

**Maryland Board of Pharmacy**  
**July 19, 2006**

**MINUTES**

- I. Introduction/Recusals** - Members of the Board with a conflict of interest relating to any item on the agenda were asked to notify the Board. There were no recusals.

*Attendance*

*Officers:* John Balch, President; Mark Levi, Treasurer; and Donald Taylor, Secretary

*Commissioners:* Joseph DeMinio, Jeanne Furman, Mayer Handelman, Donald Yee, Michael Souranis and Margie Ann Bonnett

*Absent Commissioners:* David Chason, Rodney Taylor

*Board Staff:* LaVerne Naesea, Executive Director; Shirley Costley, Licensing Manager; Pat Gaither, Administration and Public Support Manager; Summar Goodman, PIO; Anna Jeffers, Legislative Officer; Colin Eversley, Compliance Investigator; and Desirée Anderson, Board Secretary

*Board Counsel:* Linda Bethman

*Guests:* Mike Swarner, Target; Georgette Zoltani, Division of Drug Control; Steve Riggan, CVS; Michael Fox, Vetcentric; Hammad Shah, Vetcentric; and three students from the University of Maryland School of Pharmacy

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**II. Approval of Minutes June 21, 2006**

Page 2, under IV.: 4<sup>th</sup> line, capitalize “F” in word “fall”

Page 3, under VI.:A. 4<sup>th</sup> line, capitalize “S” in word “summer,” under Board Action, delete “accepted” and replace “approved” after “The Board”, and 1<sup>st</sup> paragraph, 4<sup>th</sup> line add “s” to word “Physician”

Page 4, under VI.: Board Action, delete “accepted” and replace “approved” after “The Board”

Page 6, under IX.A.: Board Action, delete “accepted” and replace “approved” after “The Board”

Page 6, under IX.B.: Motion, delete “accept” and replace “approved” after “moved to”

Page 7, under Board Action.: delete “accepted” and replace “approved” after “The Board” and under Committee Updates.: first paragraph capitalize “C” in word “committee”

Page 8, under May Statistics.: after “Board”, make the “P” in word “Packets” lowercase.

**Motion:** Joseph DeMino moved to accept the minutes with corrections.

**Board Action:** The Board approved the motion.

### **III. President/Executive Committee Report – John Balch**

President John Balch sent flowers to Nancy Adams, the new President of the Board of Nursing and asked that the Board also send a congratulatory letter. He stated that she was very helpful with the development of the influenza regulations.

### **IV. Executive Director's Report – LaVerne Naesea**

Ms. Naesea apologized to the Board for not mailing the Board packets, noting that the Board Secretary had recently resigned due to health reasons. A temporary Secretary, Desiree Anderson, has been hired until the position can be filled permanently.

John Balch inquired whether the staff had been actively working to fill the vacant positions and whether the newsletter had been completed. Ms. Naesea replied that Ms. Patricia Gaither would provide an update on the Board vacancies during her report. Ms. Goodman responded that the newsletter draft is currently under review and edit by Board members, staff and the Assistant Attorney General.

### **V. PEAC (Pharmacist Education and Assistance Committee) Client Update**

Ms. Naesea reported that Mr. Tommasello had requested that she provide the report for PEAC, because he was recovering from a recent health problem. She noted that the PEAC statistics were in the Board packets and as of July 12, 2006 reflected there were a total of 25 PEAC cases, of which 6 were self-referrals and 19 were Board referred. She also reported that Ms. Bernadette Nowak was hired on July 6, 2006 as PEAC's Addictions Counselor and will work 20 hours per week of the shared Directorate position. Mr. Tommasello has been acting in the Administration Director's position.

Mr. Balch asked Mr. Riggin if CVS had an in-house impaired pharmacist program. Mr. Riggin responded that CVS has an Employee Assistance Program (EAP). Mr. Balch noted that a recent NAPB newsletter article discussed the issue of impaired pharmacists and the scope of the problem nationwide. He commented that the number of pharmacists in treatment under PEAC contracts has been consistently low as compared to the article's quoted national numbers. Ms. Furman asked what happens when there are diversion cases in CVS pharmacies. Mr. DeMino summarized the disciplinary, termination and prosecution procedures in place at CVS and how pharmacists are referred to the chain's EAP.

Ms. Naesea stated that Gary Wirth would be attending the National Association of Chain Drug Stores Conference (NACDS) and has been asked to inquire how chain pharmacies handle/treat impaired pharmacists. Mr. Balch stated that other than the recent PEAC poster campaign, he had not seen a consistent effort by PEAC to contact pharmacy employers with information regarding assisting impaired pharmacists. He wants PEAC

to establish an ongoing dialogue and marketing effort with chain pharmacies. Mr. Levi commented on the difficulties of reporting impaired pharmacists and the fact that most employers may just terminate pharmacists instead. Mr. Balch commented that the large amount of funding provided to PEAC doesn't seem to be equivalent to the number of persons served by the program. Ms. Furman indicated that she has discussed with the National Association of Boards of Pharmacy that several states' impaired pharmacists treatment programs are struggling. She said that a review of what works and what needs to be changed should be performed by NABP. Ms. Naesea stated that the Board staff is in the process of developing a new PEAC RFP for Board review and approval.

## **VI. Legislation and Regulation Manager Report – Anna Jeffers**

Ms. Anna Jeffers reported that The Pharmacy Technicians sub-committee continues to meet and is expected to submit a draft to the Practice Committee at its September meeting. The Prescription Drug Repository Program regulations are in the process of promulgation. The Pharmacist Administration of Influenza Vaccination amended fee regulations have been submitted to the Board of Nursing and the Board of Physicians for approval. A sub-committee was formed to address the Licensing of Wholesale Prescription Drug or Device Distributors, but has not yet met. The draft Sterile Compounding Regulations and inspection form will be submitted to the Practice Committee at its August meeting. Finally, a draft of proposed regulations for the possible reinstatement of pharmacists with revoked licenses will be forthcoming in September.

Mr. Balch asked about the status of the Prescription Monitoring Program (PMP) Bill, and was told that it had passed and subsequently been vetoed by the Governor.

Mr. Balch asked if there were any anticipated bills being considered during the Summer session. Ms. Jeffers responded that the prescription monitoring bill may resurface. Ms. Linda Bethman asked Ms. Jeffers if she had any update regarding the cultural competency work group. Ms. Jeffers replied that a work group would be formed this Summer.

Ms. Jeffers stated that the Board had been asked to comment on the proposed regulation 10.09.03.01 and .12 that would allow orally dispensed prescriptions to be called or faxed into pharmacies like all other prescriptions (except CIIIs). Mr. Don Taylor suggested that pharmacists should not be required to reference a list (formulary) when a called in (or faxed) prescription is received from the physician's office personnel. He recommended that the Board's position be that all prescriptions should be eligible to be called, faxed etc. with no exceptions other than CIIIs. He stated that any excluded list would make the regulations difficult to implement, as neither the prescribers nor the pharmacists would know which prescriptions could or could not be called into pharmacies.

Donald Taylor stated that the Federal Government is proposing to mandate mandatory mail-order refills for all government employees. He suggested that the Board compose a letter to legislators stating that the Board opposes mandatory mail order refills on any program. Mr. Balch encouraged the public meeting attendees to also write letters.

## VII. Administration and Public Support – Patricia Gaither

### *Personnel Update*

Ms. Gaither reported that Dorothy Taylor, who will begin working on August 15th, has been selected to fill the Licensing Secretary position. She reported that there are three other staff recruitments in progress:

- Data Base Officer
- Administrative Specialist II (New Pin for the Licensing Unit)
- Office Secretary III (Executive Secretary)

Ms. Summar Goodman's position status has changed from contractual to permanent effective July 1, 2006, and Ms. Gaither has been reclassified from an Administrative Officer I to an Administrative Officer III. The Compliance Specialist position is under departmental study for reclassification to a mental health type position to better provide oversight of impaired pharmacists under Board orders.

Two other reclassifications in progress:

- Regulations Manager (Attorney)
- Regulations Officer (for Regulations/Legislation Unit)

Mr. Balch commented that the Board is assuming a large amount of responsibility and the current staff could soon become overloaded. He stated that he wants to ensure that a strategy to accommodate the anticipated growth is in place.

### *Public Information Officer Report – Summar Goodman*

#### *District I & II Meeting*

Ms. Goodman reported that the School of Pharmacy has raised \$12,500. She said another \$10,000 is pending to cover both evening events, and an additional \$4,000 is pending. The school is approaching various companies for sponsorships; however, many companies now require online applications. The school is now in the process of completing the online applications. The Dean has also begun requesting donations for goodie bags.

Katherine Eban's agent has signed a contract for Ms. Eban to appear at the luncheon. Ms. Eban is expecting a baby in early September, but is scheduled to be back to work before the date of the meeting.

Ms. Goodman also reported that both Jim Palmer and Brooks Robinson are available for the event at the Sports Legends. The charge will be **\$10,000 plus travel** for each. The Board approved contracting with Jim Palmer for the Friday, October 13, 2006 evening events. Joe DeMino suggested that the School approach Nutrimax for sponsorship assistance because Jim Palmer is their spokesperson.

## *Newsletter*

Ms. Goodman reported the the Summer newsletter is complete and has been edited by Mr. Taylor and Ms. Naesea. Once reviewed by Ms. Furman, Ms. Bethman will perform a legal review, and then it will be sent to the printer.

## **VIII. Committee Reports**

### **A. Emergency Preparedness – Donald Taylor**

Donald Taylor stated that the Task Force is working on mailing letters out to Maryland pharmacists for the online emergency preparedness training program. He also noted that a meeting with some state employees is planned in the near future to discuss possible roles that pharmacists would assume in a declared state of emergency.

### **B. Practice Committee – Mark Levi**

Mr. Mark Levi stated that the USP 797 State Regulations were being reviewed and the complete regulations and inspection package will be submitted to the Board in September.

#### 1. Constituent Response Letters

##### a. Eula Beasley – Shady Grove Adventist Hospital

Instead of “see response” under the response to question number 2, Donald Taylor wants the response to be written out. For the response under question 6, Linda Bethman suggested that the line “Please refer to the Inpatient Institutional Pharmacy regulations for labeling requirements for administration by a nurse...” be stricken because the cited regulations do not have a significant relation to the question posed.

**Board Action:** The Board approved the letter with changes.

##### b. Corey Babington – Quarles & Brady Streich Lang, LLP.

The third paragraph will be changed with language provided by Counsel, Linda Bethman. Also, at the end of the same paragraph, §12-408 should be changed to 12-602.

**Board Action:** The Board approved the letter with changes.

#### 2. Prescription Signature Chart

Ms. Jeffers reviewed the prescription signature reference chart for the Board. It was approved with minor changes.

#### 3. Long Term Care Task Force – John Balch

Mr. Balch stated that the Long Term Care Task Force has been asked by the Office of Health Care Quality to discuss approval of five to six common drugs for bulk dispensing to patients in long-term care facilities. Currently, Maryland does not allow long-term

care facilities to use bulk medications for patient specific prescriptions (e.g., milk of magnesia).

**C. Licensing Committee – Michael N. Souranis**

Committee Updates – The pharmacy technician application draft has been completed and will be adjusted once the regulations are completed. The Board/DDC revised self-inspection form has been completed and will be forwarded to the Division of Drug Control for review. The Committee is also working with the Division of Drug Control on revisions to the current pharmacy inspection form.

**Board Action:** Jeanne Furman moved that the Public session be closed to discuss the following:

College Pharmacy – Closed Session  
ASD Specialty Healthcare – Closed Session  
John DeMary – Closed Session

Joseph DeMino seconded the motion and the Board approved the motion.

The Public Session ended at 11:00 a.m.