

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
December 21, 2016**

Name	Title	Present	Absent	Present	Absent
Board Committee					
Ashby, D.	Commissioner	X			
Bouyoukas, S.	Commissioner	X			
Hardesty, J.	Commissioner	X			
Gavvani, M. Z.	Commissioner/President	X			
Morgan, K.	Commissioner	X			
Peters, R.	Commissioner	X			
Robinson, T.	Commissioner		X		
Rochester, C.	Commissioner/Treasurer	X			
Roy, S.	Commissioner		X		
St. Cyr, II, Z. W.	Commissioner/Secretary	X			
Yankellow, E.	Commissioner	X			
Zagnit, B.	Commissioner	X			
Board Counsel					
Bethman, L.	Board Counsel	X			
Felter, B.	Staff Attorney	X			
Board Staff					
Speights-Napata, D.	Executive Director	X			
Fields, E.	Deputy Director of Operations				
Wu, Y.	Compliance Manager	X			
Page, A.	Executive Administrative Associate	X			
Vacant	Administration and Public Support Manager				
Logan, B.	Legislation/Regulations Manager	X			
Johnson, J.	MIS Manager	X			

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
I. Executive Committee Report(s)	<p data-bbox="342 228 552 321">A.) M. Gavvani, Board President</p> <p data-bbox="342 963 552 1024">B.) Z. St, Cyr, II, Secretary</p>	<p data-bbox="573 228 1220 354"><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 data-bbox="621 396 1220 1024" style="list-style-type: none"> <li data-bbox="621 396 1220 451">1. M. Gavvani called the meeting to order at 9:32 AM. <li data-bbox="621 493 1220 727">2. M. Gavvani requested that Board Commissioners introduce themselves and also informed guests that the meeting agenda and packet materials were available for review. She advised guests that all packets must be returned at the end of the meeting. <li data-bbox="621 797 1220 894">3. M. Gavvani reminded all guests to sign the guest log, indicating whether they would like continuing education credits. <li data-bbox="621 963 1220 1024">4. Review and approval of the November 2016 Public Meeting Minutes. 	<p data-bbox="1241 963 1709 1057">4. Motion to approve November 2016 Public Meeting Minutes by D. Ashby, 2nd by C. Rochester</p>	<p data-bbox="1730 963 1997 1024">4. The Board voted to approve this motion.</p>
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<p data-bbox="621 1065 915 1097">1. Operations Updates</p> <p data-bbox="667 1235 1220 1328">Pharmacy Technician Certification Board (PTCB) Presentation by Miriam A. Mobley-Smith</p>	<p data-bbox="1241 1065 1640 1162">1. State Holiday closing update. Welcome of Ed Fields as the new Deputy Director of Operations.</p> <p data-bbox="1241 1235 1692 1328">Overview of PTCB was provided and upcoming consensus conference was mentioned.</p>	

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		<p>2. Meetings Updates</p>	<p>2. National Association of Boards of Pharmacy meeting- Interactive Member Forum summary provided by Commissioner R. Peters.</p>																																				
<p>B. Operations Report</p>	<p>E. Fields, Deputy Director/ Operations</p>	<p>1. Administration and Public Support (APS) Unit Updates</p> <p>2. Management Information Systems (MIS) Unit Updates</p>	<p>1. Fiscal summary through November 2016 was provided. To date, 35% of budget has been spent.</p> <p>2. Distributor renewal configuration is nearing completion. Software engineer candidates will be interviewed in the coming week. The contract for Pharmacist/Technician rehabilitation services is in process.</p>																																				
<p>C. Licensing</p>	<p>Y. Wu, Compliance Manager</p>	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="621 794 1234 1429"> <thead> <tr> <th>License Type</th> <th>New</th> <th>Renewed</th> <th>Reinstated</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Distributor</td> <td>11</td> <td>5</td> <td>0</td> <td>1179</td> </tr> <tr> <td>Pharmacy</td> <td>20</td> <td>0</td> <td>1</td> <td>2054</td> </tr> <tr> <td>Pharmacist</td> <td>67</td> <td>412</td> <td>0</td> <td>11299</td> </tr> <tr> <td>Vaccination</td> <td>35</td> <td>4</td> <td>0</td> <td>4339</td> </tr> <tr> <td>Pharmacy Intern - Graduates</td> <td>4</td> <td>0</td> <td>0</td> <td>48</td> </tr> <tr> <td>Pharmacy Intern - Students</td> <td>25</td> <td>17</td> <td>0</td> <td>832</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	11	5	0	1179	Pharmacy	20	0	1	2054	Pharmacist	67	412	0	11299	Vaccination	35	4	0	4339	Pharmacy Intern - Graduates	4	0	0	48	Pharmacy Intern - Students	25	17	0	832		
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			Pharmacy Technician	109	262	5	9552		
D. Compliance	Y. Wu, Compliance Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 33 Resolved (Including Carryover) – 43 Actions within Goal – 30/43 Final disciplinary actions taken – 12 Summary Actions Taken – 0 Average days to complete - 139</p> <p>Inspections:</p> <p>Total - 117 Annual Inspections - 107 Opening Inspections - 9 Closing Inspections - 0 Relocation Inspections - 0 Board Special Investigation Inspections – 1 Division of Drug Control Closing Inspections – 3</p>							
E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<p><u>CVS Health Comments COMAR 10.34.04 Transfer and Outsourcing of Prescriptions and Prescription Orders</u></p> <p><u>MPhA.Comments</u></p>					<p><u>PC CVS Response Regulatory Response</u> Motion to approve by Z. St. Cyr, II, 2nd by E. Yankellow.</p> <p><u>PC MPhA Response Regulatory Review response (2)</u> Motion to approve by E. Yankellow, 2nd by Z. St. Cyr, II.</p>	<p>The Board voted to approve this motion.</p> <p>The board voted to approve this motion.</p>	

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		<p><u>Issue Papers 2017 Legislative Session</u> http://mgaleg.maryland.gov/Pubs/legislegal/2017rs-Issue-Papers.pdf</p> <p><u>2017 Senate Legislation Status</u> http://mgaleg.maryland.gov/pubs-current/current-senate-status-report.pdf</p> <p><u>2017 House Legislation Status</u> http://mgaleg.maryland.gov/pubs-current/current-house-status-report.pdf</p>	<p>Information only; includes issue papers on opioid task force; behavioral health; and high cost of prescription drugs.</p> <p>Information only; Senate docket includes a bill to rename DHMH and another concerning the Open Meetings Act.</p> <p>Information only on the House docket.</p>	
<p>III. Committee Reports A. Practice Committee</p>	<p>C. Rochester, Chair</p>	<p><u>1. Question Board of Pharmacy Call Center</u> Here is a recent email sent to the board: <i>Hello, I was wondering how to fulfill the requirement of "proper training on the Administration of Self-Administered Drugs per COMAR 10.34.39" if I am applying for reciprocity -- is there a course or exam that I need to take? I have been a retail pharmacist for almost 3 years.</i></p>	<p>1. The training for immunization or vaccines is acceptable as this generally includes training to administer subcutaneous, intramuscular types of injections. However, training may also be derived from documented experience teaching patients on self-administration, continuing education programs, or from school. If a pharmacist does not have the requisite training, then he or she must obtain such training through one of the above means in order to administer self-administered drugs in accordance with COMAR 10.34.39.</p> <p>Motion by to approve by E. Yankellow, 2nd by D. Ashby.</p>	<p>1. The Board voted to approve this motion.</p>

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		<p><u>2. Question: Mediscripts Rx sample forms</u></p> <p><u>3. Question: Bill Irvin CVs Health:</u> CVS is continually looking for ways to address the opioid crisis in America. We have worked with manufacturers to create “GPS tracker” bottles that are filled with colored water and have tops that are built to not open. These are deployed in the event of a robbery and are currently utilized in several states. Our goal is to expand the program to include promethazine in Maryland. Please see the attached pictures. We are seeking your approval to place these amongst the regular stock of medication. I’d be glad to find answers to any questions you may have.</p> <p>Sincerely,</p> <p>Bill</p> <p><u>IMG 2345 (1)</u></p> <p><u>IMG 2346</u></p> <p><u>IMG 2347</u></p>	<p><u>2. PC Response Mediscripts approval</u> Motion by committee for prepared response, indicating the Board cannot endorse sample forms and refer inquirer to Maryland statutes for guidance; 2nd by D. Ashby.</p> <p><u>3. PC Response CVS GPS tracker</u> Maryland statutes neither provide for nor prohibit the use of these products. However the Board cannot endorse specific products. Motion to amend prepared response to indicate such, with recommendations from M. Gavgani and D. Ashby, 2nd by Z. St. Cyr, II.</p>	<p>2. The Board voted to approve this motion.</p> <p>3. The Board voted to approve this motion.</p>

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		<p>4. Question: Emily Heil: I have a question related to the board of pharmacy that I was hoping you may know the answer to or could provide me with the best contact at the board. I have spoken with Cherokee and Frank Palumbo about the question in brief as well.</p> <p>At the hospital we offer a penicillin skin testing service that is currently performed by our ID physician fellows. I know of a few hospitals in different states (including TN and GA), where pharmacists perform and interpret the test under a collaborative practice agreement with physicians. It seems to me that this would be allowable based on Maryland regulations, but I am having trouble finding a clear answer since it's not as cut and dry as ordering a vancomycin level or giving an immunization.</p> <p>The test itself is very straightforward - essentially like administering a ppd TB screening test. Do you think that is something pharmacists could potentially do in MD under a collaborative practice? This is mostly a theoretical question at this point as our current model at UMMC is working well, but as we expand to the system level I am trying to think of ways to expand access to testing.</p> <p>Thanks! Emily</p> <p>5. Question: William Kuchinsky: My Mom, a widow of a veteran with full health benefits, is transitioning to long term care.</p> <p>She had been receiving her prescriptions under Tri-Care for Life administered by Express-Scripts for</p>	<p>4. PC Response Emily Heil Penicillin Skin Test Skin testing is permissible under COMAR. Motion to approve response by committee, 2nd by D. Ashby.</p> <p>5. PC Response Wil Kuchinsky COMAR allows repackaging of certain medications; the Board does not address pricing. Motion by committee to approve prepared response, 2nd by B. Zagnit.</p>	<p>4. The Board voted to approve this motion.</p> <p>5. The Board voted to approve this motion.</p>

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		<p>FREE (no cost) via mail.</p> <p>Now, as a patient at a Maryland nursing home, she has out of pocket expenses of over \$1,100 for the past 5 months or so.</p> <p>Have been told by the pharmacist that this is due to the "track & trace" laws, and that I cannot have her medications shipped directly from Express-Scripts to the home's pharmacy unless they are bubble carded.</p> <p>It does not seem right that a widow of a veterans should LOOSE BENEFITS because she is now in long term care.</p> <p>If this is the incorrect office to direct this inquiry/note please direct to the correct authority.</p> <p>Thank you.</p> <p>http://www.fda.gov/Drugs/DrugSafety/DrugIntegrityandSupplyChainSecurity/DrugSupplyChainSecurityAct/</p> <p>http://www.pharmacist.com/track-and-trace-your-pharmacy-compliance-new-law</p>		

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B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. M. Abhari - Applicant is attempting to reciprocate in Maryland and is requesting a waiver of the Multistate Pharmacy Jurisprudence Examination (MPJE) so that she may begin working as a “Clinical Pharmacist Strategist”. <u>Licensing Committee’s recommendations:</u> Deny request.</p> <p>b. R. Albano - Licensee is asking for refund of \$50 fee paid to Berlitz for taking the Oral Competency exam. Was incorrectly informed by Board of this requirement in a status letter dated October 4, 2016. <u>Licensing Committee’s recommendations:</u> Approve request. Issue a \$50 credit for the first renewal.</p> <p>c. Applicant # 108644 – Applicant requests Board approval to retake MPJE after failed attempts. <u>Licensing Committee’s recommendations:</u> Approve request.</p> <p>d. Applicant # 110230 – Applicant requests Board approval to retake MPJE and North American Pharmacist Licensure Examination (NAPLEX) after failed attempts. <u>Licensing Committee’s recommendations:</u> No recommendation, for Board decision.</p>	<p>1a. Motion by committee to deny, 2nd by B. Zagnit.</p> <p>1b. Motion by committee to approve, 2nd by D. Ashby.</p> <p>1c. Motion b committee to approve, 2nd by D. Ashby.</p> <p>1d. Motion to strongly recommend applicant undergo remediation before retesting, 2nd by D. Ashby.</p>	<p>1a. The Board voted to approve this motion.</p> <p>1b. The Board voted to approve this motion.</p> <p>1c. The Board voted to approve this motion.</p> <p>1d. The Board voted to approve this motion.</p>

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		<p>e. Applicant # 109734 – Applicant requests Board approval to retake NAPLEX after failed attempts. <i>Licensing Committee's recommendations:</i> No recommendation, for Board decision.</p> <p>f. T. Patel – Applicant is requesting a waiver of Foreign Pharmacy Graduate Examination Committee (FPGEC) requirement in order to reciprocate. On May 29, 2003, applicant graduated from a Canadian Pharmacy School accredited by the Canadian Council for Accreditation of Pharmacy Programs and recognized by Accreditation Council for Pharmacy Education through June 30, 2004. <i>Licensing Committee's recommendations:</i> Approve waiver of FPGEC requirement.</p> <p>g. S. Sillah – Applicant is attempting to reciprocate and is requesting waiver of the examination. <i>Licensing Committee's recommendations:</i> May transfer NAPLEX score, but must take MPJE.</p> <p>2. Review of Pharmacy Intern Applications: NONE</p> <p>3. Review of Pharmacy Technician Applications: NONE</p> <p>4. Review of Distributor Applications: NONE</p>	<p>1e. Motion to strongly recommend applicant undergo remediation before retesting, 2nd by D. Ashby.</p> <p>1f. Motion by committee to approve, 2nd by D. Ashby.</p> <p>1g. Motion by committee to approve, 2nd by D. Ashby.</p>	<p>1e. The Board voted to approve this motion.</p> <p>1f. The Board voted to approve this motion.</p> <p>1g. The Board voted to approve this motion.</p>

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		<p>5. Review of Pharmacy Applications:</p> <p>a. DivvyMed, LLC dba Divvydose (IL) – Application received 08/24/2016, owner (100%) of the pharmacy is a Physician. A letter was sent on 09/12/2016 informing the applicant of MD Pharmacy Act prohibiting a MD licensed pharmacist from “associat[ing] as a partner, co-owner, or employee of a pharmacy that is owned wholly or substantially by an authorized prescriber or group of authorized prescribers.” Applicant responded 11/08/2016 requesting that the Board issue the pharmacy permit while ensuring that the Owner/Physician will not provide any pharmacy services to patients that utilize the pharmacy. <u>Licensing Committee’s recommendation:</u> Deny request.</p> <p>b. Gwynn Oak Pharmacy (MD) – Permit holder requesting a refund of the application fee for relocation of the pharmacy. Submitted relocation application in 11/15. However, on 01/08/16, the permit was closed. Owner reapplied and was issued a new permit on 10/20/16 <u>Licensing Committee’s recommendation:</u> Deny refund request.</p> <p>c. Keystone Rx, LLC (PA) – Application listed one of its owners (a Physician) having a 49% ownership of the pharmacy. Correspondence was sent informing the applicant of MD Pharmacy Act prohibition</p>	<p>5a. Motion by committee to deny, 2nd by D. Ashby.</p> <p>5b. Motion by committee to deny, 2nd by D. Ashby.</p> <p>5c. Motion by committee to deny, 2nd by D. Ashby.</p>	<p>5a. The Board voted to approve this motion.</p> <p>5b. The Board voted to approve this motion.</p> <p>5c. The Board voted to approve this motion.</p>

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		<p>of a MD licensed pharmacist from “associat[ing] as a partner, co-owner, or employee of a pharmacy that is owned wholly or substantially by an authorized prescriber or group of authorized prescribers.”</p> <p>Response received stating that the Physician is listed as an investor without an active role in the pharmacy and is a “passive investor” with 49% ownership.</p> <p><u>Licensing Committee’s recommendation:</u> Deny request.</p> <p>d. Smith’s Detection (MD) – Applicant applied for a waiver permit so that it can order nitroglycerin to incorporate into consumables that are used to trace detection equipment. It is not a pharmacy.</p> <p><u>Licensing Committee’s recommendation:</u> Permit not required under MD law.</p> <p>6. Review of Pharmacy Technicians Training Programs: NONE</p> <p>7. New Business:</p> <p>a. McCreary-Yates (Giant District Manager) – Requesting an additional 3 months extension of the 6 month training period for technician in training, E. Stewart, who started on 05/22/16. Unable to continue the training from 08/07/16 to 10/31/16.</p>	<p>5d. Motion by committee that a permit is not required, 2nd by D. Ashby.</p> <p>7a. Motion by committee to approve, 2nd by D. Ashby.</p>	<p>5c. The Board voted to approve this motion.</p> <p>7a. The Board voted to approve this motion.</p>

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		<p><u>Licensing Committee's recommendation:</u> Approve the 3 month extension and refer to Disciplinary Committee.</p> <p>b. NABP Moral Character Reference – For the NABP reciprocity application, is it acceptable for the pharmacist completing the moral character reference to be a family member of the applicant?</p> <p><u>Licensing Committee's recommendation:</u> Acceptable.</p>	7b. Motion by committee to approve recommendation, 2 nd by D. Ashby.	7b. The Board voted to approve this motion.
C. Public Relations Committee	B. Zagnit, Chair	<p>Public Relations Committee Update</p> <ol style="list-style-type: none"> 1. Newsletter 2. CPR Survey 3. Webinar Broadcasting 4. Law Book 5. Pharmacist Working Conditions Taskforce 6. Meeting Updates 	<ol style="list-style-type: none"> 1. The upcoming edition of the newsletter should be printed in the next few weeks. 2. The survey for CPR certification through the Board is in progress. 3. The committee is working to have its Public Meeting broadcast through webinar. 4. The committee will begin to review how other states make their law book user friendlier. 5. Pharmacist working conditions task force update. 6. Maryland Pharmacist Association (MPhA) annual meeting will be held 06/17. 	

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		<p align="center">7. Social Media- J. Seeds</p>	<p>Maryland Pharmacist Association (MPhA) mid-year meeting will be held in 02/17.</p> <p>7. MIS staff will provide an update on use of Social media at the Board's February meeting</p>	
D. Disciplinary	T. Robinson, Chair	<p>Disciplinary Committee Update <i>None at this time.</i></p>		
E. Emergency Preparedness Task Force	S. Roy, Chair	<p>Emergency Preparedness Update <i>None at this time.</i></p>		
IV. Other Business & FYI	M. Gavgani, President	<p><i>An audience member has concerns about continuing education credits to be more accessible.</i></p>	<p>M. Gavgani asked Associations in attendance to consider more accessibility to continuing education credits to licensees in the state.</p>	
V. Adjournment	M. Gavgani, President	<p>M. Gavgani asked for a motion to close the Public Meeting and open a Closed Public Session at 10:44 A.M.</p> <p>M. Gavgani convened a Closed Public Session for the purpose of engaging in medical review committee deliberations regarding confidential information in applications in accordance with the Open Meetings Act, General Provisions Article, Section 3-305 (b) (7) and (13).</p> <p>The Closed Public Session was adjourned and immediately thereafter, M. Gavgani 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>	<p>Motion to close the December 2016 Public Board Meeting by D. Ashby, 2nd by B Zagnit.</p>	<p>The Board voted to approve this motion.</p>