wants the Board to take a leadership role in participating in the Workgroup. The informal meeting will take place on September 13th in Annapolis. Delegate Menes indicated that all who attend may not necessarily be asked to speak, but that she would like to have the Board member present and available to provide its position, schedule permitting. Christina Harvin will provide background information to the Board to review within a week.

Legibility of Prescriptions Final Report

Christina Harvin provided an update on Legibility of Prescriptions Workgroup Final Report. The report was approved by the Governor's Office. She stated that she had not received any negative feedback, but is awaiting any questions back from the Governor's Office. Christina Harvin summarized that report: February 1st 2005 the Workgroup developed an interim report based on HB 233 and HB 433. The report was presented during the 2005 Session. As a result Delegate Mandel and Delegate Bowden requested additional research from the Board. Industry experts in Electronic Prescribing were contacted by the Board, to present at the Workgroup meetings. The information received was included in the Final Report. The Final Report noted a compelling need to eliminate handwritten prescriptions. Short of that, the Workgroup made specific recommendations for requirements on the format and content of all prescriptions. In order to educate prescribers and consumers, it was further recommended that an educational period be implemented using a phase-in approach.

IX Committee Reports

A. Practice Committee

SB885 Mail Order Purchase of Prescriptions

Christina Harvin presented the report for Mark Levi in his absence. SB 885 required the Maryland Health Care Commission and the Board of Pharmacy to study certain parts of Mail Order Purchase of prescriptions. This legislation targets the 90-day supply in order that consumers save. The Maryland Board of Pharmacy will be partnering with the Maryland Health Care Commission to devise a report to the Legislature.

Long-Term Care-Letter to CMS

President Balch reported on the Long-Term Care Task Force-Letter to CMS regarding the delivery system of medications and the lack of oversight at Assisting Living Facilities. CMS was receptive of the Board letter. President Balch will be meeting with CMS to discuss Medicare Part D benefits. Concern was also raised about the PDL formulary system. President Balch stated that he thinks the Board may want to also write the Governor concerning the lack of early notification of changes that occur in the PDL formulary system before they are actually implemented.

B. Licensing Committee – Joseph DeMino

The Monthly Statistics were presented and reviewed. Thirty-five (35) Fee Waiver requests were reviewed by the Committee. Mr. DeMino explained that in order to receive a Fee Waiver for a pharmacist license, the pharmacist must work for a federal entity or be enlisted in the military and stationed in Maryland.

A question was raised about a rule pertaining to a pediatric facility satellite pharmacy limiting services to a hospital population in Prince George's county. A Division of Drug Control Inspector was concerned about the services being limited to the pediatric population. It was explained that since the pharmacy did not limit its services, it could be either a general permit or a waiver.

Reinstatement Requests:

Mr. Dominic R. Gasdia's Maryland license is revoked and he has requested to be reinstated to practice in Maryland. Linda Bethman informed the Board that since Mr. Gasdia's license was revoked pursuant to Md. Code Ann, State gov't 10-226 (c), he had to appeal the decision through a direct judicial appeal within 30 days of receipt of the final order signed on June 11, 1997. Mr. Gasdia failed to do so at that time, therefore his license remains revoked and he has no recourse through the reinstatement process. The Board concurred with Ms. Bethman's opinion. Ms. Bethman will write a letter to Mr. Gasdia for signature by LaVerne Naesea.

Mr. James Polek asked to be reinstated in Maryland after practicing in the State of Virginia.

Board Action: The Board voted to approve Mr. Polek to reciprocate back to Maryland providing he completes the required experiential service.

Ms. Constance Webster asked the Board to waive the 1000 required supervised service hours. The Board felt Ms. Webster should be able to complete the required hours.

Board Action: The Board voted to require Ms. Webster to complete the required supervised hours in order to become licensed in Maryland.

The Board meeting was adjourned at 11:45 a.m.