

**Maryland Board of Pharmacy  
Public Board Meeting**

**Meeting Minutes  
October 16, 2019**

Name	Title	Present	Absent
Ashby, D.	Commissioner		
Bouyoukas, S.	Commissioner		
Evans, K.	Commissioner		
Hardesy, J.	Commissioner/Treasurer		
Leikach, N.	Commissioner		
Morgan, K.	Commissioner/President		
Oliver, B.	Commissioner		
Rusinko, K.	Commissioner/Secretary		
Yankellow, E.	Commissioner		
Bethman, L.	Board Counsel		
Feter, 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
<b>I. Executive Committee Report(s)</b>	<b>A.) K. Morgan, Board President</b>	<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><b>1. Call to Order 9:30 am</b></li> <li><b>2. Sign-in Introduction and of meeting attendees – (Please indicate on sign-in sheet if you are requesting CE Units for attendance)</b></li> <li><b>3. Distribution of Agenda and packet materials</b></li> <li><b>4. Review and approve September 2019 Public Meeting Minutes</b></li> </ol>		
<b>II. A. Executive Director Report</b>	<b>D. Speights- Napata, Executive Director</b>	<ol style="list-style-type: none"> <li><b>1. NABP Executive Officer Meeting</b></li> <li><b>2. Upcoming NABP Task Force on Technician Education</b></li> <li><b>3. NABP District 1 and 2 Meeting</b></li> </ol>	<ol style="list-style-type: none"> <li><b>1. Deena Speights-Napata provided a brief summary of the NABP interactive forum held October 1-2 in Mount Prospect, IL.</b></li> <li><b>2. Deena Speights-Napata has been appointed to the NABP task force.</b></li> <li><b>3. Commissioner Leikach provided an update on the NABP District meeting held September</b></li> </ol>	<p>The Board voted to approve this motion.</p>

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B. Operations Report	E. Fields, Deputy Director/ Operations	<p><b>1. Procurement and Budget Updates</b>  <b>a: September 2019 Financial Statements</b></p> <p><b>2. Management Information Systems (MIS) Unit Updates</b>  <b>a: Continuing Education Audit has been activated</b>  <b>b: Letters identifying missing information on applications has been automated and activated</b>  <b>c: Compliance module</b>  <b>d: Online pharmacy renewal</b>  <b>e: New laptops for inspectors</b></p>	<p>19-21 where Deena Speights-Napata was appointed President for District 2.</p> <p>1a. A report on board revenue for September was provided.</p> <p>2a. CE Auditing has been activated as of September 7-for pharmacist and technicians submitting renewal applications.</p> <p>2b. Automatic form letters have been activated to send via email to applicants and licensees.</p> <p>2c. This module will allow investigators to input compliance related information for staff in the field.</p> <p>2d. Online pharmacy renewal program will be revised to emulate the distributor online renewal program.</p> <p>2e. Inspectors will be provided with new laptops for larger capacity storage.</p>	

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<b>C. Licensing</b>	<b>S. Boyoukas, Commissioner</b>	<p align="center"><b>f: Bids for new servers</b></p> <p align="center"><b>1. Unit Updates</b></p> <p align="center"><b>2. Monthly Statistics</b></p> <table border="1" data-bbox="203 659 1079 1266"> <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>14</td> <td>24</td> <td>0</td> <td>1,329</td> </tr> <tr> <td>Pharmacy</td> <td>9</td> <td>0</td> <td>0</td> <td>2,056</td> </tr> <tr> <td>Pharmacist</td> <td>74</td> <td>524</td> <td>0</td> <td>12,349</td> </tr> <tr> <td>Vaccination</td> <td>65</td> <td>111</td> <td>0</td> <td>4,840</td> </tr> <tr> <td>Pharmacy Intern - Graduates</td> <td>2</td> <td>0</td> <td>0</td> <td>52</td> </tr> <tr> <td>Pharmacy Intern - Students</td> <td>11</td> <td>18</td> <td>0</td> <td>797</td> </tr> <tr> <td>Pharmacy Technician</td> <td>116</td> <td>337</td> <td>4</td> <td>10,032</td> </tr> <tr> <td>Pharmacy Technician Student</td> <td>5</td> <td>0</td> <td>0</td> <td>31</td> </tr> <tr> <td><b>TOTAL</b></td> <td><b>296</b></td> <td><b>1,014</b></td> <td><b>4</b></td> <td><b>31,569</b></td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	14	24	0	1,329	Pharmacy	9	0	0	2,056	Pharmacist	74	524	0	12,349	Vaccination	65	111	0	4,840	Pharmacy Intern - Graduates	2	0	0	52	Pharmacy Intern - Students	11	18	0	797	Pharmacy Technician	116	337	4	10,032	Pharmacy Technician Student	5	0	0	31	<b>TOTAL</b>	<b>296</b>	<b>1,014</b>	<b>4</b>	<b>31,569</b>	<p>2f. Bids are being accepted to replace outdated servers, closing date is October 17.</p>	
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<p><b>D. Compliance</b></p>	<p><b>T. Leak, Compliance Director</b></p>	<p>1. Unit Updates 2. Monthly Statistics</p> <p><b>Complaints &amp; Investigations:</b> New Complaints –68</p> <ul style="list-style-type: none"> <li>• Customer Service -1</li> <li>• Professional Misconduct – 1</li> <li>• Sterile Compounding –5</li> <li>• Inspection Issues –45</li> <li>• Refusal to Fill – 2</li> <li>• Medication Error–2</li> <li>• Dispensing Error – 3</li> <li>• Employee Pilferage – 3</li> <li>• Disciplinary Action in Another State – 2</li> <li>• Licensing Issue – 3</li> <li>• Employee Pilferage –4</li> <li>• Fraud – 1</li> <li>• Resolved (Including Carryover) – 36</li> <li>• Actions within Goal –36/36</li> <li>• Final disciplinary actions taken –13</li> <li>• Summary Actions Taken –5</li> <li>• Average days to complete –45</li> </ul> <p><b>Inspections:</b> Total – 106 Annual Inspections – 102 Opening Inspections – 1 Closing inspections – 2 Relocation/Change of Ownership Inspections – 1</p>		

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		Board Special Investigation Inspections – 0		
<b>E. Legislation &amp; Regulations</b>	<b>B. Clark, Legislative Liaison</b>	<u>Regulations:</u> None		
<b>III. Committee Reports</b>	<b>K. Evans, Commissioner</b>	<u>Proposed Amendment MD Health Occ Code § 12-508</u>		
<b>A. Practice Committee</b>		<p>Age change for vaccination: The Board is in favor of changing the age to a younger age, however the Board may not be able to submit for this year or next year's legislation. However, if another outside agency is willing to propose may do so.</p> <p><b>Erin Shidler- 1.</b> If a resident is on cycle dose packs for scheduled medications and the cycle is for two weeks at a time The packs are labeled with resident's name, date and time of medication administration, medication and description of medication. The label on each pack can only list up to 4 medications. Each pack can hold more than 4 pills -for instance if a resident is on</p> <p>Klor-Con 20 meq take two tablets by mouth daily at 8am coloce 100 mg take one tablet by mouth at 8 am and 8pm</p> <p>8 am dose pack would have 2 klor con tablets and 1 Colace</p> <p>***If new order is received to decrease klor con to 1 tablet daily at 8 am - can the licensed nurse take one tablet out of dose packs, place medication change label on package et document- that new order was</p>		

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		<p>received, dose pack adjusted accordingly, med destroyed per facility policy.</p> <p>Scenario 2</p> <p>If a resident is on cycle dose packs and a scheduled med is decreased et it is a med that is scored can the licensed nurse take the pill out of dose pack et cut the med and put the new order dose back in package - destroy the other half per policy, add medication change label et document of the change</p> <p><b>My questions and scenarios I previously listed were in regards to ALFs. I also need to know if the regulations are the same for Memory Care facilities as well.</b></p> <p><b>Proposed response:</b> Any change to a prescription order requires the facility to send the medications back to be properly dispensed according to the new order. Please contact Office of Health Care Quality (OHCQ) and the Board of Nursing for further information.</p> <p><b>Samantha Rimback – Five RiversRx: 1.)</b> What are your agency's requirements to operate an OTP clinic in your state?</p> <p>2.) What additional requirements exist to operate an OTP clinic in your state? (Eg. Board of Pharmacy and/or Controlled Substances licenses; Behavior Health requirements; SAHMSA requirements; any other government department requirements; etc.)</p> <p><b>Proposed response:</b> The Board has no jurisdiction operating an OTP clinic. Please contact the</p>	<p>Motion by Committee to approve draft response; 2<sup>nd</sup> by D. Ashby.</p>	<p>The Board voted to approve this motion.</p>
		<p><b>Proposed response:</b> The Board has no jurisdiction operating an OTP clinic. Please contact the</p>	<p>Motion by Committee to approve draft; 2<sup>nd</sup> by B. Oliver.</p>	<p>The Board voted to approve this motion.</p>

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		<p>Behavioral Health Administration (BHA) at 410-402-8300 or <a href="http://www.bha.health.maryland.gov">www.bha.health.maryland.gov</a></p> <p><b>Chad Baker – Flavorx.com:</b> There are 14 states that currently have language on the books that says “flavoring isn’t compounding”. You’ll see from the file that not all of those states have confirmed they will maintain that position. I would be very surprised if they did not, but that is why you may find a few that don’t show up in the “flavoring isn’t compounding” category post USP 795. Several states that didn’t take a stance on the issue are now taking a position, and in all cases, are coming down on the side of keeping this service in pharmacy. Zero states have indicated they plan to regulate flavoring as if it were non-sterile compounding.</p> <p><b>Proposed response:</b> The Board does have the authority to enforce standards of practice with respect to non-sterile compounding. However, it has not adopted 795 into its regulations at this time unless you are doing veterinary compounding.</p> <p><b>Kristin Denne-</b> What is the Board’s stance on pharmacists and pharmacies providing point of care testing such as Rapid Influenza Diagnostic Tests (Also interested in other rapid tests like strep, A1C, ect.)? Is this allowed? Are there any additional requirements in order to do this outside of applying for the CLIA certification? Is this outside of the Board’s jurisdiction?</p> <p><b>Proposed response:</b> Please refer to Lab Administration COMAR 10.10.03.02 on letters of exception. If the person in question is a lab director under this regulation, then they may perform the tests</p>	<p>Motion by Committee to approve draft response; 2<sup>nd</sup> by B. Oliver.</p> <p>Motion by Committee to approve draft response 2<sup>nd</sup> by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>



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		<p>listed, provided that all other regulatory requirements are met.</p> <p><b>Steve Bouyoukas – Walgreen Co. Steve recused:</b> Does the MD BOP allow for carve-outs, i.e. the flavoring of a conventionally manufactured/commercially available drug is not subject to the requirements associated with preparation of a compounded nonsterile product?</p> <p><b>Proposed response:</b> The Board does have the authority to enforce standards of practice with respect to non-sterile compounding. However, it has not adopted 795 into its regulations at this time unless you are doing veterinary compounding.</p>	<p>Motion by Committee to approve draft response 2<sup>nd</sup> by N. Leikach.</p>	<p>The Board voted to approve this motion.</p>
<p><b>B. Licensing Committee</b></p>	<p><b>S. Bouyoukas, Co-Chair</b></p>	<p>1. Review of Pharmacist Applications:</p> <p><b>a. #116269-</b> The applicant's MDBOP application was received 03/16/2018 and expired 03/16/2019. He was granted a 6-month extension for his which ended 09/16/2019. The applicant is requesting another 9 to 10-month extension of his MDBOP application. This would allow for him to retake the MPJE for a fourth and potential fifth attempt.</p> <p>Per the applicant he has endured family issues, including sickness and deaths. <u><i>Committee's Recommendation: Approve application extension through 03/16/2020</i></u></p> <p><b>b. #115206-</b> The applicant is requesting another extension, which would allow him to</p>	<p>1a. Recommendation by Committee to approve a 6-month MDBOP application extension; 2<sup>nd</sup> by K. Evans</p>	<p>The Board voted to approve this motion.</p>
			<p>1b. Recommendation by Committee to approve application</p>	<p>The Board voted to approve this motion</p>

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		<p>retest for the MPJE exam. His MPJE exam eligibility originally expired 05/31/2019 and he was granted a 90-day extension which expired on 8/31/2019. He is thankful for the 90-day extension granted by the Board, however due to the unavailability of testing dates in the Maryland-Washington DC-Virginia metropolitan areas; it was not feasible to schedule both the NAPLEX and MPJE within this timeframe. He scheduled the NAPLEX in Delaware and passed.</p> <p>His MDBOP application expired on 12/6/2018 and he is aware that the Board requires him to submit a current MDBOP applicant, fees, and documentation.</p> <p><u><i>Committee's Recommendation: Approve application to be extended until 12/06/2019</i></u></p> <p>c. <b>HJ-</b> The individual is requesting that the Board grant him the option of using his NAPLEX score transfer report or extend his score transfer deadline for 2 more months. Which expired on 9/24/2018. The individual is also requesting that their MD Pharmacist license be obtained through initial exam application process and not reciprocity. Applying by reciprocity is more costly and it is more than his current budget. He also states that he holds a Virginia pharmacist license.</p> <p><u><i>Committee's Recommendation: Deny, the applicant is required to apply via reciprocity</i></u></p> <p>d. <b>#119730-</b> The applicant is requesting the Board to grant her a one-month extension for her NABP eligibility expiration date, which</p>	<p>extension and testing eligibility; 2<sup>nd</sup> by E. Yankellow</p> <p>1c. Recommendation by Committee to deny the initial exam application submission; 2<sup>nd</sup> by N. Leikach</p> <p>1d. Recommendation by Committee to approve eligibility</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

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		<p>expired on 09/24/2019. She was also informed that her MDBOP application packet is due to expire on 12/06/2019, which was sent on 09/30/2019 via email and a voicemail for clarification of her Board request. There has been no response via phone call nor a return email from the applicant.</p> <p><b><u>Committee's Recommendation: Approve NABP eligibility expiration until 12/06/2019.</u></b></p> <p><b>e. #117619-</b> The applicant is requesting the Board to extend her MPJE score report expiration date, which expired on 10/09/2019. Per an email sent from the applicant on 09/09/2019, she has mailed a new MDBOP application to the Board. (The original MDBOP application expired on 06/17/2019) The applicant is scheduled to retake the NAPLEX exam in December 2019. (She had to re-apply and was not able to schedule the NAPLEX exam before her MPJE score report expires)</p> <p><b><u>Committee's Recommendation: Approve extension of the MPJE score report until 06/17/2020</u></b></p> <p><b>f. #119085-</b> The applicant is requesting that the Board grant her an extension of her MDBOP application, which expires 10/02/2019. She is an active license pharmacist in Virginia. She is planning to retake the MPJE exam, which she has paid the \$100 exam deposit fee on 09/29/2019. Due to work obligations and the time necessary to take a review course.</p>	<p>expiration date; 2<sup>nd</sup> by E. Yankellow</p> <p>1e. Recommendation by Committee to approve extension of MPJE score; 2<sup>nd</sup> by B. Oliver</p> <p>1f. Recommendation by Committee to approve 6-month extension; 2<sup>nd</sup> by S. Boyoukas</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>

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		<p><b><u>Committee's Recommendation: Approve application for a 6-month extension</u></b></p> <p>2. Review of Pharmacy Intern Applications: <b>NONE</b></p> <p>3. Review of Pharmacy Technician Applications: <b>NONE</b></p> <p>4. Review of Distributor Applications: <b>NONE</b></p> <p>5. Review of Pharmacy Applications:</p> <p>a. <b>ES-</b> In July 2019, the Board denied the request for a waiver pharmacy permit. At the September 2019 Board meeting, approval to submit the waiver application for review was given. <b><u>Committee's Recommendation: Approve</u></b></p> <p>6. Review of Pharmacy Technicians Training Programs: <b>NONE</b></p> <p>7. Review of Contraception Training Programs:</p> <p>a. Hormonal Contraceptive Selection- Committee's Recommendation: Approved</p> <p>8. New Business:</p> <p>a. CW- Ms. West is requesting an explanation for the denial of her CE program. Committee's Recommendation: Approved online program</p>	<p>5a. Recommendation by Committee to approve; 2<sup>nd</sup> by B. Oliver</p> <p>7a. Recommendation by Committee to approve; 2<sup>nd</sup> by K. Evans</p> <p>8a. Recommendation to approve CE request; 2<sup>nd</sup> 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>

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C. Public Relations Committee	E. Yankellow, Chair	<b>Public Relations Committee Update:</b> <ul style="list-style-type: none"> <li>• Committee met September 25 and the topics of discussion were the newsletter that has been distributed via email. Updates will be provided in between the quarterly newsletter distribution.</li> <li>• The Board/staff recognition luncheon was held September 16 and was successful.</li> <li>• CE Breakfast registration has closed; there are 400 in person and 200 webinar registrants.</li> </ul>		
D. Disciplinary	J. Hardesty Chair	<b>Disciplinary Committee Update:</b> <ul style="list-style-type: none"> <li>• Committee met October 2.</li> <li>• A confidential discussion will be held in the Board's Closed Public Session.</li> </ul>		
E. Emergency Preparedness Task Force	N. Leikach, Chair	<b>Emergency Preparedness Task Force Update:</b> NONE		
IV. Other Business & FYI	K. Morgan, President			
V. Adjournment	K. Morgan, President	<b>A. The Public Meeting was adjourned at 10:11 am.</b>	Motion to close the Public Board Meeting by D. Ashby; 2 <sup>nd</sup> by B. Oliver	The Board voted to approve this motion.

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		<p><b>B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</b></p> <p><b>C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan, convened an Administrative Session for purposes of discussing confidential disciplinary cases.</b></p> <p><b>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</b></p>		

**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: 10/16/19; Time: 10:25<sup>AM</sup>; Location: 4201 Patterson Ave  
Motion to close meeting made by: D. Ashby; Seconded by B. Oliver  
Members in favor: all; Opposed: —  
Abstaining: —; Absent: —

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) (13)	Applications for licensure	To engage <sup>in</sup> medical review committee deliberations regarding confidential matters contained in applications
§3-305(b) ( )		
§3-305(b) ( )		
§3-305(b) ( )		
§3-305(b) ( )		

4. This statement is made by Kevin 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: 10:25 am Place: 4201 Patterson Ave.  
 Purpose(s): Review confidential information contained in applications  
 Members who voted to meet in closed session: unanimous  
 Persons attending closed session: all present in open session unless recessed.  
 Authority under § 3-305 for the closed session: 3-305(b)(13)  
 Topics actually discussed: applications for licensure  
 Actions taken: process applications accordingly Each recorded vote: \_\_\_\_\_

For a meeting recessed to perform an administrative function (§ 3-104): Time: 10:45 am  
 Place: 4201 Patterson Ave. Persons present: all present in closed unless recessed. Subject matter discussed: Ad. investigations of complaints