

**Maryland Board of Pharmacy
Public Meeting Minutes
December 16, 2009**

Name	Title	Today's Attendance		Year-to-Date Attendance	
		Present	Absent	Present	Absent
Anderson, C.	Commissioner	X		5	1
Bradley-Baker, L.	Commissioner	X		6	0
Chason, D.	Commissioner	X		6	0
Finke, H.	Commissioner	X		6	0
Handelman, M.	Commissioner	X		6	0
Israbian-Jamgochian, L.	Commissioner	X		6	0
Leandre, A.	Commissioner	X		6	0
Matens, R.	Commissioner		X	5	1
Souranis, M.	Commissioner/Treasurer	X		6	0
Taylor, D.	Commissioner/President	X		6	0
Taylor, R.	Commissioner/Secretary	X		5	1
Zimmer, R.	Commissioner	X		5	1
Bethman, L.	Board Counsel	X		6	0
Gibbs, F.	Board Counsel	X		6	0
Banks, T.	MIS Manager	X		4	2
Gaither, P.	Administration and Public Support Manager	X		6	0
Goodman, S.	Acting Licensing Manager	x		9	3
Jeffers, A.	Legislation/Regulations Manager	X		6	0
Naesea, L.	Executive Director	X		6	0
Waddell, L.	Executive Secretary	X		6	0

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Subject	Responsible Party	Discussion	Motion	Action/Results
I. Call to Order & Approval of Minutes	Donald Taylor, Board President	A. D. Taylor brought the December Public Board Meeting to order at 9:00 a.m. Happy Hanukkah Merry Christmas Happy Kwanzaa Happy New Year		
		B. D. Taylor requested that any members of the Board with a conflict of interest to any item on the agenda notify the Board at this time or when the item is addressed in the agenda.		
		C. D. Taylor requested all meeting attendees to introduce themselves and to remember to sign the guest list before they leave the meeting.		
		D. D. Taylor reported that guests will be given packets of materials so that they can follow meeting discussions. He requested that the guests please return the draft packets when they leave the meeting.		
		E. Revisions to Minutes: Approval of December 16, 2009 1. Page 4, Section III, Discussion Section, Item E. Remove "statistics on" and Add "on inspections".	E. Motion: L. Israbian-Jamgochian made a	E. Board Action: The Board

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		<p>2. Page 9, Section VII, Discussion Section, Item 3. Change “RPF” to “RFP”.</p> <p>3. Page 12, Section X, Discussion Section, Item 4. Remove “Amendments ???”.</p> <p>4. Page 12, Section X, Motion Section, Item 4B. Remove “ D. Chason made a motion to approve the report as amended. R. Matens seconded the motion.”</p> <p>5. Page 12, Section X, Action/Results, Item 4B. Remove “The Board voted to approve the motion.”</p> <p>6. Page 14, Section XIII, Discussion Section. Remove the whole discussion question under the “Long Term Care Updates”.</p>	<p>motion to approve the minutes as amended.</p> <p>C. Anderson seconded the motion.</p>	<p>voted to approve the motion.</p>
<p>II. Meetings Updates</p>	<p>Donald Taylor Board President</p>	<p>1.D. Taylor reported on the following meetings:</p> <p>A. The Home Infusion Taskforce was held December 2, 2009. The next meeting is scheduled for January 6, 2009 at 1:30 p.m. C. Anderson reported that drafting of the regulations will begin with the meeting in January. After the meeting in January; meetings will be put on hold until after the legislative session ends in April.</p>		
		<p>B. The Prescription Drug Monitoring Workgroup held its last scheduled meeting on December 4, 2009 in Columbia. The final recommendations for submission to the legislature were worked on during the meeting. The Workgroup Chair, Judge John Fader is assembling the first draft of the recommendations for the Committee to review. The recommendations to the Legislature are due December 31, 2009.</p>		
		<p>C. Board representatives met with a delegation from Shanghai FDA on December 8, 2009. D. Taylor, R. Taylor, L. Bradley-Baker, M. Handelman, L. Naesea, E. Lin and A. Jeffers represented the Board. The Board gave a brief overview of Board programs and operations and responded to questions from the Shanghai delegation. Board representatives also had an opportunity to ask questions regarding their guests’ agency operations.</p>		
		<p>D. D. Taylor, L. Naesea, and A. Jeffers were requested by Deputy Secretary Fran Phillips to meet with representatives from the Board of Physicians, the Board of Nursing, Senator Paula Hollinger, and DHMH to discuss allowing Pharmacists to administer the H1N1 vaccine to patients age 13 to 17 in addition to those 18 and over.</p> <ol style="list-style-type: none"> 1. The Board of Nursing’s position was that they had plenty of nurses to administer vaccinations. 2. The Board of Physicians positions was that they had plenty of doctors to administer vaccinations. 3. There were also concerns expressed regarding patients going 		

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		<p>to pharmacies and possibly being told that the Pharmacist did not have time to administer the vaccine.</p> <p>4. An Executive Order allowing certified pharmacists to administer influenza vaccinations to patients aged 13 – 18 was written and signed by Secretary Colmers on December 11, 2009 and will be in effect for 30 days.</p> <p>5. The Board has notified Maryland pharmacy associations and will notify all Vaccination Certified Pharmacists.</p>	<p>D 5. Motion: H. Finke made a motion to approve the letter to Certified Pharmacists.</p> <p>M. Handelman seconded the motion.</p>	<p>D. 5. Board Action: The Board voted to approve the motion.</p>
		<p>E. The University of Maryland CE program on “Pan Flu and You” was cancelled due to low registration.</p>		
		<p>F. The Maryland Pharmacy Coalition (MPC) held a conference phone call on December 4, 2009. MPC will be supporting the Board’s quest to have the sunset provision removed from the Drug Therapy Management (DTM) legislation. MPC is also working towards gathering information and evidence documenting the effect of pharmacists in DTM as well as the 2010 Maryland Legislative Day (which is Thursday, February 18, 2010).</p>		
		<p>G. D. Taylor, H. Finke, M. Handelman, L. Naesea, and P. Gaither are scheduled to meet with PEAC on December 22, 2009 to discuss terms of the new contract for impaired pharmacists.</p>		
		<p>H. R. Taylor, L. Bradley-Baker, and L. Naesea are scheduled to meet with the Board of Physicians on December 17, 2009 to discuss the sunset provisions of the Drug Therapy Management legislation.</p>		
		<p>2. D. Taylor reported on the following H1N1 Update:</p> <p>A. The previously mentioned signed Emergency Executive Order allowing pharmacists to administer influenza vaccinations to patients over age 13</p> <p>B. CDC estimated that 16 % of persons have already had the flu.</p> <p>C. Shipments of the H1N1 vaccine from McKesson to pharmacies should occur this week.</p> <p>D. Seasonal vaccine is currently not available.</p>		
<p>III. Executive Director</p>	<p>LaVerne Naesea, Executive Director</p>	<p>A. L. Naesea reported on the following Staffing Updates:</p> <p>1. Pharmacist Compliance Officer position interviews will be held in January. L. Israbian-Jamgochian will be on the interview panel and has attended and completed the DHMH required training for interviewing persons for management positions.</p> <p>2. The Board is currently awaiting the results of the desk audit for the Licensing Manager Position. The audit was performed to determine the appropriate grade for the position.</p>		

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		<p>3. The Help Desk Webmaster contract proposal was rejected and the Board was requested to rewrite the proposal using language provided by DHMH.</p> <p>4. Interviews were held on December 15, 2009 for the Office Secretary I position.</p> <p>5. The contract for the temporary employee was extended until February 2010.</p>		
		<p>B. L. Naesea reported that the Board's Office will be closed on December 24-25, 2009 and December 30-31, 2009. All renewals that are received and post marked on or before December 31, 2009 will be processed without potential penalty.</p>		
IV. PEAC Report	Catherine Putz, PEAC	<p>C. Putz reported on the PEAC monthly statistics for the Board. See Attachment 1, Section D.</p>		
V. Legislation and Regulations	Anna Jeffers, Legislation and Regulation Manager Report	<p>A. A. Jeffers reported on the following Maryland Regulations Status:</p> <p>1. <u>COMAR 10.34.03 Inpatient Institutional Pharmacy</u>. Workgroup established pursuant to the RR&E – Dave Chason, Harry Finke, Reid Zimmer and Anna Jeffers met on 09/22, 10/14, 11/4 and 11/24. Next meeting is scheduled for 12/22nd.</p>		
		<p>2. <u>COMAR 10.34.05 Pharmacy Security; COMAR 10.34.07 Pharmacy Equipment; COMAR 10.34.12 Removal of Expired Prescription Drugs; COMAR 10.34.13 Reinstatement of Expired Licenses For Pharmacists; and COMAR 10.34.15 Licensure By Reciprocity</u> - combined in one proposal. Submitted to the Department 11/13/09 and confirmed that no more changes would be made 11/20/09.</p>		
		<p>3. <u>COMAR 10.34.09 Fees</u>. Notice of Final Action anticipated to be published 12/18/09. Effective date is 02/1/10.</p>		
		<p>4. <u>COMAR 10.34.18 Continuing Education for Pharmacists</u>. Proposal submitted to the Department on 11/5/09 and the anticipated publication date is 01/15/10. 30 day comment period follows.</p>		
		<p>5. <u>COMAR 10.34.20 Format of Prescription Transmission</u>. Proposal submitted to the Department 11/9/09. Pulled back due to recent Practice inquiry by Connie Sinclair regarding closed systems. BOARD</p>	<p>5. Motion: L. Israbian-Jamgochian made a</p>	<p>5. Board Action The Board</p>

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		<p>APPROVAL requested for:</p> <p><u>10.34.20text 8833 1 121609</u></p> <p>The amendments included: 1) Including .01 Scope in the proposal and deleting Section B. which lists the entities that are exempt from the chapter. 2) Adding a new subsection .02B(2) which reads: “Any other closed system that does not utilize an intermediary for transmission of prescriptions.”</p>	<p>motion to approve the proposal as amended.</p> <p>D. Chason seconded the motion.</p>	<p>voted to approve the motion.</p>
		<p>6. <u>COMAR 10.34.23 Pharmaceutical Services to Residents in Long-Term Care Facilities.</u> Released for informal comment 11/30/09 through 12/18/09.</p>		
		<p>7. <u>COMAR 10.34.25 Delivery of Prescriptions.</u> Released for informal comment 12/1/09 through 12/22/09.</p>		
		<p>8. <u>10.34.28 Automated Medication Systems.</u> Submitted to the Department on 09/ 22/09. Published on 12/4/09. Comments will be received through 01/04/10.</p>		
		<p>9. <u>COMAR 10.34.32 Pharmacist Administration of Vaccinations.</u> <u>BoNursing Comment - COMAR 10.34.32 -deny age change.</u></p> <p>Update on meeting before Secretary Colmers to discuss the administration of the H1N1 vaccine by pharmacists to adolescents above the age of 12.</p> <p>Don Taylor, LaVerne Naesea and Anna Jeffers met with Francis Phillips, representatives of the Board of Nursing and Board of Physicians, Dr. Calia, representatives of the Department and the public health administration, and Dan O'Brien to discuss allowing pharmacists to administer influenza vaccines to individuals age 13 and older. The Board of Nursing indicated that they did not see an indication of need and had concerns about pharmacists administering vaccines to teenagers, who may faint.</p> <p>The next day an Executive Order was issued allowing pharmacists to administer influenza vaccines to individuals 13 and older.</p>		
		<p>10. <u>COMAR 10.13.01 Dispensing of Prescription Drugs by a Licensee.</u></p> <ul style="list-style-type: none"> • Submitted to DHMH 11/20/08 • Comments received from Physicians, Dentists, Podiatrists. JOINT Response sent 02/05/09 and ratified at 02/18/09 Bd Mtg. <p>Met with DDC 03/26/09. Hold until mid-May for DDC to complete inspections. Anna Jeffers sent follow-up e-mail to DDC on May 26, 2009.</p>		

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		<p>DDC responded that they were working with appropriate Boards.</p> <ul style="list-style-type: none"> • Bd of Physicians response 03/09/09. • Bd of Pharm response 040709. • Bd of Physicians response 4/28/09. • Bd of Pharm response 07/16/09. • Bd of Physicians response 07/27/09. • Bd of Pharm response 08/12/09 <p>Joint Meeting was held on September 10, 2009. Update provided by LaVerne Naesea at the Sept. 16, 2009 Board Meeting.</p> <p>At the recommendation of the Practice Committee, Anna Jeffers made a PIA request, on Sept. 29, 2009, for the minutes from the Maryland Board of Physicians Public Board Meetings for the months of August or September 2009 where physician dispensing was discussed</p> <p>DHMH, Chief of Staff Kronmiller requested additional information in follow-up to September 10, 2009 meeting.</p> <p>Email sent to Wendy on November 4, 2009 with attached memo indicating the Board's concerns.</p> <p>Update on Consumer Survey – The Consumer Survey was sent to Wendy Kronmiller on December 14, 2009. The survey was discussed by the Board and LaVerne Naesea will contact Wendy Kronmiller concerning revisions.</p>		
		<p>B. A. Jeffers reported on the following Legislation updates:</p> <p>1. Legislative Committee met with Delegate Hammen on November 17, 2009. Update on meeting with the Board of Physicians.</p> <p>Anna Jeffers reported that the meeting with the Board of Physicians and Rodney Taylor, Lynette Bradley-Baker, LaVerne Naesea and Anna Jeffers concerning the Sunset Date for the DTM program is scheduled for December 17, 2009 at 1 pm.</p>		
		<p>2. Report on Legislative Committee Meeting with Senator Carter Conway on December 15, 2009.</p> <p>The Legislative Committee met with Senator Joan Carter Conway yesterday and she agreed to sponsor the elimination of the sunset date for the DTM program and the revisions to the wholesale distributor</p>		

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		statute adding national accreditation for out of state wholesale distributors.		
		3. Subcommittee formed to research legislation to require out-of-state pharmacists that work at non-resident pharmacies to be licensed in MD. First meeting is today after the Board Meeting. Harry, Mike, Mayer and Anna.		
		4. Sun Article – “Drug importation: bad for your health,” by John Michael O’Brien. Anna Jeffers alerted the Board to the article where the Board of Pharmacy was mentioned favorably for their leadership role in with the acetaminophen coalition’s goal of preventing liver damage and death caused by the overuse of acetaminophen. 4A. D. Taylor reported on various bills currently being considered in both the House and Senate on U.S. Drug Reimportation	4A. Motion: R. Zimmer made a motion to write letters to our representatives requesting their support in opposition to allowing re-importation of drugs. Second: M. Souranis	Board Action: The Board voted to approve the motion.
VI. Inspection Program Report	Lenna Israbian-Jamgochian, Chair	L. Israbian-Jamgochian reported on Compliance monthly statistics for the Board. See Attachment 1, Section C.		
VII. Management Information Services	Tamarra Banks, MIS Manager	A. T. Banks reported on MIS monthly statistics for the Board. See Attachment 1, Section F.		
		B. T. Banks reported on the following MIS updates: 1. The website www.mdbop.com was temporarily shut down earlier in the week. 2. MIS is creating an interim database so the Board can come off of the DHMH mainframe. Another project will create the ability to produce licenses and print without difficulty on a newly designed license template. 3. MIS will consult with Medical Assistance program to develop an alternative method from accessing the DHMH mainframe to receive Board licensee information during and following the transition. 4. MIS projects are on schedule to be completed by December 31, 2009.		

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		<p>5. Closing inspection forms need to be uploaded on the Inspectors' laptops.</p> <p>10. The Board will have to go out on bid for the Help Desk contract rather than issuing a sole source contract because the intended candidate is not available to fulfill the sole source contract.</p>		
VIII. Administration & Public Support	Patricia Gaither, Administration and Public Support Manager	A. P. Gaither reported on the Administration and Public Support monthly statistics for the Board.		
IX. Public Relations Committee Report	Lynette Bradley-Baker, Chair	<p>L. Bradley-Baker reported on the following Public Relations Committee Updates:</p> <p>1. Newsletter articles are due by Monday, December 28, 2009.</p> <p>2. The Facebook fan page for the Acetaminophen Coalition currently has 210 fans.</p>		
X. Practice Committee	Reid Zimmer, Chair	<p>R. Zimmer reported on the following public inquires:</p> <p>1. Nathan Thompson, Johns Hopkins</p> <p><u>Pharmaquip Materials</u></p> <p>Johns Hopkins' contacted the Board because they planned to establish a prescription drop-off and payment location inside the main entrance of Howard County General Hospital. The technician at the prescription drop-off and payment location would collect insurance coverage and allergy information via a form to be scanned or faxed to the pharmacy. The technician would not perform data entry of this information into a computer system for adjudication by an insurance company. Once the pharmacy received the scanned or faxed copy of the insurance/allergy form, the pharmacy personnel would then adjudicate the prescription and call the technician at the kiosk with the price information. The patient is not required to make payment at the kiosk and the technician there would only be collecting payments patients wish to make.</p>	<p>1. Motion:</p> <p>C. Anderson made a motion to accept the letter as written.</p> <p>D. Chason seconded the motion.</p>	<p>1. Board Action:</p> <p>The Board voted to approve the motion.</p>

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		<p><u>DRAFT – Pharmaquip – Nathan Thompson</u></p> <p>The technician at the prescription drop-off and payment location is collecting insurance and allergy information that is scanned or faxed to a pharmacy. This task would not be considered a delegated pharmacy act and may even be performed by unlicensed personnel. As unlicensed personnel, however; they would require pharmacist supervision as required under the Code of Maryland Regulations (COMAR) 10.34.21.04A.</p>		
		<p>2. Jared Calish, Anne Arundel Medical Center</p> <p><u>Hospital elec order entry - Question</u></p> <p>Jared Calish asked whether a prescriber may check a box on a hospital electronic computer order that authorizes the use of “XYZ protocol;” and also whether the medications need to be displayed in the electronic – Medical Administration Record (MAR) so that the proper safety checks may be performed.</p> <p><u>DRAFT – protocols&check lists – Jared Calish</u></p> <p>Please be advised that all the medications need to be displayed in the electronic – Medical Administration Record (MAR) so that proper safety checks may be performed for drug interactions and allergies. Consequently, a check box on a hospital electronic computer order that authorizes the use of “XYZ protocol” would not be sufficient. The details of the protocol, such as a list of medications, doses and administration instructions, would have to be available to the prescriber so that the prescriber can see all of the components of the protocol.</p>	<p>2. Motion: D. Chason made a motion to accept the letter as amended.</p> <p>L. Israbian-Jamgochian seconded the motion.</p>	<p>2. Board Action: The Board voted to approve the motion.</p>
		<p>3. Jeanne Furman</p> <p><u>Med Director stamping prescriptions – Furman</u></p> <p>Ms. Furman asked whether a medical director of a hospital clinic may pre-stamp prescriptions, if this is included in the policies and procedures of the institution.</p>	<p>3. Motion: M. Souranis made a motion to accept the letter as written.</p> <p>C. Anderson seconded the motion.</p>	<p>3. Board Action: The Board voted to approve the motion.</p>

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		<p><u>DRAFT – stamped prescriptions - Furman</u></p> <p>Pre-stamped signatures are not allowed on prescriptions in Maryland. The pharmacist may read lab results and adjust dosage for the patient pursuant to a protocol in an institution. The pharmacist may not call-in a mail order prescription or write a prescription. The prescriber may either write or call-in the prescriptions.</p>		
		<p>4. Connie Sinclair, Point-of-Care Partners</p> <p><u>Long Term Care Prescriptions - elec med records</u></p> <p>Ms. Sinclair asked if the Board approves electronic medical record systems used by a nursing home where that EMR system communicates directly with the supplying LTC pharmacy’s system without an intervening commercial intermediary.</p> <p><u>DRAFT – LTC – closed systems – Sinclair</u></p> <p>A closed electronic medical record system, that does not utilize the internet, is not required to go through an electronic intermediary and would not require approval of the Board or the Maryland Health Care Commission (MHCC). Please be advised that any electronic medication record system that you use should be certified by the Certification Commission for Health Information Technology (CCHIT). Please go to: http://www.cchit.org/ for additional information.</p>	<p>4. Motion: L. Israbian-Jamgochian made a motion to accept the letter as written.</p> <p>D. Chason seconded the motion.</p>	<p>4. Board Action:</p> <p>The Board voted to approve the motion.</p>
<p>XI. Licensing Committee</p>	<p>Michael Souranis</p>	<p>A. Licensing Committee statistics for the Board. See Attachment 1, Section A and E.</p>		
		<p>B. M. Souranis reported on the Remedi Pharmacy Technician Training Exam</p>	<p>B. Motion:</p> <p>Licensing committee made a motion to approve Remedi Pharmacy Technician Training exam.</p>	<p>B. Board Action:</p> <p>The Board voted to approve the motion.</p>

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			H. Finke seconded the motion.	
XII. Disciplinary Committee	Lenna Israbian-Jamgochian, Chair	L. Israbian-Jamgochian reported on Compliance Committee monthly statistics for the Board. See Attachment 1, Section A and C.		
XIII. Long Term Care	Mayer Handelman, Chair	<p>M. Handleman reported on the following Long Term Care Updates:</p> <ol style="list-style-type: none"> 1. R. Taylor, L. Israbian-Jamgochian, and M. Handelman attended an Assisted Living seminar in Prince Georges County. 2. The University of Maryland held an assisted living meeting on Wednesday. The meeting was held to discuss the compilation of outcomes from medication reviews on Assisted Living residents. The U of MD School of Pharmacy is seeking or has received a grant to support collecting data. 3. Life Span will host a meeting on Assisted living for Pharmacist on Tuesday January 12, 2010 in Montgomery County. 4. M. Handelman suggested that a program be planned to provide guidance to caregivers who administer controlled drugs to older adults in assisted living facilities. 		
XIV. Informational	Donald Taylor, Board President	<p>D. Taylor reported on the following Informational Updates:</p> <ol style="list-style-type: none"> 1. CMS competitive DMEPOS building window closes on December 21, 2009. Pharmacy deadline is January 1, 2010. Contracting is due to begin in June 2010. 2. An amendment has been introduced in the House to make pharmacists eligible for IT reduced-cost loans (H.R. 3854) 3. CMS has announced that many current Medicare Part D medications will no longer be covered after January 1, 2010 because of unmatched NDC numbers. If the manufacturers do not register their products with the FDA, they will not be covered. 4. The FDA has re-opened that comment period for requiring REMS (Risk Evaluation and Mitigation Strategies) for opioid drugs until October 19, 2010. 		
XV. Adjournment	Donald Taylor, Board	A. 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	Motion:	Board Action:

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	President	<p>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 <u>10:59 A.M.</u></p> <p>B. At <u>11:15 A.M.</u> D. Taylor convened a Closed Public Session to conduct a medical review of technician applications.</p> <p>C. The Closed Public Session was adjourned at <u>11:31 A.M.</u> Immediately thereafter, D. Taylor convened an Administrative Session for purposes of discussing confidential disciplinary cases. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Administrative Session</p>	<p>D. Chason made a motion to close the Public Meeting and open a Closed Public Session.</p> <p>. M. Handelman seconded the motion.</p>	<p>The Board voted to approve the motion.</p>