

**Maryland Board of Pharmacy  
Public Board Meeting  
Minutes**

Date: July 17, 2013

Name	Title	Present	Absent	Present	Absent
<b>Board Committee</b>					
Bradley-Baker, L.	Commissioner		✓	0	1
Chason, D.	Commissioner	✓		1	0
Finke, H.	Commissioner/Secretary	✓		1	0
Gavgani, M. Z.	Commissioner/Treasurer	✓		1	0
Israbian-Jamgochian, L.	Commissioner/President	✓		1	0
Jones, David H.	Commissioner	✓		1	0
Smith, J.	Commissioner		✓	0	1
Souranis, M.	Commissioner	✓		1	0
St. Cyr, II, Z. W.	Commissioner	✓		1	0
Taylor, R.	Commissioner	✓		1	0
<b>Board Counsel</b>					
Bethman, L.	Board Counsel	✓		1	0
Felter, B.	Staff Attorney	✓		1	0
<b>Board Staff</b>					
Naesea, L.	Executive Director	✓		1	0
Wu, Y.	Compliance Manager	✓		0	1
Waddell, L.	Licensing Manager	✓		1	0
Gaither, P.	Administration and Public Support Manager	✓		1	0
Jeffers, A.	Legislation/Regulations Manager	✓		1	0
Johnson, J	MIS Manager	✓		1	0

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
I. Executive Committee Report(s)	A. L. Israbian-Jamgochian, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> <li>1. L. Israbian-Jamgochian called the Public Meeting to order at 9:40 a.m.</li> <li>2. L. Israbian-Jamgochian requested all meeting attendees to introduce themselves, to sign the guest log and to indicate whether they would like continuing education credits.</li> <li>3. Members of the Board with any conflict of interests relating to any item on the agenda were advised to notify the Board.</li> <li>4. L. Israbian-Jamgochian reported that all handouts were to be returned by attendees when they leave the meeting.</li> <li>5. Review and approval of June 19, 2013 public board meeting minutes. Approval of June 19, 2013 public board meeting minutes were approved as submitted.</li> </ol>	<p>Motion by R. Taylor to approve the June 19, 2013, public board meeting minutes as presented. Motion was seconded by M. Souranis.</p>	<p>Motion was approved.</p>
II. Executive Director's Report	A. Executive Director, L. Naesea	<p><b>1. Operations Updates –</b>  Michael Baier, Coordinator of the Prescription Drug Monitoring Program (PDMP) presented a PowerPoint presentation which highlighted the issues which concern both Maryland and the entire US concerning prescription drug overdose, misuse and what the objectives of the PDMP are. A copy of the PowerPoint presentation is</p>		

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		<p>attached to these minutes and incorporated herein and marked as Attachment No. 1.</p> <p><b>2. Meeting Updates -</b></p>		

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B. Administration & Public Support	Administration & Public Support Manager, P. Gaither	<p><b>1. Personnel Updates</b></p> <ul style="list-style-type: none"> <li>• Recruitment has begun for the Licensing Secretary position, the Board has received the freeze exemption and recruitment closes on June 27, 2013, after which interviews will begin. The Pharmacist III position (50% Inspector Position) applications have been received and have been forwarded to the Board's Compliance Manager, YuZon Wu, for review. Kerrie Weigley pharmacy technician inspector began employment on June 3, 2013.</li> <li>• Paperwork has been filed to get 5 temporary employees to assist with scanning project and other office duties, as assigned, and the Board is waiting for final approval.</li> </ul> <p><b>2. Contracts and Procurement</b></p> <ul style="list-style-type: none"> <li>• PEAC and State archives contracts has been completed, effective 07/01/2013. Contract for scanning project is still in process.</li> </ul>		
C. Management Information Systems	MIS Manager, John Johnson	<ul style="list-style-type: none"> <li>• J. Johnson informed the Board of configuration changes in MyLicenseOffice to reflect change of pharmacist renewal fee based on new Healthcare Commission fees and change of password for secured website.</li> </ul>		
D. Licensing	L. Waddell, Licensing Manager	<p>Monthly Statistics for June, 2013.</p> <p>Pharmacists:</p> <ul style="list-style-type: none"> <li>• New Applications – 70</li> <li>• Renewals – 373</li> <li>• Total Licensed – 9470</li> </ul> <p>Pharmacists Administer Vaccinations:</p> <ul style="list-style-type: none"> <li>• New Applications – 30</li> <li>• Renewals – 0</li> <li>• Total Certified - 3158</li> </ul> <p>Technicians:</p>		

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		<ul style="list-style-type: none"> <li>• New Applications – 70</li> <li>• Renewals – 253</li> <li>• Total Registered –8639</li> </ul> <p>Student Technicians</p> <ul style="list-style-type: none"> <li>• New Applications – 51</li> <li>• Renewals – 0</li> <li>• Total Registered – 757</li> </ul> <p>Pharmacies:</p> <ul style="list-style-type: none"> <li>• New Applications – 48</li> <li>• Renewals – 0</li> <li>• Total Pharmacies- 1905</li> </ul> <p>Distributors:</p> <ul style="list-style-type: none"> <li>• New Applications – 23</li> <li>• Renewals – 194</li> <li>• Total – 1065</li> </ul>		
E. Compliance	C. Jackson, Compliance Secretary	<p>1. Monthly Statistics for June, 2013</p> <p><u>Complaints &amp; Investigations:</u>  New Complaints- 19  Resolved (Including Carryover) – 37  Final disciplinary actions taken – 4  Reversal – 0  Summary Actions Taken – 1</p> <p><u>Inspections:</u> 102  Annual Inspections- 92  Opening Inspections- 5  Closing Inspections - 0  Relocation Inspections- 2  Board Special Investigation Inspections – 3</p>		

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	Gil Cohen, PEAC	<ul style="list-style-type: none"> <li>• Total Pharmacist Rehabilitation Committee Clients – 18</li> <li>• Pharmacist Clients – 17</li> <li>• Technician Clients – 0</li> <li>• Pharmacy Student Clients – 0</li> <li>• Clients Monitored by Board Req. PEAC Assistance – 1</li> <li>• Drug Testing Results – 27</li> <li>• Number of Positive Results – 1 (Client with neck surgery prescribed benzodiazepines and opioids).</li> </ul>		
F. Legislation & Regulations	A. Jeffers, Legislation & Regulations Manager	<p><b><u>REGULATIONS:</u></b></p> <p><b>10.34.03 – Inpatient Institutional Pharmacies</b> Published June 28, 2013. Comments will be considered at the August 28, 2013 Practice Committee Meeting.</p> <p><b>10.34.14 – Opening and Closing of Pharmacies and 10.34.30 – Change to Permit – Pharmacy or Distribution Permit Holder.</b> Effective July 8, 2013.</p> <p><b>10.34.19 Sterile Pharmaceutical Compounding (Emergency)</b> Board approved draft revisions at May 15, 2013 Board Meeting. Revised proposal sent to the Secretary for initial comment May 23, 2013. Secretary attended June 19, 2013 Board Meeting. Public Notice for initial comments posted July 11, 2013.</p> <p>Comments to be reviewed at the July 30, 2013 Sterile Compounding Subcommittee Meeting.</p> <p><b>10.34.22 – Licensing of Wholesale Prescription Drug or Device Distributors (Emergency)</b></p> <p><b><u>2013 May NACDS Cmts Wholesaler Background Checks</u></b></p>		

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		<p><b>Board approval requested for:</b></p> <p><b><u>Draft Bd Response – NACDS – 10.34.22 Comment from 041913 Publication</u></b></p> <p><b><u>The Board approved the following response to NACDS:</u></b></p> <p>Thank you for submitting a comment concerning the proposed Code of Maryland Regulations (COMAR) 10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors, as published in 40:8 Md. R. 742 - 745 (April 19, 2013). Below you will find the Board's response to your concerns.</p> <p>The Board agrees with the National Association of Chain Drug Stores (NACDS) that the practices for dissemination of criminal background check reports varies among the states and realizes that it may not be possible for out-of-state applicants to follow the process for submitting criminal background check results as set forth in the April 19, 2013 published proposal. Therefore, the Board will revise the proposal as follows:</p> <p style="text-align: center;"><i>B-1. Criminal Background Check Requirements for an Applicant Located Outside this State.</i></p> <p style="text-align: center;"><i>(1) The Board shall require the designated representative and the immediate supervisor of the designated representative at the applicant's place of business as part of the application for a permit to submit to a criminal history records check by the applicant's state of residence, in accordance with the laws of the applicant's state of residence.</i></p> <p style="text-align: center;"><i>(2) The criminal history records check shall consist of:</i></p> <p style="text-align: center;"><i>(a) A state criminal history records check for the applicant's state of residence; and</i></p> <p style="text-align: center;"><i>(b) A national criminal history records check.</i></p> <p style="text-align: center;"><i>(3) The designated representative and the</i></p>	<p>Motioned by M. Gavgani to approve the Board response to NACDS. Motion was seconded by D. Jones.</p>	<p>Motion was approved</p>

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		<p><i>immediate supervisor of the designated representative of an applicant shall request the appropriate entity in the applicant's state of residence to forward the results of the criminal history records check to the Board and the applicant.</i></p> <p><i>(4) If the appropriate entity in the applicant's state of residence is unable to forward the results of the criminal history records check, then the designated representative and the immediate supervisor of the designated representative of an applicant shall ensure that the results of the criminal history records check are forwarded to the Board in a manner approved by the Board.</i></p> <p><b>Board approval requested for:</b></p> <p><b><u>Proposed 10.34.22 - Wholesale Distribution - July 17th Bd Mtg</u></b></p> <p><b><u>The Board approved submitting the proposal for COMAR 10.34.22,</u></b></p> <p><b>10.34.23 Pharmaceutical Services to Patients in Comprehensive Care Facilities</b> Published May 31, 2013. 30 day comment period to follow. No Comments. Notice of Final Action forthcoming.</p> <p><b>10.34.32 Pharmacist Administration of Vaccinations</b> Meeting scheduled for July 16<sup>th</sup> with Infectious Disease Program.</p> <p>Protocol criteria to be discussed at the July 24, 2013 Practice Committee Meeting.</p>	<p>Motioned by M. Gavgani to approve submitting proposal for COMAR 10.34.22. Motion was seconded by D. Jones.</p>	<p>Motion was approved.</p>



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		<p><b>10.34.33 Prescription Drug Repository Program</b>  Proposal submitted May 22, 2013. In the DHMH sign-off process.</p> <p>Revisions to comply with federal law and regulations to be considered at the July Practice Committee Meeting.</p> <p><b>10.13.01 Dispensing of Prescription Drugs by a Licensee</b>  Meeting with Dr. Herrera scheduled for July 29<sup>th</sup> at the Board Offices.</p> <p><b><u>LEGISLATION:</u></b></p> <p>1) Consumer Board Members</p> <p><b>Board approval requested for:</b></p> <p><b><u>Draft Bill - Bd of Pharm - Consumer Bd Members 070213</u></b></p> <p>Anna Jeffers presented two versions of the draft bill. One that allowed any member of the Board to run for election as a Board Officer. This is consistent with the other Health Occupation Boards. The other draft allowed any member of the Board to run for election of a Board Officer, except for Board President. Ms. Jeffers indicated that MPhA preferred the second version as have some members of the Board. After discussion and input from the consumer member of the Board, <b>the Board voted to submit the first version that allows any member of the Board to run for an officer position.</b></p> <p>2) Pharmacy Interns</p> <p>Draft bill concerning pharmacy interns to be discussed at July Practice Committee Meeting.</p>	<p>Motioned by D. Jones to approve first version of Draft Bill on Consumer Board Members. Motion was seconded by M. Souranis.</p>	<p>Motion was approved.</p>

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		<p>3) Naturopathic Medicine</p> <p>Meetings organized by Board of Physicians - First meeting was June 27<sup>th</sup>. Participants of the Naturopathic Medicine Task Force were asked to look at the 2013 SB 783 to determine if there were any new issues concerning the Board of Pharmacy. The Practice Committee will make recommendations at the August 21, 2013 Board Meeting. It was also suggested by David Jones to look at the prescribing and formulary section.</p>		
<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>H. Finke, Chair,</p>	<p><b>Inquiries:</b></p> <p>1) Soumi Saha, Kaiser Permanente</p> <p><b><u>KP - COMAR 10.34.28 AMS returns</u></b></p> <p><b><u>Draft Bd Response - KP - AMS returns to AMS</u></b></p> <p>Soumi Saha mentioned to the Board the huge amount of waste that is caused by not being able to put medications back into the system. The Board asked her to submit additional information concerning the types of medications and the functionality of the system.</p> <p><b>The Board approved the following response:</b></p> <p>Thank you for contacting the Maryland Board of Pharmacy requesting clarification regarding what is required under COMAR 10.34.28.08(C) which states "Unused medications dispensed from a centralized automated medication system stocked with bulk medications may not be returned to the system."</p> <p>The intent of this regulation is to prohibit putting medications back into the automated medication systems (AMS) once removed. A pharmacy may re-dispense what has been removed from an AMS, but once removed from the AMS, medications may not be placed back into the AMS.</p>	<p>Motion by H. Finke to approve draft board response to Soumi Saha of Kaiser Permanente. Motion was seconded by M. Souranis.</p>	<p>Motion was approved.</p>

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		<p>If an AMS is opened for cleaning and maintenance, in that instance, a pharmacy may return the medications that were removed for that purpose.</p> <p>2) Louis G. Depaola, Chief of Clinical Operations, School of Dentistry</p> <p><b><u>Request from the School of Dentistry</u></b></p> <p><b><u>Draft Bd Response – School of Dentistry</u></b></p> <p><b>The Board approved the following response:</b></p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning the use of the University of Maryland School of Dentistry’s Facility DEA number and Facility NPI number by the school’s clinicians and faculty for its Dental School patients.</p> <p>Although the Code of Maryland Regulations (COMAR) 10.19.03.07 does allow the use of a facilities registration number by certain practitioners, health insurance companies and pharmacy benefit managers will often not process claims without the DEA and NPI numbers of the specific prescriber.</p> <p>Dental School clinicians and faculty should obtain their own NPI and DEA numbers to avoid confusion. Another option would be for clinicians and faculty to use the attending or supervising dentist’s NPI and DEA numbers.</p> <p>3) Sam Georgiou</p> <p><b><u>Office use compounding Sam Georgiou</u></b></p> <p><b><u>Draft Bd Response – Office Use Compounding</u></b></p> <p><b>The Board approved the following response:</b></p> <p>Thank you for contacting the Maryland Board of Pharmacy</p>	<p>Motion by H. Finke to approve draft board response to the University of Maryland School of Dentistry. Motion was seconded by M. Souranis.</p> <p>Motion by H. Finke to approve draft board response to Sam Georgiou. Motion was seconded by D. Jones.</p>	<p>Motion was approved.</p> <p>Motion was approved.</p>

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		<p>concerning office use compounding and your request for an exception, waiver, or clarification by the Board, so that pharmacists may be on solid ground to compound medications used in the office. The Board may not consider granting an exception or waiver under the new statute until the implementing regulations have been adopted.</p> <p>The Board's Sterile Compounding Subcommittee will be meeting throughout this year to draft regulations to implement HB 986 State Board of Pharmacy - Sterile Compounding – Permits, Chapter 397, 2013. Its first priority is to address criteria for the waiver provision. Office use compounding is an issue that the subcommittee will include in discussion of waiver criteria. Again, please be advised that until related regulations are adopted, the law in Maryland is clear that all compounding must be performed pursuant to a patient specific prescription. Health Occupations Article, 12-101, Annotated Code of Maryland.</p> <p>The Board and the Department of Health and Mental Hygiene (DHMH) have posted a solicitation for comments and ideas for the proposed regulations to implement HB 986 on the DHMH website:  <a href="http://dhmh.maryland.gov/SitePages/BOP%20public%20comment%20compounding.aspx">http://dhmh.maryland.gov/SitePages/BOP%20public%20comment%20compounding.aspx</a></p> <p>Your previously submitted emails will be included in the comments received. Feel free to submit any additional concerns by July 25, 2013.</p> <p>Please be aware that no permit will be required for non-sterile compounding as HB 986 only applies to sterile compounding. Non-sterile compounding, as any compounding in Maryland, requires a patient specific prescription.</p>		

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		<p>4) Laura Downes, Md State Bd of Veterinary Medical Examiners</p> <p><b><u>KurtzPharmBdLtr062413</u></b></p> <p><b><u>The Case for Office Use 061213 0</u></b></p> <p><b><u>ListCompoundedMeds</u></b></p> <p><b><u>Draft Bd Response – Bd of Vet Med Examiners</u></b></p> <p>Dr. Kurtz inquired about the timeline for the regulations. It was mentioned to Dr. Kurtz that the veterinarians could have legislation introduced to exempt veterinarian prescriptions from the law.</p> <p><b>The Board approved the following response:</b></p> <p>Thank you for contacting the Maryland Board of Pharmacy requesting a waiver from HB 986 State Board of Pharmacy - Sterile Compounding – Permits, Chapter 397, 2013, for non-human use. The Board may not consider granting a waiver for non-human use under the new statute until the implementing regulations have been adopted.</p> <p>One alternative, during the interim, is for the veterinarians to compound and dispense sterile products in accordance with applicable standards of practice. Veterinarians may also compound a limited quantity of a particular medication in anticipation of immediate future need, as based on previously documented prescriptions filled for that medication.</p> <p>Veterinarians who wish to engage in sterile compounding after the implementation of the new Maryland law will be required to apply for a sterile compounding permit from the Board of Pharmacy and comply with certain minimum standards. If they wish to perform non-patient specific</p>	<p>Motion by H. Finke to approve draft board response to Dr. Kurtz, MD State Board of Veterinary Examiners. Motion was seconded by D. Jones.</p>	<p>Motion was approved.</p>

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		<p>compounding of sterile products, they may also request a Board waiver under the conditions established in the newly adopted regulations. Veterinarians who compound non-sterile products do not require an additional permit from the Board since HB 986 only applies to sterile compounding. However, non-sterile compounding, as with any compounding in Maryland, requires a patient specific prescription.</p> <p>The Board's Sterile Compounding Subcommittee will be meeting throughout this year to draft regulations to implement HB 986 State Board of Pharmacy - Sterile Compounding – Permits, Chapter 397, 2013. Its first priority is to address criteria for the waiver provision. Office use compounding and non-human use compounding are issues that the subcommittee will include in discussion of waiver criteria. Again, please be advised that until related regulations are adopted, the law in Maryland is clear that all compounding must be performed pursuant to a patient specific prescription. Health Occupations Article, 12-101, Annotated Code of Maryland.</p> <p>The Board and the Department of Health and Mental Hygiene (DHMH) have posted a solicitation for comments and ideas for the proposed regulations to implement HB 986 on the DHMH website:  <a href="http://dhmh.maryland.gov/SitePages/BOP%20public%20comment%20compounding.aspx">http://dhmh.maryland.gov/SitePages/BOP%20public%20comment%20compounding.aspx</a>  Your letter of June 24, 2013 will be included in the comments received. Feel free to submit any additional concerns by July 25, 2013.</p>		

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B. Licensing Committee	D. Chason Chair,	<p><b>1. Review of Pharmacy Technician Applications:</b></p> <ul style="list-style-type: none"> <li>• <b>Larynette Ndah</b> - Applicant answered yes to question 3 regarding surrendering or failing to renew registration. Explanation: Obtained CNA/GNA license but never used it. Licensing Committee recommendation is to approve.</li> <li>• <b>Denise Schuhart</b> - Applicant answered yes to question 3 regarding surrendering or failing to renew registration. Explanation: Obtained a radiology license from MD more than 15 years ago but didn't renew it when left that field. Licensing Committee recommendation is to approve.</li> </ul> <p><b>2. New Business:</b></p> <ul style="list-style-type: none"> <li>• <b>Steven's Pharmacy</b></li> </ul> <p>Since they have not met requirement to have MD licensed pharmacist on staff and states that nothing was disclosed to them at the time of application, they would like the \$700 fee prorated for the months that they will lose for permit. They are asking for a refund of \$408. Recommendation is to deny request. It's an administrative fee.</p>	<p>Motioned by Licensing Committee to approve application of Larynette Ndah. Motion was seconded by D. Jones.</p> <p>Motioned by Licensing Committee to approve application of Denise Schuhart. Motion was seconded by M. Gavgani.</p> <p>Motioned by Licensing Committee to deny request of Steven's Pharmacy.. Motion was seconded by R. Taylor.</p>	<p>Motion was approved.</p> <p>Motion was approved.</p> <p>Motion was approved.</p>

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		<ul style="list-style-type: none"> <li>• <b>McGuff Compounding Pharmacy Services, Inc.</b> <b>Requesting waiver of HB 986 requirement. Recommendation is to inform company that regulations have not been drafted so no waivers are available.</b></li>   <li>• <b>Yaser Chaar</b> <b>Requesting a refund of the \$300 application fee as he chooses to withdraw his application. Recommendation is to send pharmacist a letter informing him that he owes us \$300.</b></li> </ul>	<p>Motioned by Licensing Committee to inform McGuff Compounding Pharmacy Services, Inc., that regulations have not been drafted so no waivers are available. Motion was seconded by M. Gavvani.</p> <p>Motion by Licensing Committee to send Yaser Chaar a letter informing him that he owes the Board \$300. Motion was seconded by D. Jones</p>	<p>Motion was approved</p> <p>Motion was Board approved.</p>
C. Public Relations Committee	Z. St. Cyr, II	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> <li>• Z. St. Cyr II reported that David Jones was now on Committee.</li> <li>• Spring/Summer Newsletter is ready and will be sent out soon.</li> <li>• FY2012 report was taken to conference and FY2013 will be done by November.</li> </ul>		



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D. Disciplinary	L. Israbian-Jamgochian, Chair	Disciplinary Committee Update – No update this month.		
E. Emergency Preparedness Task Force	L. Bradley-Baker, Acting Chair	Emergency Preparedness Task Force Update :  No updates. Meeting wasn't held in July 2013.		
IV. Other Business & FYI	L. Israbian-Jamgochian, President	There was no other business presented.		
V. Adjournment	L. Israbian-Jamgochian, President	<p>The Public Meeting was adjourned at 12:05 <u>P.M.</u></p> <p>At <u>12:44 P.M.</u> L. Israbian-Jamgochian convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>C. The Closed Public Session was adjourned at 2:10 P.M. Immediately thereafter, L. Israbian-Jamgochian 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 by L. Israbian-Jamgochian to adjourn the Public Board meeting pursuant to State Government Article 10-508(a)(13) and (7) for the purpose of engaging in medical review committee review deliberation regarding	Motion was approved.

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			confidential matters in applications Meeting. The motion was seconded by M. Souranis	

**Attachment No. 1**  
**PDMP Board of Pharmacy 071713**