

**Maryland Board of Pharmacy
Public Board Meeting**

**Meeting Minutes
May 19, 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/President	X	
Leikach, N.	Commissioner/Treasurer	X	
Morgan, K.	Commissioner	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>in the upcoming weeks. PDMP will also be providing access to non-fatal overdose alerts to pharmacist and other vital clinical information, CRISP will be sending pharmacist agreements to provide this access. PDMP is looking to conduct a focus group that will include physicians and pharmacists to discuss dispensing medications in the pharmacy in hopes to have open dialog on this topic between physicians and pharmacists. Policy update- PDMP will remove access upon the documented death of a registrant, revocation, surrender of a professional license or CDS registration. They will not remove PDMP access if a professional license or CDS registration is restricted, suspended, non-renewed due to time delay issues-removal will be considered after a certain period based on board and agency policies regarding expired licenses or registrations. If a pharmacy closes PDMP will not remove access of pharmacist in case the pharmacist works at more than one pharmacy, PDMP will respond to legal inquiries from licensing authorities.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Rults
		<p data-bbox="688 1321 1115 1352">3, NABP National Meeting Report</p>	<p data-bbox="1268 248 1640 915">2b. Deena Speights-Napata attended the MSHP planning group meeting where she provided a report on the Board's future legislative initiative expanding the roll of a technician in the pharmacy through Tech-Check-Tech and to add a seat on the board for a technician, and to include or expand the authority of a technician to provide immunization services in a pharmacy under the supervision of a pharmacist. MSHP supports our initiatives, the letter of support will be included in the legislative package to be submitted to the department.</p> <p data-bbox="1268 956 1640 1284">2c. Deena Speights-Napata also attended the University of MD Preceptor training. The Board is a Preceptor of the UMD students from Eastern Shore, Baltimore City and Hampton University. The provided great points on how to be an effective preceptor and communication with students.</p> <p data-bbox="1268 1325 1640 1450">3. Commissioner Bouyoukas provided an update of NABP National Meeting that was held virtually. There were six</p>	

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			<p>resolutions voted on and passed, they are as follows:</p> <ul style="list-style-type: none"> • 117-1-21 State Boards of Pharmacy Response to Pandemic and other Natural Disasters. • 117-2-21 Work Group to Consider Permanently Extending Certain Waived Provisions. • 117-3-21 State Boards of Pharmacy Oversight of Drug Importation. • 117-4-21 Task Force on Workplace Safety and Well-Being. • 117-5-21 Task Force on Safety-Sensitive Measures to Review Medication Errors. • 117-6-21 Recognition Resolution. 	
B. New Business	J. Hardesty, Board President	NONE		
C. Operations Report	E. Fields, Deputy Director/ Operations	<ol style="list-style-type: none"> 1. Procurement and Budget Updates <ol style="list-style-type: none"> a. April 2021 Financial Statements 2. Management Information Systems (MIS) Unit Updates 	1a. A report on board revenue for April was provided.	

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		a. NONE																																																				
D. Licensing	S. Bouyoukas, Commissioner	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="640 526 1255 1416"> <thead> <tr> <th data-bbox="646 526 785 607">License Type</th> <th data-bbox="785 526 884 607">New</th> <th data-bbox="884 526 1003 607">Renewed</th> <th data-bbox="1003 526 1142 607">Reinstated</th> <th data-bbox="1142 526 1249 607">Total</th> </tr> </thead> <tbody> <tr> <td data-bbox="646 607 785 688">Distributor</td> <td data-bbox="785 607 884 688">4</td> <td data-bbox="884 607 1003 688">457</td> <td data-bbox="1003 607 1142 688">0</td> <td data-bbox="1142 607 1249 688">1,480</td> </tr> <tr> <td data-bbox="646 688 785 769">Pharmacy</td> <td data-bbox="785 688 884 769">18</td> <td data-bbox="884 688 1003 769">4</td> <td data-bbox="1003 688 1142 769">0</td> <td data-bbox="1142 688 1249 769">2,136</td> </tr> <tr> <td data-bbox="646 769 785 850">Pharmacist</td> <td data-bbox="785 769 884 850">44</td> <td data-bbox="884 769 1003 850">510</td> <td data-bbox="1003 769 1142 850">0</td> <td data-bbox="1142 769 1249 850">13,248</td> </tr> <tr> <td data-bbox="646 850 785 932">Vaccination</td> <td data-bbox="785 850 884 932">50</td> <td data-bbox="884 850 1003 932">143</td> <td data-bbox="1003 850 1142 932">0</td> <td data-bbox="1142 850 1249 932">5,554</td> </tr> <tr> <td data-bbox="646 932 785 1045">Pharmacy Intern - Graduate</td> <td data-bbox="785 932 884 1045">1</td> <td data-bbox="884 932 1003 1045">0</td> <td data-bbox="1003 932 1142 1045">0</td> <td data-bbox="1142 932 1249 1045">62</td> </tr> <tr> <td data-bbox="646 1045 785 1159">Pharmacy Intern - Students</td> <td data-bbox="785 1045 884 1159">28</td> <td data-bbox="884 1045 1003 1159">11</td> <td data-bbox="1003 1045 1142 1159">0</td> <td data-bbox="1142 1045 1249 1159">819</td> </tr> <tr> <td data-bbox="646 1159 785 1240">Pharmacy Technician</td> <td data-bbox="785 1159 884 1240">134</td> <td data-bbox="884 1159 1003 1240">272</td> <td data-bbox="1003 1159 1142 1240">2</td> <td data-bbox="1142 1159 1249 1240">11,462</td> </tr> <tr> <td data-bbox="646 1240 785 1354">Pharmacy Technician Student</td> <td data-bbox="785 1240 884 1354">1</td> <td data-bbox="884 1240 1003 1354">0</td> <td data-bbox="1003 1240 1142 1354">0</td> <td data-bbox="1142 1240 1249 1354">67</td> </tr> <tr> <td data-bbox="646 1354 785 1416">TOTAL</td> <td data-bbox="785 1354 884 1416">280</td> <td data-bbox="884 1354 1003 1416">1397</td> <td data-bbox="1003 1354 1142 1416">2</td> <td data-bbox="1142 1354 1249 1416">34,828</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	4	457	0	1,480	Pharmacy	18	4	0	2,136	Pharmacist	44	510	0	13,248	Vaccination	50	143	0	5,554	Pharmacy Intern - Graduate	1	0	0	62	Pharmacy Intern - Students	28	11	0	819	Pharmacy Technician	134	272	2	11,462	Pharmacy Technician Student	1	0	0	67	TOTAL	280	1397	2	34,828		
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		<p>Total - 253</p> <p>Annual Regulatory Inspections - 42 COVID Administration Site Inspections - 139 Narcotic Audit Follow Ups - 58</p> <p>Opening Inspections - 10 Closing Inspections - 2 Relocation/Change of Ownership Inspections - 2 Board Special Investigation Inspections - 0</p>		
E. Legislation & Regulations	D. Speights-Napata	<p><u>Legislation</u></p> <p>NONE</p>		

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<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>K. Evans, Commissioner</p>	<p>Carol T-Plamazed - Please kindly clarify if a CII can be written on the same prescription as another controlled substance like CII - CV. I wasn't able to find an answer searching online.</p> <p>Proposed response: Health General Sec.21-220(b)(3) requires that each controlled dangerous substance must be written on a separate form. However, if a pharmacist is otherwise satisfied that a prescription is valid, a pharmacist may fill the prescription if the pharmacist promptly writes out and files a prescription for each substance and also files the original prescription. Please note that this provision would not apply to a prescription that includes 2 CII substances since an original hard copy is required.</p> <p>Angela Morrow-Terpsrx- Follow up to question sent regarding assisted living facilities. When a nurse takes a verbal order from a physician (who I believe must sign within 24 hours), can she then fax the prescription to the pharmacy to be filled. It has no providers signature, which is required on a fax prescription. We are informing them to call in the verbal order to the pharmacy to make it legitimate. They are saying they should not have to, because they are a long-term-care facility.</p> <p>Proposed response: If the nurse in an assisted living facility is transmitting a chart order, a facsimile is permissible provided that it meets the requirements set out in COMAR 10.34.36.09(f)(2).</p> <p>If the nurse in an assisted living facility is transmitting a prescription, a facsimile would require the prescriber's signature under COMAR 10.34.20</p> <p>Brian Stump-Frederick Health- One of my pharmacists has been emailing asking a questions about DTM and telehealth visits that are not addressed in COMAR.</p>	<p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</p> <p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</p> <p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</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>Given the COVID-19 pandemic, many practices have moved to telehealth only and many providers are working off site.</p> <p>We know that “physician supervision” as stated in COMAR during DTM requires a physician to be physically present, on site, when the patient care is being provided by a pharmacist through DTM. The wording of COMAR suggests that all care and all parties involved in care (the patient, the pharmacist and the provider) are physically present in one location.</p> <p>Due to COVID, many patients are being seen through audio-visual telehealth platforms. During those visits, when a patient is not physically on site, does the pharmacist and provider need to be in the same physical location when providing care through a DTM and using telehealth services or can they be in different physical locations so long as they have direct access to the provider?</p> <p>Proposed response: The Board’s drug therapy management laws do not require onsite supervision of the participating pharmacist by a physician or other prescriber. The terms of oversight of the pharmacist by the prescriber is set out in the Prescriber-Pharmacist Agreement and accompanying protocol. See COMAR 10.34.29.</p> <p>Elizabeth Newman- What are the requirements for an out-of-state-licensed pharmacist contractor providing medication therapy management "DTM" reviews to patients located in your state?</p> <p>No medication dispensing is performed just their annual medication review and possible therapeutic change suggestions to their doctors. The "vendor" that the independent contractor provides these services for would send the patient the medication list. This vendor is located out-of-state as well.</p>	<p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</p>	<p>Board voted to approve this motion</p>

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		<p>unnecessary, often the only time the pharmacists go in the IV room to mix is to complete these competencies – and that isn't just here I have heard that from many places..seems futile to even complete at that point and I believe 797 standards is referring to those staff actual completing the compounding</p> <p>Proposed response: All pharmacy personnel engaged in compounding sterile products and assigned to the controlled areas, to include pharmacists who supervise the compounding process and who are ultimately responsible for the compounded products, must meet all competency requirements. Please refer to COMAR 10.34.19.14.</p> <p>Jody Fenelon-Partners Pharmacy- I am seeking clarification on Maryland Pharmacy Technician registration. I have reviewed COMAR and the attached application. If you can direct me to the right location to get answers or can let me know directly, I would greatly appreciate it. We want to make certain we are in alignment with all requirements.</p> <ul style="list-style-type: none"> · Can an individual work in a pharmacy in training as a pharmacy technician if registered with the Maryland BOP while they are completing an approved training course? The application states it is good for one year, but I don't want to assume that allows for a registered individual to work in training. · I have found the link to apply for an approved training program. We use a program entitled "Pharmacy Technician University" through TRC Healthcare at several of our locations in other states but I do not see that specifically listed. We should apply to us this specifically for our location in Maryland to have it meet the requirements? <p>Proposed response: Applications are held pending for up to one year from the date of receipt. The submission of an application, however, does not authorize an applicant to work as a technician.</p>	<p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>

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		<p>.A technician in training may work in a pharmacy without a registration for up to six months while enrolled in a Board - approved training program. After the six month you must be registered with the Board as a technician.</p> <p>2. Yes, each pharmacy must submit to the Board for approval the technician training program it intends to utilize regardless of whether the program has been approved for use by other pharmacies.</p> <p>Rhonda M. W. Toney- Can you have someone answer a question via written response about transfers between different stores (not the same chain). Can a transfer be sent via fax? Is this considered a legal transfer? Often a different pharmacist will be in the computer than the one sending it via fax. Can we use the fax as the prescription or do we need to put it to writing in our own handwriting?</p> <p>Proposed response: Yes, a prescription may be transferred via facsimile as long as the transferring pharmacist's information is on the faxed prescription, as well as other required information in accordance with. COMAR 10.34.04.05.</p>	<p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>
		<p>Jennifer Denteh –Ascension- What is the Maryland Board of Pharmacy requirement regarding borrowing and loaning of medications by an out of state hospital that belongs to a system of hospitals. For instance as a Maryland hospital can I loan medications to a Michigan hospital that belongs to the same organization?</p> <p>Proposed response: For non-controlled dangerous substances, Maryland exempts intracompany sales of prescriptions drugs from wholesale distribution requirements. Please see Health Occupations Art., Sec. 12-6C-01(i) and (u). Please consult with counsel to determine if this is applicable to your setting as well as Michigan laws that may also be applicable. For controlled substances, please reference DEA regulations.</p>	<p>Recommendation by Committee to approve draft response; 2nd by J. Hardesty.</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. Applicant# 129393 - Applicant is requesting an extension of her NAPLEX eligibility. <i>Committee recommendation: Approve a 6-month extension.</i></p> <p>b. Applicant# 129181 - Applicant is requesting her eligibility to sit for the NAPLEX be extended until June, when she wants to sit for the exam. <i>Committee recommendation: Approve extension for 6 months</i></p> <p>c. Applicant# 125397 - Applicant is requesting an extension for his NAPLEX eligibility. Due to COVID closures and health issues, he has not been able to take the exam. <i>Committee recommendation: Approve extension for 6 months, must reapply</i></p> <p>d. Applicant# 128941 - Applicant is requesting an extension of her NAPLEX score. Her NAPLEX score expired 07/16/2020. She passed the MPJE 04/19/2021. <i>Committee recommendation: Approve NAPLEX score extension until the end of May 2021.</i></p> <p>e. JC - Pharmacist is requesting a refund of his renewal fee. He did not intend to renew, the email from the Board regarding the licensing fees made him think he owed monies to the Board.</p>	<p>1a. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>1b. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>1c. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>1d. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>1e. Recommendation by Committee; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>

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		<p><i>Committee recommendation: Approve refund.</i></p> <p>f. Applicant# 126430 - Applicant is requesting ADA accommodation approval due to an accident he suffered in 2016. <i>Committee recommendation: Deny. Applicant will need to submit appropriate ADA accommodation request.</i></p> <p>g. Applicant# 128567 - Reciprocity candidate would like confirmation her work meets the experience requirements. <i>Committee recommendation: Approve</i></p> <p>2. Review of Pharmacy Intern Applications:</p> <p>a. CE - Registrant is requesting an extension of the expiration date of his Intern registration. <i>Committee recommendation: Extend registration until 05/31/2022</i></p> <p>3. Review of Pharmacy Technician Applications:</p> <p>a. ACE – Registrant submitted reinstatement application and fee, he is requesting a refund of the reinstatement fee as he follows another career path. <i>Committee recommendation: Deny</i></p>	<p>1f. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>1g. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>2a. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>3a. Recommendation by Committee; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>

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		<p>4. Review of Distributor Applications: NONE</p> <p>5. Review of Pharmacy Applications:</p> <p>6. Review of Pharmacy Technicians Training Programs:</p> <p>7. New Business:</p> <p>a. Amicus Gmp - Company is requesting approval to provide inspections for new and renewal Manufacturer applicants for whom an FDA inspection has not timely occurred. <i>Committee recommendation: Thank you for the information, at this point we do not have a need for a GMP consultant service.</i></p> <p>b. Rosa Valan - Inquirer is requesting guidance on the following: What are the steps needed to apply for controlled prescribing for Nurse Practitioners and Physician Assistants who have been issued licensure in Maryland? In addition, do licensed Nurse Practitioners require supervision to prescribe controlled substances, or do they have full, independent prescriptive authority? I reached out to the Nursing Board and they directed me here? Lastly, are NPs and PAs able to prescribe non-controlled substances without a controlled substance license?</p>	<p>7a. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>7b. Recommendation by Committee; 2nd by J. Hardesty.</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><i>Committee recommendation: The Board only convers dispensing not, prescribing practice. Please refer to your licensing board for appropriate licensure. Please contact OCSA.</i></p> <p>c. Sarah Haberberger - Inquirer wants to know if a Technician working in a research facility is permitted to work under a licensed physician or does it have to be under a licensed Pharmacist? <i>Committee recommendation: A technician must be under the supervision of a pharmacist to perform delegated pharmacy acts.</i></p> <p>d. Rachel Ross - Manager is requesting an extension until June 30, 2021 for her technician in training to complete the program. The technician trainee began the program November 2020 and has gone on maternity leave. <i>Committee recommendation: Approve a 30-day extension from the day the person returns from maternity leave.</i></p> <p>e. Janiris Steele - Permit holder is requesting guidance as they are not able to be fingerprinted to complete the federal background. <i>Committee recommendation: The Board is not waiving the requirements, please find a suitable/alternative location.</i></p>	<p>7c. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>7d. Recommendation by Committee; 2nd by J. Hardesty.</p> <p>7e. Recommendation by Committee; 2nd by J. Hardesty.</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
C. Public Relations Committee	E. Yankellow, Commissioner	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> • Committee met April 28, discussed the finalization and distribution of the newsletter. The open rate percentage of the newsletter continues to show low numbers. The PR Committee encourages the reading of the newsletter for vital information. • Potential of an in-person CE breakfast is currently being discussed. A survey was distributed on how many individuals would feel comfortable participating in October. The survey yielded 2,300 replies of those that would not feel comfortable attending, Leo Gray will distribute another survey in light of mandates being lifted. • Commissioner Yankellow will accompany Decna Speights-Napata on a visit to the Annapolis Waterfront hotel for final logistics. The PR Committee will be greeting attendees during the September District 1 & 2 meeting. 		
D. Disciplinary	J. Hardesty, Board President	<p>Disciplinary Committee Update:</p> <ul style="list-style-type: none"> • Committee met May 5-President Hardesty has assigned the chair position to Commissioner Leikach with the assistance of Commissioner Fink as co-chair. • A confidential discussion will be held in the Board's Closed Public Session. 		
E. Emergency Preparedness Task Force	N. Leikach, Chair	<p>Emergency Preparedness Task Force Update:</p> <p style="text-align: center;">NONE</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned to)	Results
IV. Other Business & FYI	J. Hardesty, President	<ul style="list-style-type: none"> • The Board extends their condolences to the family of former Board President Mel Rubin. His contribution to the citizens of Maryland will be missed. • David Jones provided information on ASCP Mid-Atlantic Regional meeting that will now take place August 13 and 14 in Ellicott City, Maryland. Please visit ASCP website for up-to-date information. • Aliyah Horton, Executive Director for MPhA thanked Commissioner Morgan for his leadership during his tenure as Board President. On June 5 and 6 MPhA will host its in-person annual convention. This will be a great networking event, please visit MPhA website for more details. 		
V. Adjournment	J. Hardesty, President	<p>A. The Public Meeting was adjourned at 10:52 am.</p> <p>B. J. Hardesty 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, J. Hardesty, convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p>	Motion to close the Public Board Meeting by K. Morgan; 2 nd by K. Rusinko.	The Board voted to approve this motion.

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

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) (g)	Applications for licensure	To engage in Confidential Medical Committee review deliberations regarding Confidential matters in the application
§3-305(b) ()		

4. This statement is made by Deanna Spughts-Napota, Presiding Officer.
Deanna Spughts-Napota for K. 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: 11:35am Place: Conference Call

Purpose(s): To review confidential information in applications as Medical Review Committee
 Members who voted to meet in closed session: unanimous
 Persons attending closed session: All members present in the open session
 Authority under § 3-305 for the closed session: § 3-305(b)(13)
 Topics actually discussed: Confidential matters in applications
 Actions taken: process applications accordingly Each recorded vote: unanimous

For a meeting recessed to perform an administrative function (§ 3-104): Time: 11:52am
 Place: Same Persons present: all members present at open Subject matter discussed: Complaints & disciplinary investigations unless recessed