

**Maryland Board of Pharmacy
Public Meeting Minutes**

Date: November 19, 2008

Name	Title	Today's Attendance		Fiscal Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	x		4	1
Bradley-Baker, L.	Commissioner	x		4	1
Chason, D.	Commissioner/Secretary	x		5	0
Finke, H.	Commissioner	x		5	0
Handelman, M.	Commissioner	x		4	1
Israbian-Jamgochian, L.	Commissioner	x		5	0
Leandre, A.	Commissioner	x		5	0
Matens, R.	Commissioner		x	4	2
Souranis, M.	Commissioner/Treasurer	x		4	1
Taylor, D.	Commissioner/President	x		5	0
Taylor, R.	Commissioner	x		5	0
Zimmer, R.	Commissioner	x		4	1
Bethman, L.	Board Counsel	x		5	0
Banks, T.	MIS Manager	x		4	1
Costley, S.	Licensing Manager	x		4	1
Eversley, C.	Compliance Investigator	x		4	1
Gaither, P.	Administration and Public Support Manager	x		4	1
Goodman, S.	Public Information Officer		x	3	2
Jeffers, A.	Legislation/Regulations Manager	x		5	0
Naesea, L.	Executive Director	x		5	0
Simmons, L.	Executive Secretary	x		5	0
Taylor, A.	Compliance Officer	x		5	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	1.D. Taylor brought the Public Meeting to order at 9:00 A.M. Members of the Board with a conflict of interest relating to any item on the agenda were advised to notify the Board at this time or when the issue is addressed in the agenda. 2. D. Taylor asked that all guests introduce themselves and sign in on the attendance list.		
II. Approval of the Minutes	Donald Taylor, Board President	1. Page 1, Section II, Item 1, Add "of Maryland". 2. Page 2, Section II, Item 3, Change "2012" to "2013." 3. Page 2, Section II, Item 4, Add "at Baltimore." 4. Page 2, Section II, Item 7, Change "UMAB" to "UMB." 5. Page 3, Section IV, Item 3, Remove "regarding" and add "with how difficult it would be for the Board to" 6. Page 4, Section VI, Item 6, Replace "contact" with "contract." 7. Page 4, Section VII, Item 2b, Add section to confirm Board Action. "Motion by D. Chason to approve re-proposal COMAR 10.32.19. seconded by M. Souranis and Board Action: The Board voted to approve the motion: 8. Page 5, Section VII, Item 4a, Change date from "9/17/07" to "9/17/08." 9. Page 5, Section VII, Item 5a, Change "change" to "revised to differentiate." 10. Page 5, Section VII, Item 6, Change "P3" to "Prescription Drug Program."	Board Action: C. Anderson made a motion to approve the October 15, 2008 minutes as amended. R. Zimmer seconded the motion.	Board Action: The Board voted to approve the minutes as amended.

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>(continued from previous page)</p> <p>11. Page 6, Section X, Item 1, Add “2. L. Bradley-Baker reported that the template for the logo will be ready for review at the November Board meeting.”</p> <p>12. Page 6, Section X, Item 2, Change to Item 3, Remove “S. Goodman” and add L. Bradley-Baker.”</p> <p>13. Page 6, Section XI, Change “October 1” to “July 1.”</p> <p>14. Page 8, Section XII, Item 2, Add “and approved”</p>		
III. Reports	<p>Donald Taylor, Board President</p> <p>David Chason, Secretary</p> <p>Ann Taylor, Compliance Officer</p>	<p>1. D. Taylor reported on the CDC’s evaluation of the Maryland emergency preparedness drill conducted in July 2008. Fifty seven (57) agencies participated in the drill across the entire State. The preparedness rating for Maryland was raised from 67% last year to 93% for 2008 based on the results of the drill.</p> <p>2. D. Taylor reported that the Board’s Emergency Preparedness Taskforce met with the new Director of Maryland’s Emergency Preparedness and Response Office, Sherry Adams. She outlined her main priorities and indicated that the Board will have open access to the Director to discuss issues and concerns. D. Taylor provided S. Adams with a copy of the Board’s requested Emergency Powers draft and requested her help in having the document approved by the Secretary for use in declared States of Emergencies.</p> <p>3. D. Chason reported that he served as the Board’s observer for the Accreditation Council on Pharmaceutical Education (ACPE) site visit to Notre Dame College of Maryland, School of Pharmacy on November 5 – 7, 2008. The recommendation to the ACPE Board will be for conditional accreditation.</p> <p>4. A. Taylor reported that she had provided a review of Board functions and disciplinary procedures to the University of Maryland pharmacy students in November.</p> <p>5. D. Taylor offered condolences to P. Gaither for the loss of her aunt and F. Yorkman on the loss of her mother.</p> <p>6. D. Taylor introduced and welcomed Emery Lin, the new pharmacist inspector.</p>		
IV. Executive Director	LaVerne Naesea, Executive Director	<p>1. L. Naesea reported that Senator Hollinger facilitated a meeting of the Executive Directors of the various Boards with representatives of the Office of the Inspector General (OIG). Discussions centered on communication and coordination between State and Federal agencies regarding eligibility for participation in Medicare and Medicaid and communicating disciplinary sanctions.</p> <p>2. L Naesea reported that the Board has been approached by the Shanghai Food and Drug Administration requesting a visit and briefing from Maryland Board staff and Commissioners on drug and device regulatory procedures. The request was for the period between December 8 and 12, 2008.</p>		<p>2. Action Item: L. Naesea to contact the Shanghai representatives to confirm December 11 as the meeting date. Staff to prepare an outline of committee activities and request a list of questions.</p>

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V. Inspection Program Report	Ann Taylor, Compliance Officer	<p>1. A. Taylor presented the Compliance monthly statistics for the Board. See Attachment 1, Section C.</p> <p>2. D. Taylor requested that the reference to the DDC report be removed from the monthly statistics.</p> <p>3. A. Taylor reported on the results of the first meeting of the Taskforce on Discipline of Health Care Professionals required by HB 525 for mandatory monitoring of controlled substances. The Taskforce is chaired by Judge Fader. The 1st meeting was held on November 14, 2008. Discussion involved development of subcommittees that will focus on database management, actions by other states, coordination with prosecutors, documentation, impact on consumers, validation of data, and cost. The next meeting is scheduled for January 9, 2009.</p>		2. Action Item: D. Chason to revise statistics to remove DDC section.
VI. PEAC Report	Gil Cohen P.E.A.C.	<p>1. G. Cohen presented the PEAC statistical report for September 2008. See Attachment 1, Section D</p> <p>2. G. Cohen reported that the P.E.A.C. Seminar on Saturday, October 18, 2008 had an attendance of 102 persons and that the Seminar lost approximately \$4,000.</p> <p>3 G. Cohen reported that the new P.E.A.C. contract started on October 15, 2008 and requested guidance on how to submit invoices for the additional costs associated with the increase in clients. L. Naesea directed Mr. Cohen to the current contract language that indicates that the Board will reimburse PEAC for more than 12 on a per client basis up to 15. A new agreement may be negotiated when the patient number exceeds 15.</p> <p>4. G. Cohen reported that the self referred student will be graduating from the University of Maryland School of Pharmacy, and will be required to sign a new three (3) year P.E.A.C. contract.</p> <p>5. D. Taylor reported that negotiations will occur to allow P.E.A.C. to provide additional services to technicians as needed.</p>		3. Action Item: L. Naesea to set up meeting between the Board and PEAC to discuss costs associated with additional clients.
VII. Legislation and Régulations	Anna Jeffers, Legislation and Regulation Manager Report	<p><u>Maryland Regulations</u></p> <p>1. A. Jeffers reported on the informal comments received by the Board on COMAR 10.34.28, Automated Medication Systems. Informal comments were released on October 3, 2008.</p> <p>a. Informal Comments:</p> <p>i. Advanced Pharmacy. J. Moncrief from Advanced Pharmacy proposed revisions to Sections .05A, .06 and .09. The recommendation of the Practice Committee was to reply via letter indicating that the proposed regulations are still under consideration by the Board and will be presented at a future Board Public Meeting for approval. The Practice Committee addressed his specific concerns as follows:</p> <p>.05A (4) (b) - The Board feels that 10% of medications are just as critical to patient safety as the other 90%. If a picture is not available, the certified medication aide should have as much information as possible when checking the medications dispensed by the remote automated medication system such as color and shape.</p>	i. Motion: D. Chason made a motion to approve the letter with the amendment to add "the recommendations are still under consideration." L. Israbian-Jamgochian	i. Board Action: The Board voted to approve the motion.

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>(continued from previous page)</p> <p>.06 - The Board is aware the pharmacist checks the medication before it leaves the pharmacy, however, the Board believes that a positive identification of the medications be made before the medications are deposited into the device. The checking process requires two distinct steps to assure that the correct medications are deposited into a machine that has the potential to dispense an incorrect medication to an entire health care facility.</p> <p>.09 - The Board maintains that a pharmacist can not do an integrated test of the device without entering an order and verifying that the right result occurred, which would be sampling what is dispensed by the machine.</p> <p>ii. Delegate Mizeur. Delegate Mizeur proposed the same revisions to Sections .05A, .06 and .09 as Advanced Pharmacy The recommendation of the Practice Committee was to reply via letter indicating that the proposed regulations are still under consideration by the Board and will be presented at a future Board Public Meeting for approval. The Board approved sending an identical response as will be sent to Advanced Pharmacy.</p> <p>iii. M. Rubin requested clarification of the meaning of Sections .06C (2) and .07B. Discussion ensued concerning the Practice Committee's recommended response.</p> <p>iv. H. Schiff from MPhA requested clarification of Section .06(c) 2 and .07B. The recommendation of the Practice Committee was to reply via letter indicating that the proposed regulations are still under consideration by the Board and will be presented at a future Board Public Meeting for approval. The Practice Committee addressed his specific concerns as follows: .06C (2) - Pharmacy technicians are included because it provides the pharmacist and permit holder with other stocking options and pharmacy technicians are always supervised by a pharmacist.</p>	<p>seconded the motion.</p> <p>ii. Motion: D. Chason made a motion to approve the letter with the amendment to add "the recommendations are still under consideration."</p> <p>R. Zimmer seconded the motion.</p> <p>iii. D. Taylor tabled the discussion and asked that the Practice Committee review the issues addressed by M. Rubin at its next meeting.</p> <p>iv. Motion: M. Handelman made a motion to approve the letter as presented.</p> <p>H. Finke seconded the motion.</p>	<p>ii. Board Action: The Board voted to approve the motion.</p> <p>iii. Board Action: The Board voted to approve continued review by the Practice Committee.</p> <p>iv. Board Action: The Board voted to approve the motion.</p>

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>(continued from previous page)</p> <p>.07B - The method of return is a one-way returns bin that is subsequently returned to the permit holder. A pharmacist is not included in this section because a pharmacist would not be available at a remote or decentralized automated medication system that may possible be located in a health care facility that is miles from the pharmacy. The Board feels that return medications to a one-way return bin is equivalent to returning to a pharmacy.</p> <p>v. B. Krug from Omnicare recommended changes to Sections .04C and D, .05A (3), and .06B and C. Discussion ensued concerning the Practice Committee's recommended response.</p> <p>vi. ASCP submitted a copy of the regulations indicating their proposed revisions. Discussion ensued concerning the Practice Committee's recommended response.</p> <p>Final Draft COMAR 10.34.28, Automated Medication Systems submitted for approval. Pursuant to the discussion above, the draft will be considered at a future date.</p> <p>2. Final Draft COMAR10.13.01 Dispensing of Prescription Drugs by a Licensee was re-submitted by the Practice Committee for approval, in a revised version, based on the responses to the request for comments from the Boards of Physicians, Dental Examiners, Podiatric Medical Examiners and M. Souranis. Informal comments were released on or before October 17, 2008. The Practice Committee's revision removed the definition of "conveniently available" which prohibited physician dispensing within a five mile radius of a pharmacy and removed the reference to "patient discretion."</p> <p>Diane Darvey, Director of Regulatory Affairs, NACDS and Angelo Voxakis, President, EPIC Pharmacies offered comments supporting the imposition of a fifteen (15) mile restriction on licensee dispensing.</p> <p>The proposed draft will be revised accordingly and submitted to the Department for sign-off. The responses to the informal comments will be revised to reflect the changes approved today.</p> <p>M. Souranis was recused.</p>	<p>v. D. Taylor tabled the discussion and asked that the Practice Committee review the issues at its next meeting.</p> <p>vi. Motion: C. Anderson made a motion to table the discussion and return the issue the Practice Committee for review at its next meeting.</p> <p>M. Handelman seconded the motion.</p> <p>2. Motion: H. Finke made a motion to approve the regulation with an amendment to require that "conveniently available" be defined as prohibiting licensee dispensing within a fifteen (15) mile radius of a pharmacy. L. Israbian-Jamgochian</p>	<p>v. Board Action: The Board voted to approve continued review by the Practice Committee.</p> <p>vi. Board Action: The Board voted to approve continued review by the Practice Committee.</p> <p>2. Board Action: The Board voted to approve the motion.</p>

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		<p>3. COMAR 10.34.17, Waiver of Full Service requirements for Recognized Pharmaceutical Specialties. The revised regulations define the requirements for Full Service Pharmacies and Waiver status.</p> <p>M. Handelman requested the addition of specialties consisting of Assisted Living Facilities (ALF) and Disabled Care facilities (DAF). The proposed draft will be revised accordingly and submitted to the Department for sign-off.</p> <p>4. Status Update.</p> <p>A. Jeffers provided an update on the status of previously submitted regulations.</p> <p>a. The re-proposal for COMAR 10.34.19, Sterile Pharmaceutical Compounding, was submitted to AELR on October 20, 2008. The anticipated publication date is December 5, 2008.</p> <p>b. The proposal for COMAR 10.34.25 Delivery of Prescriptions was submitted to AELR on November 10, 2008.</p> <p>c. The re-proposal for COMAR 10.34.32 Pharmacist Administration of Vaccinations is tentatively scheduled for publication by AELR on December 5, 2008.</p> <p>d. The re-proposal for COMAR 10.27.04 Dispensing in Methadone Clinics was published in the Maryland Register on October 24, 2008.</p> <p><u>Legislative Reports</u></p> <p><u>1. Maryland Board of Pharmacy Prescription Drug Repository Program Annual Report to the Governor and the General Assembly.</u> The report details the low response rate of pharmacies in Maryland. Delegate Rudolph has informally proposed development of incentives to increase participation by pharmacies. Further research conducted by the Department of Legislative Services will assist Delegate Rudolph in making a determination about further incentives through legislation.</p> <p>C. Anderson requested a revision of typographical error on Page 5.</p>	<p>seconded the motion.</p> <p>3. Motion: L. Israbian-Jamgochian made a motion to approve the proposed regulation with the amendment to recognize the addition of ALF and DAF programs as qualifying for Waiver status.</p> <p>D. Chason seconded the motion.</p> <p>1. R. Zimmer made a motion to approve the report with corrections R. Taylor seconded the motion.</p>	<p>3. Board Action: The Board voted to approve the motion.</p> <p>1. Board Action: The Board voted to approve the motion.</p>

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		<p><u>2. Wholesale Distributor SB 759 Workgroup Recommendation to the Maryland Board of Pharmacy for Implementation of Electronic Track and Trace Pedigree Technology across the Entire Prescription Pharmaceutical Supply Chain.</u></p> <p>A. Jeffers provided a brief summary of the Workgroup's Recommendation: Noting several benchmarks that should occur before realistic implementation of electronic track and trace technology in Maryland, the Workgroup determined that electronic track and trace pedigree technology will not be universally available across the entire prescription pharmaceutical supply chain until after it is required by federal pedigree laws or regulations. Based on that information, but unable to reach consensus, the Workgroup submitted the following recommendations to the Board regarding a target date for the implementation of electronic track and trace technology across the entire pharmaceutical supply chain:</p> <p>The target dates should <u>not</u> be set at this time due to the significant technological and financial challenges in upgrading the current supply chain system. Because a uniform electronic track and trace system should be implemented on a national scale, FDA should be recognized as the appropriate authority on this issue. (HDMA, PhRMA, NCPA, BIO and HIDA) The joint statement by HDMA, PhRMA, NCPA, BIO and HIDA is attached as Appendix VIII.</p> <p>NACDS and Cardinal Health recommend that the target dates in Maryland should be one year later than the target dates set forth in the California Senate Bill 1307. Specifically, the first target implementation date for manufacturers should be January 1, 2016; subsequent Federal pedigree laws or regulations should preempt these recommendations; and no further legislation should be introduced or further regulations should be promulgated establishing earlier target dates than the Workgroup's recommendation.</p> <p>Supplemental Information was provided to the Board including an e-pedigree chart and the HDMA state pedigree map.</p> <p>The Board is required by Section 2, Chapters, 352, 353, Acts 2007 to recommend a target date for implementation of electronic track and trace pedigree technology and to submit a report to the Senate Education, Health and Environmental Affairs Committee and the House Health and Government Operations Committee.</p> <p>D. Chason provided an explanation of the status of similar regulations in California and proposed setting the dates as follows: Unless pre-empted by Federal regulations January 1, 2016 Implementation by all manufacturers January 1, 2017 Implementation by all wholesalers January 1, 2018 Implementation by all pharmacies</p>	<p>2. NOTE: The Workgroup's recommendation does not require Board approval.</p> <p>Motion: D. Chason made a motion to set the implementation dates for electronic track and trace pedigree technology across the entire pharmaceutical supply chain in Maryland to begin in 2016 with a phase in similar to California legislation. R. Taylor seconded the motion.</p>	<p>Board Action: The Board voted to approve the motion.</p>

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VIII. Management Information Services	Tamarra Banks, MIS Manager	<p>1. T. Banks presented the MIS statistical report for October 2008. See Attachment 1, Section F</p> <p>2. T. Banks reported that work on the Towson (MOU) is progressing and is currently on schedule to be completed by the end of December. The project has been extended to February 28, 2009 to permit final testing of the system. There will not be any additional cost for the extension.</p> <p>3. T. Banks reported that the uploading and testing of the software for the drug inspectors is complete with the exception of the Comprehensive Care and Distributor inspection forms.</p> <p>4. T. Banks reported that the Disaster Recovery training for the Board staff is scheduled for November 25, 2008.</p> <p>5. T. Banks reported that the new MIS room is awaiting the installation of network wiring.</p> <p>6. T. Banks reported that the Board has been notified that the current electronic files on its website have become too large, and that the Board will be required to purge unneeded pictures and documents from the system.</p>		
IX. Administration & Public Support	Patricia Gaither, Administration and Public Support Manager	<p>1. P. Gaither thanked the Commissioners and staff for the condolences on the loss of her aunt.</p> <p>2. P. Gaither reported that all twenty three (23) staff positions have been filled and are in permanent positions. M. Smith, is currently in a consultant position to support the MIS Unit, and one contractual inspector position is pending recruitment following approval from the Department to waive the position freezes.</p> <p>3. P. Gaither reported that the Rehabilitation Contract has been completed and remains in effect until September 30, 2009.</p> <p>4. P. Gaither reported that the new law books have arrived and that the Pharmacy regulations are in the front which will make the book easier to use.</p> <p>5. P. Gaither reported that all of the new laptop computers have arrived and been assigned to staff and Commissioners.</p> <p>6. P. Gaither reported that the Fall Newsletter has been published and distributed. The Winter Newsletter deadline for articles is scheduled for the last week of November.</p> <p>7. P. Gaither reported that S. Goodman is attending a conference.</p>		6. Action Item: Commissioners and staff to submit articles to S. Goodman for the Winter Newsletter.

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X. Public Relations Committee	Lynette Bradley-Baker, Chair	<p>1. L. Bradley-Baker presented the newest draft of the proposed Board logo for review and approval.</p> <p>2. L. Bradley-Baker presented the latest draft of the proposed annual Board Calendar of Events. The Calendar will be available beginning with the schedule for January 2009, and will include information on all Public Meetings and other Board involved activities.</p>	<p>1. Motion: Motion by the Public Relations Committee to approve the proposed logo.</p> <p>D. Chason seconded the motion.</p>	<p>1. Board Action: The Board voted to approve the motion.</p> <p>2. Action Item: Commissioners and staff to submit events to S. Goodman for inclusion in the annual Calendar.</p>
XI. Practice Committee	Reid Zimmer, Chair	<p>1. Regulations currently undergoing revisions:</p> <p>R. Zimmer reported that the Practice Committee is working on revisions to three regulations.</p> <ul style="list-style-type: none"> a. COMAR 10.34.20 Format of Prescription Transmission b. COMAR 10.34.23 Pharmaceutical Services to Residents in Comprehensive Care Facilities c. COMAR 10.34.28 Automated Medication Systems <p>2. Public Inquiries:</p> <p>a. Andrew Kindle submitted a question regarding the Board's position on whether mobile repackaging would be addressed in Maryland under current regulations. The products would be repackaged from a truck and would be distributed as non-patient specific doses.</p> <p>RESPONSE: The Practice Committee's recommendation was to inform A. Kindle that this practice would be considered repackaging and would be regulated under Federal manufacturing regulations and therefore would not be permitted under Maryland law.</p>	<p>a. Motion: Motion by the Practice Committee to approve the draft letter.</p> <p>M. Handelman seconded the motion.</p>	<p>a. Board Action: The Board voted to approve the motion.</p>

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XII. Licensing Committee	Cynthia Anderson, Chair	<p>1. C. Anderson presented the Licensing Committee statistics for October 2008. See Attachment 1, Section A and E.</p> <p>2. C. Anderson reported that the deadline for registration by out of state distributors is December 16, 2008</p> <p>3. C. Anderson proposed that the Licensing Committee be given the authority to approve the processes for facilitating the inspection of out of state distributors through reciprocal agreements with other states.</p> <p>4. C. Anderson proposed that the Licensing Committee be given the authority to approve the processes for facilitating the inspection of out of state distributors through use of DEA and FDA inspection documentation with the approval of those agencies.</p> <p>5. C. Anderson requested guidance for the Licensing Committee regarding responses to companies that own the patents for pharmaceuticals but do not manufacture, distribute or own the pharmaceuticals or components of the products. The companies are known as "virtual manufacturers" and are asking whether they need to register as distributors. L. Bethman indicated that these companies would be required to register with the Board as manufacturers.</p> <p>6. S. Costley reported that the Board has received 4118 Pharmacy Technician applications and that to date 3427 have been approved. There are 360 applications pending. There are 94 applications awaiting CJIS reports and 718 CJIS reports for which no application has been received.</p> <p>Licensing Committee is developing a process to date the receipt of all CJIS reports and developing a letter to applicants for whom CJIS reports have been received, but their applications have not been submitted, to inform them that the CJIS reports are time sensitive and will expire.</p>	<p>3. Motion: Motion by the Licensing Committee to approve the proposal.</p> <p>L. Bradley-Baker seconded the motion.</p> <p>4. Motion: Motion by the Licensing Committee to approve the proposal.</p> <p>M. Handelman seconded the motion.</p>	<p>3. Board Action: The Board voted to approve the motion.</p> <p>4. Board Action: The Board voted to approve the motion.</p> <p>6. Action Item: Licensing to develop new CJIS procedure and new applicant letters.</p> <p>Action Item: L. Bethman to approve the letters.</p>

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>7. C. Anderson requested guidance for the Licensing Committee regarding applications that indicate a criminal history based on the CJIS Report but do not disclose a criminal history.</p> <p>(continued from previous page)</p> <p>8. S. Costly presented the report on the renewal of licenses and permits. See Attachment 1, Section D</p> <p>9. C. Anderson presented the request for approval of the technician training program submitted by Joppa Road Pharmacy.</p> <p>10. C. Anderson presented the request for approval of the technician training program submitted by Caroline Pharmacy.</p>	<p>7. Motion: Motion by the Licensing Committee to routinely issue a letter to applicants with an undisclosed criminal history requesting an explanation of the information contained in the CJIS report. The letter to contain a deadline for a response . Applications would be considered incomplete and the application will expire after one (1) year.</p> <p>D. Chason seconded the motion.</p> <p>9. Motion: Motion by the Licensing Committee to approve the training program developed by Joppa Road Pharmacy.</p> <p>R. Zimmer seconded the motion.</p> <p>10. Motion: Motion by the Licensing</p>	<p>7. Board Action: The Board voted to approve the motion.</p> <p>Action Item: L. Bethman to approve the letter.</p> <p>9. Board Action: The Board voted to approve the motion.</p> <p>10. Board Action: The Board voted to approve the motion.</p>

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>11. C. Anderson presented the request for approval of the application of Harlem Gardens Pharmacy to serve as both a Repository and a Drop Off site for the pharmaceuticals return program.</p> <p>12. C. Anderson requested information regarding the expiration of CDS permits issued by the Division of Drug Control. Permits currently expire based on the month that is equivalent to last number on the license. There is a thirty (30) day notification and there is no penalty imposed by the Division of Drug Control for late an application, although a permit holder may not legally handle controlled substances without a valid permit.</p>	<p>Committee to approve the training program developed by Caroline Pharmacy.</p> <p>L. Israbian-Jamgochian seconded the motion.</p> <p>11. Motion: Motion by the Licensing Committee to approve the designation of Harlem Gardens Pharmacy as a Repository and a Drop Off site. L. Israbian-Jamgochian seconded the motion.</p>	<p>11. Board Action: The Board voted to approve the motion.</p>
<p>XIII. Disciplinary Committee</p>	<p>Rodney Taylor, Chair Ann. Taylor, Compliance Officer</p>	<p>R. Taylor presented the Disciplinary Committee's monthly statistics for October 2008. See Attachment 1, Sections A and C.</p>		
<p>XIV. Long Term Care</p>	<p>Mayer Handelman, Chair</p>	<p>1. M. Handelman reported that the new Comprehensive Care Facility regulations have been completed by the Workgroup and will be submitted to the Practice Committee in December 2008.</p> <p>2. M. Handelman reported that the workgroup will begin review and revision of pharmacy service regulations for Assisted Living Facilities beginning in January 2009.</p> <p>3. M. Handelman reported that the AELR is reviewing the regulations proposed by the Office of Health care Quality (OHCQ) for Assisted Living facilities and that final approval is expected.</p> <p>4. M. Handelman reported that the he and C. Anderson attended the Delmarva Foundation meeting in November.</p>		

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		<p>5. M. Handelman reported that an article on drug therapy management was published in the <i>Sunpapers</i> and recommended that Commissioners read the article.</p>		
VI. New Business	Michael Souranis, Treasurer	<p>1. M. Souranis presented a spreadsheet that had been approved by the Executive Committee for submission to the full Board. The increased cost of staff for the technician registration program and the Board inspection of pharmacies require that consideration be given to increasing fees. M. Souranis presented the details of the Board's revenues and expenses and asked Commissioners to review the options regarding fee increases. The spreadsheet will be distributed electronically to all Commissioners.</p> <p>2. D. Taylor explained the need to purchase automobiles for use by the inspectors and the additional impact that expense will have on the Board expenditures.</p> <p>3. D. Taylor reported that the final proposal must be submitted to the AELR by February 2009 to become effective in fiscal year 2010.</p> <p>4. D. Chason requested that P. Gaither verify all of the numbers of registrants to assure the accuracy of the revenue estimates.</p>	<p>2. Motion: M. Souranis made a motion to approve the purchase of additional automobiles for the inspectors.</p> <p>R. Zimmer seconded the motion</p>	<p>Action Item: Commissioners to review the Revenue and Expense Report and be prepared to vote on the fee structure at the December Board meeting.</p> <p>2. Board Action: The Board voted to approve the motion.</p> <p>P. Gaither to verify all of the numbers of registrants to assure the accuracy of the revenue estimates.</p>
XVI. Adjournment	Donald Taylor, Board President	<p>D. Taylor asked for a motion to close the Public Meeting.</p> <p>The Public Meeting was adjourned at 12:27 P.M.</p>	<p>Motion: M. Handelman made a motion to close the Public Meeting.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	<p>Board Action: The Board voted to approve closing the Public Meeting.</p>

StateStat Statistics	Reporting Period					
	Jun-08	Jul-08	Aug-08	Sep-08	8-Oct	Total 2009
SECTION A -LICENSING COMMITTEE						
Number of Current Licensees	20,361	21,219	21,984	22,896	22,953	N/A
Number of Active Licensees	11,598	12,426	12,491	14,112	14,267	N/A
Number of Inactive Licensees	519	520	551	493	356	N/A
Number of Pharmacist Licensees	14,045	14,138	14,159	14,102	14,251	N/A
Number of Pharmacy Establishment Licenses	3,169	3,175	3,179	3,208	3,222	N/A
Number of Distributor Licenses	2,052	2,062	2,077	2,094	2,109	N/A
Number of Pharmacy Technician Licensees	1,095	1,844	2,569	3,452	3,371	N/A
Number of Non-renewed Licensees	8,244	8,273	8,312	8,237	8,330	N/A
Number of New Applications Received	1,174	982	895	228	152	N/A
Number Out-of-State Applications Received	108	112	71	-	55	346
Number of Out-of-State Applicants Approved	55	84	35	-	80	254
Number of Foreign Applications Received	8	13	14	-	15	50
Number of Foreign Applicants Approved	73	94	6	8	5	186
Number of License Renewals Current	310	339	333	344	352	1,678
Number of Formerly Inactive or Reinstated Licenses	10	17	17	18	10	72
SECTION B-DISCIPLINARY COMMITTEE						
Complaints--Summary						
Number of Complaints Received	13	7	14	5	11	50
Boundaries (Harassment)	1	-	-	-	-	1
Drugs/Alcohol	2	1	-	1	-	4
Fraud	2	1	2	-	-	5
Standard of Care	7	3	6	1	6	23
Other	1	2	6	1	5	15

Number of Complaints Closed Administratively	-	-	-	-	-	-
Number of Investigations Initiated	13	7	14	5	11	50
Number of Investigations Pending	16	23	17	9	7	72
Number of Complaints Adjudicated by the Board	12	10	7	13	13	55
Number of Complaints where Board investigated complaint and took no formal or informal action	-	1	3	9	8	21
Number of Complaints where Board referred the case for prosecution	8	6	2	3	-	19
Number of Complaints Adjudicated within Goal	12	10	7	7	9	45
Number of Complaints Pending Action by the Board (unresolved)	2	-	2	2	2	8
Number of Complaints Referred by Board to another agency	2	1	-	-	-	3
Attorney General's Office						
Number of Complaints Awaiting Action from Board Counsel	-	-	-	-	-	-
Number of Complaints Awaiting Action for more than 30 days	-	-	-	-	-	-
Number of Complaints Awaiting Action for more than 60 days	-	-	-	-	-	-
Number of Complaints Awaiting Action for more than 90 days	-	-	-	-	-	-
Number of Complaints Awaiting Action for more than 120 days	-	-	-	-	-	-
Number of Complaints Awaiting Action from Board Prosecutor	3	1	8	5	4	21
Number of Complaints Awaiting Action for more than 30 days	-	-	-	1	1	2
Number of Complaints Awaiting Action for more than 60 days	-	-	-	1	1	2
Number of Complaints Awaiting Action for more than 90 days	-	-	-	1	1	2
Number of Complaints Awaiting Action for more than 120 days	1	1	1	1	1	5
Audit/Quality Assurance						
Number of Licensees Reviewed	32	38	37	35	37	179
Number of Patient Records Reviewed	-	-	-	-	-	-
Number of Inspections/surveys conducted	82	79	70	83	106	420
Disciplinary Action--Summary						

Formal Actions Taken by Board	3	5	5	2	3	18
Number of Fines	-	2	2	2	1	7
\$ Amount of Fines	-	3,000	1,000	10,000	3,000	17,000
Number of Probations	1	-	-	-	-	1
Number of Suspensions	-	3	3	1	1	8
Number of Licenses Revoked	2	1	-	-	-	3
Number of Letters of Reprimand	-	-	-	-	-	-
Informal Actions Taken by Board	6	-	3	10	7	26
Number of Cease and Desist Letters	-	-	1	2	-	3
Number of Letters of Admonishment	3	2	-	3	1	9
Number of Letters of Education	3	2	2	2	2	11
Other	-	-	2	3	4	9
Post Adjudicatory Compliance						
Number of Cases under Supervision	13	12	12	-	-	37
SECTION C-COMPLIANCE						
Board Statistics						
Inspection Report						-
Regular Inspections						-
Retail/Community				67	51	118
Long Term Care				1	-	1
Hospital				2	-	2
Waivered				1	-	1
Distributor				-	-	-
Opening Inspections						
Retail/Community				6	5	11

Long Term Care				-	-	-
Hospital				-	1	1
Waivered				2	6	8
Distributor				-	-	-
Closing Inspections						
Retail/Community				-	4	4
Long Term Care				-	-	-
Hospital				-	-	-
Waivered				-	-	-
Distributor				-	-	-
Special Investigations				-	3	3
Self Referred Pharmacists	13	13	14	15		N/A
Self Referred technicians	1	-	2	2		N/A
Referred Pharmacy Students	2	2	2	2		N/A
Self Referred transferred to Board of Pharmacy	-	-	-	-		N/A
Board Cases Requesting PEAC Assistance	8	6	6	6		N/A
New Cases This Month						N/A
Pharmacist	1	1	2	1		5
Student	-	-	-	-		-
Technician	-	-	-	-		-
Client Discharges	-	-	-	-		-
Drug Tests Ordered	44	42	46	42		174
Number of Positive Results	-	-	-	1		1
Total Combined Cases Being Monitored by PEAC	24	21	24	25		N/A
Cases under Board Monitoring	13	13	13	13		
Drug Tests Ordered	30	30	30	30		120

Number of Positive Results	-	-	-	1		1
SECTION E LICENSING COMMITTEE REPORT(CONTINUED)						
Reinstatements						
Less then 2 Years	16	8	17	17		58
2 to 5 Years	1	-	-	1		2
5 + Years	-	-	-	-		-
Vaccine Certifications						
Received To Date	278	278	334	385	461	N/A
Renewed This Month	13	13	13	13	8	60
Certified This Month	7	7	26	77	47	164
Pending This Month	12	12	42	16	45	127
Total Certified To Date	246	266	292	369	416	1,589
Pharmacy Technicians						
Applications for Grandfathered Status	1,409	1,409	1,489	1,527	1,548	N/A
Applications for Nationally Certified	2,028	2,028	2,088	2,216	2,286	N/A
Applications for Student Exemption	196	196	241	251	256	N/A
Applications received	3,633	3,633	3,818	3,994	4,090	N/A
Registered To Date		2,080	2,569	3,122	3,371	N/A
Registrations Pending		1,553	1,249	872	719	N/A
Technician Training Programs						
Total Programs Submitted	21	N/A	21	N/A	23	#VALUE!
Total Programs Approved	7	N/A	8	N/A	12	#VALUE!
Total Pending Review	11	N/A	4	N/A	11	#VALUE!
						-

						-
New Pharmacies						
New In State	2	4	3	2	2	13
New Out of State	2	4	8	5	9	28
New Waiver	-	1	1	1	-	3
Total; New Pharmacies	4	9	12	8	11	44
Closed Pharmacies						
Closed In State	1	-	4	2	1	8
Closed Out of State	-	1	2	1	1	5
Closed Waiver	-	2	1	-	-	3
Total Closed Pharmacies	1	3	7	3	2	16
Total In State Pharmacies	1,134	1,119	1,133	1,119	1,120	N/A
Total Out of State Pharmacies	112	366	373	370	378	1,599
Total Waivered Pharmacies	103	112	102	113	113	543
Total Pharmacy permits	1,349	1,597	1,608	1,602	1,611	7,767
Distributors						
New in State	1	-	-	1	1	3
New Out of State	8	3	15	11	12	49
Total New Distributors	9	3	15	12	13	52
Closed Distributors						
Closed In State	-	-	-	1	-	1

Closed Out of State	-	-	-	1	-	1
						-
Total In State Distributors	167	190	187	190	191	925
Total Out of State Distributors	726	649	741	659	671	3,446
Total Distributors	893	839	928	849	862	N/A
Rx Repository Program						
Applications received	5	3	6	-	3	17
Applications Approved	-	-	-	-	1	1
Applications Pending	1	-	10	-	1	12
Applications Withdrawn	-	-	-	-	1	1
Total Repositories	1	-	10	-	3	14
Drop Off Sites						-
Applications received	-	-	-	-	4	4
Applications pending	-	-	-	-	1	1
Applications Approved	-	-	-	-	1	1
Drug Therapy Management Protocols						
Total Applications Received	8	-	8	8	8	32
Applications Approved	4	-	4	4	4	16
Applications Not Approved	3	-	3	3	3	12
Applications pending	1	-	1	1	1	4
SECTION F-MANAGEMENT INFORMATION SYSTEMS REPORT	505	494	333	285	398	2,015
Number of e-mails received	18,180	15,281	12,832	12,707	13,688	72,688
Number of website visitors						

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