

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
November 20, 2019**

Name		Title	Present	Absent
Ashby, D.	Commissioner			
Bouyoukas, S.	Commissioner			X
Evans, K.	Commissioner			
Hardesty, J.	Commissioner/Treasurer			
Leikach, N.	Commissioner			
Morgan, K.	Commissioner/President			
Oliver, B.	Commissioner			
Rusinko, K.	Commissioner/Secretary			
Singal, S.	Commissioner			
Yankellow, E.	Commissioner			X
Bethman, L.	Board Counsel			
Felter, B.	Staff Attorney			
Speights-Napata, D.	Executive Director			
Fields, E.	Deputy Director of Operations			
James, D.	Licensing Manager			
Leak, T.	Compliance Director			
Clark, B.	Legislative Liaison			
Chew, C.	Management Associate			

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
---------	-------------------	------------	-------------------------------	---------

I. Executive Committee Report(s)	A.) K. Morgan, Board President	<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"> 1. Call to Order 9:32 am 2. Sign-in Introduction and of meeting attendees – <i>(Please indicate on sign-in sheet if you are requesting CE Units for attendance)</i> 3. Distribution of Agenda and packet materials 		
	B.) K. Rusinko, Secretary	<ol style="list-style-type: none"> 4. Review and approve October 2019 Public Meeting Minutes 	Motion by D. Ashby approval of October 2019 Public Meeting minutes; 2 nd by N. Leikach	The Board voted to approve this motion.
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Pharmacy School Intern-Sandra Nzoukwelle 2. New Board Commissioner-Surinder Singal 3. MSHP Fall Seminar 	<ol style="list-style-type: none"> Deena Speights-Napata introduced Sandra Nzoukwelle intern from UMES. Deena Speights-Napata introduced incoming Commissioner Surinder Singal to the Board. Deena Speights-Napata attended the MSHP Fall Seminar and conducted a presentation to the leadership group 	

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results										
		<p>4. Board Holiday Closures-Nov. 28th and 29th</p>	<p>highlighting the work the Board is doing, and upcoming meetings for 2020.</p> <p>4. In observance of Thanksgiving and American Indian Heritage day; the Board office will be closed November 28 and 29.</p>											
B. Operations Report	E. Fields, Deputy Director/Operations	<p>1. Procurement and Budget Updates a: October 2019 Financial Statements b: Fine income YTD collected is \$90,000 vs \$141,850 collected for FY 2019</p> <p>2. Management Information Systems (MIS) Unit Updates</p>	<p>1a. A report on board revenue for October was provided. 1b. Compliance fines collected this month is above average.</p> <p>2. Inspectors will be provided with new laptops to perform inspections in a timely manner.</p>											
C. Licensing	D. James, Licensing 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></td><td></td><td></td><td></td><td></td></tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total							
License Type	New	Renewed	Reinstated	Total										

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results																																													
		<table> <tr> <td>Distributor</td><td>19</td><td>13</td><td>0</td><td>1,345</td></tr> <tr> <td>Pharmacy</td><td>9</td><td>0</td><td>0</td><td>2,048</td></tr> <tr> <td>Pharmacist</td><td>86</td><td>506</td><td>0</td><td>13,397</td></tr> <tr> <td>Vaccination</td><td>63</td><td>155</td><td>0</td><td>4,884</td></tr> <tr> <td>Pharmacy Intern - Graduates</td><td>4</td><td>0</td><td>0</td><td>51</td></tr> <tr> <td>Pharmacy Intern - Students</td><td>15</td><td>17</td><td>0</td><td>779</td></tr> <tr> <td>Pharmacy Technician</td><td>104</td><td>357</td><td>3</td><td>10,007</td></tr> <tr> <td>Pharmacy Technician Student</td><td>3</td><td>0</td><td>0</td><td>29</td></tr> <tr> <td>TOTAL</td><td>303</td><td>1,048</td><td>3</td><td>31,623</td></tr> </table>	Distributor	19	13	0	1,345	Pharmacy	9	0	0	2,048	Pharmacist	86	506	0	13,397	Vaccination	63	155	0	4,884	Pharmacy Intern - Graduates	4	0	0	51	Pharmacy Intern - Students	15	17	0	779	Pharmacy Technician	104	357	3	10,007	Pharmacy Technician Student	3	0	0	29	TOTAL	303	1,048	3	31,623		
Distributor	19	13	0	1,345																																													
Pharmacy	9	0	0	2,048																																													
Pharmacist	86	506	0	13,397																																													
Vaccination	63	155	0	4,884																																													
Pharmacy Intern - Graduates	4	0	0	51																																													
Pharmacy Intern - Students	15	17	0	779																																													
Pharmacy Technician	104	357	3	10,007																																													
Pharmacy Technician Student	3	0	0	29																																													
TOTAL	303	1,048	3	31,623																																													
D. Compliance	T. Leak, Compliance Director	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p> <p>New Complaints –34</p> <ul style="list-style-type: none"> Customer Service -5 Employee Pilferage – 1 																																															

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<ul style="list-style-type: none"> • Disciplinary Action in Another State –3 • Refusal to Fill –1 • Unprofessional Conduct – 4 • Fraud– 1 • Medication Error – 4 • Unlicensed Personnel – 2 • Dispensing Error – 4 • Child Support – 2 • Inspection Issues –7 • Resolved (Including Carryover) – 28 • Actions within Goad – 28/28 • Final disciplinary actions taken –10 • Summary Actions Taken –0 • Average days to complete –0 <p>Inspections:</p> <p>Total – 157</p> <p>Annual Inspections – 140</p> <p>Opening Inspections – 4</p> <p>Closing inspections – 7</p> <p>Relocation/Change of Ownership Inspections – 2</p> <p>Board Special Investigation Inspections – 4</p>		
E. Legislation & Regulations	B. Clark, Legislative Liaison	<p><u>Health Occupations 12-504 Amendment</u></p> <p>Amendments to the generic substitution statute have been proposed by the Board. We are currently working through the bill with DLS. DLS has made some minor linguistic changes, but the substance of the bill remains fully intact.</p> <p><u>PDMP Statute</u></p> <p>Statutory amendments are being introduced that would give PDMP the authority to refer cases to OCSA when it finds evidence that there may be a</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>Joshua Ryan – MedStar Franklin Square Medical Center: Franklin Square Medical Center operates an inpatient pharmacy as well as an outpatient oncology infusion physician practice in Bel Air, MD. As there is no pharmacy at the Bel Air Office, we would like to have pharmacists from Franklin Square review orders and make modifications to orders/labels after consulting with physicians. In the EMR this will list them as the dispensing pharmacist even though they are not physically present to dispense. We were going to outline in a policy what the term “dispensed by” meant at this site to reflect appropriate practice. I look forward to hearing back if we can begin having our pharmacist remote review physician orders for an offsite clinic. Karla Evans Recused</p> <p>Proposed response: A pharmacist can participate in this manner provided that it’s a clinical review and not a review of the final product. In addition, records should reflect the health care provider who actually prepared the product.</p> <p>Laura Pone – Benesch Friedlander Coplan & Aronoff LLP: Is a chart order from a long term care facility considered a valid order for the purpose of dispensing discharge medications to patients that are ready to be discharged?</p> <p>Proposed response: Provided that all labeling requirements are met and all necessary elements (e.g. quantity) are contained in the chart order, then the chart order would be a valid order for the purpose for dispensing discharge medication.</p> <p>Ayman Ness: My question is are we still should not exceed the 5 percent??</p>	<p>Recommendation by Committee to approve draft response; 2nd by B. Oliver.</p> <p>Recommendation by Committee to approve draft response 2nd by B. Oliver.</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>Any questions regarding med techs for med techs should be directed to the Maryland Board of Nursing.</p> <p>Shirish Patil – Chase Brexton Health Care: At our Healthcare Center, we have a Medication Support Team (MST) that prepares weekly/bi-weekly pill boxes for patients that are either challenged or incapable of organizing and preparing their own daily medication regimen.</p> <p>The patient specific medication supplies used in preparation of these pill boxes are prepared in our regular Pharmacy and accuracy verified by a pharmacist per standard pharmacy practice. The pill boxes are then prepared in the MST medication room by a certified pharmacy technician.</p> <p>We have the following two questions in regards to checking of these pill boxes prior to dispensation to a patient:</p> <p>1) Can these filled pill boxes be checked by a licensed nurse?</p> <p>2) Can these pill boxes be checked by another certified pharmacy technician?</p> <p>Proposed response: Once the medication has been dispensed to the patient or patient's agent (the "MST"), any further manipulation of the packaging is not under the purview of the Maryland Board of Pharmacy. It is permissible for a pharmacy technician to perform this check, but it should be noted that because the medication is considered to be dispensed once it is handed over to the MST, the technician</p>	<p>Motion by Committee to approve draft response 2nd by B. Oliver.</p>	<p>The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>would not be performing a designated pharmacy act in this scenario.</p> <p>Your question regarding whether a nurse may check pill boxes should be directed to the Maryland Board of Nursing, as this is a question regarding a nurse's scope of practice.</p> <p>Sarah Benner: I'm the psychiatric clinical pharmacist at PRMC in Salisbury. I'm emailing for clarification regarding pharmacist scope of practice regarding administration of IM non-vaccinations on hospital grounds for non-inpatients.</p> <p>Proposed response: Pharmacists are currently only permitted to administer vaccinations pursuant to Md. Code Ann., Health Occ. § 12-508 and self-administered drugs pursuant to Md. Code Ann., Health Occ. § 12-509. Pharmacists thus may not administer non-vaccination IM injections, except to the extent that they are self-administered drugs as defined under Md. Code Ann., Health Occ. § 12-509.</p>	Recommendation by Committee to approve draft response; 2 nd by B. Oliver.	The Board voted to approve this motion.
B. Licensing Committee	D. Ashby, Chair	<p>1. Review of Pharmacist Applications:</p> <p>a. #120685- The applicant is requesting ADA Testing accommodation for the MPJE and NAPLEX exams. He is requesting an additional two hours for both exams. The applicant has test anxiety agitation, and poor concentration. (Regular exam time is four hours long)</p> <p><u>Committee's recommendation: Approve</u></p> <p>b. #123463- The applicant is requesting ADA Testing accommodation for the MPJE and NAPLEX exams. She would like an</p>	<p>1a. Recommendation by Committee to approve 2 additional hours of exam testing; 2nd by J. Hardesty.</p> <p>1b. Recommendation by Committee to approve 4</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>additional 4 hours, reduced distraction, and written text exams. The applicant's diagnosis of her disability are anxiety, panic attacks, and other physiological arousal, ADHD with insufficient symptoms of inattention and hyperactivity. (Regular exam time is four hours long)</p> <p><u>Committee's recommendation: Approve</u></p> <p>c. #119576- The applicant is requesting an additional 1.5 hours for his ADA Testing accommodations for the MPJE exam. The applicant has been diagnosed with ADD. (Regular exam time is four hours long)</p> <p><u>Committee's recommendation: Approve</u></p> <p>d. #118757- The applicant is requesting a four-month extension of his NAPLEX ATT eligibility date and MDBOP application. The applicant was granted his ATT eligibility on 10/10/2018, which he never utilized. This is his first eligibility date extension request addressing the Board.</p> <p><u>Committee's recommendation: Approve</u></p> <p>e. MB- Pharmacist MB request for refund was denied at the September 2019 Board meeting. He is requesting reconsideration. He has not provided additional information.</p> <p><u>Committee's Recommendation: Deny</u></p> <p>f. HU- Pharmacist HU is requesting a waiver of the reinstatement process. He renewed online 08/28/2019, and answered 'no' to question # 11, Have you completed the required CE? An email was sent on</p>	<p>additional hours of exam testing; 2nd by N. Leikach.</p> <p>1c. Recommendation by Committee to approve 1.5 additional hours of exam testing; 2nd by K. Rusinko.</p> <p>1d. Recommendation by Committee to approve eligibility date extension and MDBOP application; 2nd by B. Oliver.</p> <p>1e. Recommendation by Committee to deny refund; 2nd by B. Oliver.</p> <p>1f. Recommendation by Committee to deny waiver of reinstatement process; 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> <p>The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>08/29/2019 requesting proof of CE's, no response was received. <u>Committee's Recommendation: Deny</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. Continuing Education Hours Requests:</p> <p>a. Ashley Rzepinnik - Ms. Rzepinnik requests the denial of the CE request be reconsidered. Her request for reconsideration is based on the fact that for the past 5 years the same program has been approved and that the program has not changed. DAN ASHBY AND KRIS RUSINKO RECUSED <u>Committee's Recommendation: Approve for 2 hours.</u></p> <p>b. Carlita Kearney - Ms. Kearney would like the reason/reconsideration for denial of the CE program. DAN ASHBY AND KRIS RUSINKO RECUSED <u>Committee's Recommendation: Approve for 7 hours.</u></p>	<p>7a. Recommendation by Committee to approve 2 hours; 2nd by N. Leikach.</p> <p>7b. Recommendation by Committee to approve 7 hours; 2nd by K. Evans.</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p>c. Ali Dalili- Requesting CE approval as an attendee. <u>Committee's Recommendation: Deny</u></p> <p>d. Hye Jin Pak - Requesting CE approval as an attendee. <u>Committee's Recommendation: Approve for 1.5 hours</u></p> <p>8. New Business:</p> <p>a. Healix Infusion Therapy LLC - At the September 2019 Board meeting a 30-day extension was granted to allow for operations at the company's new facility while awaiting VAWD inspection. Due to delays the company is requesting additional time. The company is requesting a 60-day extension. <u>Committee's Recommendation: Approve</u></p> <p>b. CRX Specialty Solutions Pharmacy -Is requesting an extension to the 60 day Maryland Pharmacist replacement. The future MD pharmacist, John Sullivan is pending Committee and Board review. The previous MD Pharmacist (Steven Boyd) resigned effective 09/15/2019. <u>Committee's Recommendation: Approve</u></p> <p>c. Y.A.- Registrant YA is requesting the hours earned as a technician to be used as intern hours. She held a technician registration from 04/28/2016 to 03/28/2019. Her intern registration was issued 03/28/2019. Hours earned as a</p>	<p>7c. Recommendation by Committee to deny; 2nd by K. Evans.</p> <p>7d. Recommendation by Committee to approve 1.5 CE hours; 2nd by N. Leikach.</p> <p>8a. Recommendation by Committee to approve; 2nd by K. Evans.</p> <p>8b. Recommendation by Committee to approve; 2nd by K. Evans.</p> <p>8c. Recommendation by Committee to deny; 2nd by N. Leikach.</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> <p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		technician can be counted towards intern hours if accrued on or before 10/01/2015. <u>Committee's Recommendation: Deny</u>		
C. Public Relations Committee	D. Ashby, Commissioner	Public Relations Committee Update: <ul style="list-style-type: none"> • CE Breakfast recap-positive feedback received from the October event. All CE's were uploaded to each attendees account. • Future newsletter timeline and discussion on other communication strategies to reach pharmacist and technicians. • Representation from Board members and staff to attend other pharmacy association events were also discussed. 		
D. Disciplinary	J. Hardesty Chair	Disciplinary Committee Update: <ul style="list-style-type: none"> • Committee met November 6. • 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"> • A 3-hour Point of Distribution exercise was held at Notre Dame on November 5, during that exercise 40 students signed up to be volunteers. • A 2-hour lecture was held at University of Maryland Baltimore on emergency preparedness. 		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
IV. Other Business & FYI	K. Morgan, President	<p>1. Commissioner overnight stipend compensation—increase \$250—Kevin Morgan</p> <p>2. Schools of Pharmacy Committee Meeting—Karla Evans</p>	<p>1. Recommendation by Executive Committee to change stipend compensation; 2nd by K. Evans.</p> <p>Partnership with Deans to educate future pharmacist of the processes and the successfulness of MPJE exam through the pre-test.</p>	The Board voted to approve this motion.
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned at 10:39 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 K. Evans.	The Board voted to approve this motion.