

**Maryland Board of Pharmacy  
Public Board Meeting**

Meeting Minutes  
May 16, 2018

Name		Title	Present	Absent
Ashby, D.		Commissioner	X	
Bouyoukas, S.		Commissioner	X	
Evans, K.		Commissioner	X	
Gavgani, M.		Commissioner	X	
Hardesty, J.		Commissioner/Treasurer	X	
Leikach, N.		Commissioner	X	
Morgan, K.		Commissioner/President	X	
Oliver, B.		Commissioner	X	
Peters, R.		Commissioner		X
St. Cyr, II, Z. W.		Commissioner	X	
Toney, R.		Commissioner/Secretary	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	
Chew, C.		Management Associate	X	



Subject	Responsible Party		Discussion	Action Due Date (Assigned to)
			<p>1c. Lauren Valerio introduced as a new staff member in the call center.</p> <p>1d. A Position has been posted for a six month internship for a University of Baltimore Law School student, and will be closing soon. A meeting with the University of Maryland Law School will take place this week to offer the same opportunity for internships.</p> <p>1e. Lisa Sanderoff and Christine Chew will be graduating from the Maryland Department of Health Leadership Development Institute; after an intense nine month leadership training program.</p> <p>1f. The Board of Pharmacy will be closed Monday, May 28<sup>th</sup>, in observance of Memorial Day.</p> <p>1g. NABP continues to improve their newly launched E-profile system; They are currently functioning at 75-80%. The Board Licensing staff is working at full capacity to provide service to</p>	



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		<p>4. Technicians on State Board's-Deena Speights-Napata</p>	<p>summary of the 114<sup>th</sup> NABP annual meeting. The meeting was held in Denver, CO. May 5<sup>th</sup>-May 9<sup>th</sup>. NABP's President Jean Wagner addressed the attendees with goals of forward thinking. The president's 2017-2018 goals were enhancing education with the use of technology, social media, and electronic publications as training tools. Incoming President Susan Ksiazek spoke of the new NABP Headquarters. A new app is in the development phase. Approved resolutions can be accessed on NABP's website.</p> <p>4a. A brief discussion was held. A proposal of the concept will be submitted to meet the legislative deadline of May 25<sup>th</sup>.</p> <p>Motion to move to Practice Committee by M. Gavani; 2<sup>nd</sup> by D. Ashby. The Commissioners voted to move the issue to the Practice Committee.</p>	

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		5. Tech-Check-Tech-Deena Speights-Napata	5a. A brief discussion was held. The workforce will convene to review edits, and present the proposed regulation to the full Board.	
B. Operations Report	E. Fields, Deputy Director/ Operations	<p>1. Administration and Public Support (APS) Unit Updates</p> <p>a) Accounting Status at April 30, 2018</p> <p>b) Rehabilitation Service Contract</p> <p>c) CE Breakfast Bids</p> <p>2. Management Information Systems (MIS) Unit Updates</p> <p>d) None</p>	<p>1a. A report on Board revenue and expenses through the month of April and May was provided. Revenue is slightly higher due to pharmacy renewal period.</p> <p>1b. Rehabilitation Service contract has been ratified by the University of Maryland. The contract has been submitted to the Health Department, and will take 2 weeks to be official.</p> <p>1c. The bids for the CE Breakfast sites were provided to the Health Department, and the Board is awaiting a final selection.</p> <p>2a. System Automation to rewrite online renewal program; to eliminate challenges during renewal periods. MIS considering converting to a cloud based environment.</p>	A discussion ensued about how we would get the word out regarding reporting/self-reporting for impaired pharmacists.

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C. Licensing	E. Brand/ Licensing Manager	1. Unit Updates					2) Totals reflect pharmacy renewal period.	
		2. Monthly Statistics						
		License Type	New	Renewed	Reinstated	Total		
		Distributor	24	3	0	1,256		
		Pharmacy	12	990	2	2,159		
		Pharmacist	26	508	0	11,673		
		Vaccination	13	48	0	4,654		
		Pharmacy Intern - Graduates	5	0	0	51		
		Pharmacy Intern - Students	22	19	0	845		
		Pharmacy Technician	122	361	4	9,783		
		Pharmacy Technician Student	233	0	0	30		
		TOTAL	233	1,929	6	30,451		
D. Compliance	T. Evans Pharmacist Inspector	1. Unit Updates						
2. Monthly Statistics								
Complaints & Investigations:								

Subject	Responsible Party		Discussion	Action Due Date (Assigned to)
		<p>New Complaints - 32  Resolved (Including Carryover) – 110  Actions within Goal – 60/110  Final disciplinary actions taken – 28  Summary Actions Taken – 2  Average days to complete - 120</p> <p>Inspections:</p> <p>Total - 146  Annual Inspections - 164  Opening Inspections - 9  Closing Inspections – 3  Relocation/Change of Ownership Inspections - 2  Board Special Investigation Inspections – 1</p>		
E. Legislation & Regulations	B. Logan, Legislation and Regulations Manager	<p><u>1. COMAR 10.34.05.05 Security Responsibilities</u></p> <p><u>2. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></p> <p><u>3. COMAR 10.34.40 Pharmacist Prescribing and Dispensing Contraceptives</u></p>	<p>1. The proposed regulation was amended, adding the language “significant loss”. This regulation has been submitted to the Office of Regulatory Affairs for publication in the Maryland Registry.</p> <p>2. This regulation requires the Pharmacist CPR card be readily available, submitted to the Office of Regulatory Affairs for publication in the Maryland Registry.</p> <p>3. Final Action has been submitted to the Office of</p>	



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		<p data-bbox="604 363 1029 394"><b><u>4. COMAR 10.34.30 Applications</u></b></p> <p data-bbox="554 667 688 698"><u>Legislation</u></p> <p data-bbox="554 732 1310 1097">5. SB13/Ch 436 &amp; HB15/Ch 435-Maryland Health Care Commission – Electronic Prescription Records System – Assessment and Report Requires the Maryland Health Care Commission to convene interested stakeholders to assess the benefits and feasibility of developing an electronic system to allow health care providers to access a patient’s prescription medication history. On or before January 1, 2020, the Maryland Health Care Commission, in consultation with interested stakeholders, shall report its findings and recommendations to the Governor and the General Assembly.</p> <p data-bbox="554 1135 1304 1365">6. SB549/Ch443 &amp; HB591/Ch 442-Health Occupations - Physician Assistants - Dispensing of Drugs Under a Delegation Agreement Authorizes a physician assistant to personally prepare and dispense a drug that the physician assistant is authorized to prescribe under a delegation agreement if the supervising physician possesses a dispensing permit.</p>	<p data-bbox="1392 233 1682 329">Regulatory Affairs and will be effective 10 days after publication.</p> <p data-bbox="1346 367 1701 626">4. This regulation will allow the Board to conclude applications that have been pending over one year. Awaiting signatures from Board Counsel and Executive Director for submission.</p> <p data-bbox="1346 732 1692 763">5. July 1, 2018 effective date.</p> <p data-bbox="1346 1135 1675 1198">6. October 1, 2018 effective date.</p>	

Subject	Responsible Party		Discussion	Action Due Date (Assigned to)
		<p>7. SB522/Ch216 and HB653/Ch215- Health Care Providers - Opioid Prescriptions - Discussion of Information and Risks Requires patients be advised of benefits and risks associated with prescriptions of opioids and benzodiazepines. This applies to prescribers, not dispensers.</p> <p>8. HB922/ Ch211- Maryland Department of Health - "Pill Mill" Tip Line Requires the Maryland Department of Health (MDH), by December 1, 2018, to identify a method for establishing a tip line for a person to report a licensed prescriber whom the person suspects is prescribing or overprescribing medication in violation of provisions of law.</p> <p>9. SB1223/Ch214 and HB1452/Ch213- Controlled Dangerous Substances Registration - Authorized Providers - Continuing Medical Education Requires an authorized provider of controlled dangerous substances (CDS) to attest to the Maryland Department of Health (MDH), upon renewal of their CDS registration, that the authorized provider has completed two hours of specified continuing education.</p> <p>10. HB1558/Ch461- Pharmacists - Dispensing of Prescription Drugs - Single Dispensing of Dosage Units Authorizes a pharmacist to dispense, in a single dispensing and exercising the professional judgment of the pharmacist, a quantity of a prescription drug that: (1) is up to the total number of dosage units authorized by the original prescription and any refills and (2) does not exceed a 90-day supply of the drug.</p> <p>11. SB711/Ch569-Health Occupations - Applications for Renewal of Licenses, Permits, Certifications, or Registrations - Available by Mail Requires a health occupations board to send, by first-class mail, a renewal application at the request of a licensee, permit holder, certificate holder, or registrant, if the board otherwise sends</p>	<p>7. October 1, 2018 effective date.</p> <p>8. June 1, 2018 effective date.</p> <p>9. October 1, 2018 effective date.</p> <p>10. October 1, 2018 effective date.</p> <p>11. October 1, 2018 effective date.</p>	



Subject	Responsible Party		Discussion	Action Due Date (Assigned to)
		<p><u>Response:</u> Please be advised that Botox and Dermal fillers do not fall under practice of pharmacy, pursuant to Annotated Code of Maryland, Health Occupations Article, §12-101 (x). A pharmacist is not authorized to perform Botox or Dermal fillers.</p> <p><u>Discussion</u></p> <p><u>CBD Oil</u> F.Y.I 12. SB1201/CH476 Agriculture - Industrial Hemp Pilot Program – Establishment CBD oil can be derived from Hemp which is legal. Hemp's scientific name is cannabis. The DEA considers CBD oil as cannabis which is illegal. The Practice Committee's recommended position is that it is a schedule I drug.</p> <p>Practice Committee's recommendation: Reiterate the DEA's guidance on the issue and not take an independent position.</p> <p><u>CPR, CE On-line</u> Can CE credit be given if exam is on-line? All of ACPE tests are on-line. Practice Committee's recommendation: As long as the training is live, credit can be given.</p>	<p>the committee's response, 2nd by Z. St. Cyr.</p> <p>Motion was made by the committee to post information on the website by M. Gavgani. 2<sup>nd</sup> by S. Bouyoukas.</p> <p>After a brief discussion, motion to approve committee's recommendation 2<sup>nd</sup> by M. Gavgani.</p>	<p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p>

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B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. #111779- The applicant is requesting that the Board grant a 90-day extension on her reciprocity application. She worked in a position for the Federal government that did not require a MD license, so she let it lapse.  <u>Licensing Committee's Recommendation:</u>  Approve a 90-day extension.</p> <p>b. #112030-The applicant's MDBOP application expired on March 30, 2018. She is requesting an The applicant's MDBOP application expired on March 30, an extension in order to take the MPJE, which she has failed several times.  <u>Licensing Committee's Recommendation:</u>  Approve a six-month extension until September 30, 2018.</p> <p>c. #113207- The applicant is requesting that the Board extend the application expiration date of June 9, 2018. Due to personal issues, she feels that she will not be prepared to take the exam by that date.  <u>Licensing Committee's Recommendation:</u>  Approve a three- month extension until September 9, 2018.</p> <p>d. #112134- The applicant is requesting an extension to her MDBOP application, which expired in April 2017. She has failed the MPJE exam twice with Scores of 74 and 73.  <u>Licensing Committee's Recommendation:</u> Deny</p> <p>e. #24083- The applicant is requesting a waiver of</p>	<p>a) Recommendation by committee to approve a 90 day extension; 2<sup>nd</sup> M Gavgani.</p> <p>b) Recommendation by Committee to approve a six-month extension; 2<sup>nd</sup> by M. Gavgani.</p> <p>c) Recommendation by committee to approve a three-month extension; 2<sup>nd</sup> by N. Leikach.</p> <p>d) Recommendation by committee to deny extension; 2<sup>nd</sup> by B. Oliver.</p>	<p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p>

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		<p>the reinstatement application fee for his September 2017 renewal period. The applicant claims that he did not receive notification from the Maryland Board of Pharmacy that his license was expiring.  <u>Licensing Committee's Recommendation:</u> Deny</p> <p>f. #115559-Applciant passed MPJE in April 2018. His NAPLEX exam score expired in June 2017. He is requesting an extension of time to accept his NAPLEX score.  <u>Licensing Committee's Recommendation:</u> Approve</p> <p>g. #112706-The applicant's application is due to expire May 16, 2018. The applicant is requesting a 60-day extension. She was supposed to take the MPJE exam last year, but her father passed away prior to taking the test. She also got married this year and was in the process of changing her name. The process to change her name for NABP and MDBOP has also taken some time. She hopes to take the MPJE exam by the end of May or June.  Licensing Committee's Recommendation: Approve (via email)</p> <p>2. Review of Pharmacy Intern Applications: NONE</p> <p>3. Review of Pharmacy Technicians Applications: NONE</p> <p>4. Review of Distributor Applications: NONE</p>	<p>e) Recommendation by the committee to deny; 2<sup>nd</sup> by M. Gavgani.</p> <p>f) Recommendation by committee to approve; 2<sup>nd</sup> by J. Hardesty.</p> <p>g) Recommendation by committee to approve; 2<sup>nd</sup> by K. Evans</p>	<p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p>

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		<p>5. Review of Pharmacy Applications:</p> <p>a. #P07541-The pharmacy is requesting a renewal fee waiver. They feel that they have been paying the Board yearly since 2016. \$500 was paid in 2016 for a renewal; \$700 was paid in 2017 for relocating to a different address, and now the fee of \$700 for renewal. They claim that they are unable to afford to pay for rent and now owe the property owner over \$10,000 since last year.  <u>Licensing Committee's Recommendation:</u>  Deny (via email)</p> <p>6. Review of Pharmacy Technicians Training Program:</p> <p>a. Klein's Shoprite-Requesting approval for Technician Training Program and exam.  <u>Licensing Committee's Recommendation:</u>  <u>Approve</u></p> <p>7. New Business:</p> <p>a. #10424-Requests refund of renewal fee (\$261). She is leaving the country and will be unable to complete CE requirements.  <u>Licensing Committee's Recommendation:</u>  Deny</p> <p>b. #P04521-Request a refund of renewal fee (\$500). Pharmacy relocated 03/02/2018, and renewed 04/24/2018. They do not want to pay both fees since they are so close together.</p>	<p>a) Recommendation by committee to deny; 2<sup>nd</sup> by M. Gavgani.</p> <p>a) Recommendation by committee to approve; 2<sup>nd</sup> by S. Bouyoukas.</p> <p>a) Recommendation by committee to deny; 2<sup>nd</sup> by M. Gavgani.</p> <p>b) Recommendation by committee to approve; 2<sup>nd</sup> by Z. St. Cyr II.</p>	<p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p>

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		<p><u>Licensing Committee's Recommendation:</u> Approve</p>		
C. Public Relations Committee	E. Yankellow, Chair	<ul style="list-style-type: none"> <li>• Co-chair, R. Toney presented the Public Relations Committee's recap of the April 25<sup>th</sup> meeting. She provided an overview of the committee's responsibilities for the public.</li> <li>• The committee continues its progress with topics for the newsletter.</li> <li>• The committee is committed to working with the Emergency Preparedness Taskforce and encourages pharmacist and technicians to participate with the MD Responds Medical Reserve Corp. On behalf of the</li> </ul>		



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		<p>committee she thanked the current volunteers, chair and co-chair for their continuous service.</p> <ul style="list-style-type: none"> <li>• CE Breakfast venue bids are being reviewed; tentative dates, October 21<sup>st</sup> or October 28<sup>th</sup>, are being discussed.</li> <li>• Topics and speakers for the CE Breakfast continue to be discussed.</li> <li>• Committee members are reviewing brochures for the Board's public outreach events.</li> <li>• The PR Committee continues their review of the working conditions report/topic. More information will be forthcoming.</li> </ul>		
D. Disciplinary	K. Morgan, Chair	<p>Disciplinary Committee Update: J. Hardesty reported:</p> <ul style="list-style-type: none"> <li>• The Committee met on April 4, 2018.</li> <li>• A confidential discussion will be held in the Board's Closed Public Session.</li> </ul>		
E. Emergency Preparedness Task Force	N. Leikach	Emergency Preparedness Update: None	.	
IV. Other Business & FYI	K. Morgan, President	<ul style="list-style-type: none"> <li>• Commissioner D. Ashby suggested associations visit the UMES campus.</li> <li>• There will be a cost associated with the new NABP app when the program design is complete.</li> <li>• Proposals for the January 2019 Legislative Session deadline is May 25<sup>th</sup>.</li> <li>• Pharmacy intern applications are currently being delayed in processing until the school submits affidavits</li> </ul>		

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		for completion of a student's first year. Instructions have been revised; several schools have been contacted.		
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned 11:00 am.</p> <p>B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan, convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p>	Motion to close the Public Board Meeting by J. Hardesty; 2 <sup>nd</sup> by D. Ashby.	The Board voted to approve this motion.

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT")  
UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

**This form has two sides. Complete items 1 – 4:**

1. **Recorded vote to close the meeting:** Date: 5/16/18; Time: 11<sup>00</sup>; Location: 4201 Patterson Ave  
Motion to close meeting made by: J. Hardish Seconded by D. Ashby;  
Members in favor: unanimous; Opposed: —;  
Abstaining: —; Absent: R. Peters.

2. **Statutory authority to close session (check all provisions that apply):**

**This meeting will be closed under General Provisions Art. § 3-305(b) only:**

(1)\_\_\_ "To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; (2)\_\_\_ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; (3)\_\_\_ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; (4)\_\_\_ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; (5)\_\_\_ "To consider the investment of public funds"; (6)\_\_\_ "To consider the marketing of public securities"; (7)\_\_\_ "To consult with counsel to obtain legal advice"; (8)\_\_\_ "To consult with staff, consultants, or other individuals about pending or potential litigation"; (9)\_\_\_ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; (10)\_\_\_ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; (11)\_\_\_ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; (12)\_\_\_ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; (13)✓ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; (14)\_\_\_ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

**Continued →**

3. For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.

Citation (insert # from above)	Topic	Reason for closed-session discussion of topic
§3-305(b) (12)	Applications for licensure	To engage in medical <sup>review</sup> committee deliberations regarding confidential matters in applications for licensure
§3-305(b) ( )		
§3-305(b) ( )		
§3-305(b) ( )		
§3-305(b) ( )		

4. This statement is made by Ker-M. Ny, Presiding Officer.

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**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING**

Time of closed session: 11<sup>00</sup> am Place: 4201 Patterson Ave Baltimore MD  
 Purpose(s): to review confidential matters in applications for licensure  
 Members who voted to meet in closed session: all in attendance at open meeting  
 Persons attending closed session: same as open unless refused  
 Authority under § 3-305 for the closed session: § 3-305(b)(12)  
 Topics actually discussed: applications for licensure  
 Actions taken: process applications accordingly Each recorded vote: unanimous  
on all cases.

For a meeting recessed to perform an administrative function (§ 3-104): Time: 11:49 am  
 Place: same Persons present: same unless refused Subject matter discussed: investigations of complaints; reports on open disciplinary matters.