

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
April 21, 2021**

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

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
		<p data-bbox="632 418 1224 483">2. Welcome UMES Interns: Brittany Jackson and Dhruv Patel</p> <p data-bbox="632 1159 884 1192">3. Staffing Update</p>	<p data-bbox="1266 220 1629 383">update the public website with the alternative start time. We appreciate the public for their patience and understanding during this emergency.</p> <p data-bbox="1266 418 1644 1117">2. Deena Speights-Napata introduced and thanked Brittany Jackson and Dhruv Patel for their contribution to the poster that will be presented at the NABP meeting in May. The students will be preparing for exams therefore, Nancy Richard and Deena Speights-Napata will present the poster on their behalf. The Board would like to thank them both for their rotation during the COVID pandemic; as they expressed their gratitude during their time with the Board. Deena thanked Nancy Richard, Inspector Supervisor for her leadership and organization in assisting the interns during their rotation.</p> <p data-bbox="1266 1159 1644 1456">3. The Board has two inspector positions available and interviews will take place once the list of candidates is received from Human Resources. The Legislative Liaison interviews has taken place and the position will be filled in May. We have a Licensing Specialist and an</p>	

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		<p>4. Payment of delayed licensing and registration fees</p>	<p>Investigator position that will be posted. The Investigator position is new and we are excited to fill this position to expand the investigative staff.</p> <p>4. The Governors Executive Order on the grace period for late fees will no longer be waived, all fees will be due for licenses that have not been renewed when they expire after June 30, 2021. Deena Speights-Napata thanked Rhonda Goodman, Lead Call Center Specialist with updating those licensee's that have contacted the Board on the new executive order.</p>	
<p>B. New Business</p>	<p>K. Morgan, Board President</p>	<p>NONE</p>		
<p>C. Operations Report</p>	<p>E. Fields, Deputy Director/ Operations</p>	<p>1. Procurement and Budget Updates a. March 2021 Financial Statements</p> <p>2. Management Information Systems (MIS) Unit Updates a. NONE</p>	<p>1a. A report on board revenue for March was provided.</p> <p>2a. The Health Department is updating the Board's page and will go live on April 22. The employee only site will change and that information will be provided soon.</p>	

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D. Licensing	S. Bouyoukas, Commissioner	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="636 402 1249 1300"> <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>101</td> <td>0</td> <td>1,454</td> </tr> <tr> <td>Pharmacy</td> <td>16</td> <td>0</td> <td>0</td> <td>2,131</td> </tr> <tr> <td>Pharmacist</td> <td>40</td> <td>547</td> <td>0</td> <td>13,213</td> </tr> <tr> <td>Vaccination</td> <td>64</td> <td>194</td> <td>0</td> <td>5,511</td> </tr> <tr> <td>Pharmacy Intern - Graduate</td> <td>4</td> <td>0</td> <td>0</td> <td>61</td> </tr> <tr> <td>Pharmacy Intern - Students</td> <td>8</td> <td>12</td> <td>0</td> <td>795</td> </tr> <tr> <td>Pharmacy Technician</td> <td>151</td> <td>310</td> <td>1</td> <td>11,321</td> </tr> <tr> <td>Pharmacy Technician Student</td> <td>1</td> <td>0</td> <td>0</td> <td>66</td> </tr> <tr> <td>TOTAL</td> <td>292</td> <td>1,164</td> <td>1</td> <td>34,552</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	8	101	0	1,454	Pharmacy	16	0	0	2,131	Pharmacist	40	547	0	13,213	Vaccination	64	194	0	5,511	Pharmacy Intern - Graduate	4	0	0	61	Pharmacy Intern - Students	8	12	0	795	Pharmacy Technician	151	310	1	11,321	Pharmacy Technician Student	1	0	0	66	TOTAL	292	1,164	1	34,552		
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D. Compliance	T. Leak, Compliance Director	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <p>Complaints & Investigations:</p>																																																				

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		<p>New Complaints –13</p> <ul style="list-style-type: none"> • Customer Service – 1 • Medication Error - 1 • Employee Pilferage – 2 • Unprofessional Conduct – 4 • Dispensing Error – 2 • Refusal to Fill - 1 • Inspection Issues – 2 <p>Resolved (Including Carryover) – 14 Actions within Goal – 11/14 Final disciplinary actions taken – 0 Summary Actions Taken – 0 Average days to complete – 0</p> <p>Inspections:</p> <p>Total – 164 Annual Inspections –19 (1 Community 14 Sterile 4 Distributor) Regulatory –19 + COVID Administration Site Inspections –90 Narcotic Audit Follow Ups – 45)</p> <p>Opening Inspections –7 Closing Inspections –3 Relocation/Change of Ownership Inspections –0 Board Special Investigation Inspections –0</p>		
E. Legislation & Regulations	D. Speights-Napata	<u>Legislation</u>		

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		<p>statutes and regulations it appears this scenario may not be contemplated. Does Maryland allow for shared processing between licensed pharmacies in the state who share a common database and owner?</p> <p>Proposed response: There is nothing that prohibits the shared processing of data entry and data verification between licensed pharmacies in Maryland as long as all licensure, recordkeeping and standards of care requirements are met.</p> <p>Devin Bustin-Ovaryit - I work with a software company that is in contact with some pharmacies in Maryland about creating an Electronic Health Record for pharmacists prescribing contraceptives. I am aware that in order to be prescribed a contraceptive from a certified pharmacist in Maryland that a patient must first fill out the "Maryland Self-Screening Risk Assessment for Birth Control" form. In an effort to streamline the pharmacist workflow, we hope to create an electronic screening tool for our pharmacy partners. To make sure that we are 100% compliant with the Board of Pharmacies guidelines and the state law, I have a few questions if you don't mind.</p> <ul style="list-style-type: none"> • Can the form be done electronically or does it legally have to be the paper version of the form? • Does the wording of the questions have to be exactly the same as the current form or can it be worded differently as long as all aspects are covered? • Can the answers to the questions be in a medical note format or does it need to follow 	<p>Recommendation by Committee to approve draft response; 2nd by K. Morgan</p>	<p>The Board voted to approve this motion.</p>

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		<p>the check box format of the form to satisfy an audit?</p> <p>Proposed response:</p> <ol style="list-style-type: none"> 1. Yes, this can be done electronically. 2. The wording must be the same as the Board's form. 3. Yes, responses can be documented in medical note format as long as the content remains the same. <p>Angela Morrow- I would like to clarify what is required from a hospice facility when requesting prescriptions to be filled at a pharmacy. The control II order seems to be something that we all agree on. It can be sent via escribed, fax (with a provider's signature) or the original presented.</p> <p>However, we are having conflicts with the other prescriptions. We currently serve a assisted living facility who has some clients in hospice who are managed by the hospice facility. This is the scenario: The RN (or LPN) takes a verbal order from the prescribing practitioner. The nurse faxes the order to the pharmacy. Thus, it is a fax order with no prescriber's signature. Question, is this a legitimate fax prescription if there is no provider's signature? In some cases, there is no duration or qty. Obviously we need to call and confirm that duration. In some cases, there are control medications with no quantity, DEA, or again a doctor's signature.</p> <p>Are these valid prescriptions because the patient is enrolled in hospice? Do faxed prescriptions from hospice facilities require a provider's signature or can the verbal prescriptions to the RN/LPN from prescribing practitioner be faxed to the pharmacy. The</p>	<p>Recommendation by Committee to approve draft response; 2nd by K. Morgan</p>	<p>Board voted to approve this motion</p>

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		<p>pharmacist here at Terrapin are in consensus that the hospice nurse should have to call these orders in has verbal rx's because there is no provider's signature.</p> <p>Note: On the medical order, the nurse does have his/her signature signed next to "acknowledges the order was read back and verified "</p> <p>Proposes response: Faxed prescriptions require the prescriber's signature. The nurse may call in a verbal order if the nurse is acting as the agent of the prescriber in accordance with the DEA.</p> <p>John Broxton - If your doctor writes a prescription and faxes it to the pharmacy. Does anyone other than the doctor who wrote it have the right to call the pharmacy and make changes to the prescription?</p> <p>Proposed response: No, the second prescriber would be required to write a new prescription.</p>	<p>Recommendation by Committee to approve draft response; 2nd by K. Morgan</p>	<p>The Board voted to approve this motion.</p>

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B. Licensing Committee	K. Rusinko, Commissioner	<p>1. Review of Pharmacist Applications:</p> <p>a. 126665 - Applicant is requesting an extension of his Board's application until 09/14/201 to match the expiration of his NAPLEX score. <u><i>Committee recommendation: Deny extension, inform applicant he is welcome to reapply.</i></u></p> <p>b. 125279 - Applicant would feedback regarding why the law scores are kept private from review of the examinees who take the exam. <u><i>Committee recommendation: Not under the purview of the MDBOP. Please contact NABP directly.</i></u></p> <p>c. 123463 - Applicant is requesting the Board's application and eligibility to test is extended. Pearson Vue was not able to assist with her accommodation requirements and her ATT expired. <u><i>Committee recommendation: Approve eligibility extension request for 6 months. Applicant must reapply.</i></u></p> <p>d. 125098- Applicant is requesting a 3-month extension of his Board's application. <u><i>Committee recommendation: Deny, please reapply</i></u></p>	<p>1a. Recommendation by Committee; 2nd by K. Morgan.</p> <p>1b. Recommendation by Committee; 2nd by K. Morgan.</p> <p>1c. Recommendation by Committee; 2nd by K. Morgan.</p> <p>1d. Recommendation by Committee; 2nd by K. Morgan.</p>	<p>The Board voted to approve this motion.</p>

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		<p>e. 129012 - Reciprocity applicant is inquiring if there is a fee reduction for active-duty pharmacists. <u>Committee recommendation: There is currently no fee reduction for active duty members.</u></p> <p>f. RMN - Applicant is requesting an extension of his ATT for the NAPLEX exam. He was unable to test due to COVID. <u>Committee recommendation: Approve a 6-month extension</u></p> <p>g. RT - Licensee is requesting approval of her work experience in order to reinstate her license. <u>Committee recommendation: Would approve hours, will need to meet the application and exam (NAPLEX, MPJE) requirements</u></p> <p>h. JT - Applicant is requesting a 1-2-month extension of the Board's application. He was uncomfortable with taking the exam prior to becoming vaccinated. <u>Committee recommendation: Approve extension for MPJE eligibility for 6 months. Deny application extension, will need to reapply.</u></p> <p>2. Review of Pharmacy Intern Applications:</p> <p>3. Review of Pharmacy Technician Applications:</p>	<p>1e. Recommendation by Committee; 2nd by K. Morgan.</p> <p>1f. Recommendation by Committee; 2nd by K. Morgan.</p> <p>1g. Recommendation by Committee; 2nd by K. Morgan.</p> <p>1h. Recommendation by Committee; 2nd by K. Morgan</p>	<p>The Board voted to approve this motion.</p>

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		<p>perform “chart review” services for Medicare patients at a family practice site. <i>A license is required based on the description of the duties you would be provided.</i></p> <p>c. Tony Michalak - Inquirer would like to know if a permit is required to provide hand sanitizer to a facility located in MD. <i>Committee recommendation: A permit is not required.</i></p> <p>d. VGM - Company is requesting a refund of the application fee of \$1,750. A Distributor permit application, was submitted, however the company’s business plan changed and they no longer require the permit. <i>Committee recommendation: Deny</i></p> <p>e. Katie Krueger - Inquirer would like to know if a permit is required for an ambulatory surgery center. Prescriptions will not be dispensed, just administered. <i>Committee recommendation: A permit is not required. A permit with OHCQ may be required.</i></p> <p>f. Bishal Bista - Inquiry requesting guidance on compliance as the satellite pharmacy is being restructured. <i>Committee recommendation: Provide regulation/definition (COMAR</i></p>	<p>7c. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7d. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7e. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7f. Recommendation by Committee; 2nd by K. Morgan.</p>	<p>The Board voted to approve this motion.</p>

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		<p><i>10.34.03.02. B1) of a decentralized pharmacy</i></p> <p>g. Carol Gregg - Inquirer would like guidance on becoming a “specialty pharmacy”. She was provided the Waiver application. <i>Committee recommendation: There is no designation for a specialty pharmacy. Provide the definition of a Waiver pharmacy.</i></p> <p>h. Stephanie Sebastian - Permit holder is requesting guidance on what to do when the Md licensed pharmacist goes on maternity leave. <i>Committee recommendation: The Board’s permit does not need to be relinquished.</i></p> <p>i. Najah Gilliam– Does a student with a MD Cannabis Card have to take a drug test? When she does take the drug test, will she be penalized for the potentially positive results? <i>Committee recommendation: The Board has no position on drug testing, that is up to your institution.</i></p> <p>j. Smith and Nephew - Distributor is requesting approval for Tennessee to be deemed a reciprocal state. <i>Committee recommendation: Approve TN as a reciprocal state</i></p> <p>k. Reliance Wholesale - Company is requesting the Board approve the use</p>	<p>7g. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7h. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7i. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7j. Recommendation by Committee; 2nd by K. Morgan.</p> <p>7k. Recommendation by Committee; 2nd by K. Morgan.</p>	<p>The Board voted to approve this motion.</p>

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		<p>of the Florida Board of Pharmacy inspection report for their TN location. FL is a reciprocal state which inspected the company's TN location.</p> <p><i>Committee recommendation: Provide proof facility is not located in a residence. TN has approval as a reciprocal state</i></p>		
C. Public Relations Committee	E. Yankellow, Commissioner	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> The Public Relations Committee was pleased to host their 2nd virtual CE program on April 13 with 180 attendees. Dr. Zeigler presented on Suicide in Pharmacist. The presentation received a great amount of feedback. The October CE hybrid and in-person breakfast logistics are being discussed. The sterile compounding form will hopefully be of topic. The NABP District 1 & 2 meeting will be held in person at the Annapolis Waterfront Hotel. Commissioner Yankellow and Deena Speights-Napata will participate in a walkthrough of the renovated hotel prior to the event. This will be an indoor and outdoor venue, it's unfortunate this event is being held during Rosh Hashanah and cannot be altered. Articles for the newsletter are being sought; if anyone from the public or Board members would like to submit articles the Public Relations Committee would be more than appreciative to review them. 		

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D. Disciplinary	J. Hardesty Chair	Disciplinary Committee Update: <ul style="list-style-type: none"> • Committee met April 7. • 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"> • On April 14 the task force hosted a virtual immunization program with UMES and Salisbury State Respiratory Nursing program of mass immunization and proper procedures for vaccination. There were 120 students in attendance. EPTF is looking forward to expanding the procedures with other schools in the forthcoming months. 		
IV. Other Business & FYI	K. Morgan, President	<ul style="list-style-type: none"> • Aliyah Horton, Executive Director for MPhA mentioned the annual convention that will take place June 5th and 6th. This will be a great networking event with the opportunity to obtain plenty CE's. Registration is currently open please visit MPhA website for more details. • Commissioner Evans thanked and recognized the hard work of healthcare providers, pharmacist and technician's performance during this year of COVID. Commissioner Evans stressed the importance of each frontline worker to take 		

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		care of themselves and check in on colleagues while taking care of others.		
V. Adjournment	K. Morgan, President	<p>A. The Public Meeting was adjourned at 1:30 pm.</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 K. Evans; 2 nd by N. Leikach.	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: 4/21/24; Time: 1:30; Location: Conference Cabl
Motion to close meeting made by: A. Evans Seconded by: N. Le Koch
Members in favor: Warriors; Opposed: None
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) (3)	Applications for licensure	To engage in medical Review Committee deliberations regarding Confidential matters contained in applications.
§3-305(b) ()		

4. This statement is made by Deena Speights-Napato, Presiding Officer.
Deena Speights-Napato for Kevin Morgan

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

session: 1:30pm Place: Conteassa Hall
 Purpose(s): To review confidential matters in license applications
 Members who voted to meet in closed session: unanimous
 Persons attending closed session: Anyone present in the open session
 Authority under § 3-305 for the closed session: 3.305(b)(3)
 Topics actually discussed: Applications for licensure
 Actions taken: Process application accordingly Each recorded vote: Affirmative Majority
Vote each application

For a meeting recessed to perform an administrative function (§ 3-104): Time: 10:13 am
 Place: Conteassa Hall Persons present: Persons in open Subject matter
 discussed: Complaint Investigations