

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

Minutes

Date: February 19, 2014

| Name | Title | Present | Absent | Present | Absent |
|-------------------------|---|----------------|---------------|----------------|-------------------|
| Board Committee | | | | | |
| Daniel Ashby | Commissioner | | X | | 1 |
| Bradley-Baker, L. | Commissioner | X | | 7 | 1 |
| Finke, H. | Commissioner/Secretary | X | | 8 | 0 |
| Gavgani, M. Z. | Commissioner/Treasurer | X | | 8 | 0 |
| Israbian-Jamgochian, L. | Commissioner/President | X | | 7 | 1 |
| Jones, David H. | Commissioner | X | | 7 | 1 |
| Robinson, T. | Commissioner | X | | 4 | 0 |
| Rochester, C. | Commissioner | X | | 6 | 0 |
| Roy, S. | Commissioner | X | | 7 | 0 |
| Smith, J. | Commissioner | X | | 6 | 2 |
| St. Cyr, II, Z. W. | Commissioner | X | | 8 | 0 |
| Zagnit, B. | Commissioner | X | | 3 | 0 |
| | | | | | |
| Board Counsel | | | | | |
| Bethman, L. | Board Counsel | X | | 8 | 0 |
| Felter, B. | Staff Attorney | X | | 8 | 0 |
| | | | | | |
| Board Staff | | | | | |
| Naesea, L. | Executive Director | X | | 7 | 1 (work -related) |
| Wu, Y. | Compliance Manager | X | | 6 | 2 |
| Waddell, L. | Licensing Manager | | X | 6 | 2 |
| Gaither, P. | Administration and Public Support Manager | | X | 6 | 2 |
| Jeffers, A. | Legislation/Regulations Manager | X | | 8 | |
| Johnson, John | MIS Manager | X | | 8 | |

February 19, 2014

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|----------------------------------|---|--|---|
| I. Executive Committee Report(s) | <p>A.) L. Israbian-Jamgochian, Board President</p> <p>B.) H. Finke, Secretary</p> | <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 meeting to order at 9:44 am 2. L. Israbian-Jamgochian reminded all guests to sign the guest log and to indicate whether they would like continuing education credits. 3. Members of the Board with any conflict of interests relating to any item on the agenda were advised to notify the Board. 4. L. Israbian-Jamgochian reported that all handouts are to be returned by attendees before they leave the meeting. 5. Review and approval of January 15, 2014 public board meeting minutes. January 15, 2014 public board meeting minutes were approved as submitted. | <p>Motioned by M. Gavgani to approve January 15, 2014 public Board meeting minutes as presented. Motion was seconded by S. Roy</p> <p>Approved</p> |
| II. A. Executive Director Report | L. Naesea, Executive Director | <p>Operations Updates –</p> <ul style="list-style-type: none"> • Former Commissioners M. Handelman and Wayne Dyke were acknowledged and new students, Sam Turkson and Kalee Olsen were introduced. • The Office of the Attorney General contacted Board to suggest that L. Bethman be assigned full-time to represent the Board that Staff Attorney B. Felter's Board assignment be reduced from 40% to only 20 percent. B Felter will be promoted to Assistant Attorney General in the near future. • L. Naesea met with Chairs of the House Appropriations and Senate Budget and Finance Committees to share the | <p>D. Jones motioned to accept L. Bethman full time and B. Felter's reduced time at the Board from 40 percent to 20 percent Seconded by C. Rochester Board approved</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---|--------------------------------------|--|--|
| | | <p>Board. Proposed budget for the immediate and five-year future. She specifically shared plans for required new positions, the MIS maintenance contract, and the scheduled office move to another floor.</p> <ul style="list-style-type: none"> L. Naesea noted that she approved amendments to the Scope of Work for the MIS maintenance contract to include system configurations for the up-coming pharmacy renewal period. L. Naesea suggested that the Board initially recruit pharmacist peer reviewers to perform inspection tasks and help to determine the type of resources required as associated with the new sterile compounding mandate | <p>Z. St. Cyr, II motioned to ratify the amendments to the MIS maintenance contract to include pharmacy renewal system configurations. Seconded by D. Jones</p> <p>Board Approved D. Jones motioned to approve recruitment of new pharmacist peer reviewers Seconded by M. Gavani Board Approved</p> |
| B. Administration and Public Support (APS) | B. P. Gaither, APS Manager | <p>1. Personnel Updates - Vacancies and Recruits</p> <p>2. Contracts and Procurement</p> | Discussed in E.D. Report (A above) |
| C. MIS | J. Johnson, MIS Manager | 1. MIS Update | Discussed in E.D. Report (A above) |
| D. Licensing | L. Waddell, Licensing Manager | <p>1. Monthly Statistics</p> <p>Pharmacists: New - 37 Renewal - 438 Total - 9850</p> <p>Technicians: New: 120 Renewal: 394 Total - 394</p> <p>Students: New - 24 Renewal - 3 Total - 612</p> <p>Pharmacies: New - 39 Renewal- 0 Total - 2039</p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---|--|--|-------------------------------|
| | | Distributors: New-11 Renewal - 3 Total – 991 Vaccine Certificates: New – 23 Renewal – 2 Total - 3498 | |
| E. Compliance | Y. Wu, Compliance Manager | 1. Monthly Statistics for January 2014 <u>Complaints & Investigations:</u> New Complaints- 37 Resolved (Including Carryover) - 19 Final disciplinary actions taken – 6 Reversal – 0 Summary Actions Taken –0 <u>Inspections:</u> 112 Annual Inspections- 94 Opening Inspections- 12 Closing Inspections - 0 Relocation Inspections- 0 Board Special Investigation Inspections – 6 Division of Drug Control Closing Inspections:4 <ul style="list-style-type: none"> • Total Pharmacist Rehabilitation Committee Clients – 20 • Pharmacist Clients – 18 • Technician Clients – • Pharmacy Student Clients – • Clients Monitored by Board Req. PEAC Assistance – 2 • | |
| F. Legislation & Regulations | A. Jeffers, Legislation & Regulations Manager | <u>REGULATIONS:</u> <u>10.34.09 Fees and 10.34.19 Sterile Compounding Preparations and Sterile Drug Product</u> Published January 24, 2014. <u>10.34.22 Licensing of Wholesale Prescription Drug or Device Distributors</u> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|--|---|
| | | <p>Published January 24, 2014.</p> <p><u>10.34.32 Pharmacist Administration of Vaccinations.</u></p> <p>Published December 27, 2013. Official Comments received from: 1) NACDA; and</p> <p><u>MD Cmmts Proposed Rules Vaccinations 1-24-14 final 2</u></p> <p>2) A joint comment from Medchi, Maryland State Medical Society, Maryland Chapter of the American Academy of Pediatrics, Maryland Chapter of the American College of Physicians, and Mid-Atlantic Association of Community Health Centers</p> <p><u>Response to Proposed Regs 10.34.32</u></p> <p><u>DRAFT Board Response to Comments 10.34.32</u></p> <p><u>Board approved a joint response.</u></p> <p>3) <u>Comments re 10.34.32 - Brian Pompo - Wegmans - Support letter</u></p> <p><u>10.13.01 Dispensing of Prescription Drugs by a Licensee</u></p> <p>Submitted to DHMH for sign-off December 23, 2013. Internal DHMH comments received from Budget and Prescriber Boards:</p> <p><u>10.13.01 P to 17111 1 - revised economic impact</u></p> <p>Economic impact revised by Jennifer Newman Barnhardt and John Newman.</p> | <p>D. Jones Motioned M. Gavani Seconded Board Approved COMAR 10.34.32 to be effective as soon as possible</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|---|---|
| | | <p><u>Comments re COMAR 10.13.01 Dental & Podiatric Medical Examiners</u></p> <p><u>DRAFT Bd Response to Dental and Podiatric Examiners 10.13.01</u></p> <p>The Board referred the comments and responses for COMAR 10.13.01 to Practice Committee</p> <p><u>LEGISLATION:</u> <u>BOARD RATIFICATION REQUESTED FOR THE FOLLOWING LEGISLATION</u></p> <p>SB 215/HB 280 Workers' Compensation - Payment for Physician-Dispensed Prescriptions – Limitations <u>sb0215F</u></p> <p><u>SB 215 Workers' Comp-paymt-dispensed rx-ltd LoS</u></p> <p>SB 217/HB 281 Workers' Compensation - Payment for Controlled Dangerous Substances Prescribed by Physicians – Limitations <u>sb0217F</u></p> <p><u>SB 217 Workers' Comp - CDS- Ltd LoInfo</u></p> <p>SB 228/HB 398 State Board of Pharmacy - Election of Officers <u>hb0398F</u></p> <p><u>HB 398 Election of Officers SUPPORT</u></p> <p>SB 257 Task Force to Study Access to Pharmacy Services in Maryland <u>sb0257F</u></p> <p><u>SB 257 Task Force-Pharmacy Services LoS 012914</u></p> | <p>Motioned by for all letters to be ratified by M. Gavgani Seconded by D. Jones Board Approved</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|--|-------------------------------|
| | | <p><u>HB 301/SB 413 Health Occupations - Dentists with Permits to Prepare and Dispense Dental Products - Exclusion from Maryland Pharmacy Act</u> <u>hb0301F</u></p> <p><u>HB 301 Hlth Occ - Dentists Dental Products - OPPOSE</u></p> <p><u>SB 413 Hlth Occ - Dentists Dental Products - SWA</u></p> <p><u>HB 303/SB 412 Health Occupations - Licensed Dentists Who Prepare and Dispense Antibiotics - Exclusion From Maryland Pharmacy Act</u> <u>hb0303F</u></p> <p><u>HB 303 Hlth Occ - Dentists antibiotics - OPPOSE</u></p> <p><u>SB 412 Hlth Occ - Dentists Antibiotics - SWA</u></p> <p><u>HB 368/SB 482 Workers' Compensation - Prescription Drugs - Choice of Pharmacy</u> <u>hb0368F</u></p> <p><u>HB 368 Workers' Comp - Rx Drugs - Choice of Pharm SUPPORT</u></p> <p><u>SB 607 Child Abuse and Neglect – Failure to Report and Training</u> <u>sb0607F</u></p> <p><u>SB 607 - mandated child abuse training - Joint oppose</u></p> <p><u>HB 596 State Board of Pharmacy - Wholesale Distributors - Notification to Pharmacy</u> <u>hb0596F</u></p> <p><u>Letter of Support provided to the Board prior to Board</u></p> | |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|---|---|
| | | <p><u>Meeting</u> HB 761 Health Insurance – Specialty Drugs <u>hb0761F</u></p> <p><u>Support with Amendment provided to the Board prior to the Board Meeting</u></p> <p>HB 793 PBM – Pharmacy Contracts – Payments <u>hb0793F</u></p> <p><u>No position</u></p> <p>SB 852 Health Occupations – Dispensers of Devices and Equipment – Exclusion From the Maryland Pharmacy Act <u>sb0852f</u></p> <p><u>Support with Amendment provided to the Board prior to the Board Meeting</u></p> <p>SB 854 State Board of Pharmacy – Registered Pharmacy Interns <u>sb0854F</u></p> <p><u>Support provided to the Board prior to the Board Meeting</u></p> <p> </p> <p><u>BOARD POSITIONS REQUESTED FOR THE FOLLOWING LEGISLATION:</u></p> <p><u>HB 754 – Dedicated State Funds Protection Act</u> <u>hb0754F</u></p> <p><u>Letter of Support</u></p> | <p>Motion to submit a letter of support for HB 754 by M. Gavgani Seconded by Z. St, Cyr II Board approved</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|--|---|
| | | <p><u>SB 825/HB 875 PBM – Specialty Drugs</u> <u>sb0825F</u></p> <p><u>Support with Amendment</u></p> <p><u>SB 884/HB 1127 Health Insurance – Incentives for Health Care Practitioners</u> <u>sb0884F</u></p> <p><u>Letter of Support</u></p> <p><u>SB 915 – Public Health – Emergency Use Auto-Injectable Epinephrine Program</u> <u>sb0915F</u></p> <p><u>Letter of Support</u></p> <p><u>HB 779 MHCC – Health Care Provider-Carrier Workgroup</u> <u>hb0779F</u></p> <p><u>HB 1088 Health Occupations – Ophthalmologists Who Store and Administer Drugs – Exclusion From the Maryland Pharmacy Act</u> <u>hb1088f</u></p> <p><u>Email from Delegate Morhaim 021214</u></p> <p><u>Board response to Ophthalmologists</u></p> | <p>Motion to submit a Support with Amendment for SB 825 motioned by D. Jones Seconded by C. Rochester Board Approved S. Roy will email amendments to A. Jeffers and volunteered to testify.</p> <p>S. Roy Motioned for Letter of Support for SB 884 Seconded by S. Jones Board approved S. Roy volunteered to testify</p> <p>C. Rochester motioned for letter of support for SB 915 M. Gavvani Seconded Board approved</p> <p>A Jeffers will obtain additional information on HB 779; Possibly no position if payment related.</p> <p>A Jeffers motioned for approval of draft response to Ophthalmologists for HB 1088. Seconded by D. Jones Board approved with any revisions that could be added regarding drugs</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|--|---|
| | | <p><u>SB 969 Department of Veterans Affairs – Opioid Time Lock Dispenser Pilot Program</u> <u>sb0969F</u></p> <p><u>Oppose</u></p> <p><u>HB 1050 State Occupational or Professional Licenses – Issuance to Undocumented Immigrants – Prohibited</u> <u>hb1050F</u></p> <p><u>No Position</u></p> <p><u>HB 1166 Maryland Second Chance Act of 2014</u> <u>hb1166F</u></p> <p><u>Check with other Boards for Joint position</u></p> <p><u>HB 1137 Crimes – Robbery, Burglary, or Theft of Property – CDS</u> <u>hb1137F</u></p> <p><u>Letter of Support</u></p> <p><u>HB 1404 Health Care Disparities, Cultural and Linguistic Competency, and Health Literacy - Continuing Education</u></p> <p><u>Oppose – may join other Boards</u></p> <p><u>HB 1211 State Board of Nursing - Midwives - Licensing and Regulation</u> <u>hb1211F</u></p> <p><u>No Position</u></p> | <p>D. Jones motioned to oppose SB 969 H. Finke seconded Board approved D. Jones volunteered to attend meeting</p> <p>M. Gavgani motioned for no position on HB 1050 L. Bradley-Baker seconded Board approved</p> <p>For HB 1166 A Jeffers will meet with other Boards to see their stance on this matter</p> <p>M. Gavgani motioned for letter of support for HB 1137 D. Jones seconded Board approved</p> <p>S. Roy motioned to oppose on HB 1404 Seconded by M. Gavgani Board approved</p> <p>Legislative Committee motioned for no position on HB 1211 D. Jones seconded Board approved</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---|--------------------------------|--|--|
| | | <p>FYI HB 1342 Workers' Compensation - Reimbursement for Repackaged and Relabeled Drugs - Fee Schedule and Requirements hb1342F</p> <p><u>HB 1410 Sterile Compounding Permit Exemptions</u></p> <p>Support with Amendment</p> <p>There are 8 marijuana bills – the Legislative Committee recommends no position as pharmacies are not involved in any of the legislation this year.</p> | <p>Legislative Committee motioned for no position on HB 1342 M. Gavani seconded Board approved</p> <p>Legislative Committee motioned for support with amendment to change date to July 1 on HB 1410. Seconded by M. Gavani Board Approved</p> |
| III. Committee Reports A. Practice Committee | H. Finke, Chair, | <u>Inquiries: NONE</u> | |
| B. Licensing Committee | L. Bradley-Baker, Chair | <p>There was no Pharmacist, Pharmacy Technician, Distributor, or Pharmacy Applications, to review.</p> <p>New Business:</p> <ul style="list-style-type: none"> • Robert Nolte - Would like licensure requirements for an out of state Pharmacy Benefit Manager to operate in MD. Licensing Committee Recommendation is to inform Mr. Nolte that the Board does not license PBM to operate in Maryland. • Friendsville Pharmacy - Would like refund of application fee for change of ownership as change of ownership is no longer taking place. Licensing Committee Recommendation is to deny. • Jason Gross requesting a waiver of taking MPJE as he lives in Canada and the test is not available to him unless he travels to the US. • Richard Lee # 22123 - Would like a refund of reactivation fee | <p>For information purposes only</p> <p>Licensing Committee recommendation is to deny. Seconded by J. Smith Board Approved</p> <p>Licensing Committee motioned to deny. Seconded by D. Jones Board Approved Licensing Committee motioned to deny. Seconded by D. Jones</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---|--|---|--|
| | | <p>as he states that he has issues scheduling oral exam due Berlitz scheduling issues and lack of instructors. Licensing Committee Recommendation is to deny.</p> <ul style="list-style-type: none"> Johns Hopkins requesting approval for pharmacy waiver to operate a prescription pick-up/drop-off location in the Medical Arts Building on the campus of the Howard County General Hospital. Licensing Committee does not have a recommendation. | <p>Board Approved</p> <p>Referred to Practice Committee</p> |
| C. Public Relations Committee | D. Jones, Chair | <p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> The first of two offsite meetings planned this year will be on April 16 at the Shady Grove campus of University of MD The Flower Mart is May 2-3. The Committee would like more Board participation than last year. | |
| D. Disciplinary | M, Gavgani, Chair | Disciplinary Committee Update – No Updates | |
| E. Emergency Preparedness Task Force | S. Roy, Chair | <p>Emergency Preparedness Task Force Update</p> <ul style="list-style-type: none"> D. Taylor attended SNS partner meeting in behalf of S. Roy | |
| IV. Other Business & FYI | L. Israbian-Jamgochian, Board President | No Report | |
| V. Adjournment | L. Israbian-Jamgochian, Board President | <p>The Public Meeting was adjourned at 11:57 AM and L. Israbian-Jamgochian requested a motion to close the Public Session to conduct medical reviews of new applications to the Board involving pharmacists, pharmacies and technicians applications.</p> <p>C. The Closed Public Session was adjourned at 12:41 P.M. Immediately thereafter, L. Israbian-Jamgochian convened an Administrative Session for purposes of discussing confidential</p> | <p>J. Smith motioned to close the public session. Motion was seconded by D. Jones.</p> |

| Subject | Responsible Party | Discussion | Action Due Date (Assigned To) |
|---------|-------------------|---|-------------------------------|
| | | disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session. | |