

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
November 15, 2017**

Name	Title	Present	Absent
Ashby, D.	Commissioner	X	
Bouyoukas, S.	Commissioner	X	
Evans, K.	Commissioner	X	
Gavgani, 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	
Chew, C	Management Associate	X	
Pasay, J	Laboratory Scientist	X	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>2. Meetings Update</p>	<p>office of Dr. Chan, Acting Deputy Secretary, Public Health Services, and signed by Barbara Bazron, Deputy Secretary, Behavioral Health.</p> <p>1c. The Board of Pharmacy will be closed November 23rd and 24th in observance of the Thanksgiving Holiday and American Indian Heritage State Holidays.</p> <p>2a. A constituent contacted the Secretary's Office regarding drug shortages. Members of the Board of Pharmacy met with her and the Physician treating her son to discuss how to monitor the shortage. The Board of Pharmacy will arrange a meeting with the Board of Nursing and the Board of Physicians to strategize on how to approach these concerns.</p> <p>After a brief discussion regarding the drug shortage concerns, President M. Gavvani suggested a referral to the Public Relations Committee to discuss tactics on how to address this matter.</p> <p>2b. Commissioner Z. St. Cyr, II, provided a summary of the Institute for Credentialing</p>	

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			Excellence (ICE) conference held in New Orleans. The 2018 conference will be held in Austin, TX.											
B. Operations Report	E. Fields, Deputy Director/ Operations	<p>1. Administration and Public Support (APS) Unit Updates</p> <p>a) Financial Status October 2017</p> <p>b) Public Works Board Meeting</p> <p>Management Information Systems (MIS) Unit Updates – None</p>	<p>1a. A report on the financial status through October was provided.</p> <p>1b. The proposed Rehabilitation Service Contract was cancelled by Maryland's Public Works Department due to receipt of only one bid. The Board will meet with the Procurement Department to obtain options for re-bidding the contract and suggestions for soliciting more bids.</p>											
C. Licensing	E. Brand/ Licensing Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="510 1122 989 1256"> <thead> <tr> <th data-bbox="510 1122 625 1187">License Type</th> <th data-bbox="625 1122 709 1187">New</th> <th data-bbox="709 1122 804 1187">Renewed</th> <th data-bbox="804 1122 911 1187">Reinstated</th> <th data-bbox="911 1122 989 1187">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="510 1187 625 1256">Distributor</td> <td data-bbox="625 1187 709 1256">12</td> <td data-bbox="709 1187 804 1256">27</td> <td data-bbox="804 1187 911 1256">0</td> <td data-bbox="911 1187 989 1256">1,169</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	12	27	0	1,169		
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		Pharmacy	27	0	0	2,140		
		Pharmacist	74	479	0	11,653		
		Vaccination	55	2	0	4,565		
		Pharmacy Intern - Graduates	6	0	0	44		
		Pharmacy Intern - Students	16	27	0	826		
		Pharmacy Technician	108	325	6	9,799		
		TOTAL	298	860	1	30,196		

D. Compliance	T. Evans Pharmacist Inspector	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints - 27 Resolved (Including Carryover) – 21 Actions within Goal – 19/21 Final disciplinary actions taken – 8 Summary Actions Taken – 0 Average days to complete - 30</p> <p>Inspections:</p> <p>Total – 146 Annual Inspections - 164 Opening Inspections - 9</p>		
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		<p><u>4. COMAR 10.34.40 Pharmacist Prescribing Contraceptives</u></p>	<p>of March 2018, after the moratorium is lifted.</p> <p>4. A waiver from the regulatory moratorium was requested, currently awaiting a response.</p>	
<p>III. Committee Reports A. Practice Committee</p>	<p>R. Peters, Chair</p>	<p><u>Fatimah Rahaman:</u> Dr. DD has prescribed a prescription for Ambien CR 12.5mg to ML, to be taken immediately before bedtime. The prescription was issued on 06/05/2017 with the instruction to be filled only after 10/10/2017. According to Maryland State Pharmacy Law, as a pharmacist, would you fill this prescription on the requested date?</p> <p>1. I was under the impression that you shouldn't fill prescriptions passed 120 days from the issue date but then controlled drugs are allowed five refills which go beyond that 120 day mark...which rule precedes?</p> <p>2. I came across this practice question and was stumped because the provider put a "do not fill until date." Should pharmacists use that date as the issued date or use the actual issue date and start the 120 day or five refill count from the issue date?</p> <p><u>Proposed Answer:</u> Please be advised pursuant to Health Occupations, §12-503 (b), Annotated Code of Maryland, unless otherwise instructed by the authorized prescriber who issues the prescription, a pharmacist may not dispense a prescription that is more than 120 days after the</p>	<p>Motion by K. Morgan to approve draft response.</p> <p>2nd by B. Oliver.</p>	<p>Board voted to approve this motion.</p>

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		<p>prescription was issued. The Board recommends that you call the prescriber for further instructions.</p> <p><u>Linh Nguyen:</u> Many customers give us tips. Is there any law against that? Common sense tells me no, but I check anyway.</p> <p><u>Proposed Answer:</u> Please be advised that the Maryland Pharmacy Act does not expressly prohibit such practice, but this can be construed as unethical, unprofessional, and/or a conflict of interest and a violation of COMAR 10.34.10.01 B. (2) and (3).</p> <p><u>C. William Hall, Ed.D., Director of Institutional Research and State Authorization, Campbell University:</u> Per our phone conversation from this past Friday (10/13/2017), attached please find a letter that outlines the nature of Campbell University's inquiry to the Maryland Board of Pharmacy.</p> <p>In particular, we are interested in the first issue, regarding our Doctor of Pharmacy students engaging in clinical rotations in the State of Maryland. These rotations would potentially take place at a variety of facilities, such as FDA, NIH, Walter Reed Army Medical Center, Johns Hopkins University, and the like.</p>	<p>Motion by K. Morgan to approve draft response.</p> <p>2nd by B. Oliver.</p> <p>Motion by Z. St. Cyr II to approve draft response.</p> <p>2nd by D. Ashby.</p>	<p>Board voted to approve this motion.</p> <p>Board voted to approve this motion.</p>

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		<p>Pharmacy students would be under the direct supervision of a Pharmacist duly licensed by the State of Maryland.</p> <p>Also, we would like to know whether or not our students would need to register as a “Pharmacy Student” or a “Registered Pharmacy Intern,” as defined in Md. HEALTH OCCUPATIONS Code Ann. § 12-101, and per Md. HEALTH OCCUPATIONS Code Ann. § 12-301, and also as governed by COMAR Title 10, Subtitle 34, in order to engage in a clinical rotation as part of their Doctor of Pharmacy education.</p> <p><u>Proposed Answer:</u> Please be advised that a pharmacy student participating in an experiential learning rotation is not subject to the pharmacy technician’s registration requirements pursuant to COMAR 10.34.34.05.</p> <p><u>Item for Discussion:</u> At the October Practice Committee meeting, the issue came up regarding partial filling requirements under COMAR 10.19.03.08. The Committee would like the Board to recommend to the Office of Controlled Substances Administration to align its regulations with the Federal Code.</p>	<p>After a brief discussion a motion to approve the committee’s recommendation was made by J. Hardesty.</p> <p>2nd by R. Toney.</p>	<p>Board voted to approve this motion.</p>

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B. Licensing Committee	D. Ashby, Chair	<ol style="list-style-type: none"> 1. Review of Pharmacist Applications: NONE 2. Review of Pharmacy Intern Applications: NONE 3. Review of Pharmacy Technician Applications: NONE 4. Review of Distributor Applications: NONE 5. Review of Pharmacy Applications: NONE 6. Review of Pharmacy Technicians Training Program: NONE 7. New Business: <ol style="list-style-type: none"> a) MD Pharmacist Hours on Non-Resident Pharmacy Application- Should the working hours of the Maryland licensed pharmacist be captured on the non-resident pharmacy application? <u>Licensing Committee's Recommendation:</u> No change to the application. 	7a. Following a brief discussion, the Board consensus was no change to the application.	
C. Public Relations Committee	E. Yankellow, Chair ; R. Toney reported in the absence of the Chair	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> • More than 250 in attendance for the October CE Breakfast. • Secretary Schrader recognized the service of three Pharmacists over the age of 60. • Recognition dinner for previous Commissioners was held and citations were awarded for their service. • The Winter Newsletter is currently being finalized. 		

Commented [ZSC11]: Please double check on whether there were three (3) honorees or two (2). Thanks.

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		M. Gavgani thanked the staff for their hard work on the CE Breakfast and the selection of Opioids and Medical Marijuana as the topic of discussion.		
D. Disciplinary	K. Morgan, Chair	<p>Disciplinary Committee Update:</p> <ul style="list-style-type: none"> • The Committee met on November 1, 2017, which comprised of Commissioner’s J. Hardesty, R. Peters, and S. Bouyoukas. • A confidential discussion will be held in the Board’s Closed Public Session. 		
E. Emergency Preparedness Task Force		Emergency Preparedness Update: None		
IV. Other Business & FYI	M. Gavgani, President	<ul style="list-style-type: none"> • M. Gavgani congratulated and introduced Kimberly Lang, Associate Director, Health Occupation Board and Commissions, on her new role. Kimberly Lang spoke briefly about getting acquainted with colleagues and future meetings. • Commissioner D. Ashby expressed concerns about procedures for emergency stockpile delivery for employees and their families during emergencies. President M. Gavgani advised Commissioner N. Leikach to contact the Maryland Emergency Preparedness office regarding guidelines 		

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		<p>or guidance they may have that can be shared with businesses.</p>		
<p>V. Adjournment</p>	<p>M. Gavgani, President</p>	<p>A. The Public Meeting was adjourned at 10:31 A.M.</p> <p>B. M. Gavgani 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, M. Gavgani, convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p>	<p>Motion to close the Public Board Meeting by D. Ashby.</p> <p>2nd by K. Evans.</p>	<p>The Board voted to approve this motion.</p>