

**Maryland Board of Pharmacy
Public Board Meeting**

Meeting Minutes
Date: May 21, 2014

Name	Title	Present	Absent	Present	Absent	
Board Committee						
Ashby, D.	Commissioner	X		3	0	
Bradley-Baker, L.	Commissioner	X		9	1	
Finke, H.	Commissioner/Secretary	X		10	0	
Gavani, M. Z.	Commissioner/Treasurer	X		9	1	
Israbian-Jamgochian, L.	Commissioner/President	X		9	1	
Jones, David H.	Commissioner	X		9	1	
Robinson, T.	Commissioner		X	5	1	
Rochester, C.	Commissioner		X	7	1	
Roy, S.	Commissioner	X		8	1	
Smith, J.	Commissioner		X	7	3	
St. Cyr, II, Z. W.	Commissioner	X		8	0	
Zagnit, B.	Commissioner	X		5	0	
Board Counsel						
Bethman, L.	Board Counsel	X		10		
Felter, B.	Staff Attorney	X		10		
Board Staff						
Naesea, L.	Executive Director		X	8	2 (excused)	
Wu, Y.	Compliance Manager	X		8	2 (excused)	
Waddell, L.	Licensing Manager	X		9	1 (excused)	
Gaither, P.	Administration and Public Support Manager	X		9	1 (excused)	
Jeffers, A.	Legislation/Regulations Manager	X		10	0	
Johnson, J.	MIS Manager		X	9	1 (excused)	

May 21, 2014

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Res
I. Executive Committee Report(s)	A.) L. Israbian-Jamgochian, Board President B.) H. Finke, Secretary	<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"> 1. L. Israbian-Jamgochian called the meeting to order at 9:50 a.m. 2. L. Israbian-Jamgochian reminded all guests to sign the guest log, indicating whether they would like continuing education credits. 3. L. Israbian-Jamgochian requested that all guests introduce themselves and also informed them that the meeting agenda and packet materials were available for review. She advised them that all packets must be returned at the end of the meeting. 4. Review and approval April 16, 2014 Minutes 	<p>4. Motion by D. Ashby to approve minutes with corrections by L. Bradley-Baker, second by S. Roy.</p>	<p>4. The Board voted to approve the April 16, 2014 public Board meeting Minutes.</p>
II. A. Executive Director Report	L. Naesea, Executive Director	<ol style="list-style-type: none"> 1. Operations Updates: <i>Operations Updates were given by P. Gaither in the absence of L. Naesea, who was attending the Annual NABP Conference.</i> Ms. Gaither gave an overview of the 3rd quarter budget report for FY 2014. 		

Commented [LGN1]: Did Lynette make additional corrections during the meeting to those she did in advance? Inot, then then that review should not be noted..If there were other corrections made at the meeting then each should be noted specifically in these Minutes (e.g., "page 2, second paragraph, 1st sentence corrected to say: "...")

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		<p>M. Gavvani added that a formal process to apply for a Board grant is being developed and will be shared with the public once it is completed. She also noted that a portion of the balance from the 3rd quarter budget report will be used to improve and update the website.</p> <p>2. Meetings Updates:</p> <p><i>The Meetings Update was given by H. Finke in the absence of L. Naesea.</i></p> <p>H. Finke gave the following updates on the resolutions voted on at the NABP Annual Meeting held May 17 – 23, 2014:</p> <ul style="list-style-type: none"> • Illegal importation of prescription drugs – Resolved that NABP demand that the FDA exercise enforcement authority to halt importation of non-FDA approved prescription drugs and educate policy makers about the dangers of obtaining these drugs from outside sources outside of the U.S. • Resolve that NABP convene a task force to examine strategies for preventing and reacting to pharmacy robberies and theft and recommend amendments to minimum security standard in the Model Pharmacy Act, if necessary. • Policy regarding pharmacies selling tobacco products resolve that NABP 		

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		<p>will reaffirm its existing policy for pharmacies to stop selling tobacco products and work towards a smoke free society.</p> <ul style="list-style-type: none"> • Standards for the use of PMP data – Resolve that NABP convene a task force to develop standards and facilitate cooperation between state PMPs, NABP, other health care entities (amended) and state health data exchanges. • Veterinary Pharmacy Education – Resolve that NABP encourage development of veterinary pharmacology education in pharmacy schools in collaboration with schools of veterinary medicine; and that pharmacists who dispense for veterinary patients possess competence and have access to necessary resources. • Regulation of electronic cigarettes and liquid nicotine products <p>H. Finke summarized the Mini Board Retreat to inform members of the public about operational issues that are being addressed. He emphasized the Management Information System, staff training and accountability, and operational priorities. Mr. Finke requested public attendees to contact Board office managers or the Executive Director directly and not Board Commissioners if they have questions or concerns.</p>		

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B. Administration and Public Support (APS)	B. P. Gaither, APS Manager	<p>1. Personnel Updates –</p> <p>P. Gaither reported that two temporary investigators for the Compliance unit and one temporary secretary position in the Administration and Public Support (APS) unit have been filled. The Board is currently recruiting individuals to fill the permanent APS Office Secretary II, Compliance unit Inspector and Licensing unit Secretary vacancies. The Board is also recruiting to fill 2 full time contractual positions.</p> <p>The Board was approved 5 new permanent positions for FY 2015 to meet its new Sterile Compounding mandate. Specifications are being developed.</p> <p>2. Contracts and Procurement</p> <p>The System Automation maintenance contract has been finalized. The PEAC contract is under review by PEAC, but has not been signed by the organization. The contract for the mobile inspection section of the database is currently being processed.</p>		
C. MIS	J. Johnson, MIS Manager	<p>1. MIS Update</p> <p><i>MIS/Steering Committee Update was given by M.</i></p>		

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		<p><i>Gavgani in the absence of J. Johnson</i></p> <p>M. Gavgani reported that the entire MIS Unit was attending a System Automaton user group conference.</p> <p>The Steering Committee has reviewed the four components of the computer system and determined that two of them are operating well; the in house system and online verification. The committee recommends a change in the online renewal and mobile inspection component vendors.</p>	<p>M. Gavgani motioned to replace egov vendor, second by D. Jones.</p>	<p>The Board voted to approve the motion.</p>
D. Licensing	L. Waddell, Licensing Manager	<p>Monthly Statistics for April 2014</p> <p>Pharmacists: New - 69 Renewed - 384 Total-10,010</p> <p>Pharmacist Vaccinations: New - 19 Renewed -13 Total - 3,585</p> <p>Pharmacy Technicians: New - 169 Renewed - 822 Total - 8284</p> <p>Student Technicians: New - 62</p>		

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		Renewed - 0 Total - 792 Pharmacies: New - 9 Renewed - 1,310 Total-2052 Distributors: New - 10 Renewed - 0 Total - 1,115		
E. Compliance	Y. Wu, Compliance Manager	1. Monthly Statistics Complaints & Investigations: New Complaints - 54 Resolved (Including Carryover) - 32 Final disciplinary actions taken - 2 Reversals - 0 Summary Actions Taken - 0 Inspections: Total - 157 Annual Inspections - 143 Opening Inspections - 7 Closing Inspections - 1 Relocation Inspections - 0 Board Special Investigation Inspections - 6 Division of Drug Control Closing Inspections - 3 2. PEAC Update		

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		<p>Total Pharmacist Rehabilitation Clients – 20 Pharmacist – 17 Technician – 2 Pharmacy Student – 0 Clients Monitored by Board Req. PEAC Assistance –1</p> <p>Drug Test Results - 20 Number of Positive Results-0</p> <p>Discharged Clients/Closed Cases-0</p>		
F. Legislation & Regulations	A. Jeffers, Legislation & Regulations Manager	<p><u>REGULATIONS:</u></p> <p><u>10.34.03 Inpatient Institutional Pharmacy</u> Revisions will be effective May 31, 2014.</p> <p>Practice Committee will consider revisions to definition of decentralized pharmacy.</p> <p><u>10.34.09 Fees and 10.34.19 Sterile Compounding Preparations and Sterile Drug Products</u></p> <p>Notice of Final signed and submitted May 13, 2014. Anticipated to be published, at the earliest, May 30th or two weeks later, the regulations go into effect January 1, 2015.</p> <p><u>10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors</u></p>		

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		<p>Notice of Final Action submitted on April 22, 2014. Published May 16, 2014 with an effective date of July 1, 2014.</p> <p><u>10.34.38 Pharmacy Interns</u></p> <p>Subcommittee drafting regulations.</p> <p><u>10.13.01 Dispensing of Prescription Drugs by a Licensee</u></p> <p>Submitted to the Secretary for sign-off on 04/14/14. Proposal anticipated to be published May 30, 2014 or by two weeks afterwards.</p> <p><u>LEGISLATION:</u></p> <p>None at this time.</p> <p>Subcommittee considering pharmacist working conditions.</p> <p><u>OTHER MATTERS:</u></p> <p>1) General Chapter <800> Hazardous Drugs – Handling in Healthcare Settings Proposal into Pharmacopeial Forum 40(3) May/June 2014; Comments due July 31st, 2014</p> <p>Subcommittee of Sterile Compounding Subcommittee met May 6th to discuss. It will be considered further at May 16th Sterile Compounding Subcommittee and May 28th Practice Committee for adoption of USP 800.</p>		

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		<p>Emailed USP 800 and power point presentation to pharmacy stakeholders and other Health Occupation Boards.</p> <p><u>gc 800 outreach slides</u></p> <p><u>USP New Chapter m7808</u></p> <p>2) Law Book 2014 – Requested approval for preparing updates to the 2014 Edition of the Maryland Pharmacy Laws book.</p>	<p>2) Motion to approve A. Jeffers updating the Law Book by H. Finke, second by D. Jones.</p>	<p>2) The Board voted to approve the motion.</p>
<p>III. Committee Reports A. Practice Committee</p>	<p>H. Finke, Chair,</p>	<p><u>Inquiries:</u> 1) Marie Hess, Stem-Ross Weight Loss Center</p> <p><u>stem-ross weight loss – dispensing</u></p> <p><u>Draft Board Response – Stem-ross weight loss – dispensing</u></p> <p>The Board approved the following response:</p> <p>Thank you for contacting the Maryland Board of Pharmacy concerning whether you could hire a pharmacist part-time to dispense medication from a physician’s office. The physician would not be present when the pharmacist is there. The pharmacist would be working with a nurse practitioner when dispensing. You had offered to obtain a dispensing permit for the Pharmacist.</p>	<p>1) Motion to approve prepared response by H. Finke, second by D. Jones.</p>	<p>1) The Board voted to approve the prepared response.</p>

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		<p>A dispensing permit for the pharmacist would not be required.</p> <p>For the requirements for a pharmacist that would like to dispense at a setting that does not possess a pharmacy permit see the Code of Maryland Regulations (COMAR) 10.34.31.01 - .08.</p> <p>http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.34.31.*</p> <p>Under COMAR 10.34.31.02 the pharmacist shall submit to the Board a request for approval to dispense, at a setting that does not possess a pharmacy permit, signed by the pharmacist, which includes:</p> <ul style="list-style-type: none"> (1) The name and license number of the pharmacist; (2) The scope of services to be provided by the pharmacist at the nonpharmacy setting; (3) The name and address of the nonpharmacy setting where the pharmacist intends to dispense or distribute; and (4) A statement indicating the pharmacist's criminal history, if any. <p>Another alternative would be for the pharmacist to dispense while providing drug therapy management services in the office of a licensed physician. See</p>		

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		<p>COMAR 10.34.31.01 and 10.34.31.02B below:</p> <p>B. If the pharmacist intends to provide drug therapy management services in a licensed physician's office under Regulation .01A(1)(a) of this chapter, in addition to the requirements of §A of this regulation, the pharmacist shall provide:</p> <p>(1) The name and license number of the licensed physician; and</p> <p>(2) Proof of an approved physician-pharmacist agreement with the licensed physician.</p> <p>The revised regulations for Drug Therapy Management are located in COMAR 10.34.29.01 - .07. Approval of the physician-pharmacist agreement is no longer required. See:</p> <p>http://www.dsd.state.md.us/comar/SubtitleSearch.aspx?search=10.34.29,*</p> <p>2) Richard Davis – May a pharmacist perform a cheek swab of a patient for genetic testing that will be sent to a CLIA approved lab?</p> <p><u>Draft Board Response – Check swab collection by a pharmacist</u></p> <p>The Board approved the following response:</p>	<p>2) Motion to approve prepared response by H. Finke, second by D. Ashby.</p>	<p>2) The Board voted to approve the amended response.</p>

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		<p>Thank you for contacting the Maryland Board of Pharmacy concerning whether it is within a pharmacist's scope of practice to perform a cheek swab of a patient for genetic testing that will be sent to a CLIA approved lab.</p> <p>The Maryland Board of Pharmacy does not regulate a pharmacist performing a cheek swab as this function is outside of a pharmacist's scope of practice.</p>		
B. Licensing Committee	L. Bradley-Baker, Chair	<p>1. Review of Pharmacist Applications: None</p> <p>2. Review of Pharmacy Technician Applications: None</p> <p>3. Review of Distributor Applications: None</p> <p>4. Review of Pharmacy Applications: Walgreens- Non dispensing call center submitted an application for permit to be sure they are in compliance with state laws for licensure. Licensing Committee recommendation is to approve as a nonresident pharmacy.</p> <p>5. Review of Pharmacy Technicians Training Programs: Takoma Academy Pharmacy Technician Training - Licensing Committee recommendation is to approve.</p>	<p>4. Motion to approve the applicant as a non-resident pharmacy by the Licensing Committee, second by Z. St. Cyr II.</p> <p>5. Motion to approve application by the Licensing Committee, second by D. Ashby.</p>	<p>4. The Board voted to approve the motion.</p> <p>5. The Board voted to approve the motion.</p>

Commented [LGN2]: Please follow-up with Latoya...

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		<p>6. New Business:</p> <p>A. Saeed Anwar - Would like refund of application fee. Licensing Committee recommendation is to deny request.</p> <p>B. Micah McGovern - Would like to know if they need an additional MD pharmacy license for a Pyxis machine. Licensing Committee provided a response that recommends informing them that they will need a permit and a MD licensed pharmacist on staff and MD licensed personnel for loading the machine.</p> <p>C. CN Fusion – The pharmacy is unable to renew its permit because it does not have a MD licensed pharmacist on staff. The Licensing Committee has determined that the explanation for the company not having a MD licensed pharmacist is valid and recommends that the pharmacy be allowed to operate under the existing permit until July 31, 2014. After that date, they must have a MD licensed pharmacist on staff.</p>	<p>6A. Motion to deny request for refund by the Licensing Committee, second by D. Jones.</p> <p>6B. Motion to approve prepared response by the Licensing Committee, second by D. Jones.</p> <p>6C. Motion to allow the licensee to continue to operate until July 31, 2014 by the Licensing Committee, second by M. Gavani.</p>	<p>6A. The Board voted to approve the motion.</p> <p>6B. The Board voted to approve the motion.</p> <p>6C. The Board voted to approve the motion.</p>
C. Public Relations Committee	D. Jones, Chair	<p>Public Relations Committee Update:</p> <p>Commissioner D. Jones gave a recapped the Board's participation in Flower Mart. He also summarized the</p>		

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		<p>results of a survey completed by citizens who visited the Board's booth during the event. The survey and its results were handed out to Board members. The Public Relations committee is currently researching more outreach opportunities to provide the public with more awareness of the Board and its functions.</p> <p>The Annual CE Breakfast will be held in October 2014 at the Maritime Institute.</p> <p>The next offsite public board of pharmacy meeting is the September 2014 (will occur on Friday, September 19, 2014) meeting in Western Maryland.</p>		
D. Disciplinary	M, Gavani, Chair	<p>Disciplinary Committee Update</p> <p>M. Gavani summarized two committee documents for Board approval:</p> <p>1. Amended inspection forms reflecting changes to the Wholesale Distributor Regulations</p> <p>2. Sterile Compounding-Adverse Event Reporting forms</p>	<p>1. Motion to approve amended forms by M. Gavani, Second by D. Jones.</p> <p>2. Motion to approve forms by M. Gavani, second by L. Bradley-Baker.</p>	<p>1. The Board voted to approve the motion.</p> <p>2. The Board voted to approve the motion.</p>
E. Emergency Preparedness Task Force	S. Roy, Chair	<p>Emergency Preparedness Task Force Update</p> <p>S. Roy reported on two items for approval by the Board:</p>		

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		<p>1. Emergency Preparedness Task Force recommends creation of a Facebook page to send out communication and alerts to MD citizens and other states.</p> <p>2. A request was submitted requesting the ability to rotate stock of medications stored for emergency preparedness by pharmacies and also should those quantities of medications be inspected during regular Board inspections.</p> <p>Commissioner S. Roy also discussed an article published in the Spring 2014 edition of the MPHA Newsletter about the Board's Emergency Preparedness Task Force.</p>	<p>1. Motion by S. Roy for the Public Relations Committee to develop procedures, resources and a strategy for the creation of a Facebook page for the Emergency Preparedness Task Force, second by H. Finke.</p> <p>2. Motion to provide more information to these entities by S. Roy, second by D. Ashby.</p>	<p>1. The Board voted to approve the motion.</p> <p>2. The Board voted to approve the motion.</p>
IV. Other Business & FYI	L. Israbian-Jamgochian, Board President	<i>The Board President recognized Secretary Harry Finke for his 8 years of board of pharmacy service. The May 2014 meeting was at his last meeting as Commissioner with the Maryland Board of Pharmacy.</i>		
V. Adjournment	L. Israbian-Jamgochian, Board President	<p>The Public Meeting was adjourned at 11:25 A.M.</p> <p>At 11:45 A.M. 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 12:40 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</p>		

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		Meeting continued to participate in the Administrative Session.		