

# Maryland Board of Pharmacy

## Public Board Meeting – February 20, 2002

President Ades called the Public Session of the meeting to order at 9:15 a.m.

### **Attendance:**

**Commissioners Present:** Stanton Ades, President; W. Irving Lottier, Jr., John Balch; Laura Schneider; Melvin Rubin; Donald Yee; Ramona McCarthy-Hawkins; Raymond Love; Jeanne Furman; and Wayne Dyke; Rev. William Johnson; and Barbara Faltz-Jackson

**Absent:** None

**Board Counsel:** Paul Ballard, Assistant Attorney General, and Linda Bethman, Staff Attorney

**Board Staff:** LaVerne Naesea, Executive Director; Michelle Andoll, Pharmacist Compliance Officer; James Slade, Legislative/Regulations Officer; Joan Lawrence, Public Education Officer; Tamarra Banks, Information Services Manager; Doris James, Licensing Supervisor; Deitra Gale, Compliance Specialist and Angela Long, Executive Secretary;

**Guests:** Kathryn Lavriha, (Barr Labs); and Aime Service (Shennadoah University Student); and Charles Twitty, (State Department of Budget and Management)

### **Introduction**

President Ades asked each guest to introduce him or herself.

### **Recusals**

There were no recusals of members due to conflicts of interest.

### **Corrections and Approval of Minutes (01/16/02)**

Page 1, under Absent, Barbara Faltz-Jackson should be considered present because she represented the Board at a meeting in Annapolis

Page 2, 2<sup>nd</sup> paragraph, 3<sup>rd</sup> sentence, delete “d” from the word “settled”

Page 3, under PEAC Community, 2<sup>nd</sup> paragraph, 8<sup>th</sup> sentence, change “pharmacy” to “pharmacist”

Page 3, under PEAC Community, 3<sup>rd</sup> paragraph, 3<sup>rd</sup> sentence, change NBP to “Narcotic Treatment Program (NTP)”

Page 7, under Reinstatement, 3<sup>rd</sup> paragraph, last sentence, replace “assure” with “sure”; add “ed” to “update”, delete “s” from the word “lists”

Page 9, under Council of Boards, add to the paragraph “Barbara Faltz-Jackson served as a community member.”

### **Board Action**

Dr. Love moved for acceptance of the January 16, 2002, public meeting minutes, with amendments. The motion was seconded by Ms. Schneider and passed by the Board.

### **President/Executive Committee Report**

Mr. Rubin thanks the Board members and staff for their support and contributions during his bereavement for passing of his father.

#### *Delegate’s Certificate for NABP’s 98<sup>th</sup> Annual Meeting*

Pres. Ades reported that NABP Annual meeting is scheduled for May 18 thru 22, 2002, in Phoenix, AZ. He stated that Mr. Rubin and Ms. Furman had requested to attend the conference on behalf of the Board.

# **Maryland Board of Pharmacy**

## **Public Board Meeting – February 20, 2002**

Pres. Ades asked members to inform him if others were planning to attend. He also noted that Ms. Furman should officially be appointed as the National liaison between the Board and NABP.

### **Board Action**

Dr. Love moved that Ms. Furman named Delegate and Mr. Rubin would be alternate for the Delegate's Certificate NABP annual meeting. The motion was seconded by Mr. Balch and passed by the Board.

Dr. Love moved to nominate Ms. Furman to represent the Board as the National liaison. The motion was seconded by Mr. Balch and passed by the Board.

### **Drug Therapy Management (DTM) Workgroup**

Pres. Ades reported that the DTM workgroup has developed a bill, which will be introduced to the Senate Committee on March 12, 2002. He stated that the only outstanding issue is the exclusions of institutions from the bill in terms of how nursing homes will be impacted.

Pres. Ades and Ms. Naesea met with BPQA's Legislative Officer and Board Chair to begin the process of drafting regulations. The drafting committee will consist of the legislative officers for BPQA and the Pharmacy Board, and one member from each Board. Pres. Ades asked Board members to inform him of their interest in assignment to the committee. Ms. Naesea mentioned that BPQA would take the regulations, as they are prepared, to their full Board for approval.

### **Bio-Terrorism Task Force**

Pres. Ades reported that the Bio-terrorism Task Force continues to meet. He stated that a thank you and update letter would be sent to the pharmacist volunteers. The letter will announce that emergency response training will begin sometime in the summer.

Pres. Ades reported that at the last meeting on Friday 15, 2002, they discussed with the Maryland Emergency Management Agency regarding transportation logistics for moving pharmacists around the state. The task force is continuing to work through information with the DHMH liaison. Task Force members will continue to visit local health departments around the state to provide updates on the National Pharmaceutical Stockpile, how it will be transported, and how the Pharmacy Act fits in with the overall state and local plans. The next task force meeting is scheduled for February 22, 2002.

### **Shortage of Pharmacists Task Force**

Pres. Ades reported that the Shortage of Pharmacists Task Force met on January 28, 2002. He stated that tasks were assigned and from those tasks, the Board developed a spreadsheet with demographic information. He indicated that University of Maryland has agreed to design a survey based on information that cannot be ascertained from the Board's files. The survey will help determine the extent of the pharmacist shortage in Maryland.

### **Interview with Channel 13**

Pres. Ades and Ms. Naesea were interviewed by Channel 13 regarding Oxycontin addiction and non-prescribed usage by pharmacists. Pres. Ades stated that the interview questions were centered on the Board's processes and policies for Disciplinary actions. The interview is scheduled to air on February 25 and 26, 2002. Ms. Naesea thanked Joan Lawrence for coordinating the interview process.

# Maryland Board of Pharmacy

## Public Board Meeting – February 20, 2002

### Executive Director's Report

#### Budget Hearing

Ms. Naesea discussed the FY 2003 Budget Overview that was presented before the House Appropriation Subcommittee. She announced that Mr. Charles Twitty, budget analyst from the State Department of Budget and Management, had prepared budget recommendations for approval by the Governor's office. He was present at the Board meeting to gain a better understanding of the Board's operations.

Ms. Naesea reported that the Board had requested four positions be funded; licensing secretary, data entry clerk, Board secretary and licensing clerk. She stated that Mr. Twitty recommended that two positions be cut; licensing secretary and data entry clerk, but be allowed to be contractual. She reported that the Governor approved a total allowance of \$1,120,000 for the Board FY 2003 budget, which included two new permanent positions (Board's Secretary and Licensing Clerk) as well as other budgetary items. When the Department of Legislature Services analysts received the Governor's allowance, they recommended that the secretary positions be deleted. Ms. Naesea testified at the Budget Hearing to support retaining the two new positions in the Board's 2003 budget.

Mr. Twitty was asked whether the Board would be allowed to retain its contractual positions if the permanent positions were not approved. He replied that the position requests would be considered on a case-by-case basis.

#### CE Discussion Group

Ms. Naesea stated that the Board received a letter from Delegate Morhaim regarding CME requirements. He wanted all of the Board Administrators to meet to determine whether requiring continuing education was the only method of assessing competence of practitioners. He feels that CME's are burdensome and expensive. Ms. Naesea noted that the Licensing Committee had previously reviewed this question and determined that the Board should continue to require the earning of CE's. Ms. Naesea will attend a meeting hosted by Donna Dorsey, Executive Director of Nursing Board. The purpose will be to discuss how Boards determine practitioners' continued competence and discuss whether alternative methods are feasible.

#### Meeting with DDC

Ms. Naesea reported that she sent a memo to Jack Freedman, Division of Drug Control, regarding updating their database. She spoke to Mr. Freedman in follow-up and he replied that DDC would not be able to begin updating the database process until some time in August. Dr. Love recommended that the Executive Committee meet with Mr. Freedman to express the Board's needs to update the inspection form. Ms. Banks mentioned that she spoke to Dr. Joseph's computer person regarding setting up a new licensing inspection form utilizing DDC's existing computer equipment, but Mr. Freedman has not responded to the request. Ms. Naesea will re-state Mr. Freedman's response in writing and copy the Board members and Dr. Joseph, Laboratory Administrator of DDC. The Board also recommended that language be inserted regarding the importance of this issue having been recommended in the Board's Sunset Review.

#### Announcements

Ms. Naesea announced that the Board received invitations to attend the 2002 APhA annual meeting on March 15, 2002, in Philadelphia, PA, and to participate in NADCS meeting on April 9<sup>th</sup> and 10<sup>th</sup>. She stated this date falls on the Board's April Board meeting. Ms. Long mentioned that the April meeting was being rescheduled for April 17<sup>th</sup>, however, the Board agreed to keep re-scheduled date of April 10, 2002.

# Maryland Board of Pharmacy

## Public Board Meeting – February 20, 2002

Ms. Naesea informed members that they should let her know if they were interested in attending either meeting.

### Sunset Hearing

Ms. Naesea reported that Ms. Furman, Mr. Slade and she testified at the Sunset Review Hearing, held on February 19, 2002. They felt that the hearing went very well. Mr. Slade mentioned that MACDS may propose removing proposed language related to requiring pharmacies to have ‘on-going quality assurance programs.’ The Board is opposed to the quality assurance language being removed and suggested that their concerns be addressed at the hearing.

Ms. Naesea stated that Ms. Furman, Mr. Slade and she are attending a second Sunset hearing with the Senate Committee during the afternoon of the Board meeting.

### Board Staff

Ms. Naesea mentioned that the Board staff had recently experienced problems with their GroupWise program and that Ms. Banks and Mr. Konstantinov are trouble-shooting problems very well. She also mentioned that the Board is still being audited by the legislative auditor and will have a report once completed.

## Legislative/Regulations Report

### Legislation Report

Mr. Slade reported that regarding the pharmacy profiles, he is currently tracking 71 bills rather than the 55 previously reported. He reviewed those bills that may have an impact on pharmacy practice:

**SB 44. CDS – Prescription Drug Monitoring Program.** The bill will be heard today, February 20, 2002 and the Board is not taken a position.

**SB 265 – Persons with Limited English Proficiency.** The Board will be following the same position that was decided last year with other Boards.

**SB 269 – Health Care – Programs and Facilities – Pain Management.** The word pharmacist was not listed in the bill last year but is now listed this year.

**HB 329 – Health Care Worker Whistleblower Protection Act.** A health care practitioner’s employee would be required to report inappropriate behaviors/practices in writing to their employer and wait for a response from their employer before reporting the issue to the Boards. The Boards are petitioning to exempt state employees from the bill and to broaden the definition of “employee” to include everyone, not just people licensed under health occupation.

**HB 561 – Income Tax Credit for Services Donated by Health Care Professionals.** This bill would allow tax credits for donated services, but does not include credits for pharmacy or pharmacist. The Board agreed to take a joint position with other boards to support an amendment to include all health care practitioners. Mr. Slade will submit the amendment.

**HB 676 – Physicians and Pharmacists – Therapy Management Contracts.** MACDS does not want the provision in the bill indicating PharmD or equivalent. Mr. Slade and Mr. Ades spoke with Mr. Jay Schwartz, Med Chi Counsel, regarding the bill who indicated that the provision to exclude Pharm D is not negotiable. The Senate hearing is schedule for March 12, 2002. House Bill hearing is scheduled for March 7, 2002.

**HB 1015 – Health Care Records – Ex Parte Communications with Health Care Providers.** The bill requires consent of a patient but excludes health occupation boards from accessing records without the patient’s consent. Mr. Slade asked the Board if they wanted to oppose the bill but if passed support an amendment to include allow boards to access records. The Board of Pharmacy moved to support the concept.

# Maryland Board of Pharmacy

## Public Board Meeting – February 20, 2002

**HB 1059 – Task Force on Medicaid Disease Management Program.** This bill requires that a task force be established to study the feasibility of a Medicaid disease management program. Mr. Slade will work with Medicaid to include pharmacist in the bill.

**HB 781 – Therapy Management Contracts.** Mr. Slade will meet with Delegate Hammen to discuss this bill.

Mr. Dyke mentioned that Mr. Howard Schiff is attending the NPC Coalition Day, today.

Ms. Naesea mentioned that she attended the Maryland Pharmacy Association's anniversary reception. The organization is celebrating their 120th year.

### Committee Reports

#### Pharmacy Practice Committee

Dr. Love stated that the Practice Committee elected not to meet in February.

#### Long Term Care Task Force

Dr. Love reported that the LTC regulations were up for review and the Committee discovered that there were changes in the LTC system, which needs to be reflected in pharmacy's regulations. The Board decided to create a task force to review the regulations. The Board appointed Mr. Balch as Chair of the task force.

Mr. Balch, Mr. Rubin, Ms. Andoll and Ms. Furman will meet on March 6, 2002, to discuss task force strategies.

#### MD Patient Safety Coalition

Ms. Furman reported that she would summarize the MD Patient Safety Coalition report to be inserted in the Newsletter. Ms. Furman stated that she is invited to attend the Steering Committee meeting regarding plans for next year and will inform the Board of the outcome.

#### Unlicensed Personnel Task Force

Mr. Rubin mentioned that the task force had not met recently.

#### Nurse Dispensing Committee

Pres. Ades stated that Mr. Yee would like to reconvene the public session of the meeting once he arrives.

#### Licensing Committee

#### Reciprocity – List of Candidates

Mr. Dyke reported that the Reciprocity meeting was held on February 19, 2002. He presented the names of candidates for licensure for reciprocity in Maryland. Fourteen (14) candidates took the examination, two (2) applicants; Eric Donley and Bryan Gobin, are pending oral competency and two (2) applicants; Kathleen Bookout and Susan Porter, failed the examination.

# Maryland Board of Pharmacy Public Board Meeting – February 20, 2002

## **Candidates - Passed**

Harleen Anand	Michael Moo-Yeal Ryu
Eric Donley	Michael Sanders
Jesse Garber	Borin Seng
Candiss Justice	Gregory Smith
Anthony Litwill	Edward Ward
Todd O'Neil	

## **Board Action**

Mr. Dyke moved to license the 10 candidates who passed the exam and to approve the other four candidates pending their meeting oral competency requirements and successfully retaking the reciprocity examination. The motion was seconded by Ms. McCarthy-Hawkins and passed by the Board.

## **Wet Lab Examination**

Mr. Dyke thanked Board members who proctored the wet lab examination. All thirteen (13) candidates for licensure passed the wet lab exam. The spring exam is scheduled for the 2<sup>nd</sup> or 3<sup>rd</sup> week in June.

## **MPJE Update**

Ms. Naesea reported that Ms. Andoll and Mr. Rubin would be attending the MPJE question review meeting in Rosemont, IL, on May 31 thru June 2, 2002. NABP will pay for all expenses related to the trip.

## **Disciplinary Committee Report**

### **Quarterly Employer Report & Standard Terms/Conditions for Fraud Cases**

Ms. Andoll briefly reviewed the Board-recommended changes to the quarterly employer's report and fraud cases forms. Dr. Love recommended that the language on the employer report form "does the licensee have any ownership interest in this company or firm" also be placed as a bullet on the fraud cases form. The Board approved the revised changes that will be finalized for utilizations.

## **Board Action**

Dr. Love moved to accept the revised quarterly employer report form. The motion was seconded by Ms. Faltz-Jackson and passed by the Board.

Dr. Love moved to accept the revised standard term/conditions fraud cases form. The motion was seconded by Ms. McCarthy-Hawkins and passed by the Board.

The next Disciplinary Committee meeting will be held on February 28, 2002 at 9:00am.

## **Public Relations Committee**

### **PR Budget**

Ms. Lawrence presented the PR's FY2002 Budget with projected expenditures through June 30, 2002.

### **Consumer Survey**

Ms. Lawrence presented the consumer survey, planned for distribution at the Flower Mart, for Board approval. Dr. Love commented that questions on the survey seemed irrelevant and do not reflect what the

# Maryland Board of Pharmacy

## Public Board Meeting – February 20, 2002

Board is trying to measure. Ms. Lawrence stated that the expected survey results are reflected by the complaint brochure that was requested by Legislature (i.e. Who and What is the Board?). Mr. Twitty stated that the survey should also be reflected in the Board's State managing for results plan (MFR). Ms. Naesea stated that some of the questions have relevance to the Board's strategic plan and (MFR).

The Board agreed to review the survey and forward their comments to Ms. Lawrence.

### HIV/AIDS Survey Results

Ms. Lawrence presented a survey summary of the HIV/AIDS seminar that was held on November 7, 2001. The Board reviewed the survey evaluation and noted that it was not clearly represented. Ms. Lawrence agreed to withdrawal the survey and re-present at the next Board meeting.

### Board 100<sup>th</sup> Year Celebration

Ms. Furman presented the proposed expenditures for the Board's 100<sup>th</sup> year celebration event. The PR Committee recommended that an event planner be contracted to plan the event. They also suggested that DHMH assist the Board in implementing this event. Ms. Lawrence stated that DHMH Public Relations Department said they would give the Board the media announcements and press releases assistance. The Committee announced that the 100<sup>th</sup> year celebration is currently being imprinted on the Board's letterhead.

### Complaint Brochure

Ms. Faltz-Jackson reported that the Board received a letter from MACDS dated February 18, 2002 regarding the consumer information brochure. Ms. Faltz-Jackson stated that the letter addressed certain concerns about the brochure. Ms. Faltz-Jackson stated that the brochure was requested by the legislature to advise and inform the consumers on how to file a complaint. She also stated that the Council of Boards and Commission are planning to meet with consumer groups throughout the state to discuss procedures for filing complaints because many consumers do not understand the function of health care boards. She indicated that the Boards have several resources for consumers on how they could utilize the information.

Pres. Ades suggested that several changes be made to the consumer brochure.

### **Board Action**

Dr. Love moved to delegate the Executive Committee the authority to revise and approve the final format of the consumer brochure. The motion was seconded by Ms. Schneider and passed by the Board.

Ms. Naesea will respond to the letter received from MACDS.

### **Council of the Boards**

Ms. Faltz-Jackson reported that she will not be able to attend the next Council of the Boards meeting on March 4, 2002, and suggested that the Board appoint another Board member to attend.

Ms. Faltz-Jackson, Mr. Slade, Mr. Rubin and Ms. Lawrence attended the Council Boards' education day and legislation meeting on January 16, 2002. Ms. Faltz-Jackson stated that the event was well attended, with a lot of legislators present.

# Maryland Board of Pharmacy

## Public Board Meeting – February 20, 2002

### Technology and Automation Report

#### Website Statistics

Ms. Banks reported that the Board of Pharmacy was ranked as the 7<sup>th</sup> most active DHMH website. She stated that Maryland launched a new website, [www.maryland.gov](http://www.maryland.gov), and suggested that the Board review the site.

#### HHC, Office of Inspector General

Ms. Banks reported that the Board has a link to the Office of Inspector General's website. This site provides information about practitioners who have been sanctioned for social security and similar type offenses and have been barred from participation in any government supported medical programs. Ms. James is currently utilizing this site to check reciprocity applicants.

#### MD Health Care Cost Commission

Ms. Banks reported that the Md Health Care Cost Commission (MHCC) is developing an on-line renewal system for BPQA. Ms. Naesea and she will be meeting with MHCC to explore whether they can create an on-line system for the Board.

#### Board's Website Re-Design

Ms. Banks reported that the vendor who is re-designing the Board's website will complete the task by the end of the week.

### Informational

Ms. Faltz-Jackson indicated that she would like to attend some of the Board and Committee meetings and asked if some could be held during the evenings to accommodate her schedule as a consumer representative.

**President Ades adjourned the Public Board Meeting at 12:05pm.**

**Pres. Ades re-convened the Public Session at 12:45pm to discuss the Nursing Dispensing Committee report.**

#### Nursing Dispensing Committee

Mr. Yee circulated a document that listed medications and categories of drugs that Health Department nurses would like to dispense. Dr. Love stated that the list contradicts what the Board had negotiated with the Department when the policy was developed. Pres. Ades asked whether the Health Department purchases the drugs and provides them to the patients or the patients take their prescription to a pharmacy. Dr. Love responded that it could work in a variety of ways. Dr. Love indicated that anyone can take advantage of the services, however, he was not sure of who paid for the drugs. Dr. Love stated that he is very concerned about the agreement with the Health Department and how the agreement is being changed without the Board's consent.

Pres. Ades suggested a very stern letter be written to the Department, referring back to the previously negotiated agreement and indicating Board actions if the agreed upon policies are changed. Dr. Love

## **Maryland Board of Pharmacy Public Board Meeting – February 20, 2002**

recommended that the letter stating that if the policies are to be changed, the Department should request a meeting for re-negotiation.

Dr. Love mentioned that Dr. Russel Moy was apart of the negotiation process with the Board. The Board recommended that Dr. Moy be contacted. Mr. Yee and Dr. Love will attempt to contact Dr. Moy.

**The Public Session adjourned again at 1:25 p.m.**