Maryland Board of Pharmacy
Public Board Meeting

Meeting Minutes
Date: May 20, 2015

Name	Title	Present	Absent	Present	Absent
Board Committee					
Ashby, D.	Commissioner	X		3	2
Bradley-Baker, L.	Commissioner/Secretary		X	3	2
Gavgani, M. Z.	Commissioner/Treasurer	X		4	1
Israbian-Jamgochian, L.	Commissioner/President	X		5	
Jones, David H.	Commissioner	X		5	
Peters, R.	Commissioner	X		5	
Robinson, T.	Commissioner	X		5	
Rochester, C.	Commissioner	X		5	
Roy, S.	Commissioner	X		5	
Smith, J.	Commissioner		X	4	1
St. Cyr, II, Z. W.	Commissioner	X		5	
Zagnit, B.	Commissioner	X		5	
Board Counsel					
Bethman, L.	Board Counsel	X			
Felter, B.	Staff Attorney	X			
Board Staff					
Naesea, L.	Executive Director		X	4	1 (excused)
Wu, Y.	Compliance Manager		X	4	1 (excused)
	Licensing Manager				
Waddell, L.	Acting Administration and Public Support Manager	X		4	1 (excused)
Jeffers, A.	Legislation/Regulations Manager	X		4	1 (excused)
Johnson, J.	MIS Manager	X		5	

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
I. Executive Committee Report(s)	**A.) L. Israbian-Jamgochian, Board President** **B.) l. Bradley-Baker, Secretary**	*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.* **1. L. Israbian-Jamgochian called the meeting to order at 9:36 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 of April 2015 Meeting Minutes.**	4. Motion to approve April 2015 Meeting Minutes by D. Ashby, 2nd by D. Jones.	4. The Board voted to approve this motion.
II. A. Executive Director Report	**L. Naesea, Executive Director**	*This section was presented by L. Waddell in the absence of L. Naesea.* **1. Operations Updates** State offices will be closed from Friday, May 22 through Monday, May 25 for a state service reduction day and Memorial Day. There is currently a backlog of mail coming into the office due to the distributor renewal period and the graduating classes of new pharmacists.		

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		Pursuant to Md. Code Ann., State Gov's § 10-226(b), a permit does not expire until the Board takes action on the renewal application, if the permit applicant makes sufficient application for renewal of the permit at least 2 calendar weeks before a permit expires. Over 13 pharmacies were closed due to the recent civil disturbances in Baltimore City. The Board has been working to provide support to pharmacies and patients during this time. S. Roy will provide an update during his report. **House Bill 58** **2. Meetings Updates** a. NABP 11th Annual Meeting L. Israbian-Jamgochian reported on meeting proceedings, held in New Orleans, LA. L. Naesea, J. Smith, L. Bradley-Baker, and L. Israbian-Jamgochian were in attendance. Key discussions centered on Sterile Compounding. The following nine (9) resolutions were passed during the meeting: ▪ Collaborating with stakeholders to examine pharmacy technician education to identify potential changes that would support the expanded pharmacy technician role; ▪ Developing a best practices guide addressing when pharmacists should access and use		

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		prescription monitoring program (PMP) data; NABP encouraging state boards of pharmacy to distribute such a best practices guide to its licensees; and NABP collaborating with stakeholders to facilitate pharmacist access to PMP data in pharmacy workflow; ▪ Working with the Federation of State Medical Boards and other prescriber stakeholder groups to educate prescribers about PMPs and encourage adoption of legislation/regulations requiring prescribers to access PMP data prior to issuing a controlled substance prescription to a patient for the first time; ▪ Convening a task force to explore the need for all states to grant pharmacists limited prescriptive authority to meet existing and future patient health care needs; ▪ Collaborating with stakeholders to develop an informational program to educate the public and other health care professionals about the role of pharmacists; ▪ Convening a task force to recommend amendments to the *Model State Pharmacy Act and Model Rules of the National Association of State Boards of Pharmacy (Model Act)* to assist boards in oversight and regulation of pharmacist care outside the traditional pharmacy setting; ▪ Encouraging states to recognize completion of Accreditation Council for Pharmacy Education-accredited pre-licensure experience as fulfillment of all preliminary licensure requirements; and ▪ Recommending amendments to the *Model Act* reflecting requirements of the Drug Quality		

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		and Security Act as the Title II regulations are promulgated. <u>b. UMES Commencement</u> L. Israbian-Jamgochian also attended the commencement ceremony for the University of Maryland, Eastern Shore School of Pharrmacy. D. Ashby was the Keynote Speaker. There were 48 graduates. The University of Maryland, Baltimore School of Pharmacy had 168 graduates. c. FDA Meeting Bruce Zagnit reported on his attendance at the FDA meeting regarding currently available and possible future gastrointestinal disorders and drug therapies. R. Peters was also in attendance. B. Zagnit noted that the survey results showed that 60% of respondents were taking domperidone with good results. However, with most pharmacies not dispensing the drug, individuals may be getting it from out of the country or from compounding pharmacies. B. Zagnit recommended that the drug be placed on the positive list. d. Citizen's Advocacy Committee Zeno St. Cyr, II announced the CAC meeting scheduled in June, where the recent Supreme Court decision regarding the North Carolina Dental Board will be discussed.	c. Motion to review in Practice Committee by B. Zagnit, 2nd by D. Jones.	c. The Board voted to approve this motion.

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B. Administration and Public Support (APS)	**L. Waddell, Acting APS Manager**	**1. Unit Updates** a. Patricia Gaither, APS Manager and Acting Deputy of Operations, retired April 28, 2015 as a part of the Governor's Voluntary Separation Program. Ms. Gaither's position was abolished by the State when she retired. The Board is working to restore this essential position by converting the Licensing Manager position to the APS PIN. The current Licensing Manager, L. Waddell had been Acting and in training over the past 6 months to permanently assume Ms. Gaither's position as APS Manager the planned promotion of Ms. Gaither to the Deputy position. The Board plans to identify a third less essential Board position to abolish in order to restore the Licensing Manager position. b. The Coordinator Special Programs, Health Services position vacancy has been filled and the selected candidate will begin on Wednesday May 27, 2015. c. The vacant Health Occupation Investigator position is in recruitment and interviews are planned to begin within the next two weeks. d. The Board requested approval for two temporary employees to meet Operational and Program needs while vacancies are being filled. The final approval will likely be received sometime in June.		

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		e. The Lab Scientist position has been approved. The recruitment process is planned to begin after the Memorial Day holiday. f. The recently recruited Licensing Specialist resigned following a personal family crises. The Board is going to begin with an internal recruitment within the next four weeks. Meanwhile, a Customer Service staff member has been assigned to act in the Licensing Specialist position until the recruitment process is completed. g. The in-house interviews for the Deputy of Operation position as completed. Interviewers asked that a second recruitment be scheduled to include external candidates that may be more experienced for the position. **2. Contracts and Procurement** *As a result of Ms. Gaither unanticipated retirement no report was provided for May.*		
C. MIS	**J. Johnson, MIS Manager**	**1. MIS Update** Staff members J. Johnson and L. Naesea, and Commissioner D. Jones participated on the interview panel for the Board's Business Analyst. A selection was made and the Board anticipates a start date sometime in June. State Auditors identified concerns with the Board process for checks received that must be		

		returned to applicants. Based on audit recommendations, the MIS team created a new payment category in the MIS system to better document the Board's receipt and return of checks. Testing is completed for the new "pharmacy intern" license type. A letter will be sent to the student technicians and pharmacy schools. A shared calendar has been created for Commissioners and staff members for all Board activity involving Board Members.		
D. Licensing	**Y. Wu, Compliance Manager**	**1. Unit Updates** *None at this time.* **2. Monthly Statistics** **April 2015**		
E. Compliance	**Y. Wu, Compliance Manager**	**1. Unit Updates** *None at this time.* **2. Monthly Statistics**		

April 2015

License Type	New	Renewed	Total	
Pharmacist	31	410	10505	
Vaccination	14	34	3746	
Pharmacy	13	0	2013	
Distributor	3	76	1126	
Pharmacy Technician	82	183	9043	
Student Technician	51	0	898	

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		Complaints & Investigations: New Complaints - 23 Resolved (Including Carryover) – 27 Final disciplinary actions taken – 1 Reversals – Summary Actions Taken – 0 **Inspections:** Total - 165 Annual Inspections - 150 Opening Inspections - 6 Closing Inspections - Relocation Inspections - Board Special Investigation Inspections – 8 Division of Drug Control Closing Inspections – 2 **PEAC Update** **Total Pharmacist Rehabilitation Clients – 18** Pharmacist – 16 Technician – Pharmacy Student – Clients Monitored by Board Req. PEAC Assistance –2 **Drug Test Results - 20** Number of Positive Results- 0 **Discharged Clients/Closed Cases-1**		
F. Legislation & Regulations	**A. Jeffers, Legislation & Regulations Manager**	**<u>REGULATIONS:</u>** **<u>10.34.38 Pharmacy Interns</u>**		

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		Effective date July 1, 2015. **<u>10.13.01 Dispensing of Prescription Drugs by a Licensee</u>** Proposal published May 30, 2014. Placed on HOLD by AELR (Del. Morhaim). Courses have been created and approved for 2015 phase-in. Update: The Secretary submitted a “30 Day Letter” to AELR on May 15th requesting release of the AELR hold on the proposal. **To be revised this year:** <u>10.34.19 Sterile Pharmaceutical Compounding</u> <u>10.34.29 Drug Therapy Management</u> <u>10.34.33 Prescription Drug Repository Program</u> Also to be revised is <u>10.34.10 Pharmacist and Pharmacy Technician Code of Conduct</u> to include the percentage of ownership allowed for physician ownership of a pharmacy. **<u>LEGISLATION:</u>**		
		Draft bill to be prepared to add revise the definition of pharmacy so that a consultant pharmacy could be added under the waiver permit. FYI – The Secretary would like to limit legislation for 2016 to the most important or meaningful items. His	Motion by practice to change definition, 2nd by M. Gavgani.	The Board voted to approve this motion.

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		request is to keep the DHMH and Boards' legislative package minimal.	Submit any upcoming legislation to Anna Jeffers by next board meeting	
III. Committee Reports **A. Practice Committee**	**M. Gavgani, Chair**	**Inquiries:** Nicholas Turos, Target **Target - Usage Access to Hlth Services Room** **Draft Board Response – Usage Access to Hlth Services Room** Dear Dr. Turos: Thank you for contacting the Maryland Board of Pharmacy concerning whether health care professionals, other than pharmacists, may have access to a secured private room adjacent to the pharmacy that is currently utilized by pharmacists for MTM and immunizations. You mentioned that Target has existing policies and procedures regarding security, only authorized access to the pharmacy, and no access to pharmacy inventory or facilities. Health care professionals, other than pharmacists, may have access to a secured private room adjacent to the pharmacy as long as the health care professionals do not have access to the actual pharmacy area. If the pharmacist is present in the	Motion to approve from practice, 2nd by D. Jones.	The Board voted to approve this motion.

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		pharmacy area, other personnel may be admitted if authorized and at the discretion of the pharmacist. **David Jones -** **Report on the Naturopathic Formulary Workgroup Report** **Naturopathic Formulary Work Group Formulary Mission/Vision Statements** **BOP-NFWG Final Summary** **NFWG Mission Rev 050415** David Jones reported that the formulary would not include controlled dangerous substances and no prescription drugs except for oxygen and epinephrine. There will also be a "Counsel" established to review the formulary in the future. The recommendations of the Work Group will next go before the Board of Physicians and MEDCHI in June. The recommendations then go to the Legislature in July. There will most likely be legislation in 2016 using these recommendations.		

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B. Licensing Committee	**L. Bradley-Baker, Chair**	**1. Review of Pharmacist Applications:**		
		a. *Adesumnbo S. Adesioye* – Applicant is requesting refund of reinstatement and renewal fee of $542 for being provided incorrect information on the expiration date of his license once reinstated. License originally expired 03/31/2013, reinstatement application received 10/28/2014 and processed 10/29/2014 with an expiration date of 03/31/2015. Licensing Committee's recommendation: Deny the request for refund.	a. Motion by committee to deny, 2nd by D. Ashby.	a. The Board voted to approve this motion.
		b. *Morolake Kuteyi* – Applicant is requesting for waiver of MPJE requirements. Licensing Committee's recommendation: Deny the request for waiver of MPJE requirement.	b. Motion by committee to deny, 2nd by C. Rochester.	b. The Board voted to approve this motion.
		c. *Paul Park* – Applicant is requesting for refund of the verification fee of $25 due the fact that verification sent to the wrong address several times, it took 6 weeks to send, and incorrect form was completed by the Board. Licensing Committee's recommendation: Approve refund.	c. Motion by committee to approve, 2nd by S. Roy.	c. The Board voted to approve this motion.
		d. *Trung-Huieu Tran* – Applicant is requesting an extension of NAPLEX. If extension is not granted would like to know if hours earned in Maryland be substituted for the hours required in	d. Motion by committee to deny request, 2nd by D. Jones.	d. The Board voted to approve this motion.

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		North Carolina and that the Exam application fee be used toward the Reciprocity application fee. Licensing Committee's recommendation: Deny request for extension of NAPLEX, in addition, does not qualify for reciprocity since the hours worked at the FDA do not count towards reciprocity as they have no pharmacy practice experience. *e. Rajeev Verma* – Applicant wants to appeal the Board's April decision to deny full or partial refund of fees paid to the Board in order to reciprocate his license as her Maryland license is no longer needed. Licensing Committee's recommendation: Deny the appeal to request for refund. **2. Review of Pharmacy Technician Applications: None** **3. Review of Distributor Applications: None** **4. Review of Pharmacy Applications:** None **5. Review of Pharmacy Technicians Training Programs: None** **6. New Business:** a. Pharmacy Intern Application: Would like the application to be posted on the website by end of May.	e. Motion by committee to deny, 2nd by D. Ashby. 6b. Motion by Charmaine to put FYI in newsletter, 2nd by Jones.	e. The Board voted to approve this motion.

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		b. Application fee notice should be placed in a newsletter article.		6b. The Board voted to approve this motion.
C. Public Relations Committee	**D. Jones, Chair**	**Public Relations Committee Update:** a. The Flowermart date was changed to September due to recent activities in Baltimore. The Board will not participate. b. The Annual CE breakfast will be held in October, which will include recognition of pharmacists with 60 years of service. Two presentations, one on telemedicine and telepharmacy, and the second on medication errors are planned. There is the possibility of requiring payment for registration for breakfast between $10-$20 to ensure all who register are in attendance. c. Off-site Public Board meetings are being considered for the upcoming fiscal year. The committee would like feedback on whether to continue and possible locations if they are continued. d. Pharmacy technicians working conditions survey	c. Motion from PR to continue off-site meetings, 2nd by Z. St. Cyr, II.	c. The Board voted to approve this motion.

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		findings have a few big issues; the inability to take breaks, hours worked, and medication errors. The Committee would like to create a mini-survey as follow-up to determine the factors in these issues.		
D. Disciplinary	**J. Smith, Chair**	**Disciplinary Committee Update** *None at this time.*		
E. Emergency Preparedness Task Force	**S. Roy, Chair**	**Emergency Preparedness Task Force Update** a. On June 19, Maryland Responds will be having a program at the Maritime Institute. b. OPR awarded the contract to have old medications removed from the RSS site. c. As a result of the disturbances in Baltimore the Executive Director and a few Board Commissioners participated in conference calls to ensure security and that the public was able to receive their medication. **d.** Z. St. Cyr, II shared that there will be a meeting conducted by HHS at the end of May with representatives from the pharmacy community to discuss best practices to begin formulating a plan for dispensing medications during emergencies or disasters.		
IV. Other Business & FYI	**L. Israbian-Jamgochian, Board President**	*None at this time.*		
V. Adjournment	**L. Israbian-Jamgochian, Board President**	**The Public Meeting was adjourned at __10:56_______.**	**Motion to close Public Board Meeting by D. Jones, 2nd by Z. St. Cyr, II.**	**The Board voted to approve this motion.**

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		At _11:15____ P.M. L. Israbian-Jamgochian convened a Closed Public Session to conduct a medical review of technician applications. **C. The Closed Public Session was adjourned at __11:26______ 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.		