

Maryland Board of Pharmacy
Public Board Meeting

Meeting Minutes
August 19, 2020

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

I. Executive Committee Report(s)	A.) J. Hardesty, Board Treasurer	<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. Call to Order 9:31 a.m. 2. Sign-in Introduction and of meeting attendees – <i>(Please indicate on sign-in sheet if you are requesting CE Units for attendance)</i> 3. Distribution of Agenda and packet materials 4. Review and approve July 2020 Public Meeting Minutes 						The Board voted to approve this motion.
II. A. Executive Director Report	D. Speights-Napata, Executive Director	<ol style="list-style-type: none"> 1. Criminal Background Locations 2. COVID-19 Procedure Update 	<ol style="list-style-type: none"> 1. There are over 125 Private Providers in Maryland that conduct CJIS fingerprinting services. Please visit the Maryland Public Safety and Correctional Services website, for a list of locations that can be used to have fingerprints processed. 2. MDH managers have received a procedural manual if staff receives a positive COVID- 19 diagnosis. All staff located in cubicles must wear a 	4. Motion by D. Ashby approval of July 2020 Public Meeting minutes; 2 nd by K. Evans.				

<p>mask during their entire shift. Any staff in offices must wear a mask moving about in common areas.</p>	<p>3. Fraudulent Prescription Information Sharing Update</p>			<p>3. The Board is partnering with PDMP to provide timely information on fraudulent prescriptions and stolen prescription pads. PDMP will share that information through a link on their website in the upcoming future.</p>
	<p>4. NABP District 1 and 2 Virtual Meeting Update</p>			<p>4. The virtual meeting will take place September 8 between the hours of 9:00am-1:00pm. There will be a tribute to Executive Secretary Carmen A. Catizone-who will remain on the board as an advisor until the end of the year. The district meeting will be held live in September 2021 at the Annapolis Waterfront hotel.</p>
	<p>5. Board Staffing Update</p>			<p>5. Interviews are scheduled for the Laboratory Scientist position. Licensing is seeking a licensing staff specialist that is advertised on different websites for a broaden search. Due to the current budget crisis; the two merit positions have been denied, but contractual positions can be filled.</p>

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D. Licensing	S. Bouyoukas, Commissioner	<p>1. Unit Updates</p> <p>2. Monthly Statistics</p> <table border="1" data-bbox="503 850 1404 1480"> <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>12</td> <td>1</td> <td>0</td> <td>1,409</td> </tr> <tr> <td>Pharmacy</td> <td>17</td> <td>6</td> <td>0</td> <td>2,081</td> </tr> <tr> <td>Pharmacist</td> <td>106</td> <td>481</td> <td>0</td> <td>12,692</td> </tr> <tr> <td>Vaccination</td> <td>47</td> <td>167</td> <td>0</td> <td>4,911</td> </tr> <tr> <td>Pharmacy Intern - Graduate</td> <td>6</td> <td>0</td> <td>0</td> <td>69</td> </tr> <tr> <td>Pharmacy Intern - Students</td> <td>41</td> <td>11</td> <td>0</td> <td>793</td> </tr> <tr> <td>Pharmacy Technician</td> <td>143</td> <td>349</td> <td>3</td> <td>10,409</td> </tr> <tr> <td>Pharmacy Technician Student</td> <td>0</td> <td>0</td> <td>0</td> <td>35</td> </tr> <tr> <td>TOTAL</td> <td>372</td> <td>1,015</td> <td>3</td> <td>32,399</td> </tr> </tbody> </table>	License Type	New	Renewed	Reinstated	Total	Distributor	12	1	0	1,409	Pharmacy	17	6	0	2,081	Pharmacist	106	481	0	12,692	Vaccination	47	167	0	4,911	Pharmacy Intern - Graduate	6	0	0	69	Pharmacy Intern - Students	41	11	0	793	Pharmacy Technician	143	349	3	10,409	Pharmacy Technician Student	0	0	0	35	TOTAL	372	1,015	3	32,399	quick turnaround time for the Licensing staff.	
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<p>D. Compliance</p>	<p>T. Leak, Compliance Director</p>	<p>1. Unit Updates 2. Monthly Statistics Complaints & Investigations: New Complaints -20</p> <ul style="list-style-type: none"> • Customer Service -2 • Licensing Issues - 1 • Refusal to Fill -5 • Disciplinary Action in Another State-3 • Expired OTC- 1 • Late Reporting PDMP- 1 • Dispensing without a Permit - 1 • Inspection Issues- 6 • Resolved (Including Carryover) - 27 • Actions within Goal -24/27 • Final disciplinary Actions Taken -9 • Summary Actions Taken -2 • Average days to complete -87 <p>Inspections: Total - 142 Annual Inspections - 133 Opening Inspections - 5 Closing inspections - 4 Relocation/Change of Ownership Inspections - 0 Board Special Investigation Inspections - 0</p>		

E. Legislation & Regulations	B. Clark, Legislative Liaison	<u>Regulations</u> None	<u>Legislation</u> The proposal from last year for a technician seat on the Board has been submitted to the department; currently awaiting the decision if the proposal will move forward.						
III. Committee Reports A. Practice Committee	K. Evans, Commissioner		<u>Closed Meeting</u> : In light of our current health crisis, I'm following up on an inquiry that we've discussed about a year ago. I believe the Board was looking into it, but I have not seen any updates. My question was as a Maryland licensed non-resident pharmacist (I'm in FL), does the pharmacist authority to prescribe contraceptives in MD extend to non-resident pharmacists as well, once training is completed? Most of the interactions between patients and their providers are happening on an electronic basis nowadays and more states are broadening the traditional role of pharmacists (ex. effective 7/1/20, FL pharmacists, under a collaborative practice agreement, can manage, prescribe, test, treat for non-chronic health conditions.)				Proposed response: Thank you for your inquiry. With regard to whether prescribing and dispensing pharmaceuticals is permissible, please check with your home-state Board of Pharmacy to determine whether these practices are permissible under the scope of practice for your individual license.	Recommendation by Committee to approve proposed response; 2nd by J. Hardesty	The Board voted to approve this motion.

		<p>If prescribing and dispensing contraceptives is permitted by your home-state board, and you have met all of the Maryland Board of Pharmacy's requirements for prescribing and dispensing contraceptives then the Maryland Board would permit you to carry out these services for Maryland patients.</p> <p>Furthermore, with regard to providing telehealth services, please note that Maryland law has specific requirements pertaining to the provision of telehealth services. If you plan to deliver services in this manner, please review <u>Md. Code, Health Occ. § 1-1001-1006</u> to ensure compliance.</p> <p>Please also note that you will be expected to comply with your home-state laws and regulations regarding the provision of telehealth services if you determine that you would like to move forward.</p>			
<p>B. Licensing Committee</p>	<p>D. Ashby, Commissioner</p>	<p>1. Review of Pharmacist Applications:</p> <p>a. #122813 - Applicant is requesting an extension of her Board application. Due to COVID 19 her previously scheduled exam (early spring) was rescheduled to July 11, 2020, which she failed. <i>Committee recommendation: Deny, must reapply</i></p> <p>b. #122523 - Applicant is requesting an extension of her Board application. Due to COVID 19 her previously scheduled exam for March was rescheduled to June. Due to health</p>	<p>Ia. Recommendation by Committee to deny; 2nd by J. Hardesty.</p> <p>Ib. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p> <p>The Board voted to approve this motion.</p>	

			<p>issues her exam was rescheduled again until August. <i>Committee recommendation: Deny, must reapply</i></p> <p>c. #121934 - Applicant is requesting an extension of her Board application. Due to COVID 19 delaying testing earlier this year she was not able to test prior to the expiration of her Board application. <i>Committee recommendation: Deny, must reapply</i></p> <p>d. #120631 - Applicant is requesting an extension of her ATT approval for the MPJE. She was on maternity leave last year and did not get a chance to take the MPJE. She was previously approved for a 9-month extension of the Board's Reciprocity application at the April 2020 Board meeting. <i>Committee recommendation: Approve ATT extension to align with the expiration date of her application.</i></p> <p>e. #125002 - Applicant is requesting approval to take the MPJE for the seventh time. <i>Committee recommendation: Approve</i></p> <p>f. #118419 - Applicant is requesting an extension of his ATT approval for the MPJE. He was scheduled to sit for the MPJE on 07/06/2020 in Florida, however, due to health concerns</p>	<p>Ic. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>
				<p>Id. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>
				<p>Ie. Recommendation by Committee to approve; 2nd by J. Hardesty</p>	<p>The Board voted to approve this motion.</p>
				<p>If. Recommendation by Committee reapply with the Board; 2nd by J. Hardesty</p>	<p>The Board voted to approve this motion.</p>

	<p>regarding COVID 19 he cancelled his appointment. <u>Committee recommendation: Must reapply with the Board. ATT extension to align with the expiration date of application once submitted.</u></p>			
	<p>g. #122843 - Applicant is requesting an extension of his Board application. Due to COVID 19 testing delays he is unable to test until October. <u>Committee recommendation: Deny, must reapply.</u></p>	<p>Ig. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>	
	<p>h. #123629 - Applicant is requesting an extension of her NAPLEX score which expired 12/20/2019. MPJE has been taken 4 times. <u>Committee recommendation: Approve extension of NAPLEX score until October 2020 to be in line with expiration date of application.</u></p>	<p>Ih. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>	
	<p>i. #120434 - Applicant is requesting an extension of her ATT which expired in February. Prior to the expiration of her ATT, there were no available locations to test. <u>Committee recommendation: Deny, must reapply with the Board and reapply with NABP.</u></p>	<p>Ii. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>	
	<p>j. #126386 - Applicant is requesting a waiver of the FPGEC requirement. Due to conflict in his home country he was unable to have his schooling confirmed.</p>	<p>Ij. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>	

		<p><u>Committee recommendation: Deny</u> STEVE BOUYOUKAS RECUSED</p>	<p>k. #126079 - Application is requesting approval to take the MPJE for a sixth time. <u>Committee recommendation: Approve</u></p>	<p>1k. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>				
		<p>l. #122603 - Applicant is requesting an extension of her Board of Pharmacy application. Her original testing date, in the spring of 2020 was cancelled due to COVID 19. Her exam has been rescheduled for August 2020. <u>Committee recommendation: Deny</u></p>	<p>1l. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					
		<p>m. #121489 - Applicant is requesting an extension of her ATT approval. Due to COVID 19 she did not have the full 12-month timeframe to test. <u>Committee recommendation: Deny</u></p>	<p>1m. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					
		<p>n. #123355 - Applicant is requesting an extension of her ATT approval, which expires in November 2020. She is concerned that due to Pearson Vue closures due to COVID 19 she may not be able to test in time. <u>Committee recommendation: Deny.</u> <u>Test centers are now open; inform her she has until the expiration date of her application to meet the requirements, otherwise she will need to reapply.</u></p>	<p>1n. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					

<p>o. #126532 - Applicant graduated pharmacy school in 1990 and has not been a licensed as a pharmacist. <u>Committee recommendation: Must be registered as an Intern to obtain the additional 915 experience hours.</u></p>	<p>1o. Recommendation by Committee to register as an intern; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>		
<p>p. #12924 - Applicant is requesting an extension of his ATT approval and Board application. He is scheduled to test on 08/04/2020 however the due to the increase in COVID 19 cases and the distance to the testing center (500 miles from his home), he's not comfortable with taking the test on the 4th. <u>Committee recommendation: Deny, testing centers are open, must reapply if not tested before expiration of Board's application.</u></p>	<p>1p. Recommendation by Committee to deny; 2nd by J. Hardesty. 1 opposed</p>	<p>The Board voted to approve this motion.</p>		
<p>q. #125905 - Applicant is requesting the Board extends her NAPLEX score which expires 09/14/2020 in order for her to take and pass the MPJE. <u>Committee recommendation: Approve, extend NAPLEX to align with expiration of Board's application.</u></p>	<p>1q. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>		
<p>r. #124998 - Applicant is requesting an extension of her NAPLEX ATT as she is unable to find a testing location. <u>Committee recommendation: Approve, extend until 03/11/2021.</u></p>	<p>1r. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>		

		<p>s. #121239 - Applicant is requesting reconsideration of the Board's denial of her request for an extension to take the MPJE. She explains her work hours have been reduced and she cannot afford to reapply. Her original request was presented at the June 2020 Board meeting. <u>Committee recommendation: Deny, must reapply</u></p>	<p>Is. Recommendation by Committee to deny, must reapply; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>
		<p>t. #126545 - Applicant is requesting a refund of her application fee of \$300 due to sudden changes in her life. Cancellation of the application was requested prior to receipt of the application. <u>Committee recommendation: Approve refund.</u></p>	<p>1t. Recommendation by Committee to deny, must reapply; 2nd by J. Hardesty</p>	<p>The Board voted to approve this motion.</p>
		<p>2. Review of Pharmacy Intern Applications: NONE</p>		
		<p>3. Review of Pharmacy Technician Applications: NONE</p>		
		<p>4. Review of Distributor Applications: NONE</p>		
		<p>5. Review of Pharmacy Applications: NONE</p>		
		<p>6. Review of Pharmacy Technicians Training Programs:</p>		
		<p>a. Peninsula Regional Medical Center <u>Committee's recommendation: Approve</u></p>	<p>6a. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>

		<p>b. Wise Technician Training Program - <u>Committee's recommendation: Approve</u></p>	<p>6b. Recommendation by Committee to approve; 2nd J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					
		<p>c. Medstar Health Pharmacy Technician Training Program <u>Committee's recommendation: Approve</u> KARLA EVANS RECUSED</p>	<p>6c. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					
		<p>7. Continuing Education Request:</p>							
		<p>a. JPP –State of the Art Scientific Presentation (2.5 hours) <u>Committee's recommendation: Deny, no information provided regarding program, content and application to pharmacists.</u></p>	<p>7a. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					
		<p>8. New Business:</p>							
		<p>a. Reliance Wholesale-Facility has been shut down due to an employee testing positive for COVID-19. Company is requesting that operations be allowed from their second location in Tennessee, which is not permitted with the Board. Tennessee facility is not located in a reciprocal state or accredited. <u>Committee's recommendation: Approve for "Emergency Medical Reasons", must resume business at the FL facility as soon as possible.</u></p>	<p>8a. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					
		<p>b. Becca Mitchell-Her client is a Pharmacy who is requesting 90-120 days to replace the Maryland licensed pharmacist. <u>Committee's recommendation: Approve c.</u></p>	<p>8b. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>	<p>The Board voted to approve this motion.</p>					

		<p>c. Tidewater Drug and Health Care- Company is requesting the Board reconsider its denial of the Pharmacy's request for refund at the July 2020 meeting. <u>Committee's recommendation: Deny, provide reason.</u> SURINDER SINGAL RECUSED</p>	<p>8c. Recommendation by Committee to deny; 2nd by J. Hardesty.</p>						<p>The Board voted to approve this motion.</p>
		<p>d. XS-Registrant XS is requesting an extension of her Intern registration as COVID-19 is prohibiting her from scheduling and taking the exam for the Pharmacist license. <u>Committee's recommendation: Approve until 07/2021.</u></p>	<p>8d. Recommendation by Committee to approve; 2nd by J. Hardesty.</p>						<p>The Board voted to approve this motion.</p>
<p>C. Public Relations Committee</p>	<p>E. Yankellow, Commissioner</p>	<p>Public Relations Committee Update:</p> <ul style="list-style-type: none"> • Committee met July 22. • The Quarterly newsletter was published and distributed. The newsletter featured an article from a constituent pharmacist regarding COVID-19 supplemental site; which is now a part of their practice. • Commissioners Oliver and Geigher wrote an article acknowledging healthcare workers during COVID-19 pandemic. • The CE Breakfast will be virtual October 25, and will allow 400 registrants. Speakers and topics are still being discussed. • Adjustments are being made for the live CPR requirements due to the Governor's executive order. 							

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		<ul style="list-style-type: none"> • Email blast was distributed in regards to the Governor's executive order that masking is being required indoor/and some outdoor settings. 	
D. Disciplinary	J. Hardesty Chair	<p>Disciplinary Committee Update:</p> <ul style="list-style-type: none"> • Committee met August 5. • A confidential discussion will be held in the Board's Closed Public Session. 	
E. Emergency Preparedness Task Force	N. Leikach, Chair	<p>Emergency Preparedness Task Force Update:</p> <ul style="list-style-type: none"> • EPTF has acquired 3 new members to assist in the emergency distribution of medications in the state of Maryland. • The task force thanks Leo Gray, Board staff for his logistics support during this pandemic. • EPTF is working with schools of pharmacy to possibly host a virtual lecture and/or supply material on what emergency preparedness does; with the exception of the point of dispensing drill due to COVID-19. 	
IV. Other Business & FYI	J. Hardesty, Treasurer	<ul style="list-style-type: none"> • Inspectors will continue with virtual annual inspections; all narcotics counts will be live, in-person with advance notice to the pharmacies. • The Board has not made a decision on the signing of the MOU with the FDA. If an organization anticipates a position on the 	

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<p>V. Adjournment</p>	<p>J. Hardesty, Treasurer</p>	<p>MOU; the point of contact is Deena Speights-Napata to submit for the Board's review and consideration.</p> <ul style="list-style-type: none"> The public can make Tech-Check-Tech comments once it is submitted for publication in the Maryland Register. 		
		<p>A. The Public Meeting was adjourned at 11:25 am.</p> <p>B. J. Hardesty convened a Closed Public Session to conduct a medical review committee evaluation of confidential applications.</p> <p>C. The Closed Public Session was adjourned. Immediately thereafter, K. Morgan, convened an Administrative Session for purposes of discussing confidential disciplinary cases.</p> <p>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</p>	<p>Motion to close the Public Board Meeting by N. Leikach; 2nd by S. Bouyoukas.</p>	<p>The Board voted to approve this motion.</p>

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:

- Recorded vote to close the meeting: Date: 8/19/20; Time: 11:26; Location: Conference Call
 Motion to close meeting made by: N. Keck Seconded by: S. Bouyoukas
 Members in favor: unanimous; Opposed: none
 Abstaining: _____; Absent: K. Morgan

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 →

discussed: Complaint Investigations
 Place: Conference Call Persons present: Persons in ops
 Subject matter: _____
 For a meeting recessed to perform an administrative function (§ 3-104): Time: 12:08

Actions taken: Process applications accordingly
 Topics actually discussed: Applications for licensing
 Authority under § 3-305 for the closed session: 3-305(13)
 Persons attending closed session: Anyone present in the open session
 Members who voted to meet in closed session: Unanimous
 Purpose(s): To review confidential matters in license applications
 session: 11:26 Place: Conference Call
 IN THE MINUTES OF THE NEXT OPEN MEETING Time of closed

WORKSHEET FOR OPTIONAL USE IN CLOSED SESSION: INFORMATION THAT MUST BE DISCLOSED

4. This statement is made by Diana Speigels-Napora for Jennifer Handeshty,
 Presiding Officer.

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

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.