

**Maryland Board of Pharmacy  
Public Board Meeting**

**Meeting Minutes  
September 20, 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>A.) M. Gavgani, Board President</p> <p>B.) Z. St. Cyr, II, Secretary</p>	<p><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 style="list-style-type: none"> <li>1. M. Gavgani called the meeting to order at 9:32 A.M.</li> <li>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> <li>3. M. Gavgani reminded all guests to sign the guest log, indicating whether they would like continuing education credits.</li> <li>4. Review and approval of the July 2017 and August 2017 Public Meeting Minutes.</li> </ol>	<p>Motion by D. Ashby 2<sup>nd</sup> by S. Bouyoukas</p>	<p>4. The Board voted to approve this motion.</p>
II. A. Executive Director Report	<p>D. Speights-Napata, Executive Director</p>	<ol style="list-style-type: none"> <li>1. Operations Updates <ul style="list-style-type: none"> <li>• Thomas Evans introduced as the Compliance Director.</li> <li>• University of Baltimore Law Student Andrew Siske will assist Etizon Brand with reviewing regulations and editing operating procedures.</li> </ul> </li> </ol>		

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		<ul style="list-style-type: none"> <li>• Contraceptive Workgroup will meet September 28<sup>th</sup> to deliberate on previous draft regulations.</li> <li>• <b>Tech Check Tech Proposal Presentation</b> – Dr. Celia Proctor, Maryland Society Health Systems Pharmacy.</li> </ul> <p><b>2. Meeting Updates –</b></p> <ul style="list-style-type: none"> <li>• Delegate reporting on NABP District Meeting update.</li> </ul>	<ul style="list-style-type: none"> <li>• Discussion centered on how the proposed program is designed to have Technicians with advanced training perform the final verification of prescriptions in lieu of Pharmacists performing this duty.</li> </ul> <p>Commissioner Roderick Peters provided a report on the meeting and Commissioner Steve Bouyoukas added reflections.</p>	
<b>B. Operations Report</b>	<b>E. Fields, Deputy Director/ Operations</b>	<p><b>1. Administration and Public Support (APS) Unit Updates</b></p> <p><b>a) Financial Status August 2017</b></p> <p><b>b) Rehabilitative Committee IFB Requirements - Clinical Pharmacy, Inc., Bid Solicitation</b></p> <p><b>2. Management Information Systems (MIS) Unit Updates (None)</b></p>	<p>a. A report on the financial status through August was provided. Next year's budget will include \$900 thousand for implementation of a new billing system</p> <p>b. The solicitation for a new Pharmacy Rehabilitation vendor is complete, with Clinical Pharmacy, Inc., as the recommended selection. Motion to approve the</p>	<p>b. The Board voted to approve this motion.</p>

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			selection and allow negotiations to continue by J. Hardesty; 2 <sup>nd</sup> by K. Evans.																																														
<b>C. Licensing</b>	<b>E. Brand/ Licensing Manager</b>	<p><b>1. Unit Updates</b></p> <p><b>2. Monthly Statistics</b></p> <table border="1" data-bbox="632 524 1230 1317"> <thead> <tr> <th data-bbox="632 524 779 610">License Type</th> <th data-bbox="779 524 877 610">New</th> <th data-bbox="877 524 999 610">Renewed</th> <th data-bbox="999 524 1136 610">Reinstated</th> <th data-bbox="1136 524 1230 610">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="632 610 779 691">Distributor</td> <td data-bbox="779 610 877 691">10</td> <td data-bbox="877 610 999 691">42</td> <td data-bbox="999 610 1136 691">0</td> <td data-bbox="1136 610 1230 691">1,179</td> </tr> <tr> <td data-bbox="632 691 779 773">Pharmacy</td> <td data-bbox="779 691 877 773">20</td> <td data-bbox="877 691 999 773">0</td> <td data-bbox="999 691 1136 773">0</td> <td data-bbox="1136 691 1230 773">2,127</td> </tr> <tr> <td data-bbox="632 773 779 854">Pharmacist</td> <td data-bbox="779 773 877 854">148</td> <td data-bbox="877 773 999 854">454</td> <td data-bbox="999 773 1136 854">0</td> <td data-bbox="1136 773 1230 854">11,557</td> </tr> <tr> <td data-bbox="632 854 779 935">Vaccination</td> <td data-bbox="779 854 877 935">85</td> <td data-bbox="877 854 999 935">4</td> <td data-bbox="999 854 1136 935">0</td> <td data-bbox="1136 854 1230 935">4,485</td> </tr> <tr> <td data-bbox="632 935 779 1049">Pharmacy Intern - Graduates</td> <td data-bbox="779 935 877 1049">3</td> <td data-bbox="877 935 999 1049">0</td> <td data-bbox="999 935 1136 1049">0</td> <td data-bbox="1136 935 1230 1049">48</td> </tr> <tr> <td data-bbox="632 1049 779 1162">Pharmacy Intern - Students</td> <td data-bbox="779 1049 877 1162">26</td> <td data-bbox="877 1049 999 1162">25</td> <td data-bbox="999 1049 1136 1162">0</td> <td data-bbox="1136 1049 1230 1162">887</td> </tr> <tr> <td data-bbox="632 1162 779 1243">Pharmacy Technician</td> <td data-bbox="779 1162 877 1243">155</td> <td data-bbox="877 1162 999 1243">376</td> <td data-bbox="999 1162 1136 1243">3</td> <td data-bbox="1136 1162 1230 1243">9,854</td> </tr> <tr> <td data-bbox="632 1243 779 1317"><b>TOTAL</b></td> <td data-bbox="779 1243 877 1317">447</td> <td data-bbox="877 1243 999 1317">901</td> <td data-bbox="999 1243 1136 1317">3</td> <td data-bbox="1136 1243 1230 1317">30,137</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	10	42	0	1,179	Pharmacy	20	0	0	2,127	Pharmacist	148	454	0	11,557	Vaccination	85	4	0	4,485	Pharmacy Intern - Graduates	3	0	0	48	Pharmacy Intern - Students	26	25	0	887	Pharmacy Technician	155	376	3	9,854	<b>TOTAL</b>	447	901	3	30,137		
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<b>D. Compliance</b>	<b>T. Evans Pharmacist Inspector</b>	<p><b>1. Unit Updates</b></p> <p><b>2. Monthly Statistics</b></p>																																															

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		<p><b>Complaints &amp; Investigations:</b></p> <p>New Complaints - 55  Resolved (Including Carryover) – 41  Actions within Goal – 36/41  Final disciplinary actions taken – 7  Summary Actions Taken – 0  Average days to complete - 141</p> <p><b>Inspections:</b></p> <p>Total - 170  Annual Inspections - 164  Opening Inspections - 3  Closing Inspections – 3  Relocation/Change of Ownership Inspections - 1  Board Special Investigation Inspections – 1</p>		
<p><b>E. Legislation &amp; Regulations</b></p>	<p><b>B. Logan,  Legislation and Regulations Manager</b></p>	<p><b><u>1. COMAR 10.34.37 Pharmacy Permit Holder Requirements — Wholesale Distribution and Non-Resident Pharmacy Operations</u></b></p> <p><b><u>2. COMAR 10.34.34.05 Pharmacy Students</u></b></p> <p><b><u>3. COMAR 10.34.05.05 Security Responsibilities</u></b></p>	<p>1. This regulation was approved by the Secretary and will be published September 29, 2017, in the Maryland Register and take effect September 29<sup>th</sup>.</p> <p>2. This regulation was approved by the Governor’s office, has been signed off by the Secretary, and will be published in the October 27, 2017 Maryland Register.</p> <p>3. Draft is currently being prepared for publication in next month’s registry.</p>	

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		<p><b><u>4. COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></b></p> <p><b><u>5. COMAR 10.34.40 Pharmacist Prescribing Meghan Davlin Swarthout, JHMI</u></b></p>	<p>4. The regulation will specify that pharmacists must have their CPR certification readily available in the pharmacy. Motion by D. Ashby.  2<sup>nd</sup> by S. Bouyoukas</p> <p>5. The proposed draft regulation will be discussed in the Task Force meeting on September 28<sup>th</sup>.</p>	<p>4. The Board approved this motion.</p>
<p><b>III. Committee Reports</b> <b>A. Practice Committee</b></p>	<p><b>R. Peters, Chair</b></p>	<p><b><u>1. Meghan Davlin Swarthout, JHMI</u></b></p> <p><b>Proposed Response: Please be advised, pursuant to COMAR 10.34.29.03 A (1), a hospital may develop its own policies and procedures to address who may sign on behalf of authorized prescribers. Therefore, the medical director of each clinic of your facility may sign the prescriber-pharmacist agreement as long as the physician is under the direct authority of the medical director.</b></p> <p><b><u>2. Sen. Mathias -- red dye on pills</u></b></p>	<p>1. Motion by R. Toney to approve draft response.  2<sup>nd</sup> by N. Leikach</p> <p>2. After deliberation and discussion the Board directed its staff to contact the Senator to advise the country of origin is listed on the delivery box and the patient can always ask the pharmacist the country of origin. Refer the matter back to Practice</p>	<p>6.</p>

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<p><b>B. Licensing Committee</b></p>	<p><b>D. Ashby, Chair</b></p>	<p><b>1. Review of Pharmacist Applications:</b></p> <p>a) <b>License#22204-</b> The pharmacist’s license expired on July 31. He states that he had issues with his online user ID and password. He would like to renew his application without being required to pay the reinstatement fee. He also states that his CE hours are up-to-date. <u>Licensing Committee’s Recommendation:</u> Deny</p> <p>b) <b>Applicant#113897-</b> The applicant answered “yes” to the following attestation question:</p> <p>#4. Have you ever withdrawn your application for a pharmacist’s license or other health professional license?</p> <p>The applicant submitted an initial application for pharmacist licensure in Maryland in May 2016. Due to personal reasons, the applicant did not take NAPLEX and MPJE exams as required for completion of the application process. The application expired in May 2017. <u>Licensing Committee’s Recommendation:</u> Approve</p> <p>c) <b>Applicant# 112854-</b> Applicant, who is licensed in PA and NJ, passed the NAPLEX exam in June 2016. She states that she called MDBOP and spoke to a licensing specialist who told her that as</p>	<p>if Sen. Mathis pursues the matter further.</p> <p>1a. Motion by the committee to deny; 2<sup>nd</sup> by K. Morgan.</p> <p>2b. Motion by the committee to approve; 2<sup>nd</sup> by K. Morgan.</p> <p>1c. Motion by committee to approve; 2<sup>nd</sup> by K. Morgan.</p>	<p>1a. The Board voted to approve this motion.</p> <p>2b. The Board voted to approve this motion.</p> <p>1c. The Board voted to approve this motion.</p>

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		<p>long as the NAPLEX score was valid when she submitted the initial application, in May 2017, she would not need to retake the NAPLEX exam even if the applicant finished the licensing requirements more than one year after passing the NAPLEX exam. The applicant applied in May 2017, within one year of her NAPLEX exam. The NAPLEX score expired in June 2017, and she passed the MPJE in July 2017. She requests that the Board accept her NAPLEX score.</p> <p><u>Licensing Committee's Recommendation:</u> Approve</p> <p><b>d) Application# 109028-</b> The applicant is requesting an extension for taking the NAPLEX exam. He has undergone a series of life-changing events, which have negatively affected his cognitive abilities to test for this exam. Currently, he has been diagnosed with relapsing multiple sclerosis, which has been the source of numerous hospital admissions since February of this year. The most recent hospitalization occurred on August 8, 2017. In addition to all of this, he has had recent divorce proceedings that have exacerbated his condition. The increasing stress, worsened his pain and fatigue, which has made his ability to concentrate more difficult. His application expired on August 4, 2017. He took the NAPLEX exam on July 26,</p>	<p>1d. Motion by committee to approve; 2<sup>nd</sup> by K. Morgan.</p>	<p>1d. The Board voted to approve this motion.</p>



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		<p>2016, and failed with a score of 68. Accordingly, he requests an extension for retaking the NAPLEX exam and his application.</p> <p><u>Licensing Committee's Recommendation:</u> Approve a 90-day extension for his NAPLEX score and application expiration date.</p> <p><b>2. Review of Pharmacy Intern Applications:</b></p> <p>a) <b>PI00588-</b> Applicant is a foreign graduate who requests an extension of her Pharmacy Intern license, which will expire October 31, 2017</p> <p><b>Explanation:</b> She has approximately 800 intern hours. She gave birth prematurely and the baby has a rare medical condition that requires her to be a full-time caregiver. She requests a one-year extension of her intern license to fulfill the intern hours requirement.</p> <p><u>Licensing Committee's Recommendation:</u> Approve</p> <p><b>3. Review of Pharmacy Technician Applications:</b></p> <p>a) <b>T13583-</b> Online renewal: Answered "no" to the following question:</p> <p>Have you completed the required CE?</p> <p><b>Response:</b> Applicant is requesting a refund for her application fee. She is working in a position that does not require a license. She also did not complete the CEs required for renewal.</p>	<p>2a. Motion by committee to approve; 2<sup>nd</sup> by K. Morgan.</p> <p>3a. Motion by committee is to deny; 2<sup>nd</sup> by B. Oliver.</p>	<p>2a. The Board voted to approve this motion.</p> <p>3a. The Board voted to approve this motion.</p>

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		<p><u>Licensing Committee's Recommendation:</u> Deny <b>Dan Ashby and Mitra Gavvani Recused</b></p> <p><b>4. Review of Distributor Applications:</b> NONE</p> <p><b>5. Review of Pharmacy Applications:</b> NONE</p> <p><b>6. Review of Pharmacy Technicians Training Programs:</b></p> <p>a) <b>Kennie's Pharmacy-</b> Requesting approval of Pharmacy Technician Training Program and Examination. <u>Licensing Committee's Recommendation:</u> Approve</p> <p><b>7. New Business:</b></p> <p>a) <b>#25136-</b> The applicant is requesting a full or partial refund of his \$300.00 application fee. He claims that someone at the call center told him in 2016 that active duty personnel were entitled to a waiver or a discount. <u>Licensing Committee's Recommendation:</u> Deny</p> <p>b) <b>#109930-</b> The applicant would like to have her application expiration date extended so that she can retake the NAPLEX exam. Her application expires on September 27, 2017. Her</p>	<p>6a. Motion by committee to approve; 2<sup>nd</sup> by K. Morgan</p> <p>7a. Motion by committee to deny; 2<sup>nd</sup> by K. Morgan.</p> <p>7b. Motion by K. Morgan to approve 90 day extension; 2<sup>nd</sup> by S. Bouyoukas.</p>	<p>6a. The Board voted to approve this motion.</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>mother's illness has prevented her from studying.</p> <p><i>Licensing Committee's Recommendation:</i> This was not submitted to the Committee. It came to the Board on September 8, 2017.</p>		
<p><b>C. Public Relations Committee</b></p>	<p><b>E. Yankellow, Chair</b></p>	<p><b>Public Relations Committee Update:</b></p> <ol style="list-style-type: none"> <li><b>1. CE Breakfast – Agenda is set for the October 22<sup>nd</sup> Breakfast. Site logistics are being finalized and an onsite visit will be conducted October 10<sup>th</sup> to test the Webinar capability. CE Credits for attendees will be provided through ACPE under a Pilot Program, for the first time.</b></li> <li><b>2. Newsletter was published in July. Linda Bethman, Board Attorney, requests material to be presented in advance for review prior to the publication date.</b></li> <li><b>3. Secretary Schrader will be in attendance during the CE Breakfast.</b></li> <li><b>4. October 18<sup>th</sup> is the new date for the former Board Member recognition dinner.</b></li> </ol>		

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D. Disciplinary	K. Morgan, Chair	Disciplinary Committee Update: Meeting held August 16 <sup>th</sup> . Confidential discussion will follow during the closed Administrative Session.		
E. Emergency Preparedness Task Force		<p>Emergency Preparedness Update:</p> <ol style="list-style-type: none"> <li>1. September is Emergency Preparedness month. No Pharmacists were dispatched to assist with Hurricanes Harvey or Irma.</li> <li>2. Emergency Preparedness Exercise will be held in November with Notre Dame School of Pharmacy.</li> </ol>		
IV. Other Business & FYI	M. Gavgani, President	<ol style="list-style-type: none"> <li>1. M. Gavgani will be in attendance with other Occupational Health Board Chairs during an Outreach session with Secretary Schrader.</li> <li>2. Z. St. Cyr, II, attended the annual meeting of the Consumer Advocacy Center and Council on Licensure Enforcement and Regulation, in Denver, and provided highlights of the conference. Next year's meeting will be held in Philadelphia.</li> </ol>		
V. Adjournment	M. Gavgani, President	<p>M. Gavgani asked for a motion to close the Public Meeting at 11:20 A. M. and open a Closed Public Session.</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</p>	<p>Motion to close the Public Board Meeting by D. Ashby.</p> <p>2<sup>nd</sup> by B. Oliver.</p>	The Board voted to approve this motion.

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		<p><b>the Open Meetings Act, General Provisions Article, Section 3-305 (b) (7) and (13).</b></p> <p><b>The Closed Public Session was adjourned and, immediately thereafter, M. Gavani, 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.</b></p>		