

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
July 18, 2018**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, S.	Commissioner		X
Evans, K.	Commissioner		
Gavgani, M.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		X
Laws Jr, A.	Commissioner		X
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B.	Commissioner		
Peters, R.	Commissioner		
Toney, R.	Commissioner/Secretary		
Yankellow, E.	Commissioner		
Bethman, L.	Board Counsel		
Felter, B.	Staff Attorney		
Speights-Napata, D.	Executive Director		
Fields, E.	Deputy Director of Operations		
Logan, B.	Legislation Liaison		X
Brand, E.	Licensing, Legislative and Regulation Manager		
Evans, T.	Compliance Director		
Chew, C.	Management Associate		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		II. Draft Tech-Check-Tech Regulations	<p>algorithms are still being discussed for implementation. The minutes for this meeting will be forthcoming. The next Contraception meeting will be held August 30th. The date and time will be posted to the Board's website.</p> <p>II. The Board's internal Tech-Check-Tech workgroup met in June. Commissioner D. Ashby spoke briefly of the origin of the Tech-Check-Tech proposal, and the revisions that were made to the proposal. L. Bethman clarified that this is not a Health Occupation code; this proposal is regulatory revisions, and not a statutory change to the Maryland Pharmacy Act.</p>	
B. Operations Report	E. Fields, Deputy Director/ Operations	<p>1. Administration and Public Support (APS) Unit Updates b) June 2018 Financial Statement</p> <p>2. Management Information Systems (MIS) Unit Updates None</p>	1. A report on Board revenue and expenses through the end of June was provided.	

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C. Licensing	E. Brand/ Licensing, Legislative and Regulations Manager	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="644 813 1243 1450"> <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>0</td><td>0</td><td>1,272</td></tr> <tr> <td>Pharmacy</td><td>8</td><td>45</td><td>0</td><td>2,089</td></tr> <tr> <td>Pharmacist</td><td>45</td><td>416</td><td>0</td><td>11,700</td></tr> <tr> <td>Vaccination</td><td>21</td><td>6</td><td>0</td><td>4,560</td></tr> <tr> <td>Pharmacy Intern - Graduates</td><td>9</td><td>0</td><td>0</td><td>57</td></tr> <tr> <td>Pharmacy Intern - Students</td><td>53</td><td>19</td><td>0</td><td>958</td></tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	17	0	0	1,272	Pharmacy	8	45	0	2,089	Pharmacist	45	416	0	11,700	Vaccination	21	6	0	4,560	Pharmacy Intern - Graduates	9	0	0	57	Pharmacy Intern - Students	53	19	0	958		
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		<table> <tr> <td>Pharmacy Technician</td><td>139</td><td>312</td><td>3</td><td>9,758</td></tr> <tr> <td>Pharmacy Technician Student</td><td>0</td><td>0</td><td>0</td><td>21</td></tr> <tr> <td>TOTAL</td><td>292</td><td>798</td><td>3</td><td>30,415</td></tr> </table>	Pharmacy Technician	139	312	3	9,758	Pharmacy Technician Student	0	0	0	21	TOTAL	292	798	3	30,415		
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D. Compliance	T. Evans Compliance Director	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations: New Complaints – 27 Resolved (Including Carryover) –58 Actions within Goal – 27/58 Final disciplinary actions taken – 9 Summary Actions Taken – 2 Average days to complete - 107</p> <p>Inspections: Total – 131 Annual Inspections – 123 Opening Inspections - 4 Closing Inspections – 2 Relocation/Change of Ownership Inspections – 0 Board Special Investigation Inspections – 2</p>																	
E. Legislation & Regulations	E. Brand Licensing, Legislation and Regulations Manager	<u>1. COMAR 10.34.05.05 Security Responsibilities</u>	1. Discussion centered on this regulation needing to define “significant loss”. The amended language will reflect the Federal regulation																

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		<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><u>Legislation</u></p> <p><u>2019 Legislative Proposals</u></p> <p>1. Technician seat on the Board</p>	<p>definition, and the revision of the Division of Drug Control's name to the Office of Controlled Substance and Administration.</p> <p>Motion to approve the amended language by M. Gagvani; 2nd by K. Evans</p> <p>2. This regulation would require the Pharmacist CPR card be readily available.</p> <p>3. The regulation was published in the Maryland Register on June 22nd, with an effective date of July 2 2018, but pharmacist may not prescribe until January, 2019 when the algorithms are in place.</p> <p>1. Following a discussion, a motion was made by M. Gagvani to move to Practice Committee; 2nd by B. Oliver</p>	<p>The Board voted to approve this motion.</p> <p>1. The Board voted to approve this motion.</p>

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		2. <u>Generic substitution</u>	2. Motion by E. Yankellow to proceed with the Generic to Brand proposal; 2 nd by K. Evans	2. The Board voted to approve this motion.
III. Committee Reports A. Practice Committee	R. Peters, Chair	<p>1. Question Presented:</p> <p>I am attempting to clarify if it is required by MD law for a pharmacist to provide oversight in the dispensing of oral contrast orders? The Joint Commission makes an exception where pharmacist oversight is not required, but since this is considered a legend medication of federal level I was looking at MD law on this matter.</p> <p>This particular product in question is an oral barium sulfate 2% contrast agent Readicat 2 ndc# 32909-0724-03</p> <p>Proposed Response: Readi-Cat 2 NDC# 32909-0723-01 is a prescription drug. The administration and distribution of Readi-Cat 2 should follow the hospital policy on administration. The distribution should follow the pharmacy's protocol and procedure for inpatient distribution or the pharmacy's protocol for floor stock distribution in an inpatient setting.</p> <p>2. <u>Protocol for Commissioner Acting on Behalf of the Board</u></p> <p>Committee recommendations:</p> <ol style="list-style-type: none"> 1. Title should be changed from "Commissioner Protocol" to "Commissioner/Staff Protocol" 2. Remove all references to liability in Section C 	<p>1. After a brief discussion motion by M. Gagvani to accept the committees amended response; 2nd by D. Ashby</p> <p>2. Tabled for the August board meeting.</p>	1. The Board voted to approve this motion.

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		<p>b. KJP-Requests the Board reconsider its denial of the refund for her Pharmacist renewal, as her application was not processed. It was not processed because she did not provide CE's. The Board voted to deny her request at the May 2018 Board meeting. <u>Licensing Committee's Recommendation: Deny</u></p>	<p>7b. Recommendation by Committee to deny; 2nd by D. Ashby</p>	<p>The Board voted to approve this motion.</p>
<p>C. Public Relations Committee</p>	<p>E. Yankellow, Chair</p>	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> • Co-chair, R. Toney presented the Public Relations Committee's recap of the June 27th meeting. She mentioned public outreach of Commissioner N. Leikach attendance at the MPhA conference held June 29th – July 2nd in Ocean City. • Outreach materials are currently being discussed. • The workgroup continues to examine the working conditions throughout Maryland pharmacies. • CE Breakfast will be held October 28th at the Sheraton Baltimore North; the agenda is forthcoming. 		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
D. Disciplinary	K. Morgan, Chair	Disciplinary Committee Update: <ul style="list-style-type: none"> • A confidential discussion will be held in the Board's Closed Public Session. 		
E. Emergency Preparedness Task Force	N. Leikach, Chair	Emergency Preparedness Task Force Update: NONE		
IV. Other Business & FYI	K. Morgan, President	<ul style="list-style-type: none"> • Executive Director, Aliyah Horton thanked the Board for their presence at the MPhA annual meeting that was held in Ocean City, MD 		
V. Adjournment	K. Morgan, President	A. The Public Meeting was adjourned at 10:40 A.M. B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications. C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan, convened an Administrative Session for purposes of discussing confidential disciplinary cases. D. With the exception of cases requiring recusals, the Board members present at the	Motion to close the Public Board Meeting by D. Ashby; 2 nd by K. Evans.	The Board voted to approve this motion.

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		Public Meeting continued to participate in the Closed Public Session and the Administrative Session.		

**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: 7/18/18; Time: 10⁴⁰; Location: 4221 Patterson Ave.
Motion to close meeting made by: D. Ashby; Seconded by K. Evans.
Members in favor: all; Opposed: none.
Abstaining: none; Absent: S. Bouykas.
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) (2)	applications for licenses registrations and permits	to discuss confidential matters contained in applications as a medical review committee
§3-305(b) ()		
§3-305(b) ()		
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4. This statement is made by K. M. Y., Presiding Officer.

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

Time of closed session: 7/18/18

session: 10:40 am Place: 4201 Patterson Ave Baltimore

Purpose(s): review confidential matters in applications as a medical review committee

Members who voted to meet in closed session: all members unless absent

Persons attending closed session: all members present unless excused

Authority under § 3-305 for the closed session: GP § 3-305 (b) (13)

Topics actually discussed: applications for licenses, registrations, and permits

Actions taken: process applications accordingly Each recorded vote: _____

For a meeting recessed to perform an administrative function (§ 3-104): Time: 11:17 am

Place: 4201 Patterson Ave Persons present: all members unless excused Subject matter

discussed: complaint investigations