

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
October 17, 2018**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, S.	Commissioner		
Evans, K.	Commissioner		
Hardesty, J.	Commissioner/Treasurer		X
Laws Jr, A.	Commissioner		
Leikach, N.	Commissioner		X
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		
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
		<ul style="list-style-type: none"> • MSHP Fall Seminar/PLG Meeting--10/5 • Grand Opening CVS Mock Pharmacy Training Center at Goodwill Industries--10/11 • MDH Career Fair--10/23 • CE Breakfast--10/28 • Notre Dame School of Pharmacy--10/30--1st year student orientation • APhA-ASP Mid-year Regional Meeting--11/3 	<p>update of the NABP Executive Director Forum held in Chicago, IL on October 1st-3rd.</p> <p>2c) D. Speights-Napata attended the MSHP seminar, brought greetings on behalf of the Board, provided an update on regulatory changes, and information on the CE Breakfast.</p> <p>2d) D. Speights-Napata represented the Board at the CVS mock pharmacy on October 11th</p> <p>2e) There will be representation from the Board at the MDH Career Fair on October 23rd.</p> <p>2f) The CE Breakfast will be held October 28th at the Sheraton Towson. At this moment, 311 individuals are registered for the breakfast and 135 are registered for the web presentation.</p> <p>2g) D. Speights-Napata will accompany a representative from the University of Maryland Rehabilitation Services Contract for a brief presentation for 1st year pharmacy students.</p> <p>2h) APhA-ASP will be hosting their international student</p>	

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		<ul style="list-style-type: none"> November and December Board Meeting Dates and Location--11/21 and 12/19 	<p>segment at the Radisson on November 3rd.</p> <p>2i) The November 21st and December 19th meetings will take place in room 110.</p>																
B. Operations Report	E. Fields, Deputy Director/ Operations	<p>1. Procurement and Budget Updates</p> <p>a) September 2018 Financial</p> <p>2. Management Information Systems (MIS)</p> <p>Unit Updates None</p>	<p>1a. A report on Board revenue for July through September was provided. Board revenue is expected to be impacted by System Automations upgrades.</p>																
C. Licensing	E. Brand/ Licensing Regulations Manager	<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>6</td><td>0</td><td>0</td><td>1,297</td></tr> <tr> <td>Pharmacy</td><td>94</td><td>433</td><td>0</td><td>12,009</td></tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	6	0	0	1,297	Pharmacy	94	433	0	12,009		
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D. Compliance	T. Evans Compliance Director	1. Unit Updates 2. Monthly Statistics Complaints & Investigations: New Complaints –17 Child Support –1 Disciplinary Actions in Another State – 1 Medication Error – 3 Employee Pilferage – 3 FDA 483 – 1 Refusal to Fill – 2 Inspection Issues – 5 Sterile Compounding – 1	2. T. Evans provided an overview of the complaints and investigations in the previous month.																																				

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		<p>Resolved (Including Carryover) –48 Actions within Goal – 18/48 Final disciplinary actions taken – 10 Summary Actions Taken – 2 Average days to complete -40</p> <p>Inspections:</p> <p>Total – 134 Annual Inspections – 118 Opening Inspections - 9 Closing Inspections – 1 Relocation/Change of Ownership Inspections – 2 Board Special Investigation Inspections – 4</p>		
E. Legislation & Regulations	E. Brand Licensing, Legislation and Regulations Manager	<ol style="list-style-type: none"> 1. <u>Proposed COMAR 10.34.05.05 Security Responsibilities</u> 2. <u>COMAR 10.34.32.03 D Requirements to Administer Vaccinations</u> 3. <u>COMAR 10.34.30 Applications</u> 4. <u>Proposed COMAR 10.34.09 Fees</u> 	<ol style="list-style-type: none"> 1. This regulation is currently awaiting approval from the Office of Regulation. 2. Motion by D. Ashby for final adoption; 2nd by S. Boyoukas. 3. This regulation will allow the Board to withdraw applications after 1 year, submitted to the Office of Regulation October 12th and is awaiting approval from the Office of Regulation. 4. This regulation will eliminate fees for technician programs previously approved by the Board, 	The Board voted to approve this motion

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		<p><u>Legislation</u></p> <p><u>Generic Substitution Revision 12-504</u></p>	<p>submitted September 18th to the Governor's office for approval.</p> <p>The proposal to substitute the brand name for generic will not move forward.</p>	
<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>R. Peters, Chair</p>	<p><u>A. Anita Dopkosky</u></p> <p>I work as a consultant to pharmaceutical manufacturers. We are working with a specific pharmaceutical manufacturer who makes a product for Cystic Fibrosis. This products needs to be taken with a fat containing food to aid in absorption of the product. To provide a convenience to the patient, the manufacturer is asking if the specialty pharmacies who ship this product direct to patients can include a fat containing snack in the same shipment/box that contains the dispensed prescription. Examples may include coconut chips, granola bars, etc. The goal is to help the patient and aid them in compliance by providing the fat containing product they can ingest when taking their medication.</p> <p>We are inquiring with various state boards of pharmacy to see if shipping a packaged food product in the same box as the prescription is an acceptable practice. Being a licensed pharmacist in the state of MD and PA, I am aware of the regulations of not allowing food to be stored in a pharmacy, but since this is in support of patient care, we are asking for input.</p> <p>Recommended response:</p>	<p>a) Motion by D. Ashby to approve draft response; 2nd by E. Yankellow.</p>	<p>The Board voted to approve this motion.</p>

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		<p>It is permissible to package food products in the same box as prescriptions.</p> <p><u>B. Deena Speights-Napata</u> (Questions from Contraceptive Stakeholders Meeting)</p> <ol style="list-style-type: none"> 1. How can we ensure uniform or standardized patient education materials from pharmacy to pharmacy? 2. Will pharmacists be able to prescribe Depo Provera IM even though they are not administering the therapy? Is this a self-administered medication? 3. Who are the insurers and payers? What is the reimbursement model planned for pharmacists prescribing hormonal contraception? Who is responsible for leading an insurance forum and getting the payers together in one room for further discussion? <p>Recommended responses:</p> <ol style="list-style-type: none"> 1. Uniform/ standardized patient education materials are not required by the regulation. 2. Depo Provera IM may be prescribed by a pharmacist under the regulation, but may not be administered by a pharmacist. 3. This question should be directed to MIA and Medicaid. It relates to insurance, which is outside the purview of the Board of Pharmacy. <p>C. Board Membership</p>	<p>b) Motion to approve recommendation by committee S. Bouyoukas to approve draft response; 2nd by K. Evans.</p>	

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		<p>On July 18, 2018 the Board voted to pursue the issue of adding a technician to the Board. The Board referred the matter to the Practice Committee.</p> <p>Recommendation:</p> <p>The Committee recommends adding a technician to the membership of the Board. This would result in a 13-member Board. The technician must be a member of ASHP, Maryland Pharmacists Association, Maryland Pharmaceutical Society, ASCP or other professional association.</p> <p>A proposal will be prepared for the 2020 legislative session.</p> <p>D. What type of specialty training is required to practice Drug Therapy Management?</p> <p>Recommendation:</p> <p>The Committee recommends adding a question to the DTM application requesting what type of specialty training the pharmacist has completed.</p>	<p>c) Motion to approve recommendation by committee B. Oliver to approve draft response; 2nd by A. Laws, Jr.</p> <p>After a brief discussion E. Brand, Legislative Regulation and Licensing Manager, will draft language for review.</p> <p>d) Motion to approve recommendation by Committee, D. Ashby; 2nd by S. Bouyoukas.</p>	<p>The 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. Applicant #118106 – The applicant is requesting a waiver of the FPGEC certificate requirement. He submitted to the Board a questionable certificate from the District of Columbia Board of Pharmacy. He states in his request that he passed the FPGEC; however, per NABP, the applicant is not FPGEC certified and he only passed half of the FPGEE exam. This is the second applicant from DC who is trying to bypass the Maryland requirement to be FPGEC certified. Per Shauna White, the Executive Director of the DCBOP, the applicant should be required to complete the FPGEC certification. <u>Licensing Committee Recommendation:</u> <u>Deny.</u></p> <p>b. Applicant #113835 – In July 2017 the applicant took and passed the NAPLEX exam. She transferred her score and filed a MDBOP application on August 2, 2017. Due to personal crisis, she had no time to take off to study for the MPJE exam. She took and passed the MPJE on August 11, 2018, which was nine days after her MDBOP application expired. She was under the mistaken impression that her MDBOP application was valid as along as her NABP application was valid, which was August 29, 2018. The applicant is requesting that the Board recognize her MPJE score, extend the expiration date of her MDBOP</p>	<p>a) Recommendation by Committee to approve; 2nd by B. Oliver.</p> <p>b) Recommendation by Committee to deny; 2nd by 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>application and grant her a pharmacist license. The applicant states that she has a prospective employment in the works with a chain pharmacy, which is contingent upon her being issued a license. <u>Licensing Committee Recommendation: Approve</u></p> <p>c. Applicant# 114514 - The applicant's MDBOP application expires on 9/29/2018. Her NAPLEX score transfer expired on 10/19/2017. She took and passed the MPJE exam on 8/22/2018. The applicant is requesting that the Board extend the expiration date of her MDBOP application and accept her NAPLEX score transfer. <u>Licensing Committee Recommendation: Approve</u></p> <p>2. Review of Pharmacy Intern Applications: NONE</p> <p>3. Review of Pharmacy Technician Applications: NONE</p> <p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications: NONE</p> <p>6. Review of Pharmacy Technicians Training Programs: NONE</p> <p>7. New Business: NONE</p>	<p>c) Recommendation by Committee to approve; 2nd by B. Oliver.</p>	<p>The Board voted to approve this motion.</p>

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C. Public Relations Committee	E. Yankellow, Chair	Public Relations Committee Update: <ul style="list-style-type: none"> • The Committee met September 26th to finalize the CE Breakfast. • The fall newsletter is being compiled, to include an article on root cause analysis and failure mode effects analysis. • The Board appearance at conferences were discussed. • J. Seeds provided data on the newsletter email blast bounce backs. They have been reduced to 1%. Incentives, such as 1 hour CE credits are being discussed to entice individuals to open and read. 		
D. Disciplinary	K. Morgan Chair	Disciplinary Committee Update: <ul style="list-style-type: none"> • Committee met September 26th • 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"> • Report was tabled for next board meeting. 		
IV. Other Business & FYI	K. Morgan, President			

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V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned at 10:35 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> <p>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.</p>	Motion to close the Public Board Meeting by D. Ashby; 2 nd by B. Oliver.	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: 10/17/18; Time: 10:35; Location: 4201 Patterson Ave.
Motion to close meeting made by: D. Ashby Seconded by B. Oliver
Members in favor: all; Opposed: none
Abstaining: —; Absent: N. Lakach, J. Hardisty

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) (3)	applications for licensure	to engage in medical review committee deliberations regarding confidential matters contained in applications
§3-305(b) ()		
§3-305(b) ()		
§3-305(b) ()		
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4. This statement is made by K. M. Morgan, 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: 10:35 am 10/17/18

session: _____ Place: 4201 Patterson Ave
 Purpose(s): review confidential matters in applications
 Members who voted to meet in closed session: all members present in open
 Persons attending closed session: "
 Authority under § 3-305 for the closed session: §§ 3-305(b)(7) and (13)
 Topics actually discussed: confidential matters contained in applications
 Actions taken: process applications accordingly Each recorded vote: _____

For a meeting recessed to perform an administrative function (§ 3-104): Time: 11:10 am
 Place: 4201 Patterson Ave Persons present: all members present in closed Subject matter
 discussed: complaint investigations + J. Hardisty