

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

The Public Meeting was called to order at 8:30 a.m.

ATTENDANCE:

Commissioners Present: Stanton Ades, President; W. Irving Lottier, Jr., Secretary; Commissioners: Ramona McCarthy-Hawkins; John Balch; Raymond C. Love; Wayne Dyke; Barbara Faltz-Jackson; Laura Schneider; Reverend William E. Johnson, Sr.; Jeanne Furman and Donald K. Yee

Commissioners Absent: Melvin Rubin

Board Counsel: Paul Ballard, Linda Bethman

Board Staff: LaVerne G. Naesea, Executive Director; Michelle Andoll, Pharmacy Compliance Officer; Deitra Gale, Compliance Specialist; James Slade, Legislative/Regulatory Officer; Tamarra Banks, Network & Information Services; Sharon Demory-Cornish, Personnel Officer; Doris Thomas, Licensing Supervisor, and Sandra A. Hines, Executive Secretary

Guest: Howard Schiff (MPhA); Laura Borda Short (TARO Pharmaceuticals); Catherine Putz (Division of Drug Control); Kathryn Lavriha (BARR Laboratories); Mary Kaysen (DuPont Pharmaceuticals); Tony Tommasello (Pharmacists' Educations and Assistance Committee); Mattie Simmons (Patterson High School, Pharmacy Technician Instructor); Anastasios Fotinos; Heather Thompson; Sharron Moore; Shalaaah Watson; Dominique Williams and George Biliias (Patterson High School Students)

INTRODUCTION

President Ades asked each guest to introduce him or herself. President Ades welcomed students from Patterson High School as the Board's guest. The Patterson High School students are enrolled in a pharmacy technician program at the school.

Recusals

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

Corrections and Approval of Minutes

Page 2: second paragraph, first sentence should be "Dr. Love moved to accept the minutes."

Page 4: seventh paragraph, second sentence, last word should be "cooperate."

Mr. Dyke moved to accept the minutes with corrected amendments. Ms. Faltz-Jackson seconded the motion, which was passed by the Board.

President/Executive Committee Report

Council of Boards and commission Legislative Reception

President Ades reported that Mr. Rubin; Ms. Furman; Rev. Johnson; Ms. Naesea and Mr. Slade, represented the Board at the Legislative Reception held in Annapolis on January 31. A packet that summarized Board involvements was distributed at the Reception. President Ades thanked all members who participated.

Update on Law Book Contracts

President Ades announced that the Board is currently reviewing the grant from Lexis Publishers.

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

Executive Director's Report

Board of Pharmacy Strategic Planning Update

Ms. Naesea reported that she and Mr. Christiansen are scheduled to meet to examine the final draft of the concluding document. The plan should be ready for presentation to the full Board for approval by the next Board meeting.

Meeting with Del. McHale on Medical Errors

Ms. Naesea reported that she and Mr. Yee were invited to a meeting hosted by Del. McHale on Medical Errors. The Maryland Hospital Association; Board of Nursing; the Board of Physicians & Quality Assurance and the MD Health Care Quality Administrations were key participants at the meeting. Del. McHale was interested in hearing about what the different entities were doing in the area of Medical Errors. Ms. Naesea informed Del. McHale that the Board's Medication Errors Committee is working on developing a voluntary medication error reporting system in consultation with USP. Mr. Yee indicated that all of the participants voiced their belief that mandatory reporting at this time would be premature and that errors should be addressed as a systems problem rather than requiring punitive responses. Board members agreed that the Boards are appropriately responsible for investigating and disciplining when errors require a punitive response.

NABP Training – Chicago

Ms. Naesea reported that she, Ms. Demory-Cornish and Mr. Yee attended a NABP, Chicago training on preparing questions for the MPJE exam, on February 9-11, 2001. The training focused on learning how to write test questions pertaining to pharmacy law. The group prepared questions that may be selected to include in Maryland's pool of questions after they have a second review by Maryland readers. Maryland was invited to attend along with ten other States.

NABP 97th Annual Meeting

Ms. Naesea announced that the Association will hold their annual meeting in Seattle, Washington on May 5-9, 2001. The Executive Officer and Board Member Programming Track will take a look at electronic prescribing and electronic signatures, a discussion on the pharmacy manpower shortage, and a legislative update on compounding MOU. Ms. Naesea and Ms. Andoll are scheduled to attend and Commissioners Lottier, Yee and Furman have submitted requests to represent the Board at the annual meeting. President Ades announced that other Board members interested in attending should notify Ms. Naesea.

MHCC Meeting

Ms. Naesea announced that the Maryland Health Care Commission (MHCC) met with each Executive Director, to discuss the number of licensees and permit holders provided by each Board. Ms. Naesea expressed at her meeting with MHCC that pharmacists should be exempt from paying fees since they bill on behalf of pharmacies, rather than being the actual third party billing. MHCC has not made a decision yet, but Ms. Naesea indicated that MHCC is leaning towards charging all practitioners a fee rather than further decreasing the pool of practitioners that pay the fee. MHCC is allowed to charge all practitioners under current law, but its practice has been to only charge third party billing.

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

Quarterly Budget Report

Ms. Demory-Cornish reported on the Board's Budget Committee Report for Fiscal Year 2001. The Board's projected expenditures for fiscal year 2001 is \$943,897.00. The second quarter report, October, November and December 2000, marks six (6) months of actual expenditures and revenues. After six (6) months, the Board's actual expenditures are \$385,668.00. An additional \$126,159.00 in non-budgeted expenditures is projected for the remainder of the fiscal year.

The Board projects it will collect \$761,341.00 in licensure fees and \$204,800.00 for the Maryland Health Cost Commission. The amount of fees collected during the second quarter is much higher than any other time, due to establishment renewals in the October – December months. Pharmacist licensure fees account for 50% of the Board's revenue, while pharmacy licensure transactions represent 25% of revenues, and the remaining 25% is derived from distributor, manufacturer and miscellaneous fees.

During the first six (6) months of FY'2001, the Board collected \$519,040.00 in revenue, 68% of its projection. During the remainder of FY'2001, the Board expects to maintain its current expenditure structure and predicts it will be within 95% of budget projections.

Staffing Updates

Ms. Demory-Cornish announced that Ms. Joan Lawrence has been selected for the part-time Education and Training Specialist position, effective February 28, 2001.

Ms. Demory-Cornish announced that Ms. Thomas, who served in an acting capacity as Licensing Supervisor, was selected as the new Licensing Supervisor, effective January 31, 2001.

Ms. Demory-Cornish reported that as of January 31, 2001, Mr. Konstantinov, the Board's Data Specialist, works 75% for the Board of Pharmacy and 25% for the Board of Social Work. Ms. Naesea announced that the Board is in the process of hiring Mr. Konstantinov, full-time, permanently. Dr. Love moved to expedite the procedures to hire Mr. Konstantinov as quickly as possible. Mr. Yee seconded the motion, which was passed by the Board.

Board Counsel Report

No report was given at this meeting.

Questions

Dr. Love asked the Board Counsel how pharmacy prescription logs affects patient confidentiality. Mr. Ballard advised that section 12-403(18) of the Pharmacy Act governs this issue.

Ms. Naesea reported that she received a phone call from a TV station about non-prescription contact lenses. She asked the Board Counsel if the Board regulates non-prescription contact lenses. After discussion of the Board's responsibilities regarding the regulation of medical devices in general, Mr. Ballard indicated that he will report back to the Board at the next meeting.

Legislative Officer Report

Mr. Slade reported on the following Bills:

SB 280 entitled Board of Physician Quality Assurance – Complaint and Hearing Procedures. The Board of Pharmacy will be included in a joint letter of comment with 12 other Health Department Boards, including Acupuncture and Chiropractors Massage Therapists.

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

HB 285 entitled Health Insurance Carriers – Standing Referrals to Specialists. All Boards will write a joint letter of support to the Bill.

SB 289 entitled Health Care – Programs and Facilities – Pain Management. Mr. Slade reported to the Board that the Bill formulates an Advisory Counsel to look at Pain Management issues and to support an amendment to have a representative from the Board of Pharmacy to serve on the Counsel.

HB 292 entitled Income Tax Credit for Services Donated by Health Care Professionals. The Bill does not pertain to all Health Care Professionals. Permit holders are excluded from the benefit. Board was not allowed to take a position on this bill.

SB 334 entitled Nursing Home Residents – Prescription Drugs – Choice of Pharmacy. Maryland Health Care Quality will support the Bill. The Board had significant concerns with respect to the feasibility of implementing this Bill, if it were to become law. Dr. Love moved to have Mr. Ades make the final decision on whether the Board should pursue testimony on the bill. Mr. Yee seconded the motion, which was passed by the Board.

HB 418 entitled Drugs and Prescription Records – Impounding and Disposing. Mr. Dyke will testify in support of the bill.

HB 462 entitled Higher Education – Health Manpower Shortage Incentive Grant Program – Grants. The Board considered filing a letter of information, but decided not to based on discussions with the University of Maryland.

HB 587 entitled Maryland Prescription Drug Fair Pricing Act. The Hearing will be held on February 26, 2001.

SB 686, entitled Health Insurance Benefit Cards, Prescription Benefit Cards, or Other Proof of Insurance. The Hearing will be held on March 7, 2001.

HB 686 entitled Practice of Medicine – Definition. The Board joined in to support with amending HB 686. The amendment is to exclude those licensed practicing within their professions from the definition of practice of medicine. The Hearing will be held on February 27, 2001.

HB 742 entitled Income Tax Credit for Individuals Moving into the State to Fill Critical Occupations. The Hearing will be held on February 28, 2001. The Board will submit a letter of information.

SB 772 entitled Health Care-Therapy Management Agreements and Cooperative Procedures. The Hearing will be held on March 13, 2001. The Board will support the Bill.

SB 780 entitled Maryland Seniors prescription Drug Act of 2001. No Hearing is scheduled.

Committee Reports

Pharmacy Practice Committee

Dr. Love reported that the Committee has not heard from the Health Department whether regulations or statutory changes will be required. Nursing Dispensing Policy. The Committee will review the information at its next meeting scheduled for March 7, 2001. The Committee did not hold a meeting in February.

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

Medication Error Task Force

Mr. Yee reported that the sub-committee has been working on regulatory language. The Committee will focus on the Quality Assurance at their next meeting.

Ms. Furman reported that the Committee will present comments from Barbara Newman, Board of Nursing, at the next scheduled meeting.

Unlicensed Personnel/Technicians Task Force

Ms. Naesea reported that the Committee did not hold a meeting this month. She summarized the purpose of the Committee for the benefit of the students at the Public meeting. The Committee is scheduled to meet in March.

Automation Task Force

Dr. Love moved that the Board adopt and proceed with publication of the Automation Medication System Regulations. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

Licensing Committee

Reciprocity

Mr. Dyke presented the names of the 15 reciprocity candidates: Stephanie Carratu; Felicia Edoga; Kirk Jones; Heidi Gardner; Joseph Gattton; Jacquelyn Kelly; Jill Krongard; Sheila McShane; Susan Nwoga; Cynthia Ortman; Lisa Parson; Harold Shevita; Elizabeth Welch and Sau Wong. Of the 15 candidates, 14 satisfied the requirements by passing the test. One candidate will have to re-take and pass the written test to reciprocate in Maryland. Mr. Dyke moved that the 14 candidates be approved for licensure. Ms. McCarthy-Hawkins seconded the motion, which was passed by the Board.

Lab Exam

Mr. Dyke reported to the Board that the Wet Lab Exam was held on January 30, 2001. All 23 candidates passed the exam.

Mr. Dyke announced that the Pilot Lab Exam is scheduled for March 13, 2001. Twenty-five pharmacists have agreed to participate. Mr. Dyke reported that the exam will be 'open book' and the format is fairly extensive. The data results will be presented at the April Board meeting.

Mr. Dyke requested that the Board review the Pilot Exam Evaluation Sheet, for suggestions and/or comments. Any suggestions should be submitted to Mr. Dyke before March 13, 2001.

Mr. Dyke presented to the Board a letter pertaining to continuing education as discussed at the last Board meeting. The letter, which will be published in Board Newsletter, asks pharmacists for comments related to the criteria that should be applied by the Board to satisfy continuing education requirements.

PEAC

Mr. Tommasello reported to the Board that the Committee created a brochure, published by Lexis Publishers that was distributed to the Pharmacist Community and presented at the MPhA Convention in College Park. The Committee would like to have their brochure distributed along with the Board Newsletter.

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

Mr. Tommasello reported that the PEAC Committee is working with 25 cases; two were successfully discharged last month. PEAC is currently recruiting new members that are in the training stage.

Mr. Tommasello reported that the Committee had a successful treatment program last year and is planning another program in October 2001, on the topic of disclosure from the management perspective. Topics will include: management; personnel management and human resources.

Mr. Tommasello reported that Maryland School of Pharmacy students attended the Utah Summer School Program last summer for training in Alcohol and Drug Abuse. Board members from other States attended the Utah training. Mr. Tommasello encouraged the Board to attend. The next session is scheduled for June 2001.

Public Relations Committee

Media Campaign

Ms. Faltz-Jackson reported that the Board's contract with the Reeves agency for the Media Campaign has been terminated. Ms. Faltz-Jackson announced that the Board assigned the new Public Relations person to process bids for a second Media contract, as required.

Health Profession – Related Activities

Ms. Faltz-Jackson reported that Board information and materials will be on display at the Maryland Aging Conference in Ocean City, on April 3, 2001.

Mr. Faltz-Jackson reported that NACBS will host the National Poison Prevention Week on March 18-24, 2001.

The National Hispanic Heritage Month will be September 15 – October 15, 2001.

During National Pharmacy Week, the Board will display AIDS material to assist with National AIDS Awareness Week.

Ms. Faltz-Jackson reported that the Board has reserved two tables for display at the Flower Mart in May 2001. The Board will present video material at the Flower Mart.

Ms. Furman moved that the Board purchase a TV/VCR to present the educational and promotional materials to the consumer. Mr. Balch seconded the motion, which was passed by the Board.

Technology and Automation Report

Ms. Banks reported that the Board is one of many State agencies utilizing the Internet to conduct business. The Board ranked in the top five (5) since the beginning of the fiscal year, often trading places with the Office of Health Care Quality (formerly Licensing & Certification).

Council of Boards Report

Ms. Faltz-Jackson reported that a Council of Board Training is scheduled for Monday, March 12, 2001

Maryland Board of Pharmacy

Public Board Meeting – February 21, 2001

Informational

Ms. Naesea announced that Mr. Robert Landerman is the new Metro Executive Building Manager. He will be meeting with building staff to address security and other building issues.

Ms. Faltz-Jackson announced that Mr. Irving Pinder is the new Executive Director for the Board of Physician Quality Assurance.

President Ades adjourned the Public Board meeting at 12:25 p.m.