

Maryland Board of Pharmacy
Public Minutes
July 18, 2007

Officers Present: Mark Levi, President; Donald Taylor, Secretary; and Jeanne Furman, Treasurer

Commissioners Present: Cindy Anderson, David Chason, Joseph DeMino, Harry Finke, Jr., Mayer Handelman, Alland Leandre, Michael Souranis, and Rodney Taylor.

Commissioners Absent: Margie Anne Bonnett

Board Staff: LaVerne Naesea, Executive Director; Patricia Gaither, Administrative and Public Support Manager; Anna Jeffers, Legislative and Regulations Manager; Summar Goodman, Public Information Officer; Tamarra Banks, MIS Manager; Vanessa Thomas-Gray Compliance Investigator; Colin Eversley, Compliance Investigator; Steven Kreindler, Compliance/Health Services Coordinator; Shirley Costley, Licensing Specialist and Tom Mercurio, Intern, University of Maryland School of Pharmacy.

Board Counsel: Linda Bethman

Guests: Ron Nicholson, VetCentric; Howard Schiff, MPhA; Roopa Pastaksa, Target; Ron Zaycer, CVS; Jannet Hseit, University of Maryland School of Pharmacy, Daniel Carmichael, University of Maryland School of Pharmacy; Georgette Zoltani, Division of Drug Control; Liz Kuller, Johns Hopkins; Steve Boyockin, Walgreens; Cherokee Layson-Wolf, Assistant Professor University of Maryland; Gill Genn MACDS; Chandra Mouli, Division of Drug Control; Tyrone Bullock, HCL

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 at this time. There were no recusals.

II. Approval of Minutes June 20, 2007

Page 1 – Commissioner Absent – add Commissioner Harry Finke, Jr. as being absent for the meeting.

Page 3 – under PEAC, 3rd paragraph-1st ; under PEAC, 3rd sentence, insert the wording “will be” before the word “held”

Page 4- under 1st Motion, delete 2nd sentence and replace with – “Also, that the Board members may host a display or participate on behalf of the Board at these and other similar organizations’ meetings upon written request.”

Page 5 - under Personnel Update, 2nd paragraph, 5th sentence, delete the word “office” before the word concerns; 7th sentence, delete the word “new” before the word “pharmacy”; under B. Public Information Officer Report, last sentence, delete the word “blasting” and insert the word “distribution”.

Page 6- under VII. Management Information Service, under Database, under 4, the 5th sentence, insert “colon” before the word “rearranging”; 5th sentence, insert semi-colons before the words “the license” same sentence insert semi-colon before the word “placement”, change the word “service” to “server”; 6th sentence, insert semi-colons before the “database”; – 6th sentence, insert semi-colon before the words “and the warranty period.”; under HIPDB, 3rd sentence, add an “s” to the word “procedure”; 4th sentence, change the word “explained” to “provided”; under Online Renewal Database, last sentence, change the word “forget” to “be forgotten.”

Page 7 – 1st paragraph, 1st sentence, place a period after the word “failures”; capitalize the letter “N” in the word “Network”; 2nd paragraph, delete “used by Joe DeMino”; under Contracts, C, insert “to complete the remaining tasks” before the word “is”; under Contracts, D, last sentence, insert the word “configure” before the word “into”; under Emergency Preparedness, A, 2nd sentence, delete the word “They” and insert “DHMH personnel”.

Page 8 – under Hardware, a, delete the word “loaned” before the word “laptop”; under VIII, Constituent Questions and Responses, changes made to Michael Swehla letter: under #1., 2nd paragraph, insert the word “Additionally” before the word “compounded”; insert the words “but may” and delete the word “and”; insert the word “be” before the word “dispensed”; delete the word “A retail pharmacy may sell drugs”; delete sentences 3 – 4; under #2, insert the word “although” before the word “anticipatory”.

Page 9 - under #3, 3rd sentence, insert “to a patient” before word “through”; bottom of the page, delete entire paragraph.

Page 10- under b. Richard Mainzer’s response, put quotation marks at statute text: 3rd paragraph, 7th sentence, insert “and consulting” before the word “pharmacist”; 4th paragraph, 2nd sentence, insert the word “prescriptions” before the word “are”

Page 11 – 3rd paragraph, insert the sentence “as long as proper documentation shows which product was used for each refill.”; and 1st sentence, insert “Based on current law,” before the word “medications “.

Page 12 - under #2, 1st sentence, insert the word “recommended” before the word “that”.

Page 13 - under C., 1st paragraph, last sentence, insert “and short term LOA” at the end of the sentence.

Motion: Don Taylor moved to accept the minutes as amended. Rodney Taylor seconded the motion.

Board Action: The Board voted unanimously to approve the motion.

III. President/Executive Committee Report – Mark Levi

Mr. Levi announced that Donald Taylor has been appointed Chair of the Disciplinary Committee.

Mr. Levi and LaVerne Naesea met with the Division of Drug Control to finalize the transition plan regarding the Board conducting inspections on its own behalf.

The Wholesaler Distributor Workgroup held its' second meeting. A recommended draft of the regulations will be ready for the next Workgroup meeting to review, and will then be forwarded to the Practice Committee.

IV. Executive Director's Report – LaVerne Naesea

Ms. Naesea reviewed the Board's Action Item Chart. It was noted that Action Items at the bottom of the second page are completed.

Plans for the NABP District II Meeting in Delaware have been initiated. Ms. Naesea informed the Board that a delegate and an alternate delegate should be selected to attend the Conference. Donald Taylor was selected as the Delegate to represent the Board at the District II meeting. Dave Chason was selected as the Alternate representative. Maryland is the host state for the National NABP Conference that will be held in May 2008. NABP sent a letter suggesting how the Board staff and Commissioners could participate. Suggestions were as follows: 1) co-host the Hospitality Suite; 2) provide personnel and materials for the Registration/Information Desk; and 3) Provide a local or State official and introduce him at the first business session to present greetings from the Host State.

Motion: Jeanne Furman moved that the Maryland Board of Pharmacy provide staff and Board Commissioners to assist at the NABP National Conference with the three NABP efforts suggested. Cindy Anderson seconded the motion.

Board Action: The Board voted unanimously to approve the motion.

Ms. Naesea introduced Tom Mercurio, Student Intern from the University of Maryland School of Pharmacy. Mr. Mercurio's last day with the Board of Pharmacy is July 19, 2007.

Board Commissioners were asked to return their NABP Biographical Information forms to Alicia when completed.

V. Legislation and Regulation Manager Report – Anna Jeffers

A. Legislation – DTM Departmental Package

Ms. Jeffers reported that the DTM Departmental Package was submitted to the Office of Governmental Affairs on July 13, 2007.

B. Regulation Updates

Pharmacist Administration of Influenza Vaccination - The Pharmacist Administration of Influenza Vaccination regulations became effective July 2, 2007.

Licensing of Wholesale Prescription Drug or Device Distributor - The Wholesale Distributor SB 759 Workgroup met on June 11th and July 9th. Draft regulations are anticipated to be completed by the August 13th Board meeting.

Sterile Pharmaceutical Compounding – The Sterile Pharmaceutical Compounding draft re-proposed regulations were published in the Maryland Register on June 22, 2007.

Pharmacy Technicians and Reinstatement Regulations - Ms. Jeffers requested Approval of the draft responses to comments related to the draft re-proposed regulations. A Summary of the proposed responses to the 11 submitted comments was provided (*see addendum*).

Senator Paula Hollinger suggested that the Board include regulations language for approval of applicants that have completed military pharmacy technician training.

Motion: Jeanne Furman moved that language for approval of applicants that have completed military pharmacy technician training be included in the Board's regulations and that Anna Jeffers prepare the language based on language used by the Board of Nursing. Dave Chason seconded the motion.

Board Action: The Board voted unanimously to approve the motion.

Motion: Joe DeMino moved to have Anna Jeffers respond to the 11 received comments as discussed during the meeting. Jeanne Furman seconded the motion.

Board Action: The Board voted unanimously to approve the responses as discussed (*see addendum*)

Ms. Jeffers next reviewed the draft re-reposed regulations.

Motion: Dave Chason moved to amend the re-proposed regulations as discussed during the meeting. Harry Finke, Jr. seconded the motion.

Board Action: The Board voted unanimously to amend the re-proposed regulations as discussed during the meeting (*see addendum*).

Motion: Donald Taylor moved to approve the withdrawal of the Emergency Regulations for Pharmacy Technicians. Jeanne Furman seconded the motion.

Board Action: The Board voted unanimously to approve the withdrawal of the Emergency Regulations submitted for Registration of Pharmacy Technicians.

VI. Administration and Public Support

A. Personnel Update – Patricia Gaither

Ms. Gaither reported that a request to appoint had been submitted to DHMH personnel for the Compliance Officer position. She expects the salary requested to be approved. The position would include benefits; however, it also states that the candidate serves at the pleasure of the Governor. The position does have a PIN number. The highest salary listed was requested for the position. A freeze request for the Pharmacy Inspector positions was also submitted to DHMH personnel. Ms. Gaither is awaiting a response from the Department for the freeze waiver for the Inspector positions as well as for the Office Secretary III pin that was recently vacated.

A new automated telephone system has been established for the Board. The main number is the same (410) 764-4755. However, the new phone system will allow callers to directly reach specific units by pressing 1 through 5 on their telephone keypads.

B. Public Information Officer Report – Summar Goodman

Newsletter

Summar Goodman reported that the Summer edition of the Newsletter is in the editing process. The Board's Annual Report was distributed at MPhA Annual Conference held in Ocean City, Maryland, June 16th - 19th.

Action Item: Summar will provide a notice in the Newsletter about pharmacists sending in their updated email addresses.

Emergency Preparedness Committee

Ms. Goodman is working with DHMH to set up the badge machine used to issue photo ID cards to emergency preparedness volunteer pharmacists and technicians. The Board will participate in a State-wide drill on Tuesday, July 31st. The location and type of emergency scenario has not been disclosed.

VII. Management Information Services – Tamarra Banks

HIPDB

Several modifications and corrections to the last HIPDB report submission were sent to NABP on July 16, 2007.

Online Renewal Database

In calendar year 2006, 1,988 out of 3,679 pharmacists logged onto the online renewal system, and in the first 6 months of 2007, 1,513 of 2,037 have logged on. The increase in online renewals is being attributed to the use of the post card reminders rather than mailing renewal applications. With the increase in online usage, there has been an increase in computer related problems, including an increase the number of payment-related problems. Specifically, the system is not recognizing some credit cards as valid, and some licensees are paying twice because their computers have a delay in providing confirmations. The Board of Physicians, Dental and Physical Therapy are also using the system developed by MHCC. MHCC will be contacted to determine if they can correct the recent problems experienced by licensees. The issues related to double payments and the systems inability to recognize certain credit cards has also been reported to the Bank of America.

Division of Drug Control/Inspections

The Board's Help Desk and Database Specialist started working on the issues related to the DDC Inspector laptops not being synchronized with the Board's database. The inspectors' laptops are now able to connect to the Board's web site.

Pharmacy Technician Database

Database Specialist, Michelle Hsu, have completed development of much of the new technician database. A meeting with Licensing and LaVerne Naesea will be scheduled soon to finalize the system in anticipation of its use sometime later this year.

Establishment Owner Database

At the request of Don Taylor, MIS is looking into ways to track pharmacy owners. There has been recent concerns about inspection reports that show permit holders who own multiple locations without actually operating under their permits and/or that open and close within a short period of time without following the proper opening and closure of pharmacy regulations.

1) Contracts

- a. Matthew Smith, the Board's new Help Desk/Disaster Recovery contractor, began working June 25th. Mr. Smith had previously worked with the Board under a Governor's Internship Program, so he is familiar with most of the Board systems. In addition to Help Desk duties, the position is for 6 month period ending December 21, 2007 and will assist in implementing all Disaster Recovery systems.
- b. The contract with Towson University ended April 24, 2007. Discussions were

held this month on the specifics of the remaining work necessary to complete project. MIS is still developing a list of items in need of completion. The additional work is expected to begin in mid-August, after the contract renewal.

c. Web page Updates/New

In a meeting with Board's & Commission IT Staff, it was discovered that the Social Work Board had developed an in-house verification web application, and a copy of the code was offered to the other Boards to modify and use in place of the current verification systems on their web sites. Work on this project will begin as soon as the code is obtained from the Board of Social Work.

Number of emails for: January: 336; February: 271; March: 295; April: 264; May: 374; and June: 341

3) Hardware/Software

GroupWise was upgraded June 21, 2007. Staff can now access GroupWise from home, and the Board is in compliance with DHMH requirements to upgrade the system.

Action Item: A request was made to list stolen prescribers' prescription pads on the Board's website and to update that list at least monthly.

Action Item: Tamarra will coordinate with other Boards' IT staff members to develop a combined list of stolen prescription pads.

VIII. Committee Reports

A. Practice Committee – Dave Chason

1. Constituent Questions and Responses

- a. Columbus R. Nettles contacted the Board about whether it is appropriate for a pharmacist to call a physician, at the request of a patient, to accept an oral prescription from the physician. Would this be considered 'soliciting' a prescription? Is a prescription faxed by a patient considered a valid prescription in Maryland?

Practice Committee Recommended Response: Communications between pharmacists, physicians and patients to provide patient care is not specifically addressed in the Maryland Pharmacy Act. In Health Occupations Article, § 12-313(b)(12), Annotated Code of Maryland. Denials, reprimands, suspensions and revocations may be imposed if the licensed pharmacist provides remuneration to an authorized prescriber for referring an individual to a pharmacist or pharmacy for a product or service to be provided by the pharmacist or pharmacy. In the situation you describe there is no remuneration. The request by the patient, at the instruction of the physician, to have the pharmacist call the

physician for an oral prescription may be cumbersome, but it does not violate the Maryland Pharmacy Act.

Prescriptions may be faxed to the pharmacy by a patient; however, the pharmacist may only dispense the prescription upon receipt of the original manually signed prescription.

Motion: Donald Taylor moved to accept the Practice Committee's letter as amended. Cindy Anderson seconded the motion.

Board Action: The Board voted unanimously to approve the Practice Committee's letter to Columbus Nettles with an amendment to delete the word "describer" and replace with "describe."

2. Approval of Revised Prescription Signatures Option Chart

Changes were made to the Option Chart, including under definitions:

- #2 – delete the word "digital" and insert "encoded"
- #6 – capitalize the wording "manually written signature"

Motion: Joseph DeMino moved to accept the Prescription Signatures Option Chart as amended and to forward a copy to the Division of Drug Control for review and comment prior to disseminating. Jeanne Furman seconded the motion.

Board Action: The Board voted unanimously to approve the Revised Prescription Signature Option Chart as amended and to forward a copy to the Division of Drug Control for review and comment prior to disseminating.

B. Licensing Committee – Michael N. Souranis

Statistics

Michael Souranis reported the statistics for the month of June. The number of pharmacists due to renew in June was 309 compared to 322 last June; the total renewed to date was 273 (188 renewed online compared to 158 online in June 2006); Non-renewed 37 compared to 34 in June 2006.

New Establishments		Compared to June 2006
New:	17	New: 16
New-Distributor-In State	1	
New-Distributor-Out	10	New: 19
Resident Pharmacy	2	
Non-Resident Pharmacy	4	
Pharmacy w/Waiver	-	
Closed:	3	
Distributor-In State	-	

Distributor-Out of State	1
Pharmacy	1
Non-Resident Pharmacy	1
Pharmacy w/Waiver	-

Mr. Souranis asked the Board to clarify the types of CEs required in order to renew certifications to administer the influenza vaccines. It was noted that there are limited courses offered that specifically address administration of *influenza* vaccinations, even though there are several that address the more broad subject areas of administration of vaccines, and disease states requiring vaccinations. The Board members indicated that the Licensing Committee should determine acceptance of CEs upon submission, with an understanding that specific courses related to administration of influenza vaccinations are limited.

Approval of Drug Repository Applications

The Licensing Committee presented two (2) applications for approval. Hubbard's Pharmacy submitted an application to become a Drop-off Site and MedBank submitted an application to become a Prescription Drug Repository. Hubbard's Pharmacy's application was deferred for discussion during the Closed Public Session. The MedBank application was approved as a drug repository with the stipulation that they meet all pharmacy practice and prescription drug repository requirements.

C. Long Term Care Task Force – Mayer Handelman

Mr. Handelman stated that the Task Force has recommended that there be a pharmacy quality review of Assisted Living patients who receive nine (9) or more medications. Barbara Newman of the Board of Nursing and representatives of Lifespan want the review performed every six (6) months rather than every three (3) months. Mr. Handelman is planning a meeting with representatives of the Office of Health Care Quality and Lifespan to discuss their positions regarding both issues.

Pharmacies serving a LTC facility must follow the same guidelines as a pharmacy that has a contract with long term care facilities. Federal guidelines dictate that when a patient chooses a nursing home, they also must choose a pharmacy. The Task Force will follow New York's guidelines and recommend that all mail order prescriptions be banned.

D. Disciplinary Committee – Donald Taylor

There was no report for the Disciplinary Committee. Donald Taylor thanked everyone for the cards and other expressions of sympathy and support to himself and his family related to the passing of his mother.

Motion: Jeanne Furman moved to close the Public Meeting at 12:10 pm. and open a Closed Public Session. Mayer Handelman seconded the motion.

Board Action: The Board voted unanimously to approve the motion.

The Board decided to table approval of the Hubbard's Pharmacy application to become a Drop-off Site until the Board receives an updated inspection report from the Division of Drug Control.

Motion: Rodney Taylor moved to accept the MedBank as a Prescription Drug Repository. Joseph DeMino seconded the motion.

Board Action: The Board voted unanimously to approve the motion.

Motion: Joseph DeMino moved to close the Closed Public Session at 12:28 pm. Rodney Taylor seconded the motion.

Board Action: The Board voted unanimously to approve the motion.

The Board adjourned the Closed Public Meeting 12:28 pm, and immediately thereafter convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session.

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