

**Maryland Board of Pharmacy  
Public Board Meeting**

**Meeting Minutes  
Date: 09/16/15**

Name	Title	Present	Absent	Present	Absent
<b>Board Committee</b>					
Ashby, D.	Commissioner	X			
Bouyoukas, E.	Commissioner	X			
Gavgani, M. Z.	Commissioner/President	X			
Jones, David H.	Commissioner/Secretary	X			
Peters, R.	Commissioner	X			
Robinson, T.	Commissioner	X			
Rochester, C.	Commissioner	X			
Roy, S.	Commissioner	X			
Smith, J.	Commissioner/Treasurer	X			
St. Cyr, II, Z. W.	Commissioner	X			
Yankellow, E.	Commissioner		X		
Zagnit, B.	Commissioner	X			
<b>Board Counsel</b>					
Bethman, L.	Board Counsel	X			
Felter, B.	Staff Attorney	X			
<b>Board Staff</b>					
Naesea, L.	Executive Director	X			
Wu, Y.	Compliance Manager	X			
	Licensing Manager				
Waddell, L	Administration and Public Support Manager	X			
Jeffers, A.	Legislation/Regulations Manager	X			
Johnson, J.	MIS Manager	X			



Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>not continue the position held by Senator Paula Hollinger who will be retiring. The letter will also ask that there is at least a two year period to determine the significance of the position, without a replacement.</p> <p><b>3. Other</b></p> <p><b>a. MFR Report</b>  All items reported are reflective up to June 30, 2015.  The Goals for July 1, 2016 are new applications received that are complete should be processed within 10 days and complete renewal applications should be processed within 5 days. The fiscal year 2016 goal for new applications was 96% met for new and 90% met for renewal applications received. The ration of complaints to licensees was 1.4 %.</p> <p><b>b. Draft Proposal of Fee Reduction</b>  The initial recommendations from the August Board meeting were reviewed and discussed by the Executive Committee. The initial proposal reduced revenue by more than \$300,000. With the focus of the fee reduction being to cut costs to small businesses, most of the amended proposal pertains to pharmacies only.</p> <p><b>c. Operations Report</b>  Key management staff will be retiring in the next few months; L. Naesea and A. Jeffers.</p>	<p>3b. Motion to approve by D. Ashby, 2<sup>nd</sup> by Z. St. Cyr, III.</p>	<p>3b. The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>There has been a significant increase in statutory regulations.</p> <p>Most applications are processed manually. Each year there is a high volume period for establishment renewals.</p> <p>A business analyst has been contracted. The APS manager has been appointed. Recruitment for the Licensing manager will begin once some details are worked out with Human Resources.</p> <p>The Board has begun the process of replacing the Executive Director. Interviews for the Deputy of Operations position have been done, with final interviews scheduled for tomorrow.</p> <p>A request to overlap the Legislation/Regulations manager position has been submitted.</p> <p>A re-engineering plan has been developed by J. Towles, the business analyst. We would like to add two additional consultants to help develop policies and procedures.</p> <p>Evaluation for possible replacements for the MIS system have begun by J. Towles. Secretary Mitchell has agreed to support the placeholder in the amount of \$1million for the new MIS system. He is also in support of continuing the contract of J. Towles for six additional months. This request has to be presented to the Board of Public Works for approval.</p> <p>Staff members will be trained on policy and procedure developed and in the area of professionalism.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>We have purchased a credit card swiper to be able to accept credit cards as a form of payment for walk-in applicants.</p> <p>The building is in the process of replacing the telephone system. We are hopeful that the new phone system would be compatible to the new MIS system to offer more accessibility to callers requesting information.</p> <p>A lock box system is being examined for applications and payments to be sent for initial processing of payments.</p> <p><b>J. Towles' Report</b>  Phase 1 for the first 6 months of the contract Steps will be provided for short term, medium term, and long term business efficiencies.</p> <p>Improvement in policies and procedures, as well as roles and responsibilities will also be addressed.</p> <p>Additionally recommendations for the RFP will be provided.</p> <p>If the process is able to be continued, Phase 1 plus will be implemented.</p> <p><b>PDMP Advisory Committee</b>  <b>D. Ashby</b>  The PDMP was authorized by State law in 2011 and became effective in 2013. Nearly every state except Missouri has the program but not all of them are operational. The idea is to provide support to prescribers and pharmacists with patients abusing prescribed medication. In some instances, there significant issues. There is an effort to connect all state programs</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>through the National Board of Pharmacy with the PMPI Program (Prescription Monitoring Program interconnect). This effort is to provide date for patients or physicians in areas that are close to state borders. The interstate exchange program allows states to view clinical information from other states.</p>		
<p><b>B. Administration and Public Support (APS)</b></p>	<p><b>B. L. Waddell, APS Manager</b></p>	<p><b>1. Personnel Update</b></p> <ul style="list-style-type: none"> <li>• Recruitment efforts for the Deputy of Operations is on-going and expected to be finalized with interviews to be held on Thursday September 17<sup>th</sup></li> <li>• The Board hired 4 TE positions. All positions today</li> <li>• The Compliance has made a selection for the Health Occupations Investigator position. The Board is working with the department on the hiring process.</li> <li>• Garcia Gilmore (Health Occupations Investigator resigned on August 31, 2016)</li> <li>• Recruitment for Executive Director is in progress.</li> <li>• The Board request to re-class the Administrative Specialist II to Licensing Manager is in progress</li> </ul> <p><b>2. Contracts and Procurement</b></p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>The CE breakfast contract is in its final stages. Two of the three courses have been approved for ACPE credits this week and the third should be approved by the end of this week also. The contract for on-line fee payment will be paid upon receipt this week and the posting on the web site should be made at least three weeks prior to the event.</p> <p>The Board is working with the department on small procurement contracts for two consultants to work with our vendor on our Board reengineering project</p> <p>Currently approximately 150 boxes were originally barricaded in an empty office by new furniture. The Board had been waiting for the building manager to move the furniture to planned locations so the boxes could be properly labeled and sent out to state archives. The Board is working with State Archives to transfer the boxes of scanned records to its warehouses.</p> <p><b>3. Unit Update Administration:</b></p> <p>-The Board can now accept credit cards for walk-in customers.</p> <p>-The Board met with Citi Lockbox service for a “Requirements Gathering” on Friday, September 11, 2015 as a result of that meeting the following will take place;</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<ul style="list-style-type: none"> <li>• The Board will have 4 post office boxes (lockboxes) at the post office: one for initial applications - Pharmacy Technician, Pharmacy Intern, Pharmacist; one for renewal applications- Pharmacy Technician, Pharmacy Intern, Pharmacist; one for establishments and all other application types that include money-Pharmacy, Distributor, Law Book, Pharmacy Technician Training Program; and one for non-cash mail.</li> <li>• CitiBank will pick up the mail from each lockbox daily</li> <li>• CitiBank will process checks and scan applications daily</li> <li>• The Board will log-on to CitiBank’s website to download payment information and applications daily.</li> <li>• APS &amp; Data Integrity will apply payment in MLO, complete date entry process, upload scanned applications, and send reminder to Licensing Unit.</li> </ul> <p>This process alleviates the backlog of mail due to manually opening, date stamping, sorting, and entering of payments. And, to work-up to and or improve the managing for results requirement set by the Governor.</p> <p>CitiBank mentioned that they have the capability to do some of the data entry for the Board and to import the information to our system, but our current system cannot accommodate that feature.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p><u>Data Integrity Unit</u></p> <p>I am also working with Doris who manages the DI staff, to decrease the processing time for entering and uploading applications. We have set quotas and are mentoring staff to see where we have to make adjustments</p> <p><b>Executive Director Recruitment</b>  <b>D. Jones</b>  Initial forms have been submitted to the Department of Health and Mental Hygiene. A freeze exemption should be granted within the next week.</p>		
C. MIS	J. Johnson, MIS Manager	<p>1. <b>MIS Update</b>  <i>Presented by Z. St. Cyr, II in the absence of J. Johnson.</i></p> <p>Resumes for the mobile inspection programmer have been received by DHMH and will be forwarded to J. Johnson for review.</p> <p>Save the date notices have been sent out for the Annual CE Breakfast in October.</p> <p>Software upgrades have been requested from System Automation.</p> <p>MLO testing will be performed to test upgrades.</p> <p>A new procedure for reviewing CJIS reports has been developed.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
---------	-------------------	------------	-------------------------------	---------

		<p>The Pharmacy applications will be reviewed by MIS and the Licensing Committee to prepare for the 2016 renewal period. All information is needed by the end of October for the process to be complete.</p> <p>Z. St. Cyr, II acknowledged the commitment of the MIS staff to resolve problems quickly and efficiently.</p>																																					
<p><b>D. Licensing</b></p>	<p><b>Y. Wu, Acting Licensing Unit Manager</b></p>	<p><b>1. Unit Update</b> Y. WU thanked the MIS team and Committee for always being helpful and available.</p> <p><b>2. Monthly Statistics</b> <i>July 2015</i></p> <table border="1" data-bbox="619 776 1234 1409"> <thead> <tr> <th>License Type</th> <th>New</th> <th>Renewed</th> <th>Reinstated</th> <th>Total</th> </tr> </thead> <tbody> <tr> <td>Distributor</td> <td>19</td> <td>69</td> <td>0</td> <td>988</td> </tr> <tr> <td>Pharmacy</td> <td>23</td> <td>0</td> <td>0</td> <td>2032</td> </tr> <tr> <td>Pharmacist</td> <td>179</td> <td>352</td> <td>0</td> <td>10843</td> </tr> <tr> <td>Vaccination</td> <td>71</td> <td>22</td> <td>0</td> <td>3911</td> </tr> <tr> <td>Pharmacy Intern - Graduates</td> <td>4</td> <td>0</td> <td>0</td> <td>6</td> </tr> <tr> <td>Pharmacy Intern - Students</td> <td>17</td> <td>0</td> <td>0</td> <td>25</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	19	69	0	988	Pharmacy	23	0	0	2032	Pharmacist	179	352	0	10843	Vaccination	71	22	0	3911	Pharmacy Intern - Graduates	4	0	0	6	Pharmacy Intern - Students	17	0	0	25		
License Type	New	Renewed	Reinstated	Total																																			
Distributor	19	69	0	988																																			
Pharmacy	23	0	0	2032																																			
Pharmacist	179	352	0	10843																																			
Vaccination	71	22	0	3911																																			
Pharmacy Intern - Graduates	4	0	0	6																																			
Pharmacy Intern - Students	17	0	0	25																																			

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results										
		<table border="1"> <tr> <td data-bbox="621 220 764 386">Pharmacy Technician</td> <td data-bbox="764 220 865 386">124</td> <td data-bbox="865 220 984 386">303</td> <td data-bbox="984 220 1106 386">9</td> <td data-bbox="1106 220 1228 386">9352</td> </tr> <tr> <td data-bbox="621 386 764 552">Student Technician</td> <td data-bbox="764 386 865 552">0</td> <td data-bbox="865 386 984 552">0</td> <td data-bbox="984 386 1106 552">0</td> <td data-bbox="1106 386 1228 552">975</td> </tr> </table>	Pharmacy Technician	124	303	9	9352	Student Technician	0	0	0	975		
Pharmacy Technician	124	303	9	9352										
Student Technician	0	0	0	975										
E. Compliance	Y. Wu, Compliance Manager	<p><b>1. Unit Update</b></p> <p><b>2. Monthly Statistics</b></p> <p><b>Complaints &amp; Investigations:</b></p> <p>New Complaints - 38  Resolved (Including Carryover) – 36  Final disciplinary actions taken – 4  Reversals –  Summary Actions Taken – 1</p> <p><b>Inspections:</b></p> <p>Total - 145  Annual Inspections - 135  Opening Inspections - 2  Closing Inspections -  Relocation Inspections - 1  Board Special Investigation Inspections –  Division of Drug Control Closing Inspections – 4</p>												



Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p><b><u>proposed-form 10.34.10 071515</u></b></p> <p>Informal Comment and Approval of Board Response:</p> <p><b><u>Bd of Physician's Comment 10.34.10</u></b></p> <p><b><u>DRAFT Bd Resp-Informal Comments - BdofPhysicians</u></b></p> <p>The Board approved the response to informal comments.</p> <p><b><u>10.34.19 Sterile Pharmaceutical Compounding</u></b> This chapter was revised pursuant to 2015 Legislation.</p> <p>Proposal submitted on September 2, 2015</p> <p><b><u>10.34.29 Drug Therapy Management</u></b> This chapter was revised pursuant to 2015 Legislation brought by the Maryland Pharmacy Coalition.</p> <p><b><u>proposed-form 10.34.29 061715</u></b></p> <p>Informal Comments and Approval of Board Response:</p> <p><b><u>Johns Hopkins - Draft DTMA Regulation Comments</u></b></p> <p><b><u>Informal Comments DTM – NACDS</u></b></p> <p><b><u>MPC - informal comment 082615</u></b></p> <p><b><u>DRAFT Bd Resp-Informal Comments 10.34.29 DTM</u></b></p>	<p>10.34.29 Motion to approve by committee, 2<sup>nd</sup> by B. Zagnit.</p> <p>M. Gavgani and D. Ashby recused.</p>	<p>10.34.29 The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p><b>The Board approved the response to informal comments.</b></p> <p><b><u>10.34.33 Prescription Drug Repository Program</u></b> This chapter was revised pursuant to Federal law and regulations.</p> <p>Released for informal comment until today. Informal comments to be considered at the Sept. 25<sup>th</sup> Practice Committee Meeting.</p> <p><b><u>10.34.39 Pharmacist Administration of Self-Administered Drugs</u></b> This chapter was revised pursuant to 2015 Legislation brought by the Maryland Pharmacy Coalition.</p> <p><b><u>DRAFT Self-Administered Drugs - 10.34.39 for Bd approval 071515</u></b></p> <p>Informal Comment and Approval of Board Response:</p> <p><b><u>Don Taylor - 10.34.39</u></b></p> <p><b><u>Jill McCormack NACDS</u></b></p> <p><b><u>MPC Rx proposed draft regs comment AUG 2015</u></b></p> <p><b><u>DRAFT Bd Resp-Informal Comments 10.34.39 Self-Administered drugs</u></b></p> <p><b>The Board referred the response to informal comments back to the Practice Committee for further consideration.</b></p>	<p>10.34.39 Motion to refer back to Practice Committee for modification of the letter by D. Jones, 2<sup>nd</sup> by B. Zagnit.</p>	<p>10.34.39 The Board voted to approve this motion.</p>



Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p><b>The Board approved the bill but deferred it until the 2017 Legislative Session.</b></p> <p><b>2) Nurse Midwife Formulary</b></p> <p>Now that the Board can review the nurse midwife formulary, does the Board want to continue to be involved?</p> <p><b>The Board voted to continue to remain in the nurse midwife formulary after reviewing the revised formulary.</b> This section of the Nursing Practice Act will not be changed.</p> <p><b><u>REVISED CNM FORMULARY 12-2012</u></b></p> <p><b>3) Pain Management Bill</b></p> <p><b>The Board voted to refer review of this bill to the Practice Committee.</b></p>	<p>2) Motion to keep by committee, 2<sup>nd</sup> by J. Smith.</p> <p>3) Deferred to Practice Committee for recommendation and final decision.</p>	<p>2) The Board voted to approve this motion.</p>
<p><b>III. Committee Reports</b> <b>A. Practice Committee</b></p>	<p><b>D. Jones, Chair</b></p>	<p><b><u>Inquiries:</u></b></p> <p>1) David Jones report on the Working Conditions Survey.</p> <p>David Jones summarized the main issues from the survey to be work breaks, pharmacist to pharmacy technician ratios, and shortage of support staff.</p> <p>David Jones will prepare an educational article for the upcoming Newsletter.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>A workgroup with stakeholders will be forthcoming in 2016.</p> <p>FYI – <b>MatchRx Solicitation</b></p> <p>Anna Jeffers will email Ilisa Bernstein at the FDA again for her feedback.</p>		
<b>B. Licensing Committee</b>	<b>J. Smith, Chair</b>	<p><b>1. Review of Pharmacist Applications:</b></p> <p>a. <b>M. Choi</b> – Applicant does not have SSN, but has ITIN. <i>Licensing Committee's recommendation:</i> Approve using ITIN</p> <p>b. <b>N. Argual</b> – Applicant is requesting the Board to waive the requirement for APhA Immunization Certification and allow him to use the certificate obtained for his immunization training at the Idaho State University College of Pharmacy <i>Licensing Committee's recommendation:</i> Deny the request.</p> <p><b>2. Review of Pharmacy Technician Applications:</b></p> <p>a. <b>M. Kaddu</b> - Applicant does not have SSN and is requesting the Board to use her ITIN instead. <i>Licensing Committee's recommendation:</i> Approve using ITIN</p> <p>b. <b>S. Banks</b> – Applicant reinstated in March 2015 making her registration expire on August 2015. However,</p>	<p>1a. Motion by committee to approve, 2<sup>nd</sup> by D. Ashby.</p> <p>1b. Motion by committee to deny request, 2<sup>nd</sup> by D. Ashby. Discussion regarding past decisions by the Board to allow similar requests in the past.</p> <p>2a. Motion to approve by committee, 2<sup>nd</sup> by D. Jones.</p>	<p>1a. The Board voted to approve this motion.</p> <p>1b. This issue will be reviewed by the Licensing committee.</p> <p>2a. The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>applicant is disputing this expiration date and would like to have her license reinstated with an expiration date of 2 years with no additional charges.  <u>Licensing Committee's recommendation:</u> Deny the request</p> <p><b>3. Review of Distributor Applications:</b></p> <p>a. <b><i>G &amp; M Health</i></b> – Aprecia Pharmaceuticals is inquiring whether their manufacturing plant in NJ or their business office in OH (which will be the address reflected on the drug) should get a license from MD BOP.  <u>Licensing Committee's recommendation:</u> Aprecia Pharmaceuticals in NJ must obtain a distributor license.</p> <p><b>4. Review of Pharmacy Applications:</b> <i>None</i></p> <p><b>5. Review of Pharmacy Technicians Training Programs:</b></p> <p>a. <b><i>Allstate Career Technician Training Program</i></b> – This Board approved training program is asking the Board to approve it changing its certification testing from PTCB to EXCPT (Exam for the Certification of Pharmacy Technicians).  <u>Licensing Committee's recommendation:</u> Approve the request</p> <p><b>6. New Business:</b></p>	<p>2b. Motion to deny by committee, 2<sup>nd</sup> by D. Ashby.</p> <p>3a. Motion to require licensure by committee, 2<sup>nd</sup> by D. Ashby.</p> <p>5a. Motion to approve by committee, 2<sup>nd</sup> by D. Ashby.</p>	<p>2b. The Board voted to approve this motion.</p> <p>3a. The Board voted to approve this motion.</p> <p>5a. The Board voted to approve this motion.</p>

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
		<p>a. <b><i>Pharmacy Technician Program Survey Questions - Licensing Committee's recommendation:</i></b> For Board review and approval</p> <p>b. <b><i>Drug Repository Program Participants</i></b> – Per COMAR 10.34.33.06, repositories that re-dispense donated drugs are required to submit an annual report on its activities to the Board. <b><i>Licensing Committee's recommendation:</i></b> Send this Letter notification to all pharmacies approved by the Board to perform this service and retain this record in that establishment's file.</p>	<p>6a. Motion for approval by C. Rochester, 2ns by D. Jones.</p> <p>6b. Motion to send notification by committee, 2<sup>nd</sup> by D. Jones with amendments to include check boxes for dispensing type.</p>	<p>6a. The Board voted to approve this motion.</p> <p>6b. The Board voted to approve this motion.</p>
<b>C. Public Relations Committee</b>	<b>B. Zagnit, Chair</b>	<p><b>Public Relations Committee Update:</b></p> <p>The Annual CE Breakfast will be held on October 18. There will be a registration fee of \$10 per registrant to ensure registrant participation, which has been an issue at past breakfasts. There may be a higher registration fee for anyone who doesn't pre-register. We are preparing for 150-175 people in attendance.</p>		
<b>D. Disciplinary</b>	<b>T. Robinson, Chair</b>	<p><b>Disciplinary Committee Update</b></p> <p><i>None at this time.</i></p>		
<b>E. Emergency Preparedness Task Force</b>	<b>S. Roy, Chair</b>	<p><b>Emergency Preparedness Task Force Update</b></p> <p>The Office of Preparedness and Response would like to have a POD event sponsored by the Board of Pharmacy.</p>		

Subject	Responsible Party	Discussion	Action Due Date (Assigned To)	Results
<b>IV. Other Business &amp; FYI</b>	<b>M. Gavgani, Board President</b>	Z. St. Cyr, II mentioned the upcoming CAC Meeting which will be held in November in Washington DC. Advanced registration will end soon, so early registration is suggested.		
<b>V. Adjournment</b>	<b>M. Gavgani, Board President</b>	<p><b>The Public Meeting was adjourned at 1:00 PM.</b></p> <p><b>At 1:17 PM Gavgani convened a Closed Public Session to conduct a medical review of technician applications.</b></p> <p><b>C. The Closed Public Session was adjourned and immediately thereafter, M. Gavgani 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.</b></p>	Motion to close the September Public Board meeting by D. Jones, 2 <sup>nd</sup> by Z. St. Cyr, II.	The Board voted to approve this motion.