

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
August 16, 2017**

Name	Title	Present	Absent
Ashby, D.	Commissioner	X	
Bouyoukas, S.	Commissioner	X	
Evans, K.	Commissioner		X
Gavani, M.	Commissioner/President	X	
Hardesty, J.	Commissioner	X	
Leikach, N.	Commissioner	X	
Morgan, K.	Commissioner/Treasurer	X	
Oliver, B.	Commissioner	X	
Peters, R.	Commissioner	X	
St. Cyr, II, Z. W.	Commissioner/Secretary	X	
Toney, R.	Commissioner	X	
Yankellow, E.	Commissioner	X	
Bethman, L.	Board Counsel	X	
Felter, B.	Staff Attorney	X	
Speights-Napata, D.	Executive Director	X	
Fields, E.	Deputy Director of Operations	X	
Sanderoff, L.	Investigation/Supervisor	X	
Logan, B.	Legislation/Regulations Manager	X	
Brand, E.	Licensing Manager	X	
Evans, T.	Pharmacist Inspector	X	
Christine Chew	Management Associate	X	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
I. Executive Committee Report(s)	<p data-bbox="340 228 558 293">A.) M. Gavgani, Board President</p> <p data-bbox="340 928 527 993">B.) Z. St. Cyr, II, Secretary</p>	<p data-bbox="579 228 1161 358"><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="653 396 1213 1027" style="list-style-type: none"> <li data-bbox="653 396 1192 456">1. M. Gavgani called the meeting to order at 9:32 A.M. <li data-bbox="653 496 1213 727">2. M. Gavgani requested that Board Commissioners and staff 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="653 800 1205 894">3. M. Gavgani reminded all guests to sign the guest log, indicating whether they would like continuing education credits. <li data-bbox="653 967 1176 1027">4. Review and approval of the July 2017 Public Meeting Minutes. 	<p data-bbox="1241 967 1612 1227">Motion by Daniel Ashby to approve the July 2017 Public Meeting minutes; 2nd by Kevin Morgan, with correction of Agenda to read, "Review and approval of 'July' instead of 'August' 2017 Public Meeting Minutes."</p>	<p data-bbox="1671 967 1927 1027">4. The Board voted to approve this motion.</p>
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<p data-bbox="636 1235 930 1263">1. Operations Updates</p> <ul data-bbox="730 1304 1213 1399" style="list-style-type: none"> <li data-bbox="730 1304 1213 1399">• Lisa Sanderoff introduced as new Pharmacist Investigations Supervisor; Christine Chew will now 	1.	

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		<p>staff the Public meetings of the Board.</p> <ul style="list-style-type: none"> • There will be one intern from UMES School of Pharmacy starting in the winter and one UMBC Law School intern will be sought to start in the fall. • A Workgroup of 15-20 stakeholders for Pharmacist Prescribing and Dispensing Contraceptives continues to meet to develop and draft regulations. • CE Breakfast has 214 onsite registrants and 43 Webinar registrants. Onsite capacity is 350. • Rehabilitation Committee Solicitation has closed. It is hoped that a vendor will be selected to provide service from the bids received. <p>2. Meeting Updates – NONE</p>		
B. Operations Report	E. Fields, Deputy Director/ Operations	<p>1. Management Information Systems (MIS) Unit Updates</p> <ul style="list-style-type: none"> • Rehabilitation vendor solicitation bids will be opened tomorrow, at 		

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		<p>2:00 pm. Additional feedback will be provided next meeting.</p> <ul style="list-style-type: none"> • The six month contract for field inspection software updates finished in July. The new software applications are being utilized in the field by inspectors. • New laptops were purchased for inspectors to use in the field. <p>2. Data Integrity Unit Updates - NONE</p> <p>3. Budget Update</p> <ul style="list-style-type: none"> • A report on the FY18 budget was provided. • One billing system is being mandated beginning in 2019; conversion to the system may expend some of the Board's fund balance. 																	
C. Licensing	E. Brand/ Licensing Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="636 1174 1234 1416"> <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>17</td> <td>51</td> <td>0</td> <td>1,180</td> </tr> <tr> <td>Pharmacy</td> <td>13</td> <td>0</td> <td>0</td> <td>2,120</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	17	51	0	1,180	Pharmacy	13	0	0	2,120		
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		<table border="1"> <tr> <td>Pharmacist</td> <td>96</td> <td>471</td> <td>0</td> <td>11,435</td> </tr> <tr> <td>Vaccination</td> <td>41</td> <td>12</td> <td>0</td> <td>4,388</td> </tr> <tr> <td>Pharmacy Intern - Graduates</td> <td>3</td> <td>0</td> <td>0</td> <td>48</td> </tr> <tr> <td>Pharmacy Intern - Students</td> <td>34</td> <td>20</td> <td>0</td> <td>926</td> </tr> <tr> <td>Pharmacy Technician</td> <td>104</td> <td>294</td> <td>4</td> <td>9,797</td> </tr> <tr> <td>TOTAL</td> <td>308</td> <td>848</td> <td>4</td> <td>29,894</td> </tr> </table>	Pharmacist	96	471	0	11,435	Vaccination	41	12	0	4,388	Pharmacy Intern - Graduates	3	0	0	48	Pharmacy Intern - Students	34	20	0	926	Pharmacy Technician	104	294	4	9,797	TOTAL	308	848	4	29,894		
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D. Compliance	T. Evans Pharmacist Inspector	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 17 Resolved (Including Carryover) – 40 Actions within Goal –37/40 Final disciplinary actions taken – 4 Summary Actions Taken – 5 Average days to complete -124</p> <p>Inspections:</p> <p>Total – 90 Annual Inspections – 83 Opening Inspection – 3 Closing Inspections – 1 Relocation/Change of Ownership Inspections – 1</p>																																

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		Board Special Investigation Inspections – 2		
E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<p><u>1. COMAR 10.34.37 Pharmacy Permit Holder Requirements — Wholesale Distribution and Non-Resident Pharmacy Operations</u></p> <p><u>2. COMAR 10.34.05.05 Security Responsibility</u></p> <p><u>3. COMAR 10.34.34.05 Pharmacy Students</u></p> <p><u>4. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></p> <p><u>5. COMAR 10.34.40 Pharmacist Prescribing</u></p>	<p>1. This regulation was published July 7 and the public comment period ended August 7. Motion by K. Morgan to approve the regulation; 2nd by D. Ashby.</p> <p>2. Information only update. Board requested to add significant loss to section C. Language changed and approved, awaiting signatures from Counsel and Executive Director.</p> <p>3. Certain language in the proposed regulation has been reworded to address concerns and the revised draft will soon be published for comment.</p> <p>4. The regulation will specify that pharmacists post their CPR certification in the pharmacy. Approval from practice committee is pending.</p> <p>5. The fourth meeting of the Stakeholders Workgroup was held yesterday. The proposed regulation will be changed significantly due to more input from Stakeholders. The final draft will be reviewed by the Practice Committee. M. Gavvani</p>	<p>1. The Board voted to approve this motion.</p>

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			asked for the Board to receive the draft as well.	
III. Committee Reports A. Practice Committee	R. Peters, Chair	<p><u>1. Question- Kenneth Wells-</u> In late June, I sent you the email below. Legislation has now passed in Maryland, authorizing Maryland pharmacists to prescribe hormonal contraceptives and self-administered hormonal contraceptives.</p> <p>We recently spoke with Aliyah Horton, CAE, Executive Director of the Maryland Pharmacists Association, concerning our state specific on-line contraceptive course, currently used in several states. With input from Aliyah, we will be contacting the University Of Maryland College Of Pharmacy.</p> <p>In Colorado, we partnered with the University of Colorado Skaggs School of Pharmacy and Pharmaceutical Sciences and developed their 4 hour training and certification course. We hope to develop a similar partnership with the Maryland Pharmacists Association and The University of Maryland College of Pharmacy, to develop a customized on-line training for the pharmacists of Maryland.</p> <p><u>Proposed Response:</u> The Maryland Board in collaboration with interested stakeholders is currently</p>	<p>1. Motion by Practice Committee to approve draft response.</p> <p>2nd by R. Toney</p>	<p>1. The Board approved the motion.</p>

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		<p>promulgating regulations that will establish standard procedures that a pharmacists will use to select the appropriate contraceptive. These regulations will also require a pharmacists to complete a training program approved by the Board. At this time, it is too premature to speculate on what recommended training requirements will be presented to the Board from the workgroup.</p> <p>2. <u>Question- Jessica Rice, Wisconsin Vision Assoc.</u> My name is Jessica and I am reaching out to you today from Wisconsin Vision Associates, Inc. We are an authorized soft contact lens distributor and we ship directly to the prescriber as well as directly to the patient on behalf of the prescriber. We do not sell to patients directly, but only ship to them if directed by the prescriber. We, at WVA, would like to be compliant with the registration requirements that your state may, or may not, deem necessary. Please confirm if your state does, or does not, require registration, as we would be happy to apply, register, and become compliant to ship contact lenses into your state.</p> <p>We are also interested to know if there are any registration requirements for the distribution of Ophthalmic lenses to your state.</p>	<p>2. Motion by Practice Committee to approve draft response and refer to the Board of Physicians or Optometry</p> <p>2nd by D. Ashby</p>	<p>2. The Board voted to approve this motion.</p>

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		<p><u>Proposed Response:</u> The soft contact lenses you described would fall under a device that is excluded from the Pharmacy Act pursuant to Health Occupations, §12-102 (i).</p> <p><u>3. Question- Brad's Oldtown Road Pharmacy</u> We have been notified that a local doctor has been put on Medicare suspension as of tomorrow. We need to verify if refills on scripts this doctor has written for Medicare patients will still be valid and able to be filled.</p> <p>Please advise us on how to proceed</p> <p><u>Proposed Response:</u> Please be advised that the Maryland Pharmacy Act does not address Medicare suspension of providers. You may wish to contact or refer this inquiry to the payer company regarding the Medicare suspension.</p>	<p>3. Motion by Practice Committee to approve the draft response.</p> <p>2nd by K. Morgan</p>	<p>3. The Board voted to approve this motion.</p>

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<p>B. Licensing Committee</p>	<p>D. Ashby, Chair</p>	<p>1. Review of Pharmacist Applications:</p> <p>a) Applicant#113532- The applicant is requesting a refund of her Maryland reciprocity application fee (\$300). She was advised by her employer to obtain a Maryland license for work purposes. The company then notified her not to obtain the license because they already had several Maryland licenses. NABP has refunded her ELTP application fee. <u>Licensing Committee's Recommendation:</u> Deny</p> <p>2. Review of Pharmacy Intern Applications:</p> <p>a) Applicant#113716- The applicant has decided to withdraw his application and is requesting a refund (\$45). He is no longer interested in working in Maryland. <u>Licensing Committee's Recommendation:</u> Deny</p> <p>3. Review of Pharmacy Technician Applications:</p> <p>a) Applicant#T00053 (Renewal)-The applicant is requesting more time to complete her CE credits. She had two hip replacement operations within the last month. This caused her to be in rehab twice since June. She just returned home on July 13. The applicant states she is still under home care until the end of August.</p>	<p>1a. Motion by the committee to deny; 2nd by D. Ashby.</p> <p>2a. Motion by the committee to deny; 2nd by S. Bouyoukas.</p> <p>3a. Following a discussion on acquiring CE's online, the motion by committee to deny was 2nd by N. Leikach.</p>	<p>1a. The Board voted to approve this motion.</p> <p>2a. The Board voted to approve this motion.</p> <p>3a. The Board voted to approve this motion; one dissenting vote recorded.</p>

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		<p><u>Licensing Committee's Recommendation:</u> Deny</p> <p>4. Review of Distributor Applications:</p> <p>a) Permit #D02127- The company is appealing the denial of its request for extension of its reinstatement application. The initial request was denied at the July 2017 Board meeting. The company is awaiting VAWD accreditation and it is taking longer than anticipated. <u>Licensing Committee's Recommendation:</u> Approve a 45-day extension.</p> <p>b) Permit #D01594- The company is requesting waiver of the reinstatement fee for the Distributor permit. The primary basis for the request is that the company states the renewal notification was not received. We reviewed our records and found that the permit holder notified the Board of the change of address and underwent inspection at the new facility. The change of address was not entered on all the fields in our system and the notice was sent to the prior address. <u>Licensing Committee's Recommendation:</u> Approve waiver</p> <p>c) Wholesale Distributors whose renewal applications were filed between 5/18/2017-5/31/2017 and are missing criminal background checks.</p>	<p>4a. Motion by committee to approve 45-day extension; 2nd by R. Toney.</p> <p>4b. Motion by committee to approve waiver; 2nd by K. Morgan</p> <p>3c. Motion by committee to approve; 2nd by R. Toney.</p>	<p>4a. The Board voted to approve this motion.</p> <p>4b. The Board voted to approve this motion.</p> <p>3c. The Board voted to approve this motion.</p>

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		<p><u>Licensing Committee's Recommendation:</u> Send a letter with CJIS application and grant a final 45-day extension. The Committee voted to send the letters immediately and request ratification from the Board.</p> <p>5. Review of Pharmacy Applications:</p> <p>Applicant#113536- Pharmacy is requesting a waiver of the Maryland licensed pharmacist requirement. The pharmacy specializes in medication for Huntington's disease. They assert that they provide medication overnight when other pharmacies take a few weeks. The pharmacy has not provided a reason for the waiver request.</p> <p><u>Licensing Committee's Recommendation:</u> Deny</p> <p>6. Review of Pharmacy Technicians Training Programs:</p> <p>a) Supervalu-Requesting approval of Pharmacy Technician Training Program and Examination.</p> <p><u>Licensing Committee's Recommendation:</u> Approve</p> <p>7. New Business: NONE</p>	<p>5a. Motion by committee is to deny; 2nd by S. Bouyoukas</p> <p>6a. Motion by committee to approve; 2nd by S. Bouyoukas.</p>	<p>5a. The Board voted to approve this motion.</p> <p>6a. The Board voted to approve this motion.</p>
C. Public Relations Committee	E. Yankellow, Chair	<p>Public Relations Committee Update:</p> <p>1. CE Breakfast – Scheduled for October 22nd at the Maritime Institute. This year's theme is Marijuana and Opioid Effects on</p>		

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		<p>Pharmacy. The DHS Secretary is expected to provide greetings. The Board is partnering this year with ACPE on a pilot program for CE credits for attendees.</p> <p>2. Association Meetings – The Committee will consider participating in Pharmacy Association meetings on a case by case basis.</p> <p>3. Newsletter has been issued. The Committee continues its work on an initiative to offer one CE as an enticement to read the newsletter.</p>		
D. Disciplinary	K. Morgan, Chair	Disciplinary Committee Update: Meeting held August 2 nd . Confidential discussion will follow during the closed Administrative Session.		
E. Emergency Preparedness Task Force		Emergency Preparedness Update: Task force to work with Notre Dame in November for an emergency preparedness exercise. No tentative date has been scheduled.		
IV. Other Business & FYI	M. Gavvani, President	A member of the public (a pharmacist) conveyed his concerns with the reinstatement and renewal procedures pertaining to the expiration date of a Pharmacy Technician reinstatement application.	The Pharmacist was referred to the Licensing Committee to address his concern.	

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V. Adjournment	M. Gavgani, President	<p>M. Gavgani asked for a motion to close the Public Meeting at 10:20 A. M. and open a Closed Public Session.</p> <p>Z. St. Cyr, II, 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, Z. St. Cyr, II, 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 Public Board Meeting by K. Morgan.</p> <p>2nd by D. Ashby</p>	<p>The Board voted to approve this motion.</p>