

**Maryland Board of Pharmacy
Public Board Meeting
Minutes**

Date: March 20, 2013

Name	Title	Present	Absent	Present	Absent
Board Committee					
Bradley-Baker, L.	Commissioner/Treasurer	✓		7	2
Chason, D.	Commissioner	✓		9	0
Finke, H.	Commissioner	✓		9	0
Gavgani, M. Z.	Commissioner	✓		8	1
Handelman, M.	Commissioner	✓		7	2
Israbian-Jamgochian, L.	Commissioner	✓		8	1
Matens, R.	Commissioner	✓		6	3
Souranis, M.	Commissioner/President	✓		9	0
St. Cyr, II, Z. W.	Commissioner	✓		9	0
Taylor, D.	Commissioner	✓		9	0
Taylor, R.	Commissioner/Secretary	✓		7	2
Board Counsel					
Bethman, L.	Board Counsel	✓		9	0
Felter, B.	Staff Attorney	✓		8	1
Board Staff					
Naesea, L.	Executive Director	✓		9	0
Wu, Y.	Compliance Manager	✓		8	1
Waddell, L.	Licensing Manager	✓		3	0
Gaither, P.	Administration and Public Support Manager	✓		7	2
Jeffers, A.	Legislation/Regulations Manager	✓		9	0
Johnson, J	MIS Manager	✓		5	0

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
I. Executive Committee Report(s)	A. M. Souranis, Board President	<p><i>Members of the Board with a conflict of interest relating to any item on the agenda are advised to notify the Board at this time or when the issue is addressed in the agenda.</i></p> <ol style="list-style-type: none"> 1. M. Souranis, President, called the Public Meeting to order at 9:44 a.m. 2. M. Souranis requested all meeting attendees to introduce themselves, to please sign the guest log and to indicate whether they would like continuing education credits before they leave the meeting. 3. Members of the Board with any conflict of interests relating to any item on the agenda were advised to notify the Board. 4. M. Souranis reported that all handouts are to be returned by attendees when they leave the meeting. 5. Review and approval of February 20, 2013 public board meeting minutes. 	<p>Motion by D. Taylor to accept minutes as presented. Motion was seconded by H. Finke</p>	<p>Motion was approved.</p>
II. Executive Director's Report	A. Executive Director, L. Naesea	<ol style="list-style-type: none"> 1. Operations Updates – L. Naesea noted that the Legislative auditors will begin auditing the Board as well as the other Boards. The Board's business rules were adapted to the new MIS system, however, the audit may help the Board to identify security and other rules that are not sufficiently addressed by the new system. 2. Meeting Updates L. Naesea reported that meetings attended in the last few weeks were related to the current legislative session and 		

		will be reported during the Legislation/Regulations report. Anna Jeffers left the board meeting to attend a hearing in Annapolis on sterile compounding.		
B. Administration & Public Support	Administration & Public Support Manager, P. Gaither	<p>1. Personnel Updates - Vacancies and Recruits</p> <p>Patricia Gaither reported that the Board's two newest Reclassified employees, who were present at the meeting, are LaToya Waddell, new Licensing Manager and Tiffany Duncan, new Licensing Specialist. Ms. Duncan selection as the Board's new Licensing Specialist has created an open position for the Board's Licensing Secretary (Office Secretary I). The Board is currently recruiting for this position. The Board is also recruiting an Administrative Officer I (Pharmacy Technician Inspector) to work in the Compliance Unit covering the Eastern Shore. The position recruitment will close on Monday, April 22, 2013. A temporary employee, Janelle Jamison, is contracted to work in the Licensing Unit until August 2013.</p> <p>2. Contracts and Procurement</p> <p>The Board is currently reviewing both the PEAC contract and the Expert Witness Contract for work with the Compliance Unit.</p>		
C. MIS	J. Bozek, Computer Network Specialist, II	<p>MIS Manager John Johnson was absent and J. Bozek provided the MIS report.</p> <ul style="list-style-type: none"> Regarding the upcoming document scanning project, a spokesperson for the Department's procurement office (OPAS) informed the Board of a State preferred providers registered under the Maryland Works program. . The Board submitted a preliminary outline of what needs to be accomplished, 		

		<p>which was submitted to a few document scanning companies. The Board will wait for a response from OPAS regarding which companies can fulfill the Board's requests.</p> <ul style="list-style-type: none"> • System Automation is working on making distributor manufacturer renewal applications available online. This is projected to be completed by the end of April, 2013. • Jack Ottensosser of System Automation will be making a brief presentation to the Board today regarding some updates and insight on the MLO application. This presentation will be today during the Board's Executive Meeting. 		
D. Licensing	L. Waddell, Licensing Manager	<p>Monthly Statistics for February, 2013.</p> <p>Pharmacists:</p> <ul style="list-style-type: none"> • New Applications – 51 • Renewals – 370 • Total Licensed – 9263 <p>Pharmacists Administer Vaccinations:</p> <ul style="list-style-type: none"> • New Applications – 27 • Renewals – 0 • Total Licensed - 2171 <p>Technicians:</p> <ul style="list-style-type: none"> • New Applications – 77 • Renewals – 186 • Total Registered –8142 <p>Student Technicians</p> <ul style="list-style-type: none"> • New Applications – 14 • Renewals – 2 • Total Registered – 542 <p>Pharmacies:</p>		

		<p>stated that a project manager has been hired under the PEAC project of community education grant.</p> <p>3. Community Inspection Form – An updated form was presented for Board approval.</p>		<p>3. After discussion, the Community Inspection Form was referred to the Disciplinary Committee for further revisions.</p>
<p>F. Legislation & Regulations</p>	<p>A. Jeffers, Legislation & Regulations Manager</p>	<p><u>LEGISLATION:</u></p> <p><u>1. There was discussion for Board approval of amendments to HB 986 State Board of Pharmacy – Sterile Compounding – Permits:</u></p> <p><u>12-4A-01(B)(1)(I) – strike “pharmacist” from this definition since a prescription is based on a practitioner and patient relationship.</u></p> <p><u>12-4A-01(B)(2) – strike “small quantities” since there is no national definition for this term.</u></p> <p><u>12-4A-02(F) – reword to be “A PERSON THAT PREPARES AND DISTRIBUTES STERILE DRUG PRODUCTS INTO OR WITHIN THE STATE WITHOUT A PRESCRIPTION ORDER SHALL HOLD:”</u></p> <p><u>This revision was made for clarification purposes and to avoid confusion.</u></p> <p><u>12-4A-02(G)(2)(I) – strike “PRODUCT” and replace with “FACILITY”.</u></p> <p><u>The Board believes it would be cumbersome to issue waivers for one product at a time. A facility may be producing more than one</u></p>	<p>Motion by M. Gavvani to amend HB 986 as stated in these minutes. Motion was seconded by D. Chason.</p>	<p>Motion was approved.</p>

	<p><u>product and it would be awkward to only approve one product at a time.</u></p> <p><u>12-4A-05(A) – Strike “FOLLOWING THE SECOND ANNIVERSARY AFTER ITS EFFECTIVE DATE” and substitute “OF THE NEXT EVEN NUMBERED YEAR”.</u></p> <p><u>This section was revised to accurately reflect the renewal dates.</u></p> <p><u>A phase-in was also suggested by LaVerne Naesea so that Board staff could prepare for a new permit category. The Board would have to create new positions and hire staff. The Board approved adding a phase-in to the program.</u></p> <p><u>Anna Jeffers was excused from the remainder of the Board Meeting in order to attend a HGO Subcommittee meeting on SB 986.</u></p> <p><u>1. Position Papers and Letter to Committees to be ratified:</u></p> <p><u>SB 515/ HB 783 State Board of Pharmacy - Jurisdiction over Dentists Who Prepare and Dispense Dental Products and Antibiotics</u></p> <p><u>sb0515F</u></p> <p><u>SB 515 Dentist dispensing antibiotics 021913 (2)</u></p> <p><u>HB 783 Dentist dispensing antibiotics 030413</u></p> <p><u>SB 515 dentist - Bd of Pharmacy Letter 030613</u></p> <p><u>SB 591/HB 595 State Board of Pharmacy – Wholesale Distribution – Pharmacies</u></p> <p><u>AMENDMENTS TO HB0591 with 486984 1 031213</u></p> <p><u>HB 686 Professional Boards Special Funds – Transfer of Funds – three-Fifths Committee Vote</u></p> <p><u>hb0686F</u></p> <p><u>HB 686 - joint letter of support</u></p>		<p>1. The Board voted to ratify the positions taken by the Legislative Committee on the presented legislation.</p>
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	<p><u>SB 971 - fee increases</u></p> <p><u>HB 1006/ SB 701 Criminal Records – Shielding - Nonviolent Misdemeanor Convictions</u></p> <p><u>sb701F</u></p> <p><u>SB 701 - shielding</u></p> <p><u>HB 1323 State Government – State Boards and Commissions – Minority Party Representationhb1323F</u></p> <p><u>HB 1323 - St Gov - B&C - Minority Party Rep 031313 FINAL</u></p> <p>2. SB 783 State Board of Physicians – Naturopathic Doctors</p> <p><u>sb0783F</u></p> <p>The Legislative Committee requested that “dispensing” be taken out of 14-5F-12(c)(1). Spoke to Lobbyist and he will remove.</p> <p><u>REGULATIONS:</u></p> <p><u>L. Naesea reported on the current statuses of the Board’s regulatory proposals.</u></p> <p>10.34.03 – Inpatient Institutional Pharmacies Released for informal comment 12/04/12 – 1/14/13. Board approved submission at February 20, 20013 Public Board Meeting. Responses to informal comments sent March 5, 2013. Proposal was submitted.</p> <p>10.34.06 Reporting Pharmacist’s and Pharmacy Technician’s Mailing Address and Location of Employment Effective March 18th.</p>		<p>2. The Board decided not to take a position on SB 783.</p>
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<p>III. Committee Reports</p> <p>A. Practice Committee</p>	<p>H. Finke, Chair,</p>	<p>1) Claire Reed</p> <p><u>Wholesale Dist - Emergency medical reasons</u></p> <p><u>Draft Bd Response - Claire Reed - Emerg Med Reasons 032013</u></p> <p><u>The Board approved the following response:</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy (the “E Wholesale Distributor Permitting and Prescription Drug Integrity A</p> <p>1) For the emergency medical reason exemption from the definition limited to transfers by retail pharmacies to other retail pharmacies, types of providers, such as a transfer from a clinic to a pharmacy?</p> <p>Wholesale Distribution does not include the sale, purchase, distribution or transfer of a prescription drug or an offer to sell, purchase, distribute emergency medical reasons which include transfers of prescription drugs or devices by a retail pharmacy to another retail pharmacy to Maryland Regulations (COMAR) 10.34.22.02B(22)(b)(ii).</p> <p>This does not restrict the sale, purchase, distribution, trade, or transfer purchase, distribute, trade, or transfer a prescription drug for emergency retail pharmacy provided it was a true medical emergency.</p> <p>Please be advised that regulations addressing this issue will be forthcoming</p> <p>2) For the purchase and distribution of prescription drugs by the Department regulation describes the public health purpose of controlling commercial the Department could transfer or distribute to pharmacies or other</p>	<p>Motion by practice committee to approve draft board response to Claire Reed. Motion was seconded by R. Matens.</p>	<p>1. Motion was approved.</p>

		<p>The regulations allow the Department to transfer or distribute to pharmacies or other health care providers items such as vaccines.</p> <p>2) Sindhu Sambandam</p> <p><u>Out of state pharmacist interpreting lab results</u></p> <p><u>Draft Bd Response - Sambandam - interpreting lab results 032013</u></p> <p><u>The Board approved the following response:</u></p> <p>Thank you for contacting the Maryland Board of Pharmacy (the “Board”) concerning whether an out of state pharmacist licensed in a different state may interpret lab results of a MD resident without obtaining a Maryland pharmacist license.</p> <p>If the out of state licensed pharmacist is providing clinical expertise to a Maryland licensed health care provider, who is providing services to the Maryland patient, then no Maryland pharmacist license is required.</p> <p>The definition of “practice pharmacy” in Maryland, however; is broadly defined. See Health Occupations Article, 12-101, Annotated Code of Maryland. If a pharmacist is interpreting lab results for possible medication changes directly for a Maryland patient, then the pharmacist would be required to be licensed in Maryland. http://mgaleg.maryland.gov/webmga/frmStatutesText.aspx?article=gho&section=12-101&ext=html&session=2013RS&tab=subject5</p> <p>Please also refer to other state’s regulations regarding laboratories, as well as, the Maryland Department of Health and Mental Hygiene’s Laboratory Administration regulations.</p>	<p>Motion by practice committee to approve draft board response to Sindhu Sambandam. Motion was seconded by L. Israbian-Jandjoo.</p>	<p>2. Motion was approved.</p>
B. Licensing Committee	D. Chason Chair,	<p>1. Review of Pharmacist:</p> <ul style="list-style-type: none"> • <u>Jillian Szczesiul</u> – Asking for a waiver of reinstatement fees. Recommendation is to deny request and inform pharmacist that she has to pay fees in order to be reinstated. 	<p>Motion by Licensing Committee to deny requests of both Jillian Szczesiul and Karrie Lyndaker for waiver</p>	<p>Motion denying Jillian Szczesiul and Karrie</p>

		<ul style="list-style-type: none"> • <u>Karrie Lyndaker</u> - Asking for a waiver of reinstatement fees. Recommendation is to deny request and inform pharmacist that she has to pay fees in order to be reinstated. <p>2. Review of Pharmacy Technician Applications:</p> <ul style="list-style-type: none"> • <u>Estefania Pena</u> – Technician answered yes to question 3 regarding surrendering or failing to renew healthcare registration. Explanation: Failed to renew Ohio registration. Recommendation it so approve. • <u>Bryna Mahan</u> – Applicant answered yes to question 3 regarding surrendering or failing to renew registration. Explanation: Failed to renew CNA registration in NC. Recommendation is to approve. <p>1. New Business:</p> <ul style="list-style-type: none"> • <u>Primrose Pharmacy</u> – Withdrawing application and asking for a refund of application fee. Recommendation is to deny request as it is an administrative fee. • <u>Century Pharmacy</u> - Withdrawing application and asking for a refund of application fee. Recommendation is to deny request as it is an administrative fee. 	<p>of reinstatement fees. Motion was seconded by D. Taylor.</p> <p>Motion by Licensing Committee to approve application of Estafania Pena. Motion was seconded by D. Taylor.</p> <p>Motion by Licensing Committee to approve application of Bryna Mahan. Motion was seconded by L. Israbian-Jamgochian.</p> <p>Motion by Licensing Committee to deny request of Primrose Pharmacy for a refund of application fee. Motion was seconded by L. Bradley-Baker.</p> <p>Motion by Licensing Committee to deny request of Century Pharmacy for a refund of application fee. Motion was seconded by L. Bradley-Baker.</p>	<p>Lyndaker request for waiver was approved.</p> <p>Motion to approve application of Estafania Pena was approved.</p> <p>Motion to approve application of Bryna Mahan was approved.</p> <p>–</p> <p>Motion to deny refund request of Primrose Pharmacy was approved.</p> <p>Motion to deny refund request of Century Pharmacy was approved.</p>
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		<ul style="list-style-type: none"> • Hanna Pharmaceuticals Supply CO. LLC – Company is not accredited and would like permission to serve one of their clients who have opened a MD location. Recommendation is to deny request and inform company that they have to be accredited and have MD license to do so. • Jayne Juvan – Asking the Board to recognize the Board of Certification/Accreditation as an approved accreditation organization. Recommendation is to inform Ms. Juvan that the Board of Certification/Accreditation did not send in sufficient information to become Board approved and that her company has to be VAWD accredited. • PTCB – Letter received from PTCB to be discussed. 	<p>Motion by Licensing Committee to deny request of Hanna Pharmaceuticals Supply Co., LLC and to inform Hanna they have to be accredited and have MD license to serve a MD client. Motion was seconded by R. Matens.</p> <p>Motion by Licensing Committee to inform Ms. Juvan that the Board of Certification/Accreditation did not send in sufficient information to become Board approved and that her company has to be VAWD accredited. Motion was seconded by D. Taylor.</p> <p>This letter was for informational purposes only, no vote required.</p>	<p>Motion to deny request of Hanna was approved.</p> <p>Motion regarding Jayne Juvan was approved.</p>
C. Public Relations Committee	L. Bradley-Baker, Chair	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> • The Committee is currently working on the Board’s annual continuing education breakfast and would like to invite Rear Admiral Giberson to speak. Unfortunately Admiral Giberson is not available on weekend days in 		After discussion the Board stated that an evening dinner event in

		<p>October which is usually when the Board holds this event. Baltimore Script Your Future “Medication Adherence Experience” is scheduled for April 13, 2013 at Montgomery Park in Baltimore. The Board of Pharmacy is a member of Baltimore Script Your Future. This is a free event and L. Bradley-Baker will be appearing on behalf of the Board.</p> <ul style="list-style-type: none"> • Three locations for the Board’s off-site public board meeting in September, 2013 were presented to the Board. After discussion the Board decided that the location would be at the University of Maryland Eastern Shore School of Pharmacy. 	<p>Motion by D. Taylor to hold Board of Pharmacy Public Board Meeting in September, 2013 at the UMES School of Pharmacy. Motion was seconded by R. Taylor.</p>	<p>October would be acceptable.</p> <p>Motion to hold September, 2013 Public Board Meeting at UMES School of Pharmacy was approved.</p>
D. Disciplinary	L. Israbian-Jamgochian, Chair	Disciplinary Committee Update – No update this month.		
E. Emergency Preparedness Task Force	D. Taylor, Chair	<p>Emergency Preparedness Task Force Update :</p> <ul style="list-style-type: none"> • Commissioner D. Taylor attended a meeting this morning in Baltimore with Dr. Herrera, Deputy Secretary of for Public Health Services and who is in charge of the Office of Preparedness and Response (OP&R). Also attending was Sherry Adams, Director of OP&R and Mike Manasy who is in charge of Emergency Preparedness for Maryland. The overall aim of the meeting was to learn about the Emergency Preparedness Task Force’s (EPTF) activities of ascertain what pharmacy has been doing in the past year and plans for the upcoming year. Commissioner Taylor noted that in addition to meeting every month the EPTF has updated its “Just in Time Training” for emergency preparedness. EPTF is also planning a “Point of Dispensing” exercise at the University of Maryland Eastern Shore School of Pharmacy on June 3, 2013. Pharmacy students will be involved in this exercise. Students will role-play volunteer pharmacists in manning 1 dispensing points. OP&R will have a presence at the exercise and there 		

		<p>will be observers from local health departments as well. . This will be the first time the EPTF has involved pharmacy students in an exercise.</p> <ul style="list-style-type: none"> • In October, 2013 the EPTF will be doing a distribution exercise out of one of the RSS sites in Maryland and will be distributing actual drugs to some of the hospitals throughout the State. • The Board was requested to issue a position regarding hospitals filling prescriptions during emergencies (e.g., the most recent Derecho storm). The Board determined that under an emergency executive order, hospitals that do not have full service pharmacy permits may dispense starter doses for up to 14 days, provided that proper labeling, and other required prescription filing procedures have have been met. Dispensing by hospitals under the Board interpretation may continue until the emergency order is lifted. Executive Director L. Naesea will prepare response and forward to Sherry Adam of OP&R. 	<p>Motion by D. Taylor to advise Sherry Adams of OP&R that under an emergency executive order, hospitals that do not have full service pharmacy permits may dispense starter doses for up to 14 days, provided that proper labeling, and other required prescription filing procedures have have been met. Dispensing by hospitals under this Board interpretation may continue until the emergency order is lifted. Motion was seconded by M. Gavvani.</p>	<p>Motion was approved.</p>
IV. Other Business & FYI	M. Souranis, President	<p>M. Souranis presented questions concerning scope of practice for dispensing providers, which the Board would like the Attorney General to address. Before those questions can be presented to the Attorney General the public board meeting was closed for Board Counsel, Linda Bethman to give advice of counsel regarding those questions.</p>	<p>At 11:30 a.m. a Motion was made by D. Taylor to close the public board meeting to receive advice of Board counsel. Motion was seconded by Z. St. Cyr, II.</p>	<p>Motion was approved.</p>

		<p>After advice of counsel was received in a brief closed session the public board meeting was re-opened at 12:25 p.m.</p> <p>After discussion of the questions, which concerned the interpretation of prescribers with dispensing permits and inspections of those prescribers, the board voted to accept four questions, as amended, for presentation to, and opinion of, the Attorney General. The four questions as listed below:</p> <ul style="list-style-type: none"> • The Board requests an opinion as to whether there are any statutory or regulatory restrictions to the Board’s, or the Department’s, ability to further clarify the term “in the public interest”, provided that all other requirements of the Administrative Procedure Act are met. • The Board requests an opinion whether a prescriber may delegate the act of dispensing, or any acts involved in the dispensing process, to an unlicensed individual in the prescriber’s practice. • In order to reconcile the current lack of specific authority for prescribers to engage in sterile compounding, and HB 986, the requests an opinion whether compounding is within any prescribers’ scope of practice, as evidenced by the core curriculum in their education and training. • The Board requests an opinion whether its inspection authority under HO § 12-604 is limited to pharmacies and other holders of licenses or permits issued by the Board, or whether the Board has the statutory authority to inspect other persons that manufacture, package, stock, or offer for sale drugs or devices. 	<p>At 12:25 p.m. a Motion was made by D. Taylor to re-open the public board meeting. Motion was seconded by Z. St. Cyr, II.</p> <p>Motion was made by H. Finke to accept the four questions, as amended, for presentation to, and opinion of, the Attorney General. The Motion was seconded by M. Gavvani.</p>	<p>Motion was approved.</p> <p>Motion was approved.</p>
V. Adjournment	M. Souranis, Board President	<p>The Public Meeting was adjourned at <u>12:36 p.m.</u></p> <p>At <u>1:05p.m.</u> M. Souranis convened a Closed Public Session to conduct a medical review of technician applications.</p>	<p>Motion by D. Taylor, to adjourn the Public Board meeting pursuant to State Government Article 10-508)a)(13) and (7) for the</p>	<p>Motion was approved.</p>

		<p>C. The Closed Public Session was adjourned at <u>1:43</u> P.M. Immediately thereafter, M. Souranis 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>purpose of engaging in medical review committee review deliberation regarding confidential matters in applications Meeting. The motion was seconded by L. Israbian-Jamgochian.</p>	
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