

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
September 21, 2016**

Name	Title	Present	Absent	Present	Absent
Board Committee					
Ashby, D.	Commissioner	X			
Bouyoukas, S.	Commissioner	X			
Gavgani, M. Z.	Commissioner/President	X			
Jones, David H.	Commissioner/Secretary	X			
Morgan, K.	Commissioner	X			
Peters, R.	Commissioner	X			
Robinson, T.	Commissioner	X			
Rochester, C.	Commissioner		Excused		
Roy, S.	Commissioner	X			
St. Cyr, II, Z. W.	Commissioner	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			
Vacant	Deputy Director of Operations				
Wu, Y.	Compliance Manager	X			
Page, A.	Executive Administrative Associate	X			
Waddell, L.	Administration and Public Support Manager		Excused		
Logan, B.	Legislation/Regulations Manager	X			
Johnson, J.	MIS Manager	X			

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<ul style="list-style-type: none"> • A pharmacist inspector will start in October. <p>CE Breakfast Update: There are 233 registrants, both live and via WebEx.</p> <p>Kiosk Update: A general information kiosk has been installed in the lobby along with the two original licensing ones.</p> <p>Call Center Update: J. Towles shared a Power Point and handout about the status of the Canter. Much progress has been made, including more staff, a designated leader, and software enhancements.</p> <p>Call Center staff will join us for lunch. This is our start on getting too know each other better.</p> <p>2. Meetings Update</p> <p>NABP District Meeting Update by R. Peters, S. Roy, and D. Speights-Napata: This was held in White Sulfur Springs, WV.</p> <ul style="list-style-type: none"> • There were no resolutions from District II. District III submitted three; none moved forward. • Lots of discussion about heroin addiction and naloxone use. • NAPLEX scores reported to be declining generally. • Lots of discussion about what the scope of practice should look like. 	<p>Item 2: Commissioners R. Peters and S. Roy would like the Board to consider changing the length of Commissioner terms from 4 years to 6 years for consistency in the roles that Commissioners fill with the Board and in regard to different associations.</p> <p>Refer to Practice Committee for consideration.</p>	

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		<ul style="list-style-type: none"> • Commissioner R. Peters was nominated for Vice-President of NABP District II. 																																
B. Operations Report	J. Johnson, MIS Manager	<ol style="list-style-type: none"> 1. APS Unit Updates <ul style="list-style-type: none"> • Interviewing for a software engineer for the mobile inspection form. 2. MIS Unit Updates <p>2017 Distributor Renewal Update: Plans are for this to be automated. Will work with Systems Automation.</p> 3. Data Integrity Unit Updates 																																
C. Licensing	Y. Wu, Compliance Manager	<ol style="list-style-type: none"> 1. Unit Updates 2. Monthly Statistics <table border="1" data-bbox="562 889 1234 1412"> <thead> <tr> <th data-bbox="562 889 709 971">License Type</th> <th data-bbox="709 889 831 971">New</th> <th data-bbox="831 889 961 971">Renewed</th> <th data-bbox="961 889 1096 971">Reinstated</th> <th data-bbox="1096 889 1234 971">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="562 971 709 1052">Distributor</td> <td data-bbox="709 971 831 1052">17</td> <td data-bbox="831 971 961 1052">20</td> <td data-bbox="961 971 1096 1052">0</td> <td data-bbox="1096 971 1234 1052">1137</td> </tr> <tr> <td data-bbox="562 1052 709 1133">Pharmacy</td> <td data-bbox="709 1052 831 1133">17</td> <td data-bbox="831 1052 961 1133">0</td> <td data-bbox="961 1052 1096 1133">2</td> <td data-bbox="1096 1052 1234 1133">2013</td> </tr> <tr> <td data-bbox="562 1133 709 1214">Pharmacist</td> <td data-bbox="709 1133 831 1214">151</td> <td data-bbox="831 1133 961 1214">412</td> <td data-bbox="961 1133 1096 1214">0</td> <td data-bbox="1096 1133 1234 1214">11161</td> </tr> <tr> <td data-bbox="562 1214 709 1295">Vaccination</td> <td data-bbox="709 1214 831 1295">99</td> <td data-bbox="831 1214 961 1295">36</td> <td data-bbox="961 1214 1096 1295">0</td> <td data-bbox="1096 1214 1234 1295">4051</td> </tr> <tr> <td data-bbox="562 1295 709 1412">Pharmacy Intern - Graduates</td> <td data-bbox="709 1295 831 1412">2</td> <td data-bbox="831 1295 961 1412">0</td> <td data-bbox="961 1295 1096 1412">0</td> <td data-bbox="1096 1295 1234 1412">44</td> </tr> </tbody> </table> 	License Type	New	Renewed	Reinstated	Total	Distributor	17	20	0	1137	Pharmacy	17	0	2	2013	Pharmacist	151	412	0	11161	Vaccination	99	36	0	4051	Pharmacy Intern - Graduates	2	0	0	44		
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		Pharmacy Intern - Students	46	1	0	817		
		Pharmacy Technician	148	330	10	9449		
D. Compliance	Y. Wu, Compliance Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 51 Resolved (Including Carryover) – 35 Final disciplinary actions taken – 8 Actions within Goal – 25/35 Summary Actions Taken – 1 Average days to complete -184</p> <p>Inspections:</p> <p>Total - 143 Annual Inspections - 127 Opening Inspections - 9 Closing Inspections - 0 Relocation Inspections - 0 Board Special Investigation Inspections –7 Division of Drug Control Closing Inspections – 1</p>						
E. Legislation & Regulations	B. Logan, Legislation & Regulations Manager	<p><u>Regulatory Review and Evaluation Act</u></p> <p>10.34.02, .04, .16, .24, .26, .27, and .31</p> <p><u>Heroin Overdose Emergency Task Force</u> Sara Cherico, Senior Policy Analyst, Office of the Secretary, DHMH: Recommendation #4- .</p>						

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		<p>Requiring Continuing Professional Education on Opioid Prescribing for the Board of Podiatric Medical Examiners and Board of Nursing and on Opioid Dispensing for the Board of Pharmacy The Task Force recommends that the Board of Podiatric Medical Examiners and the Board of Nursing require the completion of one credit hour of continuing education related to opioid prescribing similar to that required by the Board of Physicians and the Board of Dental Examiners. In addition, the Board of Pharmacy should require the completion of one credit hour of continuing education related to opioid dispensing.</p> <p>Refer to the full Board to vote on one of options:</p> <ol style="list-style-type: none"> 1. Amend regulation 10.34.26 Patient Safety Improve 2. Amend Regulation 10.34.18 Continuing Education for Pharmacist 3. Continue to have topic for discussion at CE breakfast <p>Discussion included the need for ongoing awareness, education, and action. Collaborate with the associations and schools of pharmacy. K. Neville noted that some Health Occupation Boards are dropping mandates for specific CE. This includes the Board of Physicians.</p> <p><u>North Carolina Dental Workgroup</u> Meeting held September 13th at the Judicial Education and Conference Center, Annapolis, MD. Discussion on the Supreme Court 2015 decision in <i>N.C. Board of Dental Examiners v. Federal Trade Commission</i>.</p>	<p>1. Motion to amend medication safety requirement under COMAR 10.34.26 by committee, 2nd by D. Jones.</p>	<p>1. The Board voted to approve this motion.</p>

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		<p>SB0469 / CH0476 <u>Licensure Requirements for Pharmacists - Proof of Proficiency in English</u> Effective 10/1/2016</p> <p>SB0614 / CH0687 (HB1462 / CH0688) <u>Veterinarians, Pharmacies, and Pharmacists - Dispensing Compounded Preparations for Use by Nonfarm Animals</u> Effective 10/1/2016</p> <p>HB0437 / CH0147 (SB0537) - <u>Prescription Drug Monitoring Program – Modifications</u> Effective 10/1/2016</p> <p>Add-on Drug Control Proposal to amend COMAR: no opposition to the proposal from the Board, clarify request</p>		
<p>III. Committee Reports A. Practice Committee</p>	<p>D. Jones, Chair</p>	<p>1. <u>EpiPen answer proposal</u> Dr. Arthur Millholland- Prefilled epinephrine</p> <p>2. <u>Expedited Partner Therapy</u></p>	<p>1. Draft a response. There are certain locations and conditions where the proposal may be appropriate and may be well in place. Individual patient and home use may still require use of the EpiPen® or generic alternative.</p> <p>2. Continue to follow up through Practice Committee.</p>	<p>1. Follow up with individual response. D. Jones to draft.</p> <p>2. Schedule a meeting with DHMH to determine needs and ongoing communication.</p>

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		<p>3. <u>Draft Board Response PBM-driven Contract</u></p> <p>4. <u>Draft Board Response Methadone and Suboxone</u></p>	<p>3. Follow standards of professional practice per COMAR and patient need. Motion to approve letter as prepared by committee, 2nd by B. Zagnit.</p> <p>4. Motion to approve per Committee, with second by C. Rochester.</p>	<p>3. PBM- The Board voted to approve this motion.</p> <p>4. The Board voted to approve this motion.</p>
<p>B. Licensing Committee</p>	<p>D. Ashby, Chair</p>	<p>(1) Review of Pharmacist Applications:</p> <p>a. K. Agboifo - Applicant failed NAPLEX on 08/08/2016, and is requesting to retake the test without waiting the full 91 days, because doing so would greatly enhance his ability to keep his job. <i>Licensing Committee's recommendations:</i> Approve request, can reapply to NABP on 46th day.</p> <p>STEVEN BOUYOUKAS RECUSED</p> <p>b. R. Hartwell- Applicant failed NAPLEX on 08/09/2016 and is requesting a waiver to reduce the wait time from 90 days to 45 days to retake the exam and to be allowed to retake this exam by Mid-October before the number of examination items increase from 185 to 250 questions in November 2016. <i>Licensing Committee's recommendations:</i> Approve request, can reapply to NABP on the 46th day.</p> <p>STEVEN BOUYOUKAS RECUSED</p>	<p>1a. Motion by committee, 2nd by S. Roy.</p> <p>1b. Motion by committee, 2nd by S. Roy.</p>	<p>1a. The Board voted to approve this motion.</p> <p>1b. The Board voted to approve this motion.</p>

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		<p>c. A. Kamdem – Applicant failed NAPLEX on 07/22/2016 and needs to retake the test before 10/21/2016 in order to keep her job. She is seeking approval from the board to retake the exam early. <i>Licensing Committee’s recommendations:</i> No recommendations at this time</p> <p>d. N. Stephen - Applicant is appealing Board’s August 2016 decision about denying his request to accept his 2014 NAPLEX score. <i>Licensing Committee’s recommendations:</i> Deny his appeal and must take NAPLEX exam.</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:</p> <p>a. HF Acquisition Co LLC - Distributor is relocating and requests approval to ship from new facility while waiting for VAWD accreditation for new location. (Note: Application pending background results for DR, Supervisor, & updated Surety Bond.) <i>Licensing Committee’s recommendations:</i> Approve pending Board review to see if WA State could be deemed as a reciprocal state.</p> <p>(5) Review of Pharmacy Applications:</p> <p>a. Citizens Pharmacy Services –The following questions have arisen in regards to Citizen’s Pharmacy:</p>	<p>1c. Motion by committee, 2nd by K. Morgan.</p> <p>1d. Motion by committee, 2nd by D. Jones.</p> <p>4a. Motion by committee, 2nd by T. Robinson.</p> <p>5a. Motion by committee, 2nd by E. Yankellow.</p>	<p>1c. The Board voted to approve this motion.</p> <p>1d. The Board voted to approve this motion.</p> <p>4a. The Board voted to approve this motion.</p> <p>5a. The Board voted to approve these motions.</p>

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		<p>i. This business is licensed both as a distributor and pharmacy, but operates out of the same location. Is the lack of segregation here problematic?</p> <p>ii. Furthermore, may a single individual simultaneously perform the duties of resident pharmacist and that of designated representative? The pharmacist(s) in this location are in a position to do so if permissible.</p> <p><u>Licensing Committee's recommendations:</u></p> <ol style="list-style-type: none"> 1. Has to have separate records for the pharmacy and distributor. 2. Simultaneous presence of pharmacists and designated representatives (or immediate supervisor) is not required. <p>(6) Review of Pharmacy Technicians Training Programs: NONE</p> <p>(7) New Business:</p> <p>a. RAS Enterprises LLC (A. High) – RAS does not take ownership of any of the product. The product is directly supplied by our subcontractor (Air Gas or Linde Gas) to the VA. Airgas will deliver any product directly to the VA and RAS will perform all the administrative and logistical operations.</p> <p><u>Licensing Committee's recommendations:</u> Maryland does not license 3PL as distributors, so no license is needed in Maryland.</p> <p>b. ALLIEDRX Technician Training Program - Requested that their website be</p>	<p>7a. Motion by committee 2nd by T. Robinson.</p> <p>7b. Motion by committee, 2nd by T. Robinson.</p>	<p>7a. The Board voted to approve this motion.</p> <p>7b. The Board voted to approve this motion.</p>

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		<p>included on Approved Technician Training Programs listed on the Board's website. <u>Licensing Committee's recommendations:</u> Deny Request.</p> <p>c. NAPLEX approval</p>	<p>7c. Recommendation by B. Felter that staff members can approve requests to retake the NAPLEX in 46 days.</p>	<p>7c. The Board voted to approve this motion.</p>
<p>C. Public Relations Committee</p>	<p>B. Zagnit, Chair</p>	<p>Public Relations Committee Update: Next Newsletter: Call for articles.</p> <p>Board CE Breakfast</p>	<p>Newsletter articles are due by September 29. Registration for attendance at the Annual CE Breakfast that will be held on October 23 has been successful. Live and WebEx participation will be possible. 3 CEU are available.</p>	
<p>D. Disciplinary</p>	<p>T. Robinson, Chair</p>	<p>Disciplinary Committee Update: Adverse Event Reporting Forms</p>	<p>Referred back to committee for Board review in October.</p>	
<p>E. Emergency Preparedness Task Force</p>	<p>S. Roy, Chair</p>	<p>Emergency Preparedness Task Force Update</p> <p><i>None at this time.</i></p>		
<p>IV. Other Business & FYI</p>	<p>M. Gavgani, President</p>	<p>Z. St. Cyr, II- CAC Meeting Update: Commissioner St. Cyr II reviewed info from the meeting in Portland, OR. There were valuable discussions about telemedicine opportunities. Commissioner St. Cyr II will share specifics.</p>		

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		<p>L. Bethman: FDA Meeting Update. General information from the first day of the meeting was reviewed.</p>		
<p>V. Adjournment</p>	<p>M. Gavgani, President</p>	<p>M. Gavgani asked for a motion to close the Public Meeting and open a Closed Public Session at 12:37 PM.</p> <p>Following the Public Board Meeting, 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 by D. Jones to close the Public Board Meeting, 2nd by T. Robinson.</p>	<p>The Board voted to approve this motion.</p>