Maryland Board of Pharmacy
Public Board Meeting

Meeting Minutes

Date: October 15, 2015

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

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 9:38 am.** **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 September 2014 Minutes.**	4. Motion by D. Ashby to approve September 2014 meeting minutes, 2nd by S. Roy.	4. The Board voted to approve the motion.
II. A. Executive Director Report	**L. Naesea, Executive Director**	*This section was presented by all persons referenced, in the absence of L. Naesea.* **1. Operations Updates** None at this time. **2. Meetings Update** ***P. Gaither*** reported that the managers will be meeting next week to finalize preparation for the new Sterile Compounding Program.		

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		L. Israbian-Jamgochian attended the *NABP District Meeting* in Williamsburg, *VA* along with J. Smith and L. Naesea. She reported the following highlights from the meeting: Participants heavily discussed naloxone being made available only behind the counter but without a prescription to help prevent some of the 13 deaths per day from prescription drug abuse. Participants discussed States requiring participation in the Prescription Drug Monitoring Program (PDMP) mandatory for some settings, especially for emergency doctors which would help off-set the prescription drug overdose epidemic. The state of Delaware recently passed a law on mandatory patient counseling of all patients by all pharmacists. Resolutions passed for submission at the National NABP meeting in May 2015 included allowing pharmacists to prescribe a limited group of drugs, and providing greater patient education about the many roles of pharmacists. Officers for the NABP District meetings will change according to meeting locations every two years. Maryland is scheduled to host the next District II/III meeting in October 2020. There was also discussions on discontinuing CE's and having more of an open forum during the District meetings.		

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		J. Smith-added from the NABP meeting that there was discussion of standardizing Pharmacy Technician Training requirements across all states and examining the increasing roles and responsibilities of technicians. ***M. Gavgani*** –Attended the *Oncology Safety Standards meeting* hosted by DHMH. The participants are developing guidelines for sterile compounding. Commenting that this meeting was the best and most positive, M. Gavgani stated that the oncologists have agreed to hazardous compounding guidelines and will be making generic recommendations to be reviewed by Secretary Sharfstein to report during next year's legislative session. ***L. Bethman***-Attended the *PDMP Advisory Council* meeting and reported that regulations have been drafted and approved to provide unsolicited reports to pharmacies regarding possible fraudulent prescriptions. C. Mouli of the Division of Drug Control (DDC) noted that independent pharmacists using PDMP and CRISP found it to be a valuable tool.		

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B. Administration and Public Support (APS)	**B. P. Gaither, APS Manager**	**1. Personnel Updates** – Four (4) new positions were posted to recruit Board personnel. Two (2) Health Occupations Investigators and the half-time Pharmacist III vacancies have been filled. The fourth position for a Database Specialist will be filled after 11/18 when the State of Maryland personnel system reopens. **2. Contracts and Procurement** The PEAC contract has been finalized and is moving forward. The Board will be participating in several activities for the month of October, including the Annual CE breakfast at which 245 persons have registered, the Baltimore County Baby Boomers Expo, and the Annual CAC Conference.		
C. MIS	**J. Johnson, MIS Manager**	**1. MIS Update** The scanning project is nearly complete with approximately 1.3 million documents done. Scanning of the Compliance Unit files is almost complete and the APS and Legislation and Regulations Units, should be completed by October 31. DHMH's Deputy Secretary Thomas Kim has been supportive to the Board in moving the vendor replacement project planning forward.		

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		Maryland.Gov email addresses have been created for all Board Commissioners to assure confidentiality of e-mail discussions. 974 responses have been logged for the Pharmacist Working Conditions Workgroup survey of which 526 were pharmacists and 454 were technicians. A few Board commissioners mentioned not receiving the e-mailed survey notice. Z. St. Cyr, II suggests it be announced at the Board's CE breakfast. The Survey will be sent again through the email. The Board's MIS Unit is configuring the license type for the new Sterile Compounding Program, however additional information is needed to complete the process. Questions will be sent to the Practice Committee for clarification.	The survey will be emailed again to everyone who hasn't completed it yet.	
D. Licensing	**L. Waddell, Licensing Manager**	**Unit Updates** None at this time. **Monthly Statistics for September 2014** ***Pharmacists:*** New - 89 Renewed - 450 Total-10414 ***Pharmacist Vaccinations:*** New - 62 Renewed -48 Total - 3589		

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		Pharmacy Technicians: New - 114 Renewed - 301 Total - 8810 *Student Technicians:* New - 49 Renewed - 81 Total - 914 *Pharmacies:* New - 21 Renewed – 1 Total -1937 *Distributors:* New - 16 Renewed - 1 Total – 1075		
E. Compliance	**Y. Wu, Compliance Manager**	**1. Unit Updates** *Complaints & Investigations:* New Complaints - 28 Resolved (Including Carryover) – 27 Final disciplinary actions taken – 11 Reversals – 0 Summary Actions Taken – 3 *Inspections:* Total - 114		

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		Annual Inspections -95 Opening Inspections - 7 Closing Inspections - 0 Relocation Inspections - 6 Board Special Investigation Inspections – 0 Division of Drug Control Closing Inspections – 3 **2. Monthly Statistics** ***Total Pharmacist Rehabilitation Clients* – 17** Pharmacist – 16 Technician – 1 Pharmacy Student – 0 Clients Monitored by Board Req. PEAC Assistance –1 ***Drug Test Results* - 12** Number of Positive Results-0 ***Discharged Clients/Closed Cases*-2**		
F. Legislation & Regulations	**A. Jeffers, Legislation & Regulations Manager**	**REGULATIONS:** **10.34.19 Sterile Pharmaceutical Compounding and 10.34.09 Fees** Notice of Final Action published on June 27, 2014 with an Effective Date of January 1, 2015. Web notice approved. Sterile Compounding Committee meeting regarding implementation – October 27th Update on upcoming meetings in Annapolis regarding delayed implementation of the Sterile Compounding	10.34.19 Motion by B. Zagnit to approve Sterile compounding language for the website, 2nd M. Gavgani.	10.34.19 The Board voted to approve this motion.

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		Permit scheduled for October 22nd at noon. The Board does not wish to delay the implementation of the program. **<u>10.34.33 Prescription Drug Repository Program</u>** Does the Board want to adopt the higher federal standards OR does the Board want to revise the regulations so pharmacies have the option to take back non-CDS under the MD repository standards. The Board voted to have two standards for disposal. The federal standard will be incorporated by reference for controlled dangerous substances. Non-CDS will have a similar standard to what is currently in the regulations. **<u>10.34.38 Pharmacy Interns</u>** Proposal paperwork submitted to DHMH for sign-off and publication in the Maryland Register on October 10th. **<u>10.13.01 Dispensing of Prescription Drugs by a Licensee</u>** Proposal published May 30, 2014. Placed on HOLD by AELR (Del. Morhaim). All required responses submitted to DHMH Regulations Office on July 17, 2014. Bd of Physicians posted courses approved by the Secretary on their website September 10, 2014. Request made to Dental Board to allow physicians and podiatrists to take their CE that complies with COMAR 10.13.01 and suggested to other Boards that they make the same request.	10.34.33 Motion by M. Gavgani to give both options, 2nd by J. Smith.	10.34.33 The Board voted to approve the motion.

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		<u>LEGISLATION:</u> **<u>1) State Board of Pharmacy – Pharmacist Rehabilitation Committee – Membership</u>** Waiting for sign-off from the Governor’s Office. **<u>2) State Board of Pharmacy – Extension of Refills during a State of Emergency</u>** **<u>Draft Bill - Guidelines for Unauthorized Refills - State of Emergency 100814</u>** Board approval of draft bill requested. The Board approved seeking a sponsor for this legislation in the 2015 session. The Board also approved an October 2015 Effective Date. **<u>OTHER MATTERS:</u>** **<u>Pharmacist working conditions:</u>** A blast email survey was sent to Pharmacists and Pharmacy Technicians on October 3, 2014. Posted on the Website on October 8th.	Motion to draft bill guidelines by A. Jeffers, 2nd by B. Zagnit.	The Board approved the motion.
III. Committee Reports **A. Practice Committee**	**M. Gavgani, Chair**	**<u>Inquiries:</u>** 1) Carol Baublitz, consumer and care giver **<u>Assisted Living and repackaging</u>**	1) Motion from Practice Committee to approve, 2nd by D. Ashby. J. Smith was recused.	1) The Board voted to approve the motion.

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		Draft Bd Response – assisted living and repackaging The Board approved the following response: Dear Ms. Baublitz: Thank you for contacting the Maryland Board of Pharmacy concerning whether a retail pharmacy is allowed to blister pack medications for an assisted living facility when the medications were sent by the manufacturer, Pfizer Drug RSVP Program, to an individual who then brought the medications to the retail pharmacy for repackaging. For the safety of the public, Board regulations require that prescription drugs be shipped directly from a manufacturer to a pharmacy for repackaging into blister packs. See the Code of Maryland Regulations (COMAR) 10.34.36.07E. http://www.dsd.state.md.us/comar/getfile.aspx?file=10.34.36.07.htm Please contact Pfizer to request that they ship your mother's prescription drugs directly to a pharmacy of your choice to ensure safe repackaging. 2) Philip P. Burgess, RPh, DPh, MBA Regulatory Consultant for Asteres Inc. **Letter to MD BOP requesting expansion of use 8-14** **Draft Bd Response – Requested expansion of use**	2) Motion by Practice Committee to approve, 2nd by B. Zagnit	2) The Board voted to approve this motion.

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		The Board approved the following response: Dear Dr. Burgess: Thank you for contacting the Maryland Board of Pharmacy requesting approval to allow for the pick-up of patient specific prescriptions during all hours the facility is open, including beyond pharmacy hours. The Board has indicated in the past that the ScriptCenter you have described would be in compliance with Maryland law only if it is attached to the pharmacy and operational only when a pharmacist is present in the pharmacy. Maryland law requires that "A pharmacist shall be immediately available on the premises to provide pharmacy services at all times the pharmacy is in operation." See the Code of Maryland Regulations (COMAR) 10.34.05.03A and Health Occupations Article, 12-403(b)(3), Annotated Code of Maryland. At the present time, a hospital does have the option to use the hospital's inpatient pharmacy, which is usually open 24/7 with a pharmacist present, to dispense prescription medications. As technology changes and the practice of pharmacy changes with it, the Board may revisit systems like ScriptCenter, and other emerging technologies, in the next few years.		

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B. Licensing Committee	**L. Bradley-Baker, Chair**	**1. Review of Pharmacist Applications:** **a. Arica Montgomery –** The applicant **w**ould like an extension of NAPLEX score. The Licensing Committee's Recommendation is to deny the request. b. **Sanchez Colo –** The Applicant is **r**equesting a waiver of reinstatement fees. The Licensing Committee's recommendation is to deny the request. c. **Jenessa Hughes –** The Applicant **w**ould like the Board to grant approval for her to retake the NAPLEX exam before the required three month time frame. The Licensing Committee's recommendation is to deny the request. **2. New Business:** **Veteran Status –** Clarification as to what is needed to verify veteran status. The Licensing Committee's recommendation is to inform the applicant that they need to submit a copy of DD214 or military ID.	a. Motion by committee to deny the request for extension, 2nd by D. Ashby. b. Motion by committee to deny the request for a waiver of fees, 2nd by D. Ashby. c. Motion by committee to deny the request to retake the NAPLEX exam before the time frame, 2nd by D. Ashby. S. Roy Recused 2. This item was placed on the agenda for information purposes only.	a. The Board voted to approve the motion. b. The Board voted to approve the motion. c. The Board voted to approve the motion. 2. Veteran Status question will be added to check list items for MIS processing, per J. Johnson and should also be added to State Stat Information, Per Senator P. Hollinger.
C. Public Relations Committee	**D. Jones, Chair**	**Public Relations Committee Update:** *This section was presented by L. Bradley-Baker for the month of October.* The Public Relations Committee has several events In the month of October, including: CE Breakfast and a booth at the Baby Boomer Expo		

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		There will be a new Board Commissioner orientation on November 17, 2014. Senator Hollinger strongly recommended all new Board members attend the orientation,		
D. Disciplinary	**L. Israbian-Jamgochian, Chair**	**Disciplinary Committee Update** None at this time.		
E. Emergency Preparedness Task Force	**S. Roy, Chair**	**Emergency Preparedness Task Force Update** **The Chair asked the Board to consider two requests:** 1) Can a percent of Board revenue be earmarked for the Office of Preparedness and Response/Strategic National Stockpile (OP&R/SNS) program to help with the cost of medication disposal? 2) OPR has asked the MD BOP to head RSS Operations with all disciplines to complete a Standard Operations Program (SOP) manual and to ensure it can be implemented. This would need to be completed by June 30, 2015. S. Roy stated the Emergency Preparedness task force will take direction from the Governor's office for any type of an emergency. Z. St. Cyr, II commented that HHS has done a number of things to prepare, particularly developing guidelines and checklists in the event of encountering Ebola patients, he also suggested	1) Motion by J. Smith to move discussion to the Executive Committee Meeting, 2nd by M. Gavgani Motion was revised to suggest that the emergency preparedness task force apply for a Board of Pharmacy grant. 2) Motion by S. Roy to complete the manual, 2nd by M. Gavgani.	1) The Board voted to approve the motion. 2) The Board voted to approve the motion.

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		visiting the HHS website.		
IV. Other Business & FYI	**L. Israbian-Jamgochian, Board President**	*Audience Comments and Questions*	Kim Bennardi announced that DHMH is now requesting letters of recommendation for potential new Board Commissioners to fill the 3 slots that will become vacant in 2015. She also mention the New Board Commissioner orientation in November 2014.	
V. Adjournment	**L. Israbian-Jamgochian, Board President**	**The Public Meeting was adjourned at 11:01A.M.** **At _11:15 A.M. L. Israbian-Jamgochian convened a Closed Public Session to conduct a medical review of licensee 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.**	Motion by D. Ashby to close the Open Public Meeting, 2nd by Z. St. Cyr, II.	The Board voted to approve the motion.