

**Maryland Board of Pharmacy
Public Meeting
Minutes
Date: February 18, 2009**

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	x		7	1
Bradley-Baker, L.	Commissioner	x		7	1
Chason, D.	Commissioner/Secretary	x		8	0
Finke, H.	Commissioner		x	7	1
Handelman, M.	Commissioner	x		7	1
Israbian-Jamgochian, L.	Commissioner	x		8	0
Leandre, A.	Commissioner	x		8	0
Matens, R.	Commissioner	x		7	1
Souranis, M.	Commissioner/Treasurer	x		7	1
Taylor, D.	Commissioner/President	x		8	0
Taylor, R.	Commissioner	x		7	1
Zimmer, R.	Commissioner	x		7	1
Bethman, L.	Board Counsel	x		7	1
Gibbs, F.	Board Counsel	x		1	0
Banks, T.	MIS Manager	x		7	1
Costley, S.	Licensing Manager		x	6	2
Eversley, C.	Compliance Investigator	x		7	1
Gaither, P.	Administration and Public Support Manager	x		7	1
Goodman, S.	Public Information Officer	x		6	2
Jeffers, A.	Legislation/Regulations Manager	x		8	0
Naesea, L.	Executive Director	x		8	0
Simmons, L.	Executive Secretary	x		5	2
Taylor, A.	Compliance Officer	x		8	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	<p>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.</p> <p>2. D. Taylor reported that L. Naesea and A. Jeffers will be leaving early to testify at legislative hearings in Annapolis.</p>		
II. Executive Director	LaVerne Naesea, Executive Director	<p>1. L Naesea reported that the final audit report was received. The final report contained three recommendations.</p> <p>a. Employees may not have unrestricted access to sections of the Board databases after they have been transferred to a new position. New procedures have been developed that will only provide access by title instead of name to assure separation of duties based on the recommendations in the audit report.</p> <p>b. The Board responded to the issue of the delay in implementation of the technician regulations with a detailed explanation to the auditors.</p> <p>c. The Board worked with other Boards to develop a check and balance process to assure that the handling of cash payments met the recommendations outlined in the audit report.</p>		

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		<p>2. L Naesea reported on the results of the DHMH Taskforce on operations of the licensing boards. The recommendations resulted in the development of legislation-(HB 1275). The bill contains some provisions that were not addressed or recommended in the Task Force report. The report addressed diversity in board memberships, the appointment of commissioners, cultural competency training, confirmation by the Secretary of DHMH of the appointment of executive directors, restrictions on the scope of subpoena powers, recommendations for the composition and functions of Disciplinary Committees, requirements for sharing the results of peer reviews with respondents, requirements for the development of board guidelines on sanctions, immediate posting of public orders on board websites, changes to the role of the board counsels, development of advocates for professionals appearing before boards and changes to the funding restrictions for personnel that the boards are authorized to hire.</p> <p>3. L. Naesea reported that the fourth Inspector position has been approved, but may be abolished as a consequence of the D.H.M.H. personnel reductions mandated by the Governor's office.</p> <p>4. L Naesea apologized to the Commissioners for the recent technical problems with the public website and the delays in making Board packets available on the internal website.</p> <p>5. L. Naesea explained the circumstances of the closure of the Board's office due to the recent power failure on February 12, 2009.</p> <p>6. T. Banks reported that the D.H.M.H. server at the Maryland Archives failed, and that a backup server has now been installed in the Patterson Avenue building.</p> <p>7. C. Anderson recommended that the Board staff convert to existing downtime procedures during slow periods to test the procedures currently in place to provide continuity of operations.</p>		
III. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager	<p><u>A. Maryland Regulations</u></p> <p>1. A. Jeffers reported on the status of COMAR 10.34.17, Waiver of Full Service Requirements for Recognized Pharmaceutical Specialties. Secretary Colmers signed the proposal on 01/23/2009 after receiving the Board's letter of explanation. The proposal will move to the AELR. The proposal will be published in the Maryland Register on March 27, 2009 for the 30 day comment period.</p> <p>2. A. Jeffers reported on the status of COMAR 10.34.19, Sterile Pharmaceutical Compounding, Published December 5, 2008. Notice of Final Action was signed and submitted on January 8, 2009. The proposal will be effective on February 23, 2009.</p> <p>3. A. Jeffers reported on the status of COMAR 10.34.20, Format of Prescription Transmission, to be brought before the Board at the March 2009 Board meeting to allow David Sharp from the Maryland Health Care Commission to answer questions.</p>		

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		<p>4. A. Jeffers reported on the status of COMAR 10.34.25, Delivery of Prescriptions. Solicitation of stakeholder's comments will be forthcoming.</p> <p>5. A. Jeffers reported on the status of COMAR 10.34.32, Pharmacist Administration of Vaccinations which was published December 5, 2008. The comments, response and re-proposal were submitted to Board of Physicians and Board of Nursing for approval on 1/23/2009.</p> <p>6. A. Jeffers reported on the status of COMAR 10.13.01, Dispensing of Prescription Drugs by a Licensee, which was submitted to the DHMH on November 20, 2008. The joint response to comments for COMAR 10.13.01 was submitted February 5, 2009.</p> <p>7. A. Jeffers reported on the status of COMAR 10.27.04, Dispensing in Methadone Clinics. The regulations were published on October 24, 2008. The Notice of Final Action was published on January 30, 2009 and will become effective on February 9, 2009.</p> <p>8. A. Jeffers reported on the status of COMAR 10.25.02.02, MHCC User Fee that was published in the Maryland Register January 30, 2009. The regulation reduces the user fee. A. Jeffers recommended that the Board not comment on the recently published reduction in the user fee.</p> <p>9. A. Jeffers reported on the Office of Health Care Quality response to the Board of Pharmacy's comment on COMAR 10.07.05, Residential Service Agencies. M. Handelman requested that A. Jeffers contact Wendy Kronmiller to request that the Board of Pharmacy be included in any future stakeholder meetings.</p> <p><u>B. Legislation</u></p> <p>1. A. Jeffers presented letters and position papers for Board ratification that were submitted to the Legislature in Annapolis.</p> <p>a. HB 83 Health Occupations – Pharmacies – Display of SMARxT Disposal Campaign Poster. The final Letter of Information was revised since the determination of the position at the January 21, 2009 Board Meeting. At that meeting the Board decided that an insert with each prescription would be a more effective way of communicating information concerning disposal of unused medications than a poster placed on the wall of the pharmacy. After the January Board Meeting, the Legislative Committee determined that requiring an insert, with each prescription forever, would be a financial and administrative burden to many retail pharmacies. The Legislative Committee decided to amend the letter so that it would give the retail pharmacy the choice of a poster or an insert.</p> <p>b. SB 242 Pharmacy Permit Holders – Signs for Reporting Incorrectly Filled Prescriptions. The Position Paper supported the legislation, with amendments that included all entities that dispense in Maryland must comply with the sign or written notification. Additional amendments from the Maryland Hospital Association and NACDS were discussed.</p>	<p>a. Motion: R. Zimmer made a motion to ratify the Letter of Information.</p> <p>L. Israbian-Jamgochian seconded the motion.</p> <p>b. Motion: L. Israbian-Jamgochian made a motion to ratify a Position Paper in Support with</p>	<p>9. Action Item: A. Jeffers to contact W. Kronmiller to request inclusion of the Board in stakeholder meetings.</p> <p>a. Board Action: The Board voted to approve the Letter of Information.</p> <p>b. Board Action: The Board voted to approve the Position Paper.</p>

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		<p>c. HB 368/SB 386 Baltimore City Health Department – Overdose Prevention Pilot Program. A Letter of Support was submitted to the Legislature</p> <p>d. SB 229 Public Health – Ephedrine, Pseudoephedrine, or Phenylpropanolamine Purchases – Statewide Electronic Logbook. The Letter of Information expressed concern with the burden on pharmacies and the difficulties with policing the regulations.</p> <p>e. SB 309/HB 252 State Board of Pharmacy – Pharmacy Permit – Term and Renewal. The Board submitted two identical Position Papers in Support with Amendments to clarify when the renewal notice should be sent to permit holders.</p> <p>G. Genn has proposed an amendment allowing licensees to renew up to three months before the expiration date of the license. The Board had no objection to this amendment.</p> <p><u>2. Discussion and approval of Board positions for upcoming Legislation</u></p> <p>a. HB 344-Consumer Protection – Sale or Distribution of Personal Information – Limitations</p> <p>HB 344 restricts the sale and distribution of "personal information" by prohibiting a business from disclosing that information to a third party for compensation. It would specifically prohibit the Board of Pharmacy, as a unit of State Government, from distributing a mailing list of its licensees and permit holders, which it does upon request for no charge. HB 344 would result in no fiscal impact for the Board of Pharmacy because the Board of Pharmacy does not charge a fee for its mailing lists. This legislation, however, conflicts with the Public Information Act. Legislative Committee recommended a Letter of Information similar to the version submitted last year. The Board voted to send a Letter of Information.</p>	<p>Amendments.</p> <p>R. Zimmer seconded the motion.</p> <p>c. Motion: L. Israbian-Jamgochian made a motion to ratify the Letter of Support.</p> <p>R. Zimmer seconded the motion.</p> <p>d. Motion: L. Israbian-Jamgochian made a motion to ratify the Letter of Information.</p> <p>R. Zimmer seconded the motion.</p> <p>e. Motion: R. Matens made a motion to ratify two identical Position Papers in Support with Amendments and that the Board had no objection to this amendment.</p> <p>L. Bradley-Baker seconded the motion.</p> <p>a. Motion: C. Anderson made a motion to ratify the Letter of Information.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	<p>Action Item: Commissioners to provide revisions to A. Jeffers by February 20.</p> <p>c. Board Action: The Board voted to approve the Letter of Support.</p> <p>d. Board Action: The Board voted to approve the Letter of Information.</p> <p>e. Board Action: The Board voted to approve the motion.</p> <p>a. Board Action: The Board voted to approve the Letter of Information.</p>

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>b. HB 635 Criminal Procedure – Occupational Licenses or Certificates – Issuance of a Certificate of Employability. The joint recommendation of the Boards was to oppose the bill in 2008.</p> <p>The purpose of this bill is to encourage the employment of nonviolent ex-offenders by providing a process through which nonviolent ex-offenders may demonstrate fitness for occupational licenses or certifications. Last year the certificate was called a Certificate of Relief from Disabilities. The bill does not apply to licenses issued under the Financial Institutions Article. Last year the Health Occupation Boards did a Joint Position Paper to Oppose.</p> <p>c. SB 700 Pharmacists – Administration of Vaccinations – Expanded Authority</p> <p>The intent of the legislation is to expand the types of vaccinations that may be administered by pharmacists from influenza, pneumococcal pneumonia or herpes zoster to any vaccination that has been determined by the Boards of Pharmacy, Physicians and Nursing to be in the best health interests of the community. The Board of Pharmacy would be responsible for revising COMAR 10.34.32, Pharmacist Administration of Influenza Vaccinations. The Legislative Committee recommends that the Board Support the legislation either in a Letter of Support or a Position Paper that would include testimony at the hearing.</p> <p>d. SB 791/HB 725 Group Model Health Maintenance Organizations – Drug Therapy Management</p> <p>A. Friedman, Legislative Manager for Kaiser Permanente, provided a preview of the legislation at the December Board Meeting. Group Model Health Maintenance Organizations would be exempt from preparing a Therapy Management Contract signed by the physician, pharmacist and patient. The Group Model Health Maintenance Organization would still be required to obtain approval from the Joint Committee for any physician-pharmacist agreement. The Legislative Committee recommended a Letter of Support.</p> <p>A. Friedman reported that the bill would still require compliance with the remainder of the Drug Therapy Management Program’s requirements.</p> <p>e. HB 756 Cultural and Linguistic Health Care Provider Competency Program</p> <p>HB 756 establishes a voluntary program in which classes are offered to teach health care providers more effective methods of communication, focusing on different cultural beliefs and practices improving health literacy with regard to patients with different backgrounds. There is no impact on the Board of Pharmacy, or its licensees, because pharmacists are not included in the definition of "Health Care Provider" as defined in the bill. The Legislative Committee recommended no position.</p> <p>f. HB 828 Montgomery County – No So-Called Sexual Stimulants Pills For Kids Act MC 908-09. The bill was withdrawn.</p>	<p>b. Motion: D. Chason made a motion to Board voted to join the other Health Occupations Boards in opposition to HB 635.</p> <p>C. Anderson seconded the motion.</p> <p>c. Motion: C. Anderson made a motion to send a Letter of Support for the legislation.</p> <p>R. Zimmer seconded the motion. Motion:</p> <p>d. Motion: C. Anderson made a motion to send a strong Letter of Support for the legislation.</p> <p>R. Zimmer seconded the motion.</p> <p>e. Motion: L. Israbian-Jamgochian made a motion send a Letter of Support for the legislation.</p> <p>M. Souranis seconded the motion.</p>	<p>b. Board Action: The Board voted to approve the motion.</p> <p>c. Board Action: The Board voted to approve the motion.</p> <p>d. Board Action: The Board voted to approve the motion.</p> <p>e. Board Action: The Board voted to approve the motion.</p>

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		<p>g. HB 920 No So-Called Sexual Stimulant Pills for Kids Act HB 920 prohibits the sale to minors of products labeled and marketed as sexual stimulant pills. There is no impact on the Board of Pharmacy. Legislative Committee mentioned that bill should include the names of products.</p> <p>h. SB 881 Maryland Health Systems Act of 2009 SB 881 establishes a Maryland Health System to provide:</p> <ul style="list-style-type: none"> • Health care to all residents that is not dependent on employment; • Patient choice; • A comprehensive and coordinated system of health care; • Public financing of health care services. • Reduction of costs • Reduction in medication errors • Reduction in health care provider shortages <p>The legislation establishes a Health Policy Board to provide comprehensive benefits. The legislation does not include a pharmacist on the panel. The Legislative Committee recommended amending the bill to include a pharmacist on the Health Career Policy Board.</p> <p>The Board voted to submit a Letter of Support with Amendments, instead of a Position Paper in Support with Amendments, because it would be difficult to get a Board Member to testify due to Board Committee meetings the day of the hearing.</p> <p>i. HB 951/SB 813 Health Care Affordability Act of 2009 The bill provides for an evidence based prescriber outreach program. The Board of Pharmacy is included in this bill and would perform a similar role to HB 574 Prescription Drugs – Evidence Based Prescriber Education and Outreach Program. The Board took no position on earlier legislation which was dedicated to a similar a program.</p> <p><u>Addendum of bills introduced between February 13, 2009 and February 17, 2009.</u></p> <p>j. HB 1195 Prescription Drugs – Wholesale Drug Distribution – Surety Bond Requirements HB 1195 alters the surety bond requirement under the Wholesale Distribution Permitting and Prescription Drug Integrity Act by making the surety bond payable to the Maryland Board of Pharmacy and establishing a two tiered fee structure for the surety bond depending on the annual gross receipts of the applicant.</p> <p>A \$100,000 surety bond would be required if the annual gross receipts of the applicant for the previous tax year were \$10,000,000 or more; or \$50,000 if the annual gross receipts of the applicant for the previous tax year were less than \$10,000,000. There is no fiscal impact on the Board of Pharmacy since all applicants would pay the same application fee.</p>	<p>g. Motion: D. Chason made a motion to take No Position.</p> <p>L. Israbian-Jamgochian seconded the motion.</p> <p>h. Motion: C. Anderson made a motion to The Board voted to submit a Letter of Support with Amendments.</p> <p>D. Chason seconded the motion.</p> <p>i. Motion: R. Matens made a motion to take No Position on the legislation.</p> <p>R. Taylor seconded the motion.</p> <p>j. Motion: D. Chason made a motion to send a Position Paper in Support without an amendment relating to the resubmission of the surety bond.</p> <p>M. Souranis seconded the motion.</p>	<p>g. Board Action: The Board voted to approve the motion.</p> <p>h. Board Action: The Board voted to approve the motion.</p> <p>i. Board Action: The Board voted to approve the motion.</p> <p>j. Board Action: The Board voted to approve the motion.</p>

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		<p>A. Jeffers asked if the Board would like to offer an amendment to cover those already bonded, but who also meet the requirements for the lower surety bond amount. The suggested amendment language follows:</p> <p>“After demonstrating eligibility for a lower bond amount, the permit holder may rescind an existing surety bond and submit evidence of a surety bond at the current eligible amount.”</p> <p>The Board voted that it was not necessary to add an amendment which would allow permit holders to rescind an existing bond and resubmit another bond at the current eligible amount.</p> <p>k. HB 1275 Health Occupation Boards – Revisions</p> <p>This is the result of the Task Force on Discipline of Health Care Professionals and Improved Patient Care. Each section reflects the Task Forces’ recommendations. The Board reviewed each section and suggests 5 amendments:</p> <ol style="list-style-type: none"> 1. 1-602 – Limiting the scope of the subpoena– The Board objected to this provision because the investigator may not have all the facts and/or the consumer who filed the complaint may not know the full scope of the violations. 2. 1-603 – Disciplinary Subcommittee – The Board objected to this provision because it would place a heavy workload on a small number of Board Members, and would make it difficult to obtain a quorum with the exclusion of the Commissioners on the Subcommittee. 3. 1-605 – Peer Review – The Board objected to this provision because it would leave too much room for the licensee to influence the peer reviewer. 4. 1-608 – Web posting and removal of Disciplinary Sanctions – The Board objected to this provision because it would be impractical to keep the website current at all times and may even require the hiring of an additional staff member. 5. 1-801 – Creation of positions – The Board supports this section as it facilitates the hiring of staff at the discretion of the Board. <p>l) HB 1310 State Government - Access to Public Records – Photographs</p> <p>This legislation was not available on the MLIS website at this</p>	<p>k. Motion: D. Chason made a motion Board voted to join the other Health Occupations Boards with a Position Paper in Support with Amendments.</p> <p>R. Matens seconded the motion.</p>	<p>k. Board Action: The Board voted to approve the motion.</p>
IV. Practice Committee	<p>Reid Zimmer, Chair</p> <p>Anna Jeffers, Legislation and Regulation Manager</p>	<p>A. A. Jeffers reported on the status of regulations that are currently undergoing revisions by the Practice Committee.</p> <ol style="list-style-type: none"> 1. COMAR 10.34.23: Pharmaceutical Services to Residents in Long-Term Care Facilities will be presented to the Practice Committee in February. 2. COMAR 10.34.28: Automated Medication Systems is being revised and will be presented to the Board in April. <p>B, A. Jeffers reported on Public Inquiries received by the Practice Committee.</p> <p>Alice Dunham asked for information on what changes may be made to Schedule II prescriptions when the physician is not available to approve changes.</p> <p>Discussion ensued concerning the draft response. D. Taylor indicated that the pharmacist could substitute the amount prescribed if the total milligrams were the</p>		<p>B. Board Action: D. Taylor referred the issue back to the Practice Committee for further research and input from the DEA regulations.</p>

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		same as the original prescription. Other Commissioners recommended that the pharmacist dispense an emergency supply and verify the change within 72 hours. The Board recommended that this response be returned to the Practice Committee for revisions.		
V. Approval of the Minutes	Donald Taylor, Board President	<p>D. Taylor requested additional or corrections to the Minute for January 21, 2009.</p> <ol style="list-style-type: none"> 1. Page 2, Section I, Discussion, change "Department of Health" to "Health Department." 2. Page 2, Section I, Discussion, following "naloxone" add "prescriptions." 3. Page 2, Section II, Motion, Item 1, Remove "as amended." 4. Page 3, Section II, Discussion, remove "Continued for previous page." 5. Page 3, Section II, Motion, Item 2a, change "ratify", to "approve". 6. Page 5, Section II, Motion, add "motion decision in the motion column". 7. Page 5, Section II, Motion, Item 3, remove "M. Souranis was recused" and add "C. Anderson and M. Handelman were recused." 8. Page 7, Section II, Motion, Item 5-1, change "ratify the" to " send." 9. Page 7, Section II, Item 5-2, remove "Continued for previous page". 10. Page 8, Section VI, Item 2-a, Change "thee" to "the." 11. Page 9, Section VI, Item2c, add "legislative." 12. Page 11, Section X, Item 1, remove "continuing." 13. Page 11, Section X, Item 1, change "discussions" to "discussion." 14. Page 11, Section X, Item 2, add ", 2009" 15. Page 11, Section X, Item 2, add "School of Pharmacy." 16. Page 11, Section X, Item 2, change "M.P.H.A." to MPhA." 17. Page 11, Section X, Item 2, change V.A. to "V.A. in Baltimore." 18. Page 11, Section X, Item 2, add "NCPIE." 19. Page 11, Section XI, Item 3, change "Clinical" to "Consultant." 20. Page 11, Section XI, Item 3, change " A.S.C.P." to "ASCP". 21. Page 11, Section XI, Item 3, remove "to." 22. Page 13, Section XIV, Item 1, change "first" to "next" and change "was" to "will be." 	<p>Motion: R. Zimmer made a motion to approve the January 21, 2009, minutes as amended.</p> <p>R. Taylor seconded the motion.</p>	<p>Board Action: The Board voted to approve the minutes as amended.</p>
VI. Announcements	Donald Taylor, Board President	<ol style="list-style-type: none"> 1. D. Taylor expressed appreciation to D. Schadt for attending the January meeting to advise the Board during L. Bethman's absence. 2. D. Taylor welcomed Brittany Richardson and Resni George as Board interns. 3. D. Taylor expressed appreciation to Rajesh Katragadda for his time spent assisting MIS with development of the Board's software system. 4. D. Taylor reported on sessions and issues raised during the MPhA Mid-Year meeting that he attended in January 2009: <ol style="list-style-type: none"> a. D. Taylor reported that there was a question from the MPhA attendees regarding technician versus pharmacist C.E's. H. Schiff provided information on the designation of pharmacist and technician courses from ACPE. D. Taylor stated that technicians may receive continuing education credit for programs designated for pharmacists, but pharmacists may not receive continuing education credit for programs designated for technicians. b. The new law on tamper proof prescriptions is in effect. A pharmacist that receives a prescription not on a tamper proof prescription blank may telephone the prescriber for verification. If that is done, the pharmacist must document the phone call on the prescription. c. CDS prescriptions must contain an authorized prescriber 		<p>4.a. Action Item: S. Goodman to develop an article for the Board's Newsletter explaining the rules for approval of continuing education programs.</p>

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		<p>signature.</p> <p>d. On DME supplies – as of now, pharmacies must apply for accreditation and submit a \$50,000 surety bond. Federal legislation has been introduced to exempt pharmacies as is the case with other health care providers.</p> <p>e. Medicare Modernization Act of 2003 requires pharmacy staff training. This federal law was effective January 1, 2009 and requires that the training be completed by December 31, 2009.</p> <p>f. FDA Amendments Act of 2007 will require pharmacies to distribute the statement “Call your doctor for medical advice about side effects. You may report side effects to FDA at 1-800-FDA-1088” with each dispensed prescription and becomes effective on July 1, 2009.</p> <p>g. OIG concerns were noted – the time frame for an individual on the OIG list may not be concurrent with the Boards’ timeframe, and there is no routine procedure in place to allow for the removal of an individual from the list.</p> <p>h. HHS has issued their 2/19/2008 Final Rule which states that pharmacists and staffs must submit a written verification stating that they comply with the federal ‘conscience clause’ regulations</p> <p>5. MPhA sponsored an Open House at the Kelly Building on February 7, 2009 to celebrate the history and closing of the Kelly Building as the headquarters of MPhA.</p> <p>6. The Maryland Pharmacy Coalition sponsored the annual Pharmacy Legislative Day in Annapolis on February 12, 2009. H. Schiff reported that approximately 200 pharmacy students attended and that the legislators are now looking for the “white coats” each year during the legislative session.</p> <p>7. L. Bethman introduced Francesca Gibbs, a new Staff Attorney who will assist with Board activities, including staff support for the Licensing and Practice Committees.</p>		
VII. Inspection Program Report	Ann Taylor, Compliance Officer	1. A. Taylor presented the January Compliance monthly statistics for the Board. See Attachment 1, Section C.		
VIII. PEAC Report	Anthony Tommasello, PEAC	<p>1. A. Tommasello presented the January PEAC monthly statistics for the Board. See Attachment 1, Section D.</p> <p>2. A. Tommasello expressed concern about the possibility of a client under Board Consent Order and in a voluntary program with PEAC being able to opt out of the PEAC program and then begin to practice in another state. L. Bethman indicated that the respondent would be required to report the status to the other state, and that the other state would need to take appropriate action under the law.</p> <p>3. D. Taylor reported that A. Tommasello and G. Cohen met with L. Naesea and Pat Gaither and Board Commissioners, D. Taylor, H. Finke, M. Handelman, and D. Chason on January 28, 2009 to complete negotiations on the plan for funding additional PEAC clients.</p>		
IX. Management Information Services	Tamarra Banks, MIS Manager	1. T. Banks presented the January MIS monthly statistics for the Board. See Attachment 1, Section F.		

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		<p>2. T. Banks reported that the DHMH server failed and that a backup server has been installed in the Patterson Avenue building.</p> <p>3. T. Banks reported that R. Katragadda will be leaving the Board's software development project on February 28, 2009. He will be replaced by a part time Towson University graduate student.</p> <p>4. T. Banks reported that the Cash Handling and Licensing modules are working, and that the Disciplinary module is being tested. All inspection forms have been entered into the software system and will be reviewed by T. Banks and A. Taylor.</p> <p>5. T. Banks reported that the alternate server for disaster recovery has not been installed yet and that full network connectivity has not yet been completed at the Patterson Avenue offices.</p> <p>6. D. Taylor requested that the front page of the Board website be restructured to reduce the complexity of use.</p>		<p>6. Action Item: Public Relations Committee to review the functionality of the front page of the website and recommend changes to the Board.</p>												
<p>X. Administration & Public Support</p>	<p>Patricia Gaither, Administration and Public Support Manager</p>	<p>1. P. Gaither reported that the time period for the closing of applications for the last pharmacist inspector position is scheduled for February 23, 2009.</p> <p>a. P. Gaither stated that DHMH is trying to eliminate that position to satisfy a portion of the Governor's mandate for reduction of personnel in the budget.</p> <p>2. P. Gaither announced that the B. Richardson will serve as the temporary staff member while L. Simmons is on leave.</p> <p>3. P. Gaither reported that the Board is scheduled to receive at least one of the vehicles that were requested for use by the inspectors (I'm not sure if this was the statement made).</p> <p>4. P. Gaither stated that starting with the month of February, the Administration and Public Support unit will report their statistics to the Board.</p> <p>5. P. Gaither presented the January APS monthly statistics as follows:</p> <table border="1" data-bbox="575 1143 1394 1297"> <thead> <tr> <th>Type</th> <th>Statistics</th> </tr> </thead> <tbody> <tr> <td>Cash Mail</td> <td>827</td> </tr> <tr> <td>Emails opened and distributed</td> <td>559</td> </tr> <tr> <td>Expense Reports</td> <td>22</td> </tr> <tr> <td>PIA Reports</td> <td>58</td> </tr> <tr> <td>Fiscal Notes</td> <td>5</td> </tr> </tbody> </table>	Type	Statistics	Cash Mail	827	Emails opened and distributed	559	Expense Reports	22	PIA Reports	58	Fiscal Notes	5		
Type	Statistics															
Cash Mail	827															
Emails opened and distributed	559															
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PIA Reports	58															
Fiscal Notes	5															
<p>XI. Public Relations Committee Report</p>	<p>Summar Goodman, Public Information Officer</p>	<p>1. S. Goodman reported that the first meeting of the Acetaminophen Task Force was held on February 11, 2009. Eleven members attended. The Task Force plans to develop four (4) work groups to facilitate completion of the assignment.</p> <p>2. S. Goodman reported that the magazine format of the BOP Newsletter is scheduled to begin in July 2009. The contract has been reviewed by L. Bethman and P. Gaither, and has been forwarded to the Maryland Contracts department for review and approval.</p>														

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>3. S. Goodman reported that the new Board logo has been completed and will be used in the Spring Newsletter and on the Board's website. The next Public Relations Committee meeting will address the priorities for the front page of the website.</p> <p>4. S. Goodman reported that the PR Committee will be investigating the possibility of working with the Maryland Pharmacist Coalition for the Board's October 2009 continuing education program.</p>		
XII Licensing Committee	Cynthia Anderson	<p>1. C. Anderson presented the Licensing Committee statistics for January 2009. See Attachment 1, Section A and E.</p> <p>2. C. Anderson reported that the Committee has been focused on licensing distributors and completing the technician registration process and has developed a question and answer document to assist the staff in responding to the overwhelming number of questions regarding these areas.</p> <p>3. C. Anderson invited L. Bethman, F. Gibbs and H. Finke to the next meeting for the discussion of the issues relating to a licensing issue.</p> <p>4. C. Anderson requested guidance on Committee responses to applicants for approval of training programs that repeatedly fail to correct deficiencies in the programs they submit. D. Taylor recommended that a program be reviewed twice and then notify the applicants of any problems. The Committee should develop a recommendation for a fee structure for Commissioner review time for similar cases.</p> <p>5. C. Anderson presented the Technician Training Program Update with the Committee's recommendation that the Giant-Eagle Pharmacy training program be approved.</p> <p>6. C. Anderson presented the proposed Question and Answer sheet to be posted on the website and for use by the staff in responding to telephone questions.</p>	<p>5. Motion: Motion by the Licensing Committee to approve the Giant-Eagle Pharmacy training program.</p> <p>L. Israbian-Jamgochian seconded the motion.</p> <p>6. Motion: R. Matens made a motion to approve the Question and Answer sheet. D. Chason seconded the motion.</p> <p>Motion: R. Taylor made a motion to amend the</p>	<p>4. Action Item: Licensing Committee to develop recommendations for the resubmission and subsequent rechecking of programs including an optional fee schedule.</p> <p>5. Board Action: The Board voted to approve the Giant-Eagle Pharmacy training program.</p> <p>6. Board Action: The Board voted to approve the Question and Answer sheet.</p> <p>Board Action: The Board voted to approve the amendment to the Question and Answer sheet.</p>

Subject	Responsible Party	Discussion	Motion	Action/Results
			<p>Question and Answer sheet to include information about disciplinary actions.</p> <p>R. Zimmer seconded the motion.</p>	<p>Action Item: T. Banks to post the Question and Answer sheet on the website.</p>
XIII Disciplinary Committee	<p>Rodney Taylor, Chair</p> <p>Ann. Taylor, Compliance Officer</p>	<p>1. A. Taylor presented the Compliance Committee monthly statistics for January 2009. See Attachment 1, Section A and C.</p>		
XIV. Long Term Care	Mayer Handelman, Chair	<p>1. M. Handelman reported on the training programs for the new assisted living facility regulations that were held on January 16, 2009 and February 11, 2009. An additional session is scheduled for March 10, 2009.</p> <p>2. M. Handelman reported that ACPE has scheduled a training session on the new assisted living facility regulations on March 23, 2009.</p> <p>3. M Handelman reported that the new regulations for Comprehensive Care Facilities will be reviewed by the Practice Committee in February and should be available for review by the Board in March.</p>		
XV. Informational	Donald Taylor, Board President	<p>1. D. Taylor reported that L. Naesea, D. Chason and D. Taylor will attend the NABP National meeting in Miami, Florida in May 2009. Resolutions for the meeting will be provided to the Board for a vote in March 2009.</p> <p>2. D. Taylor reported that the NABP office will be soliciting names for nomination to task forces and committees. He asked any Commissioners that would be interested in serving on a NABP committee to notify L. Naesea or himself.</p> <p>3. D. Taylor reported that the Maryland Board will vote on new officers in June 2009 and at that time there will be a vote on new Board representatives to attend NABP meetings.</p>		
XVI. Adjournment	Donald Taylor, Board President	<p>1. D. Taylor asked for a motion to close the Public Meeting and open a Closed Public Session for the purpose of engaging in medical review committee deliberations of confidential matters contained in technician applications in accordance with State Government, Sect. 10-508(a)(13).</p> <p>The Public Meeting was adjourned at 12:08 P.M.</p> <p>2. At 12:36 PM, D. Taylor convened a Closed Public Session to conduct a medical review of technician applications.</p>	<p>1. Motion: R. Zimmer made a motion to close the Public Meeting and open a Closed Public Session.</p> <p>A. Leandre seconded the motion.</p>	<p>1. Board Action: The Board voted to approve closing the Public Meeting and opening a Closed Public Session.</p>

Subject	Responsible Party	Discussion	Motion	Action/Results
		<p>3. The Closed Public Session was adjourned at 12:45 P.M. Immediately thereafter, D. 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.</p>	<p>3. Motion: D. Chason made a motion to adjourn the Closed Public Session. M. Souranis seconded the motion.</p>	<p>3. Board Action: The Board voted unanimously to adjourn the Closed Public Session.</p>

**Department of Health & Mental Hygiene
Board of Pharmacy
Reporting Period: Fiscal Year 2009**

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
SECTION A -LICENSING COMMITTEE									
Number of Current Licensees	0	21219	21984	22896	22953	23075	23120	14529	N/A
Number of Active Licensees	0	12426	12491	14112	14267	14367	12574	14472	N/A
Number of Inactive Licensees	0	520	551	493	356	364	56	57	N/A
Number of Pharmacist Licensees	0	14138	14159	14102	14251	14278	8232	8349	N/A
Number of Pharmacy Establishment Licenses	0	3175	3179	3208	3222	3241	2536	1563	N/A
Number of Distributor Licenses	0	2062	2077	2094	2109	2120	2129	771	N/A
Number of Pharmacy Technician Licensees	0	1844	2569	3452	3371	3436	3607	3789	N/A
Number of Non-renewed Licensees	0	8273	8312	8237	8330	8344	9193	8768	N/A
Number of New Applications Received	0	982	895	228	152	101	135	452	N/A
Number Out-of-State Applications Received	0	112	71	0	55	58	50	63	346
Number of Out-of-State Applicants Approved	0	84	35	0	80	38	35	37	272
Number of Foreign Applications Received	0	13	14	0	15	8	7	10	57
Number of Foreign Applicants Approved	0	94	6	8	5	1	11	3	125
Number of License Renewals Current	0	339	333	344	352	1155	1858	319	4381
Number of Formerly Inactive or Reinstated Licenses	0	17	17	18	10	11	13	12	86
SECTION B-DISCIPLINARY COMMITTEE									
Complaints--Summary									
Number of Complaints Received	0	7	14	5	11	13	13	4	67
Boundaries (Harassment)	0	0	0	0	0	0	0	0	0
Drugs/Alcohol	0	1	0	1	0	1	0	0	3
Fraud	0	1	2	0	0	0	0	0	3

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
Standard of Care	0	3	6	1	6	5	8	1	30
Other	0	2	6	1	5	7	4	3	28
Number of Complaints Closed Administratively	0	0	0	0	0	0	0	0	0
Number of Investigations Initiated	0	7	14	5	11	13	13	4	67
Number of Investigations Pending	0	23	17	9	7	15	0	10	81
Number of Complaints Adjudicated by the Board	0	10	7	13	13	5	11	9	68
Number of Complaints where Board investigated complaint and took no formal or informal action	0	0	0	0	0	0	1	3	4
Number of Complaints where Board referred the case for prosecution	0	6	2	3	0	0	0	3	14
Number of Complaints Adjudicated within Goal	0	10	7	7	9	5	11	8	57
Number of Complaints Pending Action by the Board (unresolved)	0	0	2	2	2	1	0	1	8
Number of Complaints Referred by Board to another agency	0	1	0	0	0	0	1	1	3
Attorney General's Office									
Number of Complaints Awaiting Action from Board Counsel	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 30 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 60 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 90 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 120 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action from Board Prosecutor	3	1	8	5	4	1	1	1	24
Number of Complaints Awaiting Action for more than 30 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 60 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 90 days	0	0	0	0	0	0	0	0	0
Number of Complaints Awaiting Action for more than 120 days	1	1	1	1	1	1	1	1	8
Audit/Quality Assurance									

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
Number of Licensees Reviewed	0	38	37	35	37	35	38	38	377
Number of Patient Records Reviewed	0	0	0	0	0	0	0	0	157
Number of Inspections/surveys conducted	0	79	70	83	85	60	79	86	613
Disciplinary Action--Summary									
Formal Actions Taken by Board	0	5	5	2	3	5	3	1	180
Number of Fines	0	2	2	2	1	2	0	1	166
\$ Amount of Fines	\$0	\$3,000	\$1,000	\$10,000	\$3,000	\$7,500	\$0	\$5,000	\$24,657
Number of Probations	0	0	0	0	0	1	1	0	159
Number of Suspensions	0	3	3	1	1	0	0	0	165
Number of Licenses Revoked	0	1	0	0	0	0	0	0	158
Number of Letters of Reprimand	0	0	0	0	0	1	0	0	158
Informal Actions Taken by Board	0	0	3	10	7	3	9	2	189
Number of Cease and Desist Letters	0	0	1	2	0	0	0	0	160
Number of Letters of Admonishment	0	2	0	3	1	0	0	2	163
Number of Letters of Education	0	2	2	2	2	2	0	0	167
Other	0	0	2	3	4	0	8	0	174
Post Adjudicatory Compliance									
Number of Cases under Supervision	0	12	12	12	12	12	12	11	N/A
SECTION C-COMPLIANCE									
Board Statistics									
Inspection Report									0
Regular Inspections									0
Retail/Community	0	0	0	67	51	52	51	47	221

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
Long Term Care	0	0	0	1	0	1	0	0	2
Hospital	0	0	0	2	0	0	0	1	2
Waivered	0	0	0	1	0	1	1	0	3
Distributor	0	0	0	0	0	0	3	35	3
Opening Inspections	0	0	0	8	12	4	0	1	24
Retail/Community	0	0	0	6	5	2	6	1	19
Long Term Care	0	0	0	0	0	0	0	0	0
Hospital	0	0	0	0	1	1	0	0	2
Waivered	0	0	0	2	6	1	0	0	9
Distributor	0	0	0	0	0	0	0	0	0
Closing Inspections	0	0	0			0	0		0
Retail/Community	0	0	0	0	4	0	0		4
Long Term Care	0	0	0	0	0	0	0		0
Hospital	0	0	0	0	0	0	0		0
Waivered	0	0	0	0	0	0	0		0
Distributor	0	0	0	0	0	0	0		0
Special Investigations	0	0	0	0	3	1	0	2	4
SECTION D-P.E.A.C. REPORT									
Pharmacists' Education and Advisory Council (PEAC)									
Self Referred Pharmacists	13	13	14	15	15	15	15	15	N/A
Self Referred technicians	1	0	2	2	2	2	3	3	N/A
Referred Pharmacy Students	2	2	2	2	2	1	2	2	N/A
Self Referred transferred to Board of Pharmacy	0	0	0	0	0	0	0	0	N/A
Board Cases Requesting PEAC Assistance	8	6	6	6	6	6	6	0	N/A
New Cases This Month								0	
Pharmacist	1	1	2	1	1	2	1	0	9
Student	0	0	0	0	0	0	0	0	0
Technician	0	0	0	0	0	0	0	0	0

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
Client Discharges	0	0	0	0	0	0	0	0	0
Drug Tests Ordered	44	42	46	42	44	46	48	52	312
Number of Positive Results	0	0	0	1	0	1	1	0	3
Total Combined Cases Being Monitored by PEAC	24	21	24	25	24	26	26	26	N/A
Cases under Board Monitoring	13	12	12	12	12	12	12	11	N/A
Drug Tests Ordered	30	30	30	30	27	22	22	29	191
Number of Positive Results	0	0	0	1	0	0	0	0	1
SECTION E LICENSING COMMITTEE REPORT(CONTINUED)									
Licensed Active Pharmacists									
New Licensed this Month		93	45	33	36	20	27	19	
In State		5575	5607	5620	5633	5629		5640	
Out of State		2633	2618	2613	2651	2637		2646	
Total Active Pharmacists		8208	8225	8233	8284	8266	0	8286	
Due to Renew		378	348	376	381	317	338	319	
Paper Renewals		65	61	65	51	54	65	81	
On-Line Renewals		272	263	279	301	243	238	215	
Non-Renewed To-Date		41	24	32	29	20	35	23	
Reinstatements									
Less than 2 Years	16	8	17	17	10	11	13	10	92
2 to 5 Years	1	0	0	1		0	0	2	2
5 + Years	0	0	0	0		0	0	0	0
Vaccine Certifications									
Applications Received To Date	278	278	334	385	461	481	494	494	N/A

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
Renewed This Month	13	13	13	13	8	15	12	17	87
Certified This Month	7	7	26	77	47	36	20	1	220
Pending This Month	12	12	42	16	45	25	20	19	172
Total Certified To Date	246	266	292	369	416	462	474	475	N/A
Pharmacy Technicians									
Applications for Grandfathered Status	1409	1409	1489	1527	1548	1567	1572	1613	N/A
Applications for Nationally Certified	2028	2028	2088	2216	2286	2338	2652	2825	N/A
Applications for Student Exemption	196	196	241	251	256	258	260	267	N/A
Applications received	3633	3633	3818	3994	4090	4163	4484	4705	N/A
Registered To Date		2080	2569	3122	3371	3512	3651	3923	N/A
Registrations Pending		1553	1249	872	719	651	833	782	N/A
Technician Training Programs									
Total Programs Submitted	21	0	21	0	23	23	24	27	N/A
Total Programs Approved	7	0	8	0	12	14	15	16	N/A
Total Pending Review	11	0	4	0	11	0	1	3	N/A
Total Under Re-work						8	8	8	N/A
New Pharmacies									
New In State	2	4	3	2	2	6	2	2	21
New Out of State	2	4	8	5	9	4	7	6	39
New Waiver	0	1	1	1	0	0	0	1	3
Total New Pharmacies	4	9	12	8	11	10	9	9	63
Closed Pharmacies									
Closed In State	1	0	4	2	1	0	0	1	8

StateStat Statistics	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
Closed Out of State	0	1	2	1	1	2	3	1	10
Closed Waiver	0	2	1	0	0	0	0	0	3
Total Closed Pharmacies	1	3	7	3	2	2	3	2	21
Total In State Pharmacies	1134	1134	1133	1132	1133	1139	1141	1132	N/A
Total Out of State Pharmacies	112	367	373	377	385	387	391	329	N/A
Total Waivered Pharmacies	103	103	102	104	104	104	104	102	N/A
Total Pharmacy permits	1349	1604	1608	1613	1622	1630	1636	1563	N/A
Distributors									
New in State	1	0	0	6	1	3	0	2	11
New Out of State	8	3	15	7	12	6	2	13	53
Total New Distributors	9	3	15	13	13	9	2	15	64
Closed Distributors									
Closed In State	0	0	0	1	0	0	0	0	1
Closed Out of State	0	0	0	0	0	2	1	5	3
Total In State Distributors	167	187	187	192	193	196	196	198	N/A
Total Out of State Distributors	726	726	741	748	760	764	765	773	N/A
Total Distributors	893	913	928	940	953	960	961	971	N/A
Rx Respository Program									
Applications received	0	3	3	3	3	3	3	3	N/A
Applications Approved	0	0	0	0	0	1	1	1	N/A
Applications Pending	0	0	2	2	2	1	1	1	N/A
Applications Withdrawn	0	0	1	1	1	1	1	1	N/A

	Reporting Period								Fiscal Year-to-Date
	Jun-08	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Total 2009
StateStat Statistics									
Total Repositories	0	0	3	3	3	3	3	3	N/A
Drop Off Sites									
Applications received	0	0	0	0	4	4	4	4	N/A
Applications pending	0	0	0	0	2	1	1	1	N/A
Applications Approved	0	0	0	0	0	1	1	1	N/A
Applications Withdrawn	0	0	0	0	2	2	2	2	N/A
Total drop Off Sites									
Drug Therapy Management Protocols									
Total Applications Received	8	0	8	8	8	8	8	9	N/A
Applications Approved	4	0	4	4	4	4	5	5	N/A
Applications Not Approved	3	0	3	3	3	3	3	3	N/A
Applications pending	1	0	1	1	1	1	0	1	N/A
SECTION F-MANAGEMENT INFORMATION SYSTEMS REPORT									
Number of e-mails received	505	494	333	285	398	437	468	570	4137
Number of website visitors	18180	15281	12832	12707	13688	6628	11798	11724	92331

