

Maryland Board of Pharmacy
Public Meeting
Minutes
April 21, 2010

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	X		9	1
Bradley-Baker, L.	Commissioner	X		10	0
Chason, D.	Commissioner	X		10	0
Finke, H.	Commissioner	X		9	1
Handelman, M.	Commissioner	X		9	1
Israbian-Jamgochian, L.	Commissioner	X		10	0
Leandre, A.	Commissioner	X		9	1
Matens, R.	Commissioner	X		8	2
Souranis, M.	Commissioner/Treasurer	X		8	2
Taylor, D.	Commissioner/President	X		10	0
Taylor, R.	Commissioner/Secretary	X		9	1
Zimmer, R.	Commissioner	X		9	1
Bethman, L.	Board Counsel	X		10	0
Gibbs, F.	Board Counsel	X		10	0
Banks, T.	MIS Manager		X	6	4
Gaither, P.	Administration and Public Support Manager	X		10	0
Goodman, S.	Licensing Manager	X		6	4
Jeffers, A.	Legislation/Regulations Manager	X		10	0
Naesea, L.	Executive Director	X		10	0
Waddell, L.	Executive Secretary		x	9	1
France, K	Compliance Officer		x	1	1
Seeds, J	PIO	X		2	0

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I. Call to Order & Approval of Minutes	Donald Taylor, Board President	<p>A. D. Taylor called the Public Meeting to order at 9 am.</p> <p>B. D. Taylor requested all meeting attendees to introduce themselves and to remember to sign the guest list before they leave the meeting</p> <p>C. D. Taylor reported that guests will be given packets of materials so that they can follow meeting discussions. He requested that the guests please return the draft packets when they leave the meeting.</p> <p>D. 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>E. Revisions to Minutes: Approval of March 17, 2010.</p>	<p>E. Motion to approve as amended: R Zimmer</p> <p>Second: R Matens</p>	<p>E. Board Action: The Board voted to approve the motion</p>

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II. Meeting Updates	Donald Taylor, Board President	<p>A. Meeting Updates</p> <p>Guest speaker: Charles Sandler from DHMH discussed the plan to sign up a physician as a “pharmacy” for Maryland Medicaid billing purposes. He explained that this is the only way for the billing system to recognize a provider. He also elaborated that the physician would only be reimbursed actual acquisition (AAC) cost and NO FEE if there is a pharmacy within a 10 mile radius. If there is no pharmacy within 10 miles, the physician would be reimbursed AAC plus a fee. DHMH makes the determination on the amount reimbursed. C. Sandler expects the Board to make certain that the physician is following all laws and regulations concerning dispensing.</p> <p>1. M. Handelman attended a NCDPP meeting at the Airport on March 19th on packaging meds for short cycles as opposed to 30 day supplies.</p> <p>2. C. Anderson, L. Bradley-Baker and D. Chason attended the Maryland Patient Safety Conference on March 19, 2010 at the Baltimore Convention Center.</p> <p>3. M. Handelman attended a CE course on March 24th on controlled drugs in assisted living. Program presented by N. Brandt.</p> <p>4. M. Handelman attended a meeting on April 7, 2010 at the Beacon Institute on “Medication & Drugs & Controlled Dangerous Substances Safety in Assisted Living”.</p> <p>5. The NABP Item Writing Workshop was held April 8-9, 2010 at NABP headquarters in Mount Pleasant, Illinois. C. Anderson attended the meeting to draft questions for the MPJE exam.</p> <p>6. The Bill signing for DTM repeal of sunset was held in Annapolis on April 13th. A. Jeffers, L. Naesea, L. Israbian-Jamgochian, D. Taylor attended as Board representatives.</p> <p>7. H. Schiff received an honor on April 14th. He was presented the key to Pharmacy Hall by Dean Eddington.</p> <p>8. L. Bradley-Baker and R. Taylor attended the DTM meeting with the Board of Physicians on April 14th. The Committee is now scheduled to meet regularly on the 2nd Wednesday of each month. LaVerne & LaToya</p>		

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		<p>were also present. Rodney stated good progress was made and 3 protocols were addressed. The Board of Physicians agreed to send a consistent member to the monthly meetings.</p> <p>9. C. Anderson will be leaving May 22 until the 29th for a week working as a pharmacist in Haiti.</p> <p>10. ACPE Evaluation of College of Notre Dame School of Pharmacy Pharm D Program is scheduled for April 27-29, 2010. R. Zimmer will be attending to represent the Board.</p> <p>11. M. Handelman will represent the Board at a meeting at OHCQ on bulk meds in LTC on April 29th</p> <p>12. The Board staff will hold a retreat on May 17-18 at the Maritime Institute.</p> <p>13. The University of Maryland School of Pharmacy will hold their Honors Convocation ceremony on Friday May 21st at 9:30 at the Sheraton Baltimore City Center Hotel. I have been asked to present the Pharmacist's Oath to the graduates.</p> <p>14. NABP will hold its 106th Annual Meeting in Anaheim, CA on May 22-25 2010. L. Israbian-Jamgochian has been awarded a travel grant by NABP to represent the Board.</p> <ul style="list-style-type: none"> a. List of internet Drug Outlets Evaluated and Listed as Not Recommended by NABP b. Proposed amendments to NABP constitution and by-laws c. Internet Drug Outlet Identification Program Progress Report for State and Federal Regulators submitted in April 2010 ---- deals with "rogue" internet websites. d. Update on 2010 NABP Executive Committee nominations <p>15. There will be a conference in Baltimore in June entitled "Pharma Temperature Crossroads". K. France, Pharmacist Compliance Officer will be a speaker. The agenda is still in the planning stage, but the topic is timely from the Board's perspective.</p> <p>16. MPhA's annual conference will be held in Ocean City at the Clarion Resort Fountainebleau Hotel on June 12 – 15. Howard Schiff also mentioned the May 7 groundbreaking for the College of ND School of Pharmacy</p> <p>17. National Conference on Quality Health Care for Culturally Diverse Populations will be held on Oct 18-21, 2010 at Baltimore Renaissance Harborplace L. Bradley-Baker will be attending to represent the Board.</p>		

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		18. C. Anderson stated that the Home Infusion Taskforce will resume on May 5		
III. Executive Director	LaVerne Naesea, Executive Director	<p>A. Staffing Updates- LaVerne announced 1 senior aide had been interviewed and another is scheduled for an interview</p> <p>B. Introduce Darian (U of MD pharmacy student on rotation)</p> <p>C. Maryland Pharmacy Law Book-LaVerne discussed potentially reviewing other suppliers of law books. H. Schiff thinks the Board should consider MPhA law book because it's easier to understand than our current law book.</p> <p>D. Legislation Affecting Board Budget SB 141 (Section 16 \$98,544.00 & 18 \$200,000.00– 72 pages)</p> <p>E. Kim France's mother & family- update from LaVerne</p>	Action Item:	
IV. PEAC Report	Anthony Tommasello, PEAC	<p>A. PEAC monthly statistics for the Board. See Attachment 1, Section D. Tony read the PEAC statistics, 15 monitored cases, 53 urines that were all negative, 1 discharge, and 1 referred to the Board of Pharmacy. Tony also discussed the effect of the job market on impaired pharmacists. Finally the new contract with the Board has been signed and there will be a half day CE at Cross Keys on 9/25/10</p>		
V. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager	<p>A. Maryland Regulations - Status:</p> <p>1. <u>COMAR 10.34.03 Inpatient Institutional Pharmacy.</u> Workgroup established pursuant to the RR&E and is still meeting.</p> <p>2. <u>COMAR 10.34.05 Pharmacy Security; COMAR 10.34.07 Pharmacy Equipment; COMAR 10.34.12 Removal of Expired Prescription Drugs; COMAR 10.34.13 Reinstatement of Expired Licenses For Pharmacists; and COMAR 10.34.15 Licensure By Reciprocity</u> - combined in one proposal.</p> <p>Notice of Final Action submitted on April 1, 2010 for publication with July 1, 2010 Effective Date</p> <p>3. <u>COMAR 10.34.18 Continuing Education for Pharmacists.</u></p> <p>Notice of Final Action submitted on April 7, 2010 for publication with July 1, 2010 Effective Date.</p>		

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		<p><u>4. COMAR 10.34.20 Format of Prescription Transmission.</u></p> <p><u>Submitted to the Department for approval and publication on April 1, 2010.</u></p> <p><u>5. COMAR 10.34.23 Pharmaceutical Services to Residents in Long-Term Care Facilities.</u></p> <p><u>Submitted to the Department for approval and publication on April 7, 2010.</u></p> <p><u>6. COMAR 10.34.25 Delivery of Prescriptions.</u></p> <p><u>To be submitted to the Department for approval and publication.</u></p> <p><u>7. 10.34.28 Automated Medication Systems.</u></p> <p><u>Re-proposal submitted to the Department for approval and publication on April 12, 2010.</u></p> <p><u>8. COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee.</u></p> <ul style="list-style-type: none"> • Submitted to DHMH 11/20/08 • Comments received from Physicians, Dentists, Podiatrists. JOINT Response sent 02/05/09 and ratified at 02/18/09 Bd Mtg. Met with DDC 03/26/09. Hold until mid-May for DDC to complete inspections. Anna Jeffers sent follow-up e-mail to DDC on May 26, 2009. DDC responded that they were working with appropriate Boards. • Bd of Physicians response 03/09/09. • Bd of Pharm response 04/07/09. • Bd of Physicians response 4/28/09. • Bd of Pharm response 07/16/09. • Bd of Physicians response 07/27/09. • Bd of Pharm response 08/12/09 	<p>6. Motion to Approve: R. Zimmer</p> <p>Second: D. Chason</p>	<p>6. Board Action: The Board voted to approve the motion</p>

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		<p>Joint Meeting was held on September 10, 2009. Update provided by LaVerne Naesea at the Sept. 16, 2009 Board Meeting.</p> <p>DHMH, Chief of Staff Kronmiller requested additional information in follow-up to September 10, 2009 meeting.</p> <p>Email sent to Wendy on November 4, 2009 indicating the Board's concerns.</p> <p>Update on Consumer Survey sent 12/14/10. Anna Jeffers spoke to Wendy Kronmiller 1/29/10 and her review of the survey will be forthcoming after the session</p> <p>LaVerne sent e-mail reminder to Wendy on April 9, 2010.</p> <p>B. Legislation:</p> <p>Position Papers and Letters for Ratification:</p> <p>SB 86 Correctional Services – Medication for Chronic or Acute Medical Condition – Waiver of Liability</p> <p>Support with Amendment</p> <p>SB 291 Health Occupations Boards – Revisions</p> <p>Support with Amendment</p> <p>SB 163 State Board of Pharmacy – Wholesale Distribution Permitting and Prescription Drug Integrity Act – Revisions</p> <p>Support with Amendments</p> <p>165 Health Occupations – Therapy Management Contracts – Repeal of Sunset</p> <p>Support with Amendments</p> <p>HB 411 Statewide Advisory Commission on Immunizations – Membership, Duties, and Sunset Repeal</p>	<p>Motion to Approve all Positions Papers and Letters by: D. Chason</p> <p>Second: L. Israbian-Jamgochian</p>	<p>Board Action: The Board voted to approve the motion</p>

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		<p>Support as Amended</p> <p>SB 662 Pharmacies – Delivery of Controlled Dangerous Substances</p> <p>Support as Amended</p> <p>SB 932 Civil Actions – Immunity from Civil Liability – Health Care Providers</p> <p>Letter of Support</p> <p>SB 1040 Prescription Confidentiality Act</p> <p>Support</p> <p>SB 1033 Veterans Affairs – Military Health Care Provider Transition Plan</p> <p>Letter of Information</p> <p>HB 1387 Health Occupations – Pharmacists – Disposal of Unused Prescriptoin Drugs (“Operation Take-back”)</p> <p>Oppose</p> <p>HB 1445 Vehicle Laws – Controlled Dangerous Substances – Per Se Driving Offenses</p> <p>Support with Amendments</p> <p>SB 698 Vehicle Laws – Controlled Dangerous Substances – Per Se Driving Offenses</p> <p>Support with Amendments</p> <p>2010 Maryland Legislative Session - Bills of Importance to the Maryland Board of Pharmacy Chart</p>		

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		<p align="center">SB 141 Budget Reconciliation and Financing Act of 2010</p>		
<p>VI. Inspection Program Report</p>	<p>Lenna Israbian-Jamgochian, Chair</p>	<p>A. Compliance monthly statistics for the Board. See Attachment 1, Section C.</p> <p>LaVerne acknowledge a new pilot program started by K. France where permit holders provide feedback on Board inspections</p>		
<p>VII. Management Information Services</p>	<p>presented by LaVerne Naesea</p>	<p>A. MIS monthly statistics for the Board. See Attachment 1, Section F.</p> <p>B. MIS Updates-Tamarra will be attending a conference with Systems Automation</p> <p>C. New Board's public website</p> <p>D. New database system on-line MIS team completed transition off state mainframe on 4/16/10. A few internal issues remain</p> <p>E. Systems Automation's database product-MIS team primary concern is lack of ownership, maintenance, and the inability to self update or program</p> <p>F. New Board format for statistics-D. Chason and others working on a new format</p>		
<p>VIII. Administration & Public Support</p>	<p>Patricia Gaither, Administration and Public Support Manage</p>	<p>A. Administration and Public Support monthly statistics for the Board. See Attachment 1, Section G.</p> <p>B. Personnel Update</p> <p>i. Freeze exempt lifted for vacant inspector position and TE for 6 months in the licensing unit</p> <p>ii. New cars for inspectors- 2 new vehicles for FY 2011</p> <p>C. Contracts Update</p>		

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		<p>i. PEAC Contract- signed</p> <p>ii. Help Desk Consultant- approved and hired for 6 months until 10/29/10</p> <p>D. New expense report sheets for Board members</p>		
IX. Public Relations Committee Report	Janet Seeds, Public Information Officer, Public Relations Committee	<p>A. Public Relations Committee Report</p> <p>i. Spring Newsletter</p> <p>ii. Summer Newsletter – article due May 26th</p> <p>iii. Proposal for an all-electric Newsletter</p> <p>iv. Flower Mart</p> <p>v. Board breakfast CE in October as part of American Pharmacy Month-The Board agreed on 2 hour CE, one topic on medical marijuana and the second with a panel discussion on non-traditional pharmacy practice(i.e. DTM, vaccinations, assisted living consulting)</p> <p>vi. Emergency Preparedness Committee planning on a training update program for a Sunday am in the Fall. RPhs and techs will be invited. It will probably be a jointly coordinated event between the Board, MPhA, AZO, MSHP, ASCP, and MPVC. MPVC will fund the entire cost of the program. We are currently looking at dates and possible locations.</p> <p>vii. MPVC will be holding a training on June 22nd?? for all professional volunteers. Hot off the presses. More details will be available in the next few days.</p> <p>viii. CDC has announced that all CDC-sponsored Emergency Use Authorizations for pediatric Tamiflu Susp have had their expiration dates extended until June 23, 2010.</p>		
X. Practice Committee	Reid Zimmer, Chair Anna Jeffers, Legislation and Regulation Manager	<p>Public Inquiries: NONE</p> <p>1. Maryland Medicaid contacted the Board asking if a provider could use his physician's license to be reimbursed as a pharmacy. Can not call the practice a pharmacy Can not own a pharmacy</p>		Discussed earlier

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XI. Licensing Committee	Mike Souranis, Chair	A. Licensing Committee statistics for the Board. See Attachment 1, Section A and E.		
XII. Disciplinary Committee	Lenna Israbian-Jamgochian, Chair	Compliance Committee monthly statistics for the Board. See Attachment 1, Section A and C.		
XIII. Long Term Care	Mayer Handelman, Chair	<p>1. Committee Report- M. Handelman reported on NCPDP meeting on 3/19. DC and VA are changing how bulk OTC medications in nursing homes are listed. Moving away from specific names to drug classes. He also discussed a request from nephrologists for pharmacists to assist with drug substitution in the MD state Medicaid kidney disease program.</p> <p>2. Letter from NABP – Carmen Catizone –on controlled substances dispensing issue in LTC facilities.</p>		
XIV. Drug Therapy Management	Lynette Bradely-Baker, Rodney Taylor, Chair	<p>A. DTM Committee Update</p> <p>B. DTM application recommended for Approval</p> <p>i. Kaiser Permanente</p>	B. Motion: R Zimmer Second: D. Chason	B. Board Action: The Board voted to approve the motion
XV. Informational	Donald Taylor, President	<p>A. Information Updates</p> <p>1. FDA to begin removing inhalers containing CFC propellants from market:</p> <p>June Tilade Alupent</p> <p>December Azmacort Intal</p> <p>2011/2013 Aerobid Combivent Maxair</p> <p>2. NABP – Effective April 1, 2010, the internet-based TOEFL will be the requirement for FPGEC certification</p> <p>3. DEA has announced their intention to move Carisoprodol into</p>		

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		<p>Schedule IV – hearing regarding this change will occur May 4th in Arlington, Va.</p> <p>4. Pharmacist penalty articles:</p> <p>\$100,000 to settle federal charge of not accounting for tens of thousands of doses of methadone</p> <p>\$1.1 million for bilking the Connecticut Medicaid program by breaking 30 day prescriptions into four 7 day prescriptions</p> <p>5. Effective April 21st, CMS has issued an intermediate sanction notice to Aetna preventing Aetna from marketing to and enrolling new beneficiaries until Aetna has demonstrated that they have corrected stated deficiencies. This action will not affect existing enrollees.</p>		
XVI. Adjournment	Donald Taylor, Board President	<p>A. 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 11 AM.</p> <p>B. At 11:16 A.M. D. Taylor convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>C. The Closed Public Session was adjourned at 11:22 A.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>	Motion: D. Chason Second: R. Matens	Board Action: The Board voted to approve the motion