

Maryland Board of Pharmacy
Public Meeting Minutes

March 19, 2008

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	x		3	0
Bonnett, M.	Commissioner	x		3	0
Bradley-Baker, L.	Commissioner	x		3	0
Chason, D.	Commissioner/Secretary	x		3	0
Finke, H.	Commissioner	x		3	0
Handelman, M.	Commissioner		x	2	1
Israbian-Jamgochian, L.	Commissioner	x		3	0
Leandre, A.	Commissioner	x		3	0
Souranis, M.	Commissioner/Treasurer	x		3	0
Taylor, D.	Commissioner/President	x		3	0
Taylor, R.	Commissioner	X		3	0
Zimmer, R.	Commissioner	x		3	0
Banks, T.	MIS Manager	x		3	0
Costley, S.	Licensing Manager	x		3	0
Eversley, C.	Compliance Investigator	x		3	0
Gaither, P.	Administration and Public Support Manager	x		3	0
Goodman, S.	Public Information Officer	x		3	0
Naesea, L.	Executive Director	x		3	0
Jeffers, A.	Legislation/Regulations Manager	x		3	0
Taylor, A.	Compliance Officer	x		3	0
Bethman, L.	Board Counsel	x		3	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Introductions	Donald Taylor, Board President	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 or at the time the agenda item is addressed. There were no recusals. Mr. Taylor asked all visitors to introduce themselves.		Action Item: No action required
II. Legislation	Anna Jeffers, Legislation and Regulations Manager	<p>A. Status of Legislation</p> <p>A. Jeffers reviewed the Profile of Pharmacy Bills that was provided to the Board this morning.</p> <p>B. Position papers for Board ratification:</p> <p>A. Jeffers reviewed for the Board previously submitted position papers and letters to committees listed below for RATIFICATION BY THE BOARD.</p> <p>1. HB 551-Pharmacists-Administration of Vaccines-Expanded Authority. Letter of Support</p> <p>The legislation removes the restriction of administration of only influenza vaccines by pharmacists, and allows administration of pneumococcal pneumonia and herpes zoster vaccines by prescription. Amendments to the bill reinstate the requirement for the Board of Physicians and the Board of Nursing to participate in the promulgation of regulations with the Board of Pharmacy.</p> <p>2. HB 666/SB857-Uniform Emergency Volunteer Health Practitioners Act. Letter of Support.</p>		<p>1. Board Action: The Board voted to approve the position.</p> <p>2. Board Action: The Board voted to approve the position.</p>

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		<p>Similar legislation is being sponsored in other states to standardize programs for emergency response involving health care workers.</p> <p>3. HB 757-Consumer Protection-Sale or Distribution of Personal Information-Limitations. Letter of Information.</p> <p>This legislation addresses the sale of mailing lists</p> <p>4. SB 767/HB1387Health Occupations-Board of Pharmacy-Remote Automated Medication Systems. Position Paper in Support with Amendments This legislation allows the use of remote devices in nursing homes that extemporaneously repackage multiple medications in one unit dose package. D. Taylor expressed appreciation to A. Jeffers, C. Anderson and R. Zimmer for spending long hours preparing and testifying on the legislation. Special thanks to R. Zimmer for testifying five times during the current session.</p> <p>5. HB 1383-Good Samaritan-State of Emergency-Liability Protection. Letter of Support. This legislation extends liability protection to volunteer health care workers in declared emergencies.</p> <p>B. Status of regulations.</p> <p>1. The Notice of Final Action for COMAR 10.34.22, Licensing of Wholesale Prescription Drug or Device Distributors will be published March 28, 2008 and will go into effect on April 7, 2008. Changes to the licensing procedures for Wholesalers and Distributors will be required. The changes will include planning for a biennial licensing cycle, bond requirements and background checks for certain personnel.</p>		<p>3. Board Action: The Board voted to approve the position.</p> <p>4. Board Action: The Board voted to approve the position.</p> <p>5. Board Action: The Board voted to approve the position.</p> <p>1. The Licensing Committee will provide proposed revisions to the current licensing procedures to accommodate the new regulations, and the Disciplinary Committee will begin developing inspection procedures that correspond with the revised regulations.</p>
<p>III. Approval of the Minutes</p>	<p>Donald Taylor, Board President</p>	<p>Revisions to Minutes of February 20, 2008:</p> <p>VI. Legislation Page 6, Section 5. Motion. Change "if" to "of". Page 7, Section 7, Change "conclude" to "include" Item #3- Remove "to a person authorized to administer" and Add "LPN or RN." Page 7, Section 8. Motion - Add "of" Page 7, Section 9. Motion -Add "No position" Page 7, Section 10. Motion - Add "No position" Page 7, Section 11. Motion - Add "No position"</p> <p>Page 8, Section C. Change "NOTHER" to "OTHER" Page 8, Section 4. Motion, Add "No Position." VII. Regulations Page 8, Section 2. Remove "Assisted."</p>	<p>Motion: H. Finke moved to accept the minutes as amended. M. Souranis seconded the motion.</p>	<p>Board Action: The Board voted to approve the minutes as amended.</p>

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		<p>Page 9, Section 3. end of second paragraph, delete “include:” and substitute “that were included in the Board’s responses:”</p> <p>Page 10, Section 3, Remove “are.” Page 10, Section 4, Change “dies” to does”</p> <p>IX. Administration and Public Support Page 10, Section 2, Add “the” before “last position”. Page 11, Section 3, Add “brochure” after “National Meeting”</p> <p>X. Management Information Systems Page 13, Section 1, Remove “Maryland” add “Board.” Page 13, Section 3, Add “Control”. Page 13, Section 4, Remove “in”</p> <p>XV. Informational Remove “recommended” and add “relayed the recommendation of the DHMH”</p> <p>D. Taylor recommended a review of the format of the Motion section for consistency and completeness.</p>		
IV. President’s Report	Donald Taylor, Board President	<ol style="list-style-type: none"> 1. D. Taylor reported that new badges have been issued for the Patterson Avenue Offices. 2. D. Taylor reported that the new Board inspection forms are available on the Board’s website. 3. D. Taylor reported that the Maryland Board would be represented at the NABP Meeting in Baltimore by D. Taylor, D. Chason, H. Finke, M. Handelman and L. Israbian-Jamgochian. 	Action Item: No motion required.	Action Item: No action required
V. Executive Director	LaVerne Naesea, Executive Director	<ol style="list-style-type: none"> 1. L. Naesea asked A. Taylor to introduce the new Pharmacy Inspector. A. Taylor introduced Jeannelle McKnight. 2. L. Naesea reported that the freeze waivers have been granted so that recruitment can begin for the receptionist and secretary positions. P. Gaither was acknowledged for her work in obtaining the lifting of the freeze waivers for these positions. 3. L. Naesea reported that the Legislative Department Audit is still being conducted and no major findings have been reported. 4. L. Naesea reported that the Legislation intended to change the disciplinary responsibilities of the Boards had been withdrawn and replaced by a bill for the creation of a Task Force. Senator P. Hollinger reported that except for the Dental Board bill, the other bills related to Boards’ disciplinary proceedings will be withdrawn. 5. L. Naesea reported that the Tracking Form would be added to the Board only website for review. 		

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		<p>6. L. Naesea reported that the staff is changing procedures for handling incoming telephone calls to improve the accuracy and timeliness of responses. There have also been technical problems with the phone system throughout the building that are currently being addressed by the building management. It was also reported that callers experienced problems with full mailboxes for some staff members.</p> <p>7. L. Naesea reported that Board member pictures would be updated on the website.</p> <p>8. H. Finke asked that training of new inspectors be addressed on the public website.</p> <p>9. A. Taylor will be sending a letter to permit holders describing the changes in the DDC role and provide recommendations for preparing for the inspection process and the method to resolve questions that arise from the inspection process. This will include information on follow up inspections by the Board's Inspector Supervisor.</p> <p>10. D. Taylor asked that a new section of the website be added to focus on Compliance. The inspection forms and other information would be located in one convenient area.</p>		<p>10. T. Banks to develop new "Compliance" section on the Board's website</p>														
<p>VI. Division of Drug Control</p>	<p>Ann Taylor, Compliance Officer</p>	<p>1. A. Taylor provided the monthly report from the Division of Drug Control For February 2008.</p> <table border="1" data-bbox="646 776 1016 1149"> <thead> <tr> <th>Type</th> <th>February 2008</th> </tr> </thead> <tbody> <tr> <td>Retail</td> <td>75</td> </tr> <tr> <td>Institutional</td> <td>2</td> </tr> <tr> <td>Opening Inspections Retail</td> <td>6</td> </tr> <tr> <td>Opening Inspections Distributor</td> <td>1</td> </tr> <tr> <td>Closing Inspections Retail</td> <td>9</td> </tr> <tr> <td>Closing Inspections Distributor</td> <td>0</td> </tr> </tbody> </table> <p>2. A. Taylor presented a letter to be sent to permit holders and placed on the Board's website to assist in streamlining the new pharmacy inspection process. The Board recommended changes to add clarification, changes "may" to should, and rewording of the term "efficient" in the description of the inspection process. Permit holders are urged to complete the documentation before their inspections to help minimize disruptions to their normal pharmacy operations during the inspection. D. Taylor asked A. Taylor to confirm that the DDC has begun using the new inspection forms for inspections.</p> <p>3. D. Taylor asked about the status of using the new forms in the existing computer system to facilitate the collation of data on pharmacy inspections.</p>	Type	February 2008	Retail	75	Institutional	2	Opening Inspections Retail	6	Opening Inspections Distributor	1	Closing Inspections Retail	9	Closing Inspections Distributor	0	<p>Action Item: No motion required</p>	<p>Board Action: No Action Required</p> <p>2. A. Taylor to revise the proposed letter and submit to the Executive Committee prior to distribution.</p> <p>3. T. Banks to work with A. Taylor to coordinate actions to add data on the new inspection forms to the existing</p>
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VII. PEAC Report	Anthony Tommassello P.E.A.C	PEAC was not represented No Report	Action Item: No motion required.	database. Action Item: No action required
VIII. Administration & Public Support	Patricia Gaither Manager, Administration and Public Support	<p>1. P. Gaither reported that the receptionist reclassification would be effective on May 1, 2008.</p> <p>2. P. Gaither reported that the recruitment has begun to fill the position of the Executive Secretary. The posting for the position will close on March 24, 2008.</p> <p>3. P. Gaither reported that recruitment from the existing pool of applicants will begin for the open pharmacy inspector position.</p> <p>4. P. Gaither reported that the positions for technician inspectors will be recruited through March 27, 2008.</p> <p>5. The PEAC audit has been performed and final results will be provided once completed. The pharmacists rehabilitation contract will be extended for six months to allow time to prepare bid documents for a contract start date of October 1, 2008.</p>	5. Motion: D. Chason moved to require that the extended PEAC contract language be written to assure greater oversight of the rehabilitation vendor's actions. M. Souranis seconded the motion.	5. Board Action: The Board voted to approve the motion. Action Item: D. Taylor instructed the Disciplinary Committee to work with P. Gaither to develop the contract language
IX. Public Information Officer Report	Summar Goodman, Public Information Officer	<p>1. S. Goodman reported that the Public Relations Committee met on March 2, 2008. The Committee prepared several recommendations including the following:</p> <ul style="list-style-type: none"> A. Revise the terminology used by the Board publications to remove "consumer" and substitute "patient". B. Develop a new public awareness campaign to start in October 2008 C. Broaden the target audiences to include patients, pharmacists, legislators and other professionals. D. Develop a new Board slogan "Setting Standards for Patient Safety" E. Develop a new Board logo to accompany the campaign. Senator Hollinger recommended that a proposal be submitted to local colleges to offer an opportunity to develop the logo at minimal cost. <p>2. S. Goodman thanked A. Taylor for appearing on WJZ TV to discuss Board</p>	1. Motion: A. Leandre moved to approve the Committee proposal R. Zimmer seconded the motion.	1. Board Action: The Board voted to approve the motion.

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		<p>actions in the reported case of pharmacist misconduct.</p> <p>3. S. Goodman announced that she would be attending the 5th Annual Health Care Disparity Conference on April 24, 2008. C. Anderson also volunteered to attend.</p> <p>4. S. Goodman announced that the Board would participate in the Flower Mart in May and invited Board and staff to participate. C. Anderson asked that the Public Relations Committee review all literature before allowing public distribution of pamphlets at the Flower Mart.</p> <p>5. S. Goodman reported that the Board will sponsor a booth at the MPHA's Annual meeting in Ocean City beginning June 15, 2008.</p>		<p>4. Action Item: D. Taylor asked the Public Relations Committee to review all donated literature prior to public display at all Board functions.</p>
X. Management Information Services	T. Banks, Manager,	<p>1. T. Banks reported that the Memorandum of Understanding (MOU) with Towson University for the new Board system is expected to be received by the office today. Once received there will be a review by the DHMH which should require 10 days. Daily calls have been made to speed up the process.</p> <p>2. T. Banks reported that staff is programming the new pharmacy inspection forms.</p> <p>3. T. Banks reported that the technician data base is being prepared and that the technicians' licenses will be green.</p> <p>4. T. Banks reported that the Board's website is under review to focus on placing popular items into more accessible areas on the screen. Pharmacy students assigned to the Board have been assigned to test website links, but that a more routine method will need to be developed.</p> <p>5. T. Banks reported that negotiations are under way with DHMH for approval of a wireless connection within the building so that Commissioners and staff could access all Board information on laptop computers in meeting rooms. It will take at least one month to install the wireless network. After that, wireless cards and network access will be needed.</p> <p>6. T. Banks reported that a laptop computer had been purchased for the Board Secretary, D. Chason.</p>		<p>1. Action Item: T. Banks to continue to check on progress of MOU.</p> <p>2. Action Item: Programming of new pharmacy inspection forms to be completed.</p> <p>3. Action Item: Complete technician database.</p> <p>4. Action Item: Develop procedure to keep Board's website updated.</p> <p>5. Action Item: Follow up with approval and installation of wireless network for Board use.</p>
XI. Practice Committee	David Chason, Chair	<p>1. Eric Kinsler, Executive Director, Medical Affairs, Xanodyne Pharmaceuticals.</p> <p>Summary: Dr. Kinsler requested endorsement by the Board of his efforts to educate pharmacists and managed care organizations about the Orange Book rating of Oramorph SR ®</p> <p>The Practice Committee's recommended letter advised Dr. Kinsler that the Board does not endorse activities, products, systems or services.</p> <p>2. Brenda E. Barnes, Compliance Manager, Laerdal Medical Corporation.</p>	<p>1. Motion: D. Chason moved to approve the Practice Committee's proposed letter. M. Souranis seconded the motion.</p> <p>2. Motion:</p>	<p>1. Board Action: The Board voted to approve the motion.</p> <p>2. Board Action:</p>

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		<p>Summary: B. Barnes requested information on whether Maryland Law allows exemption from licensure as a wholesale distributor for FDA approved manufacturers of medical devices, including their subsidiaries, who maintain their product's chain of custody.</p> <p>The Practice Committee's recommended letter advised Ms. Barnes that the business operation described in the letter would not qualify for exemption from the wholesale distributor regulations. L. Bethman provided revised wording to clarify the language.</p>	<p>D. Chason moved to approve the amended Practice Committee's proposed letter.</p> <p>R. Zimmer seconded the motion.</p>	<p>The Board voted to approve the motion.</p>																																																									
XII. Licensing Committee	Michael Souranis, Chair	<p>1. M. Souranis provided the Licensing Report for the month of February 2008</p> <p>Pharmacists:</p> <table border="1" data-bbox="646 654 1488 808"> <thead> <tr> <th></th> <th>February 2008</th> <th>February 2007</th> </tr> </thead> <tbody> <tr> <td>New Licensure:</td> <td>16</td> <td>20</td> </tr> <tr> <td>Examination</td> <td>10</td> <td>9</td> </tr> <tr> <td>Reciprocity</td> <td>6</td> <td>11</td> </tr> <tr> <td>Request for Reciprocity in other States</td> <td>2</td> <td>0</td> </tr> </tbody> </table> <p>Establishments:</p> <table border="1" data-bbox="646 857 1488 1040"> <thead> <tr> <th></th> <th>February 2008</th> <th>February 2007</th> </tr> </thead> <tbody> <tr> <td>New:</td> <td>27</td> <td>28</td> </tr> <tr> <td>Distributor- In State</td> <td>1</td> <td>5</td> </tr> <tr> <td>Distributor-Out-of-State</td> <td>13</td> <td>17</td> </tr> <tr> <td>Resident Pharmacy</td> <td>4</td> <td>4</td> </tr> <tr> <td>Non-Resident Pharmacy</td> <td>8</td> <td>1</td> </tr> <tr> <td>Pharmacy w/Waiver</td> <td>1</td> <td>1</td> </tr> </tbody> </table> <table border="1" data-bbox="646 1062 1488 1219"> <thead> <tr> <th></th> <th>February 2008</th> <th>February 2007</th> </tr> </thead> <tbody> <tr> <td>Closed</td> <td>9</td> <td>4</td> </tr> <tr> <td>Distributor- In State</td> <td>1</td> <td>1</td> </tr> <tr> <td>Distributor- Out-of-State</td> <td>5</td> <td>0</td> </tr> <tr> <td>Pharmacy</td> <td>2</td> <td>61</td> </tr> <tr> <td>Non-Resident Pharmacy</td> <td>0</td> <td>0</td> </tr> <tr> <td>Pharmacy w/Waiver</td> <td>1</td> <td>0</td> </tr> </tbody> </table> <p>2. M. Souranis reported that new formats for reporting statistics were in development.</p> <p>3. M. Souranis reported that technician criminal background checks are currently being completed in 3 to 4 days.</p>		February 2008	February 2007	New Licensure:	16	20	Examination	10	9	Reciprocity	6	11	Request for Reciprocity in other States	2	0		February 2008	February 2007	New:	27	28	Distributor- In State	1	5	Distributor-Out-of-State	13	17	Resident Pharmacy	4	4	Non-Resident Pharmacy	8	1	Pharmacy w/Waiver	1	1		February 2008	February 2007	Closed	9	4	Distributor- In State	1	1	Distributor- Out-of-State	5	0	Pharmacy	2	61	Non-Resident Pharmacy	0	0	Pharmacy w/Waiver	1	0	<p>Action Item: No motion required.</p>	<p>Action Item: No motion required.</p>
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XIII. Disciplinary Committee	Mayer Handelman, Chair	No Report	Action Item: No motion required.	Action Item: No motion required.																																																									
XIV. Long Term Care	Mayer	No Report	Action Item:	Action Item:																																																									

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Subcommittee	Handelman, Chair		No motion required.	No action required.
XV. Emergency Preparedness Committee	Donald Taylor, Chair	D. Taylor reported on a recent publication from the CDC describing the estimated rate of morbidity and mortality of a pandemic influenza outbreak. The report included recommendations for liability protection for healthcare volunteers. \	Action Item: No motion required.	Action Item: No motion required.
XVI. Informational	LaVerne Naesea, Executive Director	L. Naesea reported that the Division of Drug Control has been established as the department responsible for the administration of the planning grant sponsored by the DHMH for monitoring of controlled substances (PMP). The Board of Pharmacy will participate in the planning committee if the grant is awarded in Maryland.	Action Item: No motion required.	Action Item: No action required.
XVII. Adjournment	Donald Taylor, Board President	The Public Meeting was adjourned at 10:55 AM. Immediately thereafter, Donald Taylor 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.	Motion: M. Souranis moved to adjourn the Public Meeting. H. Finke seconded the motion.	Board Action: The Board voted unanimously to adjourn the Public Meeting.

Approved by: D. Taylor, President
D. Chason, Secretary
L. Naesea, Executive Director