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

**Meeting Minutes**
**June 17, 2020**

| Name | Title | Present | Absent |
|---|---|---|---|
| Ashby, D. | Commissioner | X | |
| Bouyoukas, S. | Commissioner | X | |
| Evans, K. | Commissioner | X | |
| Fink, K. | Commissioner | X | |
| Glascoe Geigher, P. | Commissioner | X | |
| Hardesty, J. | Commissioner/Treasurer | X | |
| Leikach, N. | Commissioner | X | |
| Morgan, K. | Commissioner/President | X | |
| Oliver, B. | Commissioner | X | |
| Rusinko, K. | Commissioner/Secretary | X | |
| Singal, S. | Commissioner | X | |
| Yankellow, E. | Commissioner | X | |
| Bethman, L. | Board Counsel | X | |
| Felter, B. | Staff Attorney | X | |
| Speights-Napata, D. | Executive Director | X | |
| Fields, E. | Deputy Director of Operations | X | |
| James, D. | Licensing Manager | X | |
| Leak, T. | Compliance Director | X | |
| Clark, B. | Legislative Liaison | X | |
| Chew, C. | Management Associate | X | |

| | | | | |
|---|---|---|---|---|
| **I. Executive Committee Report(s)** | **A.) K. Morgan, Board President** | *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.* | | |
| | | 1. **Call to Order 9:32 a.m.** | President Morgan spoke wholeheartedly of George Floyd's death and how it has impacted him personally, and what needs to happen as a society. He also thanked those on the frontline during this COVID-19 pandemic that stands for reform while continuing to provide service to all. | |
| | **B.) K. Rusinko, Secretary** | 2. **Sign-in Introduction and of meeting attendees** – *(Please indicate on sign-in sheet if you are requesting CE Units for attendance)* | | |
| | | 3. **Distribution of Agenda and packet materials** | | |
| | | 4. **Review and approve May 2020 Public Meeting Minutes** | 4. Motion by D. Ashby approval of May 2020 Public Meeting minutes; 2nd by P. Geigher. | The Board voted to approve this motion. |
| **II. A. Executive Director Report** | **D. Speights-Napata, Executive Director** | 1. **COVID-19 logistics update** | 1. The building remains closed to the public. Board staff continue to telework with no more than four staff members in the office per day. There are several protocols staff have to adhere to in order to enter the building. Large meetings are still prohibited therefore; Board | |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| **B. New Business** | **K. Morgan, Board President** | **2. New Staff**<br><br>**3. Meeting Update**<br><br>**4. NABP District 1 and 2 Meeting** | meetings will continue to be held via conference call until further notice.<br><br>2. Katie Wilson was introduced and welcomed to the Board as the new Pharmacy Inspector.<br><br>3. Deena Speights-Napata and Board Counsel Brett Felter met with PDMP staff to find more effective ways to notify licensees when the Board receives reports of stolen prescription pads or fraudulent prescriptions. More information will be provided during the July Board meeting.<br><br>4. NABP District 1 and 2 will host a virtual meeting September 8 for 2 hours. More information will be provided in the upcoming months. | |
| **C. Operations Report** | **E. Fields, Deputy Director/ Operations** | **1. Procurement and Budget Updates**<br>**a. May 2020 Financial Statements**<br><br>**2. Management Information Systems (MIS) Unit Updates**<br>**a. None** | 1a. A report on board revenue for May was provided. | |

| | | | | |
|---|---|---|---|---|
| | | | | |
| | | | | |
| **D. Licensing** | **S. Bouyoukas, Commissioner** | **1. Unit Updates**<br><br>**2. Monthly Statistics** | | |

| License Type | New | Renewed | Reinstated | Total |
|---|---|---|---|---|
| Distributor | 18 | 0 | 0 | 1, 399 |
| Pharmacy | 27 | 724 | 0 | 2,072 |
| Pharmacist | 26 | 512 | 0 | 12,490 |
| Vaccination | 19 | 157 | 0 | 4,867 |
| Pharmacy Intern - Graduate | 2 | 0 | 0 | 59 |
| Pharmacy Intern - Students | 19 | 13 | 0 | 723 |
| Pharmacy Technician | 75 | 340 | 5 | 10,152 |
| Pharmacy Technician Student | 1 | 0 | 0 | 38 |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | | **TOTAL** | **187** | **1,746** | **5** | **31,800** | |

| | | | | |
|---|---|---|---|---|
| **D. Compliance** | **T. Leak, Compliance Director** | 1. **Unit Updates**<br>2. **Monthly Statistics**<br>**Complaints & Investigations:**<br><br>New Complaints –22<br><br>• Customer Service –2<br>• Employee Pilferage – 1<br>• Disciplinary Action in Another State –7<br>• Unprofessional Conduct– 1<br>• Dispensing Error– 1<br>• Invalid/Expired CPR– 7<br>• Sterile Compounding Error – 1<br>• Inspection Issues– 2<br>• Resolved (Including Carryover) – 49<br>• Actions within Goal –49/49<br>• Final disciplinary Actions Taken –0<br>• Summary Actions Taken –0<br>• Average days to complete –0<br><br>**Inspections:**<br><br>Total – 154<br>Annual Inspections – 141<br>Opening Inspections – 9<br>Closing inspections – 1<br>Relocation/Change of Ownership Inspections – 3<br>Board Special Investigation Inspections – 0 | | |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| **E. Legislation & Regulations** | **B. Clark, Legislative Liaison** | **<u>Regulations</u>**<br><br>Tech-Check-Tech<br><br><br><br><br><br><br><br><br><br>**<u>Legislation</u>**<br><br>Regulation Proposals | Comments have been received by stakeholders and compiled into a single document. Commissioner Ashby to review and determine whether they should be reviewed by committee or go straight to the full board.<br><br><br><br>The department has indicated that they are still focusing resources toward pandemic response. Dates for legislative and regulatory proposals have not yet been determined. | |

| | | | | |
|---|---|---|---|---|
| **III. Committee Reports**<br><br>**A. Practice Committee** | **K. Evans, Commissioner** | Bob Bauman, Qualanex - My company is interested in providing support for your consumer drug take back legislation (attached). Qualanex specializes in providing reverse logistics services to pharmaceutical manufacturers to support their management of trade returns, recalls, and waste characterization and disposition. Waste Management is an equity partner in our company. Our customers have been coming to us asking what to do about the consumer take back initiative. As the rate of states passing legislation mandating, they fund these programs, they are concerned about maintaining compliance in a cost effective fashion. Qualanex is interested in developing a stewardship program that helps address this issue. We are particularly interested in the state of MD as a potential starting point to develop a program, perhaps a pilot, and wondered about the process to apply, the relevant legislation, etc.<br><br>**Proposed Response:**<br><br>In Maryland, drug takeback programs are voluntary for pharmacies. Maryland does not mandate that pharmacies nor drug manufacturers fund any sort of takeback program. However, if pharmacies wish to become a prescription drug repository site, they can apply to do so on a voluntary basis. (See also Code of Maryland Regulations (COMAR) 10.34.33.01.07.)<br><br>The Board of Pharmacy currently has no legislative initiatives respecting new or different drug takeback programs, nor is it aware of any proposed legislation that would require pharmacy-funded takeback programs in Maryland. For further information, you may wish to contact a Maryland legislator with your proposal and questions. | Recommendation by Committee to approve proposed response; 2nd by K. Morgan. | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| | | Mark Berge - I have questions regarding the scope-of-practice (and similar) limitations of pharmacy technicians in Maryland. COMAR 10.34.34.03A(4) prohibits pharmacy technicians from giving information or explanation about the safe/effective use of prescription/nonprescription drugs/devices. My question is are such regulations still in effect during the state of emergencies while pharmacies are trying to provide community solutions to the SARS-CoV-2 pandemic, especially as it relates to considerations of COVID-19, and, in particular, does the Maryland Board of Pharmacy object to pharmacy technician acts in the following questions: (1) May technicians explain to patients how to use COVID-19 self-administered tests? (2) May technicians explain the effective use of items that are in far more demand (often with manufacturer backorders and other supply issues) now but may also be considered medical devices, such as digital thermometers, surgical masks, rubbing alcohol, specimen collection containers, and pulse oximeters?<br><br>**Proposed Response:**<br><br>In the community pharmacy setting, none of the laws or regulations governing technician practice have been waived, relaxed, or otherwise modified. | Recommendation by Committee to approve proposed response; 2nd by K. Morgan | The Board voted to approve this motion. |
| **B. Licensing Committee** | **D. Ashby, Commissioner** | **1. Review of Pharmacist Applications:**<br><br>a. **Applicant #118380** – Applicant is requesting an extension of his ATT numbers for both the MPJE and NAPLEX, which expired on 03/11/2020.<br>***Committee's recommendation: Extend ATT numbers to match the expiration of the new*** | 1a. Recommendation by Committee to extend ATT for MPJE and NAPLEX; 2nd by K. Morgan. | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| | | ***application, must submit new application to the Board.*** | | |
| | | b. **Applicant #121357** – Applicant is requesting an extension of his Board application until he is able to take the MPJE. He will not be able to sit for the exam until 06/06/2020. ***Committee's recommendation: Deny, must reapply.*** | 1b. Recommendation by Committee to deny; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | c. **Applicant #120915**- Applicant is requesting an extension of the Board's application. She was not aware the Board's application was due to expire. ***Committee's recommendation: Deny, must reapply.*** | 1c. Recommendation by Committee to deny; 2nd by K. Morgan | The Board voted to approve this motion. |
| | | d. **Applicant #125475**– Applicant is requesting a refund of the Board's application fee of $300.00. Her spouse was planning on leaving the service and moving to Maryland to pursue a Masters at Hopkins, but due to the virus, timelines and needs have changed an this is no longer the case. ***Committee's recommendation: Approve*** | 1d. Recommendation by Committee to approve; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | e. **Applicant #118757 (118757 A1 and 11857 A2)** – Applicant is requesting a waiver of the Board's application fee. Applicant is also requesting ADA accommodations, to have 50% more time for the exam (s) due to health issues. ***Committee's recommendation: Approve ADA, must reapply with the Board.*** | 1e. Recommendation by Committee to approve ADA, must reapply; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | f. **Application #12220** – Applicant is requesting an extension of the Board's Reciprocity | 1f. Recommendation by Committee must reapply; 2nd by K. Morgan. | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | application due to COVID-19, she has been unable to take time off to prepare for the exam. ***Committee's recommendation: Must reapply.*** | | |
| | | g. **Application #120706.** – Applicant is requesting an extension to test for the NAPLEX. Applicant is activated with the Military and will not be able to return to Maryland until January 2021. ***Committee's recommendation: Approve extension for the NAPLEX and Board applications until March 31, 2021.*** | 1g. Recommendation by Committee to approve extension; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | h. **Application #120462.** – Notice received from NABP requesting approval for applicant to sit for the NAPLEX for a sixth time. ***Committee's recommendation: Approve, must reapply with the Board.*** | 1h. Recommendation by Committee to deny; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | i. **Application #121239** – Applicant is requesting the Board to take his MPJE, his deadline to take the exam is 05/21/2020. ***Committee's recommendation: Deny must reapply for the MPJE.*** | 1i. Recommendation by Committee to approve 9-month extension; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | j. **Applicant #125754**-Applicant is requesting the Board extend his ATT approval which expired on 05/22/2020. He is scheduled to take the MPJE on 06/26/2020. ***Committee's recommendation: Approve ATT until June 30.2020.*** | 1j. Recommendation by Committee to approve ATT extension; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | k. **Applicant #121526**- Applicant's BOP application expired 05/21/2020, he took and passed the MPJE 05/23/2020. His original testing date for the MPJE was 03/21/2020 but was cancelled due to COVID 19. He is | 1k. Recommendation by Committee to approve; 2nd by K. Morgan | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | requesting the Board allow for his license to be issued without having to pay again. ***Committee recommendation: Approve*** | | |
| | | l. **Applicant# 123180** - *Applicant is requesting to take the MPJE for a sixth time.* ***Committee recommendation: Approve*** | 1l. Recommendation by Committee to approve; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | **2. Review of Pharmacy Intern Applications:** | | |
| | | a. **Applicant #120833**-Registrant is a foreign graduate and is requesting a one-year extension to finish obtaining the required 1,560 intern hours. Due to her child's health issues and COVID-19, she has been unable to continue the accumulation of her intern hours. She has completed approximately 458.5 hours. ***Committee's recommendation: Extend registration until March 28,2021.*** | 2a. Recommendation by Committee to extend registration; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | b. **Applicant #108817**- Registrant is requesting that his registration be extended until 12/31/2020 to allow for him to sit for the exams. ***Committee's recommendation: Extend registration until 10/31/2020.*** | 2b. Recommendation by Committee to extend registration; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | **3. Review of Pharmacy Technician Applications:** | | |
| | | c. **Applicant#125440 (125440 A1 and 125440 A2)**- The Board received an Initial Technician Application on 05/04/2020. A status email was sent to the applicant on 05/04/2020 requesting the following information: Proof of Board-approved Training Program Exam Score. Certificate of Completion, Page #4 section #3 | 2c. Recommendation by Committee to approve; 2nd by K. Morgan. | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | Training Information and Maryland CJIS background results. Once the above has been received, processing of the application can continue. Applicant explains: I believe I've sent the wrong application, I'm just a helper I believe at the pharmacy that's what I was applying for, and I don't know how I got to the technician part I wasn't aware that I had to go through a training and all of that, so I don't know if I was supposed to even do that. I do not want to proceed with the process of the application for pharmacy technician, if I can please get a refund.<br>***Committee's recommendation: Approve refund.*** | | |
| | | **4. Review of Distributor Applications: NONE** | | |
| | | **5. Review of Pharmacy Applications:** | | |
| | | a. **Padonia Village Pharmacy**-Pharmacy is requesting a refund of the renewal fee.<br>***Committee's recommendation: Approve refund*** | 5a. Recommendation by Committee approve; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | **6. Review of Pharmacy Technicians Training Programs:** | | |
| | | **a. University of Maryland Technician Training Program**<br>***Committee's recommendation: Approve*** | 6a. Recommendation by Committee approve; 2nd by K. Morgan. | The Board voted to approve this motion. |
| | | **7. New Business:**<br>**a. Janet Petula (Grane Rx)** – Follow up to a question previously submitted to the Board regarding "Interim Boxes". Specific to the Interim Box (Omnicell Medications Storage | 7a. Motion by J. Hardesty to refer to Practice Committee; 2nd by D. Ashby. | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| | | Cabinet) defined as follows: Sec. 10.34.28.02 Definitions "Interim box" means a tamper evident and secure container or secure electronic storage system holding minimal quantities of medications agreed on by the health care facility intended to expedite immediate initiation of emergency or nonemergency dosing until the pharmacy is able to provide a regular supply. May nursing staff at the healthcare facilities stock an Interim Box as defined above?<br>***Committee's recommendation: Under 10.34.23.09(g) the stocking of the interim box must have the final check by the Pharmacist. Include disclaimer.*** | | |
| **C. Public Relations Committee** | **E. Yankellow, Commissioner** | **Public Relations Committee Update:**<br>• **Committee met May 27 areas of focus where on the 10% open rate of the newsletter distributed, the committee will use constant contact as a way to communicate vital information.**<br>• **CE Breakfast will be held October 25 at the Towson Sheraton. Online registration has been increased to 400 registrants. More information will be provided if meeting is virtual only.**<br>• **Topics and speakers are being discussed with interest in pharmaceuticals on demand, COVID-19 impact on mental health, emergency preparedness response, refusal to fill and the appropriate use of Naloxone and administering.** | | |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| **D. Disciplinary** | **J. Hardesty Chair** | **Disciplinary Committee Update:**<br>• **Committee met June 3 and June 10.**<br>• **A confidential discussion will be held in the Board's Closed Public Session.** | | |
| **E. Emergency Preparedness Task Force** | **N. Leikach, Chair** | **Emergency Preparedness Task Force Update:**<br>• **The EPTF continues to work at secure sites distributing medications to hospitals throughout the state of Maryland.**<br>• **More pharmacist are needed to volunteer, please register with MD Responds** https://mdr.health.maryland.gov/ | | |
| **IV. Other Business & FYI** | **K. Morgan, President** | • **Commissioners Evans and Glascoe Geigher thanked President Morgan for his heartfelt remarks on the protesting being demonstrated worldwide during the COVID-19 pandemic.**<br>• **David Jones-The Lamy Center hosted a virtual meeting Peeking into Pandora's Box: Chronic pain in older adults.**<br>• **ASCP annual chapter meeting may be virtual August 14-16 at Turf Valley up to 12 CE credits can be earned for attendance.** | | |
| **V. Adjournment** | **K. Morgan, President** | **A. The Public Meeting was adjourned at 10:19 am.** | Motion to close the Public Board Meeting by D. Ashby 2nd by N. Leikach | The Board voted to approve this motion. |

| | | | | |
|---|---|---|---|---|
| | | | | |

| | | | | |
|---|---|---|---|---|
| | | **B. K. Morgan convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.**<br><br>**C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan, convened an Administrative Session for purposes of discussing confidential disciplinary cases.**<br><br>**D. With the exception of cases requiring recusals, the Board members present at the Public Meeting continued to participate in the Closed Public Session and the Administrative Session** | | |

**PRESIDING OFFICER'S WRITTEN STATEMENT FOR CLOSING A MEETING ("CLOSING STATEMENT") UNDER THE OPEN MEETINGS ACT (General Provisions Article § 3-305)**

**This form has two sides. Complete items 1 – 4:**

1. **Recorded vote to close the meeting:** Date: 6/17/20; Time:____; Location: Conference Call
Motion to close meeting made by: D. Ashby Seconded by N. Leikach;
Members in favor: Unanimous; Opposed: None;
Abstaining: —; Absent: —.

2. **Statutory authority to close session (check all provisions that apply):**

**This meeting will be closed under General Provisions Art. § 3-305(b) only:**

**(1)**___"To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; any other personnel matter that affects one or more specific individuals"; **(2)**___ "To protect the privacy or reputation of individuals concerning a matter not related to public business"; **(3)** ___ "To consider the acquisition of real property for a public purpose and matters directly related thereto"; **(4)** ___ "To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State"; **(5)**___ "To consider the investment of public funds"; **(6)**___"To consider the marketing of public securities"; **(7)**___"To consult with counsel to obtain legal advice"; **(8)**___ "To consult with staff, consultants, or other individuals about pending or potential litigation"; **(9)**___ "To conduct collective bargaining negotiations or consider matters that relate to the negotiations"; **(10)**___ "To discuss public security, if the public body determines that public discussion would constitute a risk to the public or to public security, including: (i) the deployment of fire and police services and staff; and (ii) the development and implementation of emergency plans"; **(11)**___ "To prepare, administer, or grade a scholastic, licensing, or qualifying examination"; **(12)**___ "To conduct or discuss an investigative proceeding on actual or possible criminal conduct"; **(13)**_✓_ "To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter"; **(14)**___ "Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process."

**Continued →**

3. **For each provision checked above, disclosure of the topic to be discussed and the public body's reason for discussing that topic in closed session.**

| Citation (insert # from above) | Topic | Reason for closed-session discussion of topic |
|---|---|---|
| §3-305(b) (13) | Applications for licensure | To engage in medical review committee deliberations regarding confidential matters contained in applications |
| §3-305(b) ( ) | | |
| §3-305(b) ( ) | | |
| §3-305(b) ( ) | | |
| §3-305(b) ( ) | | |

4. **This statement is made by** Deena Speights-Napata, **Presiding Officer.**
Deena Speights-Napata for Kevin Morgan

**********

**WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED IN THE MINUTES OF THE NEXT OPEN MEETING** Time of closed session: 10:19 Place: Conference Call
Purpose(s): To review confidential matters in license applications
Members who voted to meet in closed session: Unanimous
Persons attending closed session: Only present in the open session
Authority under § 3-305 for the closed session: 3-305(b)(13)
Topics actually discussed: Applications for licensure
Actions taken: Process applications according Each recorded vote: Affirmative majority vote each application

**For a meeting recessed to perform an administrative function (§ 3-104):** Time: 11:33
Place: Conference Call Persons present: Persons in open Subject matter discussed: Complaint Investigations

(Form Rev.6/27/2017)