

**Maryland Board of Pharmacy
Public Meeting Minutes
Date: April 15, 2009**

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	x		9	1
Bradley-Baker, L.	Commissioner	x		9	1
Chason, D.	Commissioner/Secretary	x		10	0
Finke, H.	Commissioner	x		9	1
Handelman, M.	Commissioner	x		9	1
Israbian-Jamgochian, L.	Commissioner	x		10	0
Leandre, A.	Commissioner	x		10	0
Matens, R.	Commissioner	x		9	1
Souranis, M.	Commissioner/Treasurer	x		9	1
Taylor, D.	Commissioner/President	x		10	0
Taylor, R.	Commissioner	x		9	1
Zimmer, R.	Commissioner	x		9	1
Bethman, L.	Board Counsel	x		9	1
Gibbs, F.	Board Counsel	x		3	0
Banks, T.	MIS Manager	x		7	3
Costley, S.	Licensing Manager	x		8	2
Eversley, C.	Compliance Investigator	x		8	2
Gaither, P.	Administration and Public Support Manager	x		8	1
Goodman, S.	Public Information Officer	x		7	3
Jeffers, A.	Legislation/Regulations Manager	x		10	0
Naesea, L.	Executive Director	x		10	0
Simmons, L.	Executive Secretary	x		8	2
Taylor, A.	Compliance Officer	x		10	0

Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order	Donald Taylor, Board President	1. D. Taylor brought the Public Meeting to order at 9:00 A.M. Members of the Board with a conflict of interest relating to any item on the agenda were advised to notify the Board at this time or when the issue is addressed in the agenda.		
		2. A. Jeffers distributed packets of the draft regulations to be discussed to all guests with the request that the packets be returned at the end of the meeting.		
		3. D. Taylor reported that a meeting with the Division of Drug Control (DDC) to discuss coordination of pharmacy Inspections was held on March 26, 2009. The agenda included discussion of priorities and scheduling of inspections by the Board and the DDC, cross training of staff, and requirements for inspection of pharmacies involving direct change of ownership. The recommendation was made to have DDC perform the closing and opening inspections if the site remains the same. If the location changes, the DDC will perform the closing inspection and Board will perform the opening inspection. Closing only inspections will be performed by the DDC. H. Finke recommended that the 14-day requirement for notification of closing be reinforced and that the applicant document the date of the notification to the DDC. A second meeting is scheduled for May 2009. The agenda will include timing of inspections between the DDC and the Board as well as inspections of dispensing physician practices.	Motion: R. Zimmer made a motion to approve the revisions to the inspection procedures. a. Same site: closing and opening conducted by DDC. b. Site change: closing performed by DDC, opening inspection performed by Board. c. Closing only inspections to be performed by DDC. L. Israbian-Jamgochian seconded the motion.	Board Action: The Board voted to approve the revisions to inspection procedures. Action Item: A. Taylor to notify the DDC of approval of the changes in procedure.

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		<p>4. D. Taylor reported that he attended the Statewide Advisory Committee on Emergency Preparedness meeting held on March 26, 2009. He reported on Board of Pharmacy activities. The next meeting has been scheduled for April 2009 and will be held at the offices of the Maryland Emergency Management Administration (MEMA).</p>		
		<p>5. D. Chason reported on the Maryland Society of Health Systems (MSHP) Spring Seminar held on March 28, 2009. The meeting provided two tracks for continuing education. C. Anderson spoke on the subject of "Maryland Pharmacy Technicians: Keeping Registration Current" as part of the technician sessions. The pharmacist sessions provided programs on anticoagulation to help address new standards for health-systems by The Joint Commission (TJC).</p>		
<p>II. Approval of the Minutes</p>	<p>Donald Taylor, Board President</p>	<p>D. Taylor requested additions or corrections to the Minutes for March 18, 2009.</p> <ol style="list-style-type: none"> 1. Page 5, Section V, Discussion section, item 1, change "State Government, Sect. 10-508(a) (13)" to "State Government, Sect. 10-508(a) (7)." 2. Page 8, Section VI, Discussion section, item e, change "is "to "it." 3. Page 8, Section VI, Discussion section, item after accreditation add "from the Medicaid Durable Medical Equipment (DME) Act requirements." 4. Page 11, Section XIII, Discussion section, Item 3, change "\$150" to "\$200." 5. Page 11, Section XIII, Motion section item 3, add "Motion: C. Anderson made a motion to approve a charge of \$200 for review of all training programs submitted to the Board. L. Israbian-Jamgochian seconded the motion." 6. Page 11, Section XIII, Action/Results section, item 3, add "Board Action: The Board voted to approve the revised fee of \$200 for review of training programs." 7. Page 11, Section XIII, Action/Results section, Item 4. Add "Maryland Department of Education." <p>4. Page 15, Section XIV, Subject section, change "XIV" to "XIV."</p> <p>5. Page 16, Section XVIII, Discussion section, item 1, change "State Government, Sect. 10-508(a) (13)" to "State Government, Sect. 10-508(a) (7)."</p>		
<p>III. Executive Director Report</p>	<p>LaVerne Naesea, Executive Director</p>	<ol style="list-style-type: none"> 1. L. Naesea reported that the 92nd Annual Flower Mart is scheduled for Friday, May 1, 2009. This year, the theme is "Monet at Giverny, Peachy Time in Mount Vernon" The theme colors are peach and black. The event will be held at Baltimore's Historic Mount Vernon community from 10:00 A.M. to 4:00 P.M. The Board display space will be shared with the University of Maryland, School of Pharmacy located in Booths 103 and 104, east of the Washington Monument. The students will provide a "Brown Bag Check Up" of medications and perform blood pressure checks. 2. L. Naesea reported that the farewell retirement dinner for Shirley Costley, Licensing Manager and Margie Anne Bonnett, former Board Commissioner, will be held on Wednesday, April 29, 2009 from 6:00 P.M. to 9:30 P.M. at the Forum Caterers. 3. L. Naesea reported that S. Goodman has been appointed as the acting Licensing Manager and will begin her new duties on May1, 2009. 		
<p>IV. Presentation</p>	<p>Maryland Chapter of Physicians for a National Health Program</p>	<p>Dr. Margaret Flowers, from the Maryland Chapter of Physicians for a National Health Program, made a brief presentation on the issue of providing improved health care for all Americans. Two bills were submitted in the last Legislative Session to address universal health care of all Maryland citizens. The goal of the organization is to develop a new method to finance health care that would include all citizens with a publically funded, single standard of care that is privately delivered. The legislation was referred to a task force a summer study.</p>		

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V. Board Counsel Report	Linda Bethman, Board Counsel Francesca Gibbs, Staff Attorney	<p>1. F. Gibbs reported on the Ryan Haight Online Pharmacy Consumer Protection Act of 2008. This public law amended portions of the Controlled Substance Act in order to limit the growth of rogue internet pharmacies.</p> <p>F. Gibbs reported that the drafting of this legislation was prompted by the February 2001 death of an 18-year old named Ryan Haight, who died of an accidental overdose of Vicodin®, Valium®, and morphine. A physician, who never met Haight face-to-face, prescribed these drugs over the internet and a pharmacist dispensed them through the internet. F. Gibbs reported that the legislation prohibits</p> <p>(a) offering to sell, deliver, distribute or dispense controlled substances through the internet without a “valid prescription”</p> <p>(b) imposes registration and reporting requirements for “online pharmacies’ dispensing CDS for those practicing telemedicine;</p> <p>(c) increases criminal penalties involving controlled substances in schedule III, IV, and V of the Controlled Substance Act;</p> <p>(d) authorizes states to apply for injunctions or obtain damages and other remedies against online pharmacies;</p> <p>(e) requires the U. S. Sentencing Commission to determine whether to amend or enact new guidelines and policies to enforce this Act; and</p> <p>(f) requires the DEA to work with domestic and multinational pharmaceutical companies and other companies in combating the sale of controlled substances over the internet without a prescription.</p> <p>This law is intended to protect consumers by ensuring that online pharmacies’ registration and reporting requirements are in accordance with the law. Maryland’s law states that online pharmacies must provide the Board with notice 30 days prior to offering to sell, distribute, or dispense controlled substances via the Internet.</p> <p>2. D. Taylor reported that the new definitions in the Act are useful for enforcement of regulations in Maryland. If the applicant is applying for a pharmacy permit, they must state on the application if they are strictly an internet pharmacy.</p>		
VI. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager	<p>A. <u>Maryland Regulations</u></p> <p>1. A. Jeffers reported on the status of COMAR 10.34.17, Waiver of Full Service Requirements for Recognized Pharmaceutical Specialties. The proposal was published March 27, 2009.</p>		
		<p>2. A. Jeffers reported on the status of COMAR 10.34.20, Format of Prescription Transmission, which was approved by the Board on March 18, 2009. It will be released for informal comment pending drafting revisions by L. Bethman and D. Chason.</p>		The Licensing Committee to propose revisions to the pharmacy application to include a reference to Internet Pharmacies.
		<p>3. A. Jeffers reported on the status of COMAR 10.34.25, Delivery of Prescriptions. It was released for informal comment on April 10, 2009. Comments will be accepted through May 4, 2009.</p>		
		<p>4. A. Jeffers reported on the status of COMAR 10.34.32, Pharmacist Administration of Vaccinations. It is anticipated that the regulation will be published April 24, 2009 or May 8, 2009.</p>		
		<p>5. A. Jeffers reported on the status of COMAR 10.13.01, Dispensing of Prescription Drugs by a Licensee. The revision was submitted to DHMH November 20, 2008. Board approval was requested for the Board of Pharmacy’s response to the Board</p>	5. Motion: H. Finke made a motion to ratify the letter to the Board	5. Board Action: The Board voted to ratify the letter to

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		of Physicians' response. A. Jeffers presented the drafted letter for ratification by the Board.	of Physicians. L. Israbian-Jamgochian seconded the motion.	the Board of Physicians.
		6. A. Jeffers requested Board approval of the revisions to COMAR 10.34.28, Automated Medication Systems. The draft was revised by the Practice Committee to clarify the definition of "remote automated medication system" to exclude an interim box or other similar medication storage container that "Is located in a 'patient care' setting that does not have a pharmacy on site." Cindy Anderson expressed concern about section .07 "Stocking of Automated Medication Systems." She indicated that not all settings were taken into consideration. It was recommended that in .07D the words "other than" should be deleted.	6. Motion: R. Zimmer made a motion approve revisions to COMAR 10.34.28, Automated Medication Systems. M. Souranis seconded the motion.	6. Board Action: The Board did not vote on the motion. Action Item D. Taylor returned COMAR 10. 34.28 to the Practice Committee for further consideration.
		7. A. Jeffers requested Board approval of the Emergency proposal for 10.34.22, Licensing of Wholesale Prescription Drug or Device Distributors pursuant to HB 1195 approved in the 2009 Legislative Session. The draft was amended to correct a typographical error that the permit holder must have a surety bond for \$50,000, if the annual gross receipts of the applicant for the previous year were less than \$10,000,000, not \$100,000,000.	7. Motion: L. Israbian-Jamgochian made a motion to approve revisions to COMAR 10.34.22, Licensing of Wholesale Prescription Drug or Device Distributors as amended. M. Souranis seconded the motion.	7. Board Action: Board Action: The Board voted to approve the motion.
		<u>B. Legislation:</u> A. Jeffers presented the following Letters and Position Papers for ratification by the Board. 1. SB 242 Dispensation of Prescription Medication – Provision of Information Relating to Incorrectly Filled Prescriptions. The Board submitted a Position Paper in Support as Amended. The bill passed.	B. Motion: D. Chason made a motion to approve the previously submitted Letters and Position Papers in SB 242, SB 309, SB 700, SB 791/HB 725, HB 756, HB 1195, HB 1389, and HB 1389. M. Souranis seconded the motion.	7. Board Action: Board Action: The Board voted to approve the motion.
		2. SB 309 State Board of Pharmacy – Pharmacy Permit – Term and Renewal The Board submitted a Position Paper to Support with Amendments. The bill will go into effect July 1, 2009. Notification will be sent to renewing pharmacies on or before October 1, 2009.		
		3. SB 700 Pharmacists – Administration of Vaccinations – Expanded Authority. The Board submitted a Position Paper in Support as Amended. The bill passed.		
		4. SB 791/HB 725 Group Model Health Maintenance Organizations – Drug Therapy Management. The Board submitted two identical Letters of Support as Amended for both Houses. Both bills passed.		
		5. HB 756 Cultural and Linguistic Health Care Provider Competency Program The Board submitted a Letter of Support. The Bill passed.		
		6. HB 1195 Prescription Drugs – Wholesale Drug Distribution – Surety Bond Requirements. The Board voted to Support with Amendment. The bill passed.		

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		7. HB 1389 State Government – Access to Public Records – Electronic Documents The Board submitted a Letter of Information. The bill was withdrawn.		
		8. HB 1431 Professional Boards - Transfer of Funds – Repayment The Board submitted a Letter of Support. The bill failed.		
		<u>C. Status of bills from the 2009 Legislative session</u> A. Jeffers provided a brief summary of the status of the Pharmacy Bills from the 2009 Legislative Session. The total number of bills tracked was 38.		
		<u>D. Federal Proposals</u> 1. A. Jeffers requested that the Board ratify two Letters that were sent to Senators Cardin and Mikulski asking them to consider co-sponsoring S. 511, Access to Durable Medical Equipment Act, which would exempt pharmacies and pharmacists from the burdensome accreditation process under the Medicare Improvements for Patients and Providers Act of 2008. The Board reviewed the letters and ratified them as amended.	D. Motion: H. Finke made a motion to request that Senators Mikulski and Cardin support S. 511. M. Souranis seconded the motion.	D. Board Action: Board Action: The Board voted to approve the motion.
VII. Inspection Program Report	Ann Taylor, Compliance Officer	1. A. Taylor presented the March Compliance monthly statistics for the Board. See Attachment 1, Section C. 2. A. Taylor reported on the review of documentation of inspections for out-of-state Wholesale Distributors. The Inspectors are continuing to review inspections that are submitted from out-of state pharmacies as well as documentation from the DEA, other state Boards of Pharmacy and FDA for distributors in states that do not conduct inspections. A gap analysis is being prepared to provide information on wholesale distributors that are not covered under any inspection program. The Board Inspectors have inspected some locations in Pennsylvania. 3. A. Taylor reported that the Maryland Board is sending results of disciplinary Actions directly to the HBDIB program as well as providing the information to the National Association of Boards of Pharmacy. The data is being submitted within five (5) days. 4. A. Taylor reported that the Drug Monitoring Taskforce met in March. A pharmacist from Virginia reported on the success of the Virginia program. The next meeting is scheduled for April 17, 2009 and will include a database demonstration. (a) A. Taylor reported that former judge John Fader will be giving a presentation on the progress of the Task Force on June 13, 2009 at the Maryland Pharmacists' Association (MPhA) Annual Convention. (b) L. Bethman reported that the data from the Virginia program is available to pharmacists in Maryland if they register for the program. The data is not provided in real time because of transmission costs. The delay may be up to two (2) weeks.		2. Action Item: A. Taylor to provide gap analysis to the staff and Commissioners.
VIII. PEAC Report	Kathy Putz, PEAC	A. K. Putz presented the PEAC monthly statistics for the Board. See Attachment 1, Section D. B. K. Putz reported that PEAC Annual Seminar is scheduled for September 26, 2009		

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		and will be focused on the ethical perspectives of substance abuse.		
IX. Management Information Services	Tamarra Banks, MIS Manager	1. T. Banks presented the April MIS monthly statistics for the Board. See Attachment 1, Section F.		
		2. T. Banks reported that the Towson Database Project contract ended in February. The new contract will extend the project for three (3) months. T. Banks asked the Board to support the new contract with Towson to finish the project by June. If the project is not completed by June 30, 2009, the Board should seek a contract with another programmer.	2. Motion: R. Zimmer made a motion to extend the contract with Towson through June 30, 2009 with the funds withheld until the system is fully functional. If the system is not functional at that time, then will seek a new contract with another Maryland approved vendor. L. Israbian-Jamgochian seconded the motion.	2. Board Action: The Board voted to approve the motion.
		3. T. Banks reported that the Help Desk Contract will expire in June. The Board is proposing to make this a permanent position.		
		4. T. Banks reported that the inspection system project is loaded on the website. The forms are not complete and must be reviewed prior to final installation.		4. Action Item: T. Banks to provide timeline for completion of inspection system.
		5. T. Banks reported that the contract regarding the disaster recovery program at Maryland Public Television (MPT) will be signed at no cost to the Board. The Board will be using this location in case of an emergency when there is no access to the 4201 Patterson Avenue location. The location will be available until June 1, 2010 with a one (1) year renewable option.		5. Action Item: T. Banks to obtain renewal of the contract with MPT.
X. Administration & Public Support	Patricia Gaither, Administration and Public Support Manager	1. P. Gaither presented the Administration and Public Support monthly statistics for the Board. See Attachment 1, Section G. 2. P. Gaither reported on the Administrative Officer I that will serve as the fourth inspector. Applications are waiting to be reviewed. Interviews will be forthcoming. 3. P. Gaither reported that the temporary clerk from Kelly Services left and that a new temporary clerk will be starting soon. 4. P. Gaither reported that the consulting contract for M. Smith ends June 30, 2009 and that Board will request that the position be made permanent. 5. P. Gaither reported that an analysis was done on the expenses for transportation for inspectors. The cost would be reduced if the Board were allowed to use State provided vehicles instead of paying mileage for the inspectors using their own vehicles. The State would save approximately \$46,000 dollars if another car was purchased. P. Gaither reported that the cost analysis will be included in the budget		

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		<p>proposal.</p> <p>6. P. Gaither reported that the contract for Maryland Public Television is being reviewed by L. Beyer.</p> <p>7. P. Gaither reported that the Board of Pharmacy magazine contract was sent to the contractor, Southern Management with the revisions required by the State. The Board will be required to pay for postage.</p> <p>8. L. Naesea reported that the notice regarding Wholesale Distributors was placed in the Maryland Register for the month of April. As of May 1, 2009, the Public Meeting notice will be posted on the Board's website and at the front desk of the 4201 Patterson Avenue office. The notice will no longer be placed in the Maryland Register.</p>		
XI. Public Relations Committee Report	Summar Goodman, Public Information Officer	1. S. Goodman reported that the revisions to the consumer brochure have been completed and that the new brochures will be available for the Flower Mart.		
		2. S. Goodman reported that the Maryland Board of Pharmacy magazine contract will be signed and sent to the publisher for advertising. L. Bethman has recommended some changes to the contract regarding standards for advertising.		
		3. S. Goodman reported that the template for the Board website is available as a test page and the Public Relations Committee is seeking suggestions and comments.		
		4. S. Goodman reported that the Flower Mart is scheduled for Friday, May 1, 2009. The Board needs volunteers and ideas for decorating the booth. Blood pressure testing and diabetes screening will be performed by U of MD students with licensed pharmacist/professor oversight. A flyer, map of available parking, and additional information for this event was provided.		4. Action Item: Commissioners to contact S. Goodman to volunteer at the Flower Mart.
		5. S. Goodman reported that the Public Relations Committee is currently developing plans for National Pharmacists' Month. The Board sponsored event will be held on Sunday, October 4, 2009 at the Radisson in the Village of Cross Keys. This is the same location as last year. The Committee is now looking for speakers. The topics proposed for this year are, "OTC drugs," "Compliance," or other related topics.		5. Action Item: Commissioners to contact S. Goodman with recommendations for topics for the October session.
XII. Practice Committee	Reid Zimmer, Chair Anna Jeffers, Legislation and Regulation Manager	<p>1 A. Jeffers reported that the following regulations are currently undergoing revisions:</p> <p>a. COMAR 10.34.23 Pharmaceutical Services to Residents in Long-Term Care Facilities.</p> <p>b. COMAR 10.34.09, Fees.</p>		

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		<p>2. A. Jeffers presented the following Public Inquiries:</p> <p>a. Cynthia Koenecker</p> <p>QUESTION: Is Google a qualified drug reference?</p> <p>BOARD RESPONSE:</p> <p>The Board does not endorse medical information search engines or medical information websites, such as www.Scholar.Google.com. The Board is aware that there are many medical information sites available on the internet providing up to date information. Those websites may be used as a supplement to printed or electronic references from established medical publishers that are recognized as standard for a particular type of pharmacy practice. Keep in mind that COMAR 10.34.07.03 Pharmacy Equipment, Reference Libraries, requires that pharmacies maintain an adequate reference library to enable pharmacies to prepare and dispense prescriptions properly, consistent with that pharmacy's scope of practice. Pharmacies should have a combination of internet resources and hard copy resources so that if the internet is not accessible, the pharmacy would have the appropriate reference materials at its disposal.</p>	<p>2. Motion C. Anderson made a motion to approve the letter as amended.</p> <p>M. Souranis seconded the motion.</p>	<p>2. Board Action: The Board voted to approve the letter as amended.</p>
		<p>2. Simchoi</p> <p>QUESTION 1 In order to prepare and dispense nuclear diagnostic medication/formulation for use by a nuclear medicine tech at radiology clinic are unit doses prepared or is a batch prepared which can be split to be administered to different patients at the radiology clinic by a nuclear medicine tech?</p> <p>BOARD RESPONSE No</p> <p>QUESTION 2 Is the patient(s) name(s) required in order for the pharmacy to dispense nuclear diagnostic medication/formulation?</p> <p>BOARD RESPONSE: Yes</p> <p>QUESTION 3 Can a nuclear medicine tech take nuclear diagnostic medication/formulation which has been dispensed by a nuclear pharmacy which is labeled for one patient and split the dose so as to give partial doses to both the patient on the label and a patient(s) not on the label?</p> <p>BOARD RESPONSE No.</p>	<p>2. Motion D. Chason made a motion to approve the letter as amended to add citations from the regulations.</p> <p>M. Handelman seconded the motion.</p>	<p>2. Board Action: The Board voted to approve the letter as amended.</p>

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		<p>QUESTION 4 Assuming that splitting the dose was permissible by a nuclear medicine tech at the radiology clinic (even if it is not), is a sterile hood required to put a portion of the medication/formulation into another syringe or can a nuclear medicine technologist simply in the open air transfer a portion of the medication/formulation from the syringe prepared at the nuclear pharmacy into another syringe at the radiology clinic and administer said portion to a different patient?</p> <p>BOARD RESPONSE: Not permissible, see above.</p>		
		<p>3. Kim Wagner</p> <p>QUESTION 1 Are unlicensed personnel allowed to take a prescription from patients and obtain pertinent information required to have the registered pharmacy technician and pharmacists prepare the order?</p> <p>BOARD RESPONSE: Unlicensed personnel may take prescriptions from patients and obtain pertinent information, so long as this function is not part of the dispensing process, which includes data entry, and the unlicensed personnel does not offer any advice to the patient as to therapy.</p> <p>QUESTION 2 May unlicensed personnel accept requests for refills over the phone?</p> <p>BOARD RESPONSE: Unlicensed personnel may accept requests for refills from patients, so long as this function is not part of the dispensing process, which includes data entry, and the unlicensed personnel does not offer any advice to the patient as to therapy.</p> <p>QUESTION 3 May unlicensed personnel give price quotes?</p> <p>BOARD RESPONSE: Unlicensed personnel may give price quotes, so long as the function is not part of the dispensing process, which includes data entry, and the unlicensed personnel does not offer any advice to the patient as to therapy.</p>	<p>3. Motion M. Souranis made a motion to approve the letter as amended to add that unlicensed personnel cannot add patient data into the pharmacy computer system.</p> <p>M. Handelman seconded the motion.</p>	<p>3. Board Action: The Board voted to approve the letter as amended.</p>
		<p>4. Catherine Crisostomo</p> <p>QUESTION: What are the responsibilities of a narcotic technician in a hospital setting? Listed below are the responsibilities as described.</p> <p>Refilling and delivering narcotics to all Pyxis® units in the whole hospital; Reviewing /resolving/reporting all narcotic discrepancies in the vault and Pyxis® stations; Inventorying the vault twice a week; Replenishing and ordering items for the vault;</p>	<p>4. Motion C. Anderson made a motion to approve the letter as amended.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	<p>4. Board Action: The Board voted to approve the letter as amended.</p>

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		<p>Issuing prescription pads to units/physicians; Recording/testing anesthesia narcotic waste; Issuing narcotics to non-Pyxis® units; and Performing random audits weekly on OR and ER and PCA bags.</p> <p>BOARD RESPONSE:</p> <p>All of the tasks that you describe would be appropriate, as long as there is direct supervision by a pharmacist. "Direct supervision" as defined in the Board of Pharmacy regulations "means that a licensed pharmacist is physically available onsite to supervise the performance of delegated pharmacy acts." See the Code of Maryland Regulations (COMAR) 10.34.34.02B (4).</p>		
		<p>5. Michelle Terrell</p> <p>QUESTION What is the responsibility of a narcotic technician in a hospital setting? Listed below are the responsibilities as described:</p> <p>Receiving the narcotic shipment; Auditing the narcotics; Communicating with doctors and nurses to resolve discrepancies; and Other tasks too numerous to list.</p> <p>BOARD RESPONSE: You indicated that only one full-time Pharmacy Technician is responsible for every task. You also added that there are two back-up pharmacy technicians, but they only work in the room when the assigned pharmacy technician has a day off or takes a vacation.</p> <p>All of the tasks that you describe would be appropriate, as long as there is direct supervision by a pharmacist. "Direct supervision" as defined in the Board of Pharmacy regulations "means that a licensed pharmacist is physically available onsite to supervise the performance of delegated pharmacy acts." See the Code of Maryland Regulations (COMAR) 10.34.34.02B(4)</p>	<p>5. Motion C. Anderson made a motion to approve the letter as amended.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	<p>5. Board Action: The Board voted to approve the letter as amended.</p>
XIII. Licensing Committee	Cynthia Anderson, Chair	1. C. Anderson presented the Licensing Committee statistics for the Board. See Attachment 1, Section A and E.		
		2. C. Anderson reported on the activities of the Licensing Unit. The Licensing Unit continues to work on pharmacy technician and wholesale distributor registration. The Board has two (2) pharmacy technician renewal applications in the office now and 16 more renewals are due to renew by April 30, 2009.		
		3. C. Anderson reported that the Technician Renewal Application has been completed. The Licensing Committee would like the Board to approve the renewal application form.	3. Motion: The Licensing Committee made a motion to approve the pharmacy technician renewal application as amended to include the Board telephone number, a reference to the continuing education requirements for initial and subsequent	3. Board Action: The Board voted to approve the letter as amended.

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			renewals and removal of abbreviations. R. Zimmer seconded the motion.	
		4. H. Schiff asked for clarification regarding documentation of deadlines for technician applications. D. Taylor explained that if the technician has not received his/her registration and has applied prior to February 28, 2009, then the pharmacy technician should maintain documentation of the application. If the application was received by the Board after the deadline, then the applicant can not work in a pharmacy in Maryland unless they are in a Board approved training program.		
		5. C. Anderson reported that the following pharmacy technician training programs have been reviewed and approved by the Licensing Committee. a. Anne Arundel Community College.	a. Motion: The Licensing Committee made a motion to approve the pharmacy training program for Anne Arundel Community College. M. Souranis seconded the motion.	a. Board Action: The Board voted to approve the training program.
		b. TESST College of Technology, Baltimore.	b. Motion: The Licensing Committee made a motion to approve the pharmacy training program for TESST College of Technology, Baltimore. M. Souranis seconded the motion.	b. Board Action: The Board voted to approve the training program.
		c. Walkersville Pharmacy.	c. Motion: The Licensing Committee made a motion to approve the pharmacy training program for Walkersville Pharmacy. M. Souranis seconded the motion.	c. Board Action: The Board voted to approve the training program.
		d. Elkton Friendly Pharmacy H. Finke was recused.	d. Motion: The Licensing Committee made a motion to approve the pharmacy training program for Elkton Friendly Pharmacy. R. Zimmer seconded the motion.	d. Board Action: The Board voted to approve the training program.

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		<p>e. Bayview Pharmacy</p> <p>M. Souranis was recused.</p>	<p>c. Motion: The Licensing Committee made a motion to approve the pharmacy training program for Bayview Pharmacy.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	<p>c. Board Action: The Board voted to approve the training program.</p>
		<p>6. C. Anderson presented the proposed draft letter explaining the regulations regarding pharmacy technician training programs to the Maryland Higher Education Commission (MHEC).</p>	<p>c. Motion: The Licensing Committee made a motion to approve the letter to the MHEC as amended to include the names of other regional pharmacy technician training programs and agencies including the Maryland Department of Education.</p> <p>R. Zimmer seconded the motion.</p>	<p>c. Board Action: The Board voted to approve letter as amended.</p>
		<p>7. D. Taylor appointed L. Israbian-Jamgochian as co-chair of the Licensing Committee with the expectation that she will assume the chair in June 2009.</p>		
<p>XIV. Disciplinary Committee</p>	<p>Rodney Taylor, Chair</p> <p>Ann. Taylor, Compliance Officer</p>	<p>1. R. Taylor presented the Compliance Committee monthly statistics for the Board. See Attachment 1, Section A and C.</p> <p>2. A. Taylor reported that the DHMH Investigative Group meets once every quarter to advise the Board of Commissions about ways to communicate with the Attorney General's office. The Group has created a panel of experts who will assist Boards requiring outside expert testimony in cases.</p> <p>3. D. Taylor recommended that the Board develop a list of qualified experts in all areas of specialization. L. Naesea requested that the list describe the area of expertise of each person.</p>	<p>3. Motion: D. Chason made a motion to approve development of the list of experts to provide testimony.</p> <p>R. Taylor seconded the motion.</p>	<p>3. Board Action: The Board voted to approve the motion.</p>
<p>XV. Long Term Care</p>	<p>Mayer Handelman, Chair</p>	<p>1. M. Handelman reported that the ASCP Meeting in Columbia was held on March 23, 2009. The meeting provided training on the new Assisted Living regulations. Seventy pharmacists who were interested in consulting in Assisted Living Facilities attended the meeting.</p> <p>a. M. Handelman reported that the University of Maryland was becoming involved and is using information from the program to demonstrate the need of pharmacist chart review in Assisted Living Facilities.</p> <p>b. M. Handelman reported that the same program will be held at Rocky Gap in August 2009.</p> <p>c. M. Handelman reported that the Howard County Health Care Office of Quality will provide the program on Assisted Living on May 12, 2009.</p>		

Subject	Responsible Party	Discussion	Motion	Action/Results
XVI. Emergency Preparedness	Donald Taylor, Board President	1. D. Taylor reported that the first issue of the new Board of Pharmacy magazine will contain a form for pharmacists to help them prepare their pharmacies to continue to operate during and/or recovering from emergency situations. The form was developed by Johns Hopkins.		
		2. D. Taylor reported that Montgomery County has developed a brochure to assist citizens in preparing for emergencies. C. Anderson requested that the brochure be provided to all citizens in the state and posted on the Board of Pharmacy website.	2. Motion: C. Anderson made a motion to endorse the brochure after EP Committee approval and post the contents on the Board website. H. Finke seconded the motion.	2. Board Action: The Board voted to approve the motion.
		3. D. Taylor reported that Maryland will participate in a six (6) state emergency preparedness drill in June 2009.		
XVII. Informational	Donald Taylor, Board President	1. D. Taylor reported that the NABP Task Force on Technician Certification has recommended that all states accept PTCB as the certification standard and report all disciplinary actions involving technicians to NABP. 2. D. Taylor reported that L. Israbian-Jamgochian, H. Finke and L. Naesea will attend the NABP Convention in Miami in May 2009. 3. D. Taylor reported that the University of Maryland, Baltimore School of Pharmacy honors convocation will be held on May 15, 2009 and that he will administer the Pharmacist Oath to the graduates. 4. D. Taylor reported that the Government Accountability Office (GAO) has tentatively supported the development of a behind the counter, third category of drugs, but expressed concern with the potential cost of the program. 5. D. Taylor reported that the Department of Health and Human Services (HHS) may rescind President Bush's ruling restricting enforcement of a conscience clause. 6. D. Taylor reported that the U.S. Congress has approved "Protect Your Pharmacy Week," highlighting the seriousness of crimes involving pharmacies.		
XVIII. New Business	C. Anderson	C. Anderson presented a proposal to the Board requesting that the Board develop a taskforce to propose regulations to address the operations of home infusion pharmacies. Current regulations address portions of the operations of home infusion companies that relate to distributive processes including sterile processing. There is no regulatory oversight of the clinical and other consultative processes performed in the clinical portion of pharmacy practice. The recommendation was to start the task force in July 2009 with meetings every other month. D. Taylor appointed C. Anderson as chair of the task force with R. Zimmer and D. Chason as members. A. Jeffers to provide staff support to the task force. It was recommended that membership consist of pharmacists, nurses and physicians.	2. Motion: C. Anderson made a motion to approve a task force to develop regulations for home infusion pharmacies in Maryland. D. Chason seconded the motion.	2. Board Action: The Board voted to approve the motion. Action Item: A. Jeffers to develop public announcements for publication seeking volunteers for the task force.

Subject	Responsible Party	Discussion	Motion	Action/Results
XIX. Adjournment	Donald Taylor, Board President	<p>1. D. Taylor asked for a motion to close the Public Meeting and open a Closed Public Session for the purpose of engaging in medical review committee deliberations of confidential matters contained in technician applications in accordance with State Government, Sect. 10-508(a)(13).</p> <p>The Public Meeting was adjourned at 12:47 P.M.</p> <p>2. At 1:11 P.M. D. Taylor convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>3. The Closed Public Session was adjourned at 1:24 P.M. Immediately thereafter, D. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. All Board members and staff, with the exception of M. Souranis and L. Naesea who were present at the Public Meeting and continued to participate in the Administrative Session. Commissioners who were recused for portions of the Administrative Session are listed in the Administrative Session Minutes.</p>	<p>1. Motion: M. Souranis made a motion to close the Public Meeting and open a Closed Public Session.</p> <p>A. Leandre seconded the motion.</p> <p>3. Motion: A. Leandre made a motion to adjourn the Closed Public Session and open an Administrative Session.</p> <p>R. Matens seconded the motion.</p>	<p>1. Board Action: The Board voted to approve closing the Public Meeting and opening a Closed Public Session.</p> <p>3. Board Action: The Board voted unanimously to adjourn the Closed Public Session and open an Administrative Session.</p>

**Department of Health & Mental Hygiene
Board of Pharmacy
Reporting Period: Fiscal Year 2009**

Note: Sections A & B are from State Stats

	Jul-08	Aug-08	Sep-08	Oct-08	Nov-08	Dec-08	Jan-09	Feb-09	Mar-09	Total 2009
SECTION A - STATE STAT										
SECTION A -LICENSING COMMITTEE										
Number of Current Licensees	21219	21984	22896	22953	23075	23120	14529	14876	15514	N/A
Number of Active Licensees	12426	12491	14112	14267	14367	12574	14472	14820	15457	N/A
Number of Inactive Licensees	520	551	493	356	364	56	57	56	57	N/A
Number of Pharmacist Licensees	14138	14159	14102	14251	14278	8232	8349	8336	8340	N/A

Number of Pharmacy Establishment Licenses	3175	3179	3208	3222	3241	2536	1563	1592	1596	N/A	
Number of Distributor Licenses	2062	2077	2094	2109	2120	2129	771	734	760	N/A	
Number of Pharmacy Technician Licensees	1844	2569	3452	3371	3436	3607	3789	4214	4818	N/A	
Number of Non-renewed Licensees	8273	8312	8237	8330	8344	9193	8768	8313	8553	N/A	
Number of New Applications Received	982	895	228	152	101	135	452	1374	405	N/A	
Number Out-of-State Applications Received	112	71	0	55	58	50	63	63	78	550	
Number of Out-of-State Applicants Approved	84	35	0	80	38	35	37	33	59	401	
Number of Foreign Applications Received	13	14	0	15	8	7	10	5	11	83	
Number of Foreign Applicants Approved	94	6	8	5	1	11	3	1	2	131	
Number of License Renewals Current	339	333	344	352	1155	1858	319	334	352	5386	
Number of Formerly Inactive or Reinstated Licenses	17	17	18	10	11	13	12	11	8	117	
SECTION B - Complaints--Summary											
Number of Complaints Received	7	14	5	11	13	13	4	20	17	104	
Boundaries (Harassment)	0	0	0	0	0	0	0	0	0	0	
Drugs/Alcohol	1	0	1	0	1	0	0	0	2	5	
Fraud	1	2	0	0	0	0	0	0	2	5	
Standard of Care	3	6	1	6	5	8	1	4	8	42	
Other	2	6	1	5	7	4	3	7	5	40	
Number of Complaints Closed Administratively	0	0	0	0	0	0	0	0	19	19	
Number of Investigations Initiated	7	14	5	11	13	13	4	20	17	104	
# of Investigations Closed	3	7	2	1	5	0	9	18	23	68	
Number of Investigations Pending	23	17	9	7	15	0	10	15	48	144	
Number of Complaints Adjudicated by the Board	10	7	13	13	5	11	9	13	4	85	
Number of Complaints where Board investigated complaint and took no formal or informal action	0	0	0	0	0	1	3	3	2	9	
Number of Complaints where Board referred the case for prosecution	6	2	3	0	0	0	3	1	0	15	

Number of Complaints Adjudicated within Goal	10	7	7	9	5	11	8	12	4	73	
Number of Complaints Pending Action by the Board (unresolved)	0	2	2	2	1	0	1	1	0	9	
Number of Complaints Referred by Board to another agency	1	0	0	0	0	1	2	0	0	4	
Attorney General's Office											
Number of Complaints Awaiting Action from Board Counsel	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 30 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 60 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 90 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 120 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action from Board Prosecutor	1	8	5	4	1	1	4	4	3	34	
Number of Complaints Awaiting Action for more than 30 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 60 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 90 days	0	0	0	0	0	0	0	0	0	0	
Number of Complaints Awaiting Action for more than 120 days	1	1	1	1	1	1	1	0	0	8	
Audit/Quality Assurance											
Number of Licensees Reviewed	38	37	35	37	35	37	36	37	36	328	
Number of Patient Records Reviewed	0	0	0	0	0	0	0	0	0	0	
Number of Inspections/surveys conducted	79	70	83	85	60	67	86	125	85	740	
Disciplinary Action--Summary											
Formal Actions Taken by Board	5	5	2	3	5	3	1	5	2	31	
Number of Fines	2	2	2	1	2	0	1	2	0	12	
\$ Amount of Fines	\$3,000	\$1,000	\$10,000	\$3,000	\$7,500	\$0	\$5,000	\$41,000	\$0	\$70,500	
Number of Probations	0	0	0	0	1	1	0	2	0	4	
Number of Suspensions	3	3	1	1	0	0	0	0	2	10	

Number of Licenses Revoked	1	0	0	0	0	0	0	0	0	1	
Number of Letters of Reprimand	0	0	0	0	1	0	0	0	0	1	
Informal Actions Taken by Board	0	3	10	7	3	9	2	10	2	46	
Number of Cease and Desist Letters	0	1	2	0	0	0	0	0	0	3	
Number of Letters of Admonishment	2	0	3	1	0	0	2	3	1	12	
Number of Letters of Education	2	2	2	2	2	0	0	4	1	15	
Other	0	2	3	4	0	8	0	3	0	20	
Post Adjudicatory Compliance											
Number of Cases under Supervision	12	12	12	12	12	12	11	12	11	N/A	
End of State Stats Sections											
SECTION C-COMPLIANCE											
Board Statistics											
Inspection Report											
Regular Inspections											
Retail/Community	0	0	67	51	52	51	47	61	50	379	
Long Term Care	0	0	1	0	1	0	0	0	2	4	
Hospital	0	0	2	0	0	0	1	0	1	4	
Waivered	0	0	1	0	1	1	0	1	0	4	
Distributor	0	0	0	0	0	3	35	50	24	112	
Opening Inspections	0	0	8	12	4	0	1	5	5	35	
Retail/Community	0	0	6	5	2	6	1	5	3	28	
Long Term Care	0	0	0	0	0	0	0	0	0	0	
Hospital	0	0	0	1	1	0	0	0	0	2	
Waivered	0	0	2	6	1	0	0	0	0	9	
Distributor	0	0	0	0	0	0	0	0	2	2	
Closing Inspections	0	0			0	0			0	0	
Retail/Community	0	0	0	4	0	0			0	4	
Long Term Care	0	0	0	0	0	0			0	0	

Hospital	0	0	0	0	0	0	0	0	0	0	0
Waivered	0	0	0	0	0	0	0	0	0	0	0
Distributor	0	0	0	0	0	0	0	0	0	0	0
Special Investigations	0	0	0	3	1	0	2	8	4	18	
SECTION D-P.E.A.C. REPORT											
Pharmacists' Education and Advisory Council (PEAC)											
Self Referred Pharmacists	13	14	15	15	15	15	15	12		N/A	
Self Referred technicians	0	2	2	2	2	3	3	3		N/A	
Referred Pharmacy Students	2	2	2	2	1	2	2	2		N/A	
Self Referred transferred to Board of Pharmacy	0	0	0	0	0	0	0	1		N/A	
Board Cases Requesting PEAC Assistance	6	6	6	6	6	6	0	5		N/A	
New Cases This Month											
Pharmacist	1	2	1	1	2	1	0	0		9	
Student	0	0	0	0	0	0	0	0		0	
Technician	0	0	0	0	0	0	0	0		0	
Client Discharges	0	0	0	0	0	0	0	2		2	
Drug Tests Ordered	42	46	42	44	46	48	52	50		414	
Number of Positive Results	0	0	1	0	1	1	0	2		5	
Total Combined Cases Being Monitored by PEAC	21	24	25	24	26	26	26	23		N/A	
Cases under Board Monitoring											
Drug Tests Ordered	30	30	30	27	22	22	29	17	23	260	
Number of Positive Results	0	0	1	0	0	0	0	0	2	3	
SECTION E LICENSING COMMITTEE REPORT (CONTINUED)											
Licensed Active Pharmacists											
New Licensed this Month	93	45	33	36	20	27	19	17	25		
In State	5575	5607	5620	5633	5629		5640	5639	5635		
Out of State	2633	2618	2613	2651	2637		2646	2652	2660		
Total Active Pharmacists	8208	8225	8233	8284	8266	0	8286	8291	8295		

Due to Renew	378	348	376	381	317	338	319	334	352		
Paper Renewals	65	61	65	51	54	65	81	80	74		
On-Line Renewals	272	263	279	301	243	238	215	228	252		
Non-Renewed To-Date	41	24	32	29	20	35	23	26	26		
Reinstatements											
Less then 2 Years	8	17	17	10	11	13	10	8	7	117	
2 to 5 Years	0	0	1		0	0	2	2	1	7	
5 + Years	0	0	0		0	0	0	0	0	0	
Vaccine Certifications											
Applications Received To Date	278	334	385	461	481	494	494	497	498	N/A	
Renewed This Month	13	13	13	8	15	12	17	19	22	145	
Certified This Month	7	26	77	47	36	20	4	0	6	230	
Pending This Month	12	42	16	45	25	20	16	19	14	221	
Total Certified To Date	266	292	369	416	462	474	478	478	484	N/A	
Pharmacy Technicians											
Applications for Grandfathered Status	1409	1489	1527	1548	1567	1572	1613	1769	1803	N/A	
Applications for Nationally Certified	2028	2088	2216	2286	2338	2652	2825	3912	4189	N/A	
Applications for Student Exemption	196	241	251	256	258	260	267	321	347	N/A	
Applications received	3633	3818	3994	4090	4163	4484	4705	6002	6339	N/A	
Registered To Date	2080	2569	3122	3371	3512	3651	3923	4417	4950	N/A	
Registrations Pending	1553	1249	872	719	651	833	782	1585	1389	N/A	
Technician Training Programs											
Total Programs Submitted	0	21	0	23	23	24	27	32	35	N/A	
Total Programs Approved	0	8	0	12	14	15	16	17	23	N/A	
Total Under Review								5	4		
Total Under Re-work					8	8	8	3	2	N/A	

Approval Not Needed - Using an Approved Program								3	3		
Not Eligible for Approval								1	1		
Total Pending Review	0	4	0	11	0	1	3	3	2		
New Pharmacies											
New In State	4	3	2	2	6	2	2	2	2	27	
New Out of State	4	8	5	9	4	7	6	9	9	63	
New Waiver	1	1	1	0	0	0	1	0	0	4	
Total New Pharmacies	9	12	8	11	10	9	9	11	11	94	
Closed Pharmacies											
Closed In State	0	4	2	1	0	0	1	2	2	13	
Closed Out of State	1	2	1	1	2	3	1	1	0	12	
Closed Waiver	2	1	0	0	0	0	0	0	0	3	
Total Closed Pharmacies	3	7	3	2	2	3	2	3	2	28	
Total In State Pharmacies											
Total In State Pharmacies	1134	1133	1132	1133	1139	1141	1132	1132	1132	N/A	
Total Out of State Pharmacies	367	373	377	385	387	391	329	337	346	N/A	
Total Waivered Pharmacies	103	102	104	104	104	104	102	102	102	N/A	
Total Pharmacy permits	1604	1608	1613	1622	1630	1636	1563	1571	1580	N/A	
Distributors											
New in State	0	0	6	1	3	0	2	2	2	17	
New Out of State	3	15	7	12	6	2	13	6	5	77	
Total New Distributors	3	15	13	13	9	2	15	8	7	94	
Closed Distributors											
Closed In State	0	0	1	0	0	0	0	1	1	3	

Closed Out of State	0	0	0	0	2	1	5	1	0	9	
Total In State Distributors	187	187	192	193	196	196	198	199	200	N/A	
Total Out of State Distributors	726	741	748	760	764	765	773	778	783	N/A	
Total Distributors	913	928	940	953	960	961	971	977	983	N/A	
Rx Repository Program											
Applications received To date	3	3	3	3	3	3	3	3	3	N/A	
Applications Approved To date	0	0	0	0	1	1	1	1	1	N/A	
Applications Pending	0	2	2	2	1	1	1	1	1	N/A	
Applications Withdrawn	0	1	1	1	1	1	1	1	1	N/A	
										N/A	
Drop Off Sites											
Applications received To Date	0	0	0	4	4	4	4	4	4	N/A	
Applications pending	0	0	0	2	1	1	1	1	1	N/A	
Applications Approved To Date	0	0	0	0	1	1	1	1	1	N/A	
Applications Withdrawn	0	0	0	2	2	2	2	2	2	N/A	
Total drop Off Sites											
Drug Therapy Management Protocols											
Total Applications Received To Date	0	8	8	8	8	8	9	9	9	N/A	
Applications Approved To Date	0	4	4	4	4	5	5	5	5	N/A	
Applications Not Approved	0	3	3	3	3	3	3	3	3	N/A	
Applications pending	0	1	1	1	1	0	1	1	1	N/A	
SECTION F-MANAGEMENT INFORMATION SYSTEMS REPORT											
Number of e-mails received	494	333	285	398	437	468	570	531	468	4,489	
Number of website visitors	15281	12832	12707	13688	6628	11798	11724	11725	13795	128,358	
Roster Requests								15	9	24	

APS REPORT											
Cash Mail Log Total including On-line Renewals (Misc. correspondence not included)							941	1,191	1,416	3548	
Expense Report							22	22	21	65	
Number of e-mails opened, reviewed and distributed							559	522	432	1513	
PIA Requests/Inquiries (beginning Feb 09 Roster Request not included)							58	37	30	125	
Fiscal Notes							5	12	1	18	

