

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
March 20, 2019**

Name	Title	Present	Absent
Ashby, D.	Commissioner		X
Bouyoukas, S.	Commissioner		
Evans, K.	Commissioner		
Garner, G.			
Hardesty, J.	Commissioner/Treasurer		
Laws Jr, A.	Commissioner		
Leikach, N.	Commissioner		X
Morgan, K.	Commissioner/President		
Oliver, B.	Commissioner		
Peters, R.	Commissioner		
Rusinko, K.	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		
Clark, B.	Legislative Liaison		
Goldberg, D.	Pharmacist Investigator Supervisor		
Chew, C.	Management Associate		X

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results										
		b) Survey Summary-Commissioner R. Toney	<p>2b. Commissioner R. Toney a brief summary of the responses from the TCT survey that was distributed to pharmacist and technicians.</p> <p>A motion was made by S. Bouyoukas to continue to move the Tech Check Tech Committee forward and explore amended language; 2nd by K. Evans.</p>	The Board voted to approve this motion.										
B. Operations Report	E. Fields, Deputy Director/ Operations	<p>1. Procurement and Budget Updates</p> <p>a) February 2019 Financial Statements</p> <p>2. Management Information Systems (MIS)</p> <p>Unit Updates None</p> <p>a) Systems Automation Enhanced Services</p>	<p>1a. A report on board revenue for February was provided.</p> <p>2a. MIS continues to work with system automation for regular database functions and testing. The next stage will be for the mobile inspector conversion; followed by testing.</p>											
C. Licensing	B. Clark, Legislative Liaison	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1"> <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>8</td><td>0</td><td>0</td><td>1,336</td></tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	8	0	0	1,336		
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		<p>Customer Service -1 Licensing Issues -4</p> <p>Resolved (Including Carryover) – 3 Actions within Goal – 3/34 Final disciplinary actions taken – 0 Summary Actions Taken – 2 Average days to complete – 77</p> <p>Inspections:</p> <p>Total – 148 Annual Inspections – 134 Opening Inspections – 4 Closing Inspections – 2 Relocation/Change of Ownership Inspections – 2 Board Special Investigation Inspections – 6</p>		
E. Legislation & Regulations	B. Clark, Legislative Liaison	<p>1. <u>COMAR 10.34.05.05 Security Responsibilities</u></p> <p>2. <u>COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u></p> <p>3. <u>COMAR 10.34.30 Applications</u></p>	<p>1. This regulation was posted in the Maryland Register December 21st with a comment period ending January 22nd. Currently awaiting a response.</p> <p>2. This regulation was posted in the Maryland Register December 21st and was effective December 31st.</p> <p>3. This regulation was to be published in the Maryland Register January 18th with a</p>	

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		<p>prohibiting the use of criminal convictions to deny licensure. March 19th no vote yet from the committee.</p> <p>6. <u>HB1085 Drug Take-Back Programs</u> Requiring manufacturers of covered drugs to develop, maintain and finance a drug take back program. Letter of concern sent March 14th</p> <p>7. <u>HB1217 Pharmacist- Aids for the Cessation of Tobacco Product Use-Prescribing and Dispensing</u> Allowing pharmacist to prescribe and dispense nicotine cessation aids. Letter drafted citing statistics submitted Feb 26th.</p> <p>8. <u>HB1295 Pharmacist-Aids for the Cessation of Tobacco Product Use-Prescribing and Dispensing</u> Allowing pharmacist to prescribe and dispense nicotine products. Bill identical to SB497 and Crossfield with HB1217.</p> <p><u>2a. SB900 Opposed</u></p>	<p>After a brief discussion relating to the letter of opposition of SB900, a motion was made to amend the letter by A. Laws. There was no second to the motion. The motion failed.</p> <p>A motion was made by A. Laws to consider a revision by the legislative committee of the legislative committee protocol to an extent feasible. 2nd by R. Toney.</p>	<p>The Board voted to approve this motion.</p>

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		<p>The facilities have been inquiring about the possibility to REPACK something that is not legally allowed to be sold through a 'regular' pharmacy. What is the official ruling?</p> <p>Proposed response: As a DEA registrant, this would constitute illegal handling of a Schedule I controlled substance. Moreover, dispensaries are not pharmacies; repackaging is allowed only if the drugs come directly from another pharmacy. Thus, even absent the C1 issue, this practice is not permissible.</p> <p>Susan Van Bergen My name is Susan with Empower Pharmacy and I have a pharmacy licensing question. We are currently registered as a non-resident pharmacy with your state. We want to add additional customer service roles to our current location, but are limited on space. We plan to lease office space at a separate address nearby to house our additional customer service and data entry staff. No drugs will be stored or dispensed at this additional location.</p> <p>The Texas Board of Pharmacy requires that this additional location be registered as a Class G Pharmacy (Central Prescription Drug or Medication Order Processing). This Class G Pharmacy will only serve the patients from our main location. We will not perform any order processing for any other pharmacy. Given this scenario and the fact that our current location is already registered as a non-resident pharmacy, does your state require us to apply for an additional license? If so, what application must we fill out?</p>	<p>Recommendation by Committee to approve draft response; 2nd A. Laws, Jr</p>	<p>The Board voted to approve this motion.</p>

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		<p>I am just verifying that we can still fill this medication with the PDMP requirements.</p> <p>Proposed response: This matter is left to the pharmacist's professional judgment in consideration of the pharmacist's corresponding responsibility.</p> <p>Dawn A Jacobs Does the MD Board of Pharmacy authorize a pharmacist who is filling or refilling a prescription that has one or more refills to dispense the drug in a quantity or amount that varies from the quantity or amount that would otherwise be dispensed for maintenance/non-controlled meds (i.e. converting a script written for 30 days with 2 refills to a 1 time 90 day supply without contacting the clinician)? If so what is the related COMAR?</p> <p>Proposed response: A pharmacist may dispense refills up to a 90-day supply provided that it is not a CDS prescription, nor an initial fill or change to an original prescription. Md. Code Ann., H.O 12-511.</p> <p>Becky Dant I am writing to confirm which contraception products may be prescribed by Maryland pharmacists who have completed appropriate training. May they prescribe all self-administered forms (pills, patch, and ring)? Also, is depot medroxyprogesterone included? And if so, can the pharmacist administer it without and additional collaborative practice agreement or must it be dispensed to the patient for self-administration?</p> <p>Proposed response: All forms of self-administered contraception may be prescribed. Depo depends on the formulation; Sub-Q may be prescribed.</p>	<p>Recommendation by Committee to approve draft response; 2nd by R. Toney</p> <p>Recommendation by Committee to approve draft response; 2nd by E. Yankellow</p> <p>Recommendation by Committee to approve draft response 2nd by R. Toney</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

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		<p>Mike Nye Does the Board have any issues with the following:</p> <ol style="list-style-type: none"> 1. Using gift card giveaways as a marketing strategy to persuade consumers to transfer their prescriptions to a particular pharmacy, e.g. "receive a \$5 shell gas card for each prescription that your transfer to Pharmacy X"? 2. Using charity donations in the same manner as above, e.g. "\$1 donated to Charity X for each prescription that you transfer to our pharmacy"? 3. Partnering with a charity for a larger, co-branded charitable effort. E.g. "Our pharmacy has partnered with Charity X to donate \$1 from the proceeds of every prescription that we fill to Charity X." 	<p>Motion by J. Hardesty to refer to Practice Committee 2nd; by S. Bouyoukas</p>	<p>The Board voted to approve this motion.</p>
<p>B. Licensing Committee</p>	<p>S. Bouyoukas, Co-Chair</p>	<p>Review of Pharmacist Applications:</p> <ol style="list-style-type: none"> a. CJK- The licensee is requesting approval of her pharmacist license and immunization renewal online application. The licensee was sent a status email that she states went to her SPAM folder. Had she had known that the Board was awaiting a copy of her current CPR card in order to renew her license, she would have provided it upon request. She would like to not have to file a reinstatement application and pay the reinstatement fee. <u>Committee's Recommendation: Approve</u> b. #119316- The applicant is requesting ADA testing accommodations for the MPJE exam. His ADA Testing Accommodation application packet is dated 9/2/2016. His diagnosis is Specified Anxiety Disorder, 	<p>1 a) Recommendation by committee to approve; 2nd K. Rusinko.</p> <p>1 b) Recommendation by committee to approve; 2nd R. Toney.</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

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		<p>g. #116269- The applicant's MDBOP application is due to expire on 3/16/2019. He is requesting an extension of his MDBOP application, so that he would be able to retake the MPJE exam. He failed the MPJE exam for a 2nd time on 2/19/2019. Per NABP's exam policy, he will have to wait 30-days before he can retest. <u>Committee's Recommendation: Approve a six- month MDBOP application extension</u></p> <p>h. NMQ- The licensee is requesting the Board grant her the CE hours for attending the MDBOP's CE breakfast in October 2018. The Board's records show that she registered and paid online, but there is no record of her checking-in or signing the attendee list. Ellen Yankellow Recused <u>Committee's Recommendation: Approve</u></p> <p>i. #118523- The applicant/licensee is requesting that she be granted approval to sit for the MPJE exam because she has accumulated 1218 hours as a consulting pharmacist, not working inside of a pharmacy. The applicant has been a consulting pharmacist since 2012. She started her consulting company in December 2017. She has held a pharmacist license since 1995 through MD after obtaining a BS degree in Pharmacy, then PharmD in 1997, and a MS in Hospital Pharmacy Administration. She holds an active license in DC and just renewed it in February 2019. <u>Committee's Recommendation: Approve</u></p>	<p>lg) Recommendation by committee to approve a six-month MDBOP application; 2nd by K. Evans</p> <p>1h) Recommendation by committee to approve; 2nd by R. Toney</p> <p>1i) Recommendation by committee to approve; 2nd by B. Oliver</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

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D. Disciplinary	J. Hardesty 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: <ul style="list-style-type: none"> No update provided. 		
IV. Other Business & FYI	K. Morgan, President			
V. Adjournment	K. Morgan, President	A. The Public Meeting was adjourned at 11:50 am 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 Public Meeting continued to participate in the Closed Public Session and the Administrative Session	Motion to close the Public Board Meeting by K. Evans; 2 nd by S. Bouyoukas.	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: 3/20/19; Time: 11:50; Location: 4201 Patterson Ave
Motion to close meeting made by: H. Evans Seconded by S. Bouyukbas
Members in favor: unanimous; Opposed: none
Abstaining: none; Absent: N. Lekech, D. Ashby
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."

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