

**899 NORTH CAPITOL ST. NE – 2ND FLOOR.
WASHINGTON, DC 20002**

June 4, 2020

8:34 am

**OPEN SESSION MINUTES
(VIA ZOOM MEETING DUE TO THE COVID-19 PUBLIC HEALTH EMERGENCY)**

Board of Pharmacy Mission Statement:

“To protect and improve the public health through the efficient and effective regulation of the practice of Pharmacy and Pharmaceutical Detailing; through the licensure of Pharmacists, Pharmaceutical Detailers, Pharmacy Interns, and Pharmacy Technicians.”

Open Session Agenda

Quorum: Yes

Introduction:		
o6o4-O-01	<p><u>Approval of the Open Session Meeting Minutes</u> April 15, 2020 Motion: Board Member Dr. Benjamin Miles moves the Board to approve the April 15, 2020 open session minutes. Seconded by: Dr. Ashlee Bow. Abstentions: None.</p> <p>Roll Call Vote: Mr. Alan Friedman: Votes in favor of the motion. Dr. Benjamin Miles: Votes in favor of the motion. Dr. Ashlee Bow: Votes in favor of the motion. Dr. Allison Hill: Votes in favor of the motion. Ms. Chikita Sanders: Votes in favor of the motion.</p> <p>Motion Carried.</p> <p><u>Approval of the Open Session Meeting Minutes</u> May 7, 2020 Motion: Board Member Ms. Sanders moves the Board to approve the May 7, 2020 open session minutes. Seconded by: Dr. Alison Hill. Abstentions: None.</p> <p>Roll Call Vote: Mr. Alan Friedman: Votes in favor of the motion. Dr. Benjamin Miles: Votes in favor of the motion. Dr. Ashlee Bow: Votes in favor of the motion. Dr. Allison Hill: Votes in favor of the motion. Ms. Chikita Sanders: Votes in favor of the motion.</p> <p>Motion Carried.</p>	
<u>Consent Agenda</u>	None	
<u>Executive Director Report</u>	<p><u>Licensing Report</u></p> <p><u>Statistical Report on pharmacy professionals in the District of Columbia</u></p> <ul style="list-style-type: none">➤ Pharmacists: 2,180➤ Pharmacists with Vaccination and Immunization Authority: 732➤ Pharmacy Interns: 665	Dr. Shauna White

	<ul style="list-style-type: none"> ➤ Pharmacy Technicians: 995 ➤ Pharmacy Technician Trainees: 103 ➤ Pharmacy Technician Training Programs: 13 ➤ Pharmaceutical Detailers: 538 <p><u>Prescription Drug Monitoring Program</u></p> <p>All practitioners are encouraged to register for the Prescription Drug Monitoring Program. Providers are likewise encouraged to use the program whenever necessary.</p> <p>Impending legislation regarding this program will require all pharmacists and licensees who prescribe medications to register as a participant of the program within ninety (90) days of licensure.</p> <p><u>Opioid Strategic Plan</u></p> <p>For current information on the District’s stance regarding the opioid crisis, the programs, the strategic plan, and community partners involved, go to https://livelong.dc.gov/page/about-live-long-dc.</p>	
<p><u>Assistant General Counsel Report</u></p>		<p>Ms. Carla Williams</p>
<p>o604-O-02</p>	<p><u>Status Update on the Rulemaking Adding Continuing Education Requirements in Public Health Priorities-Verbal Report</u></p> <p>Several rulings regarding the continuing education requirements were made by the District of Columbia Board of Pharmacy in response to the directive from the office of the Director of DC Health, which requires all health professionals to complete at least ten (10) percent of the total continuing education credits in subject matter pertaining to public health priorities.</p> <p>The rulemaking process was completed and uploaded to the District of Columbia Register, and will be published on June 12, 2020. The new requirements will be in effect for the license renewal period ending in 2023.</p> <p>For the Pharmacist, a total of four (4) continuing education credit hours must be completed in the public health priorities, a list of which will be published on the Board’s website.</p> <p>In summary, the District of Columbia’s Board of Pharmacy will require that pharmacists complete the following continuing education credits for the 2023 license renewal cycle:</p> <ul style="list-style-type: none"> ➤ Two (2) continuing education credits in medication dispensing training. ➤ Two (2) continuing education credits in cultural competency for the LGBTQ population. ➤ Four (4) continuing education credits in the public health priorities. 	

	<p>For Pharmacists renewing a vaccination and immunization authority, an additional two (2) credits pertaining to vaccination and immunization administration will be required.</p> <p>Also, beginning in 2023 the Board will not require that Pharmacists complete two (2) continuing education credits in HIV training, as this requirement was voted down by the Board during the rulemaking process.</p> <p>Mr. Friedman raises the following comment regarding completion of <u>live</u> continuing education requirements during the COVID-19 public health emergency:</p> <ul style="list-style-type: none"> ➤ Completing <u>live</u> continuing education credits are difficult due to the COVID-19 public health emergency as several conferences and other public events providing continuing education credits are cancelled. <p>Mr. Friedman expects that the Board will discuss this matter in the near future and before the Board’s Chair, Dr. McCants, for a decision on an amendment to the requirements.</p>	
<p>0604-O-03</p>	<p><u>Pharmacist COVID-19 Testing Emergency Regulations</u></p> <p>This matter is currently in process and under consideration due to conflicting issues stemming from the Department of Health and Human Services (HHS), which states pharmacists can conduct COVID-19 testing, and the District’s Department of Health, which currently has no established regulations and guidelines for pharmacists to conduct COVID-19 testing.</p> <p>DC Health is currently engaged in the rulemaking process, that would establish:</p> <ol style="list-style-type: none"> 1. How testing can be done safely and effectively. 2. The provisions for pharmacists who are conducting COVID-19 tests. <p>The emergency regulations are a work in progress and several entities are involved in crafting the regulations. These new regulations will establish guidelines for the testing process. Additional information on this matter will be disseminated at the August, 2020 monthly meeting.</p> <p>Finally, the interpretation of the Health and Human Services’ Prep Act authorizes Pharmacists to conduct COVID-19 testing, and DC Health has not stated that Pharmacists are disallowed to conduct testing, especially if a Pharmacist is working with the Department of Health and Human Services (HHS) through an associated program. DC Health is engaged in the rulemaking process regarding this issue because there are currently no regulations, which allow Pharmacists to conduct COVID-19 testing, and how testing can be done safely and effectively.</p>	

	<ul style="list-style-type: none"> ➤ Howard University College of Pharmacy announces its availability to assist the District of Columbia’s Board of Pharmacy in the rulemaking process, wherever possible. 	
<u>Subcommittee Reports</u>		
o604-O-04	<p><u>Legislative and Regulatory Subcommittee Report</u></p> <p>The Legislative and Regulatory Subcommittee has accomplished the following:</p> <ol style="list-style-type: none"> 1. A draft of the collaborative practice agreement between Pharmacists and Nurse Practitioners, which will be brought before the Board for discussion at the August, 2020 monthly meeting. 2. Significant progress on the review of Chapter 65, the <i>District of Columbia Municipal Regulations of Pharmacists</i>. Recommendations on these regulations will be presented to the Board in the near future, as the subcommittee must consult with the Board’s Chair on specific sections of the regulations. <p><u>Further Insight on the Collaborative Practice Agreement process:</u></p> <p>While collaborative practice rules are established between Physicians and Pharmacists, the Board is now establishing the same with Nurse Practitioners.</p> <p>Using comments that were submitted by stakeholders at previous meetings, and considering the current [public health emergency] environment, the subcommittee has drafted a new agreement, which is currently under review by the Board’s members on the subcommittee.</p> <p>After presenting the newly-established agreement to the Board at the August, 2020 monthly meeting, it will be submitted to the Board of Nursing for that Board’s approval of the agreement.</p> <p>Subsequently, the newly-established collaborative practice agreement between Pharmacists and Nurse Practitioners will be published in the DC Register for public comment.</p>	Mr. Alan Friedman
o604-O-05	<p><u>Re-Visit DC Board of Pharmacy Bylaws</u></p> <p style="text-align: center;">BYLAWS OF THE DISTRICT OF COLUMBIA BOARD OF PHARMACY</p> <p><u>ARTICLE I: GENERAL</u></p> <p>The calendar year for the Board shall be from January 1st through December 31st. The Mayor shall appoint the Chairperson pursuant to D.C. Official Code § 3-1205.05(a) (2012 Repl.). The Chairperson shall remain in office until removed by the Mayor. The Board shall appoint from its members, a Vice Chairperson. The term of office for the Vice Chairperson</p>	

shall be **two (2)** years. A person shall not serve as Vice Chairperson for more than **two (2)** consecutive terms.

For the purposes of these Bylaws, the Board meets in open (public) sessions on the even-numbered months of the year, i.e. February, April, June, August, October, and December. On the odd-numbered months of the year, i.e. January, March, May, July, September, and November, the Board may meet in subcommittees and/or hold executive (closed) session meetings as needed Pursuant to D.C. Official Code § 2-575(b) (2012 Repl.), and for the purposes set forth therein, executive (closed) session meetings are not open to the public. The Board has the right to change the dates, schedule additional meetings as needed, or cancel any Board meeting. Board members shall attend all Board meetings in person, unless prevented by illness or similar unavoidable cause. A majority of the appointed members of the Board shall constitute a quorum for the transaction of business. The current edition of *Robert's Rules of Order*, as may be amended from time to time, shall apply unless overruled by law, regulation, or these Bylaws, or when otherwise agreed.

ARTICLE II: OFFICERS OF THE BOARD

- A. The officers of the Board shall be the Chairperson and the Vice Chairperson.
- B. The Chairperson presides at all meetings and formal administrative hearings, and requires adherence of same on the part of the Board members.
- C. The Vice Chairperson shall act as Chairperson in the absence of the Chairperson.
- D. In the absence, or inability to serve, of both the Chairperson and Vice Chairperson, the Chairperson shall appoint another Board member to preside at the meeting and/or formal administrative hearing.
- E. The Executive Director shall be the custodian of all Board records and all papers of value. She/he shall preserve a correct list of all applicants and licensees. She/he shall manage the correspondence of the Board and shall perform all such other duties as naturally pertain to this position.

ARTICLE III: ORDER OF BUSINESS MEETINGS

The order of business is generally set as follows:

1. Call to order with statement made for the record of how many Board members are present and that it constitutes a quorum
2. Approval of Agenda
3. Senior Deputy Director Report
4. Executive Director Report
5. Board Counselor Report
6. Subcommittee Reports
7. Old Business
8. New Business
9. Communications
10. Approval of Minutes
11. Public Comment Received
12. The remainder of the agenda shall be established by the Executive Director in consultation with the Chairperson, and is subject to change as needed.

ARTICLE IV: SUBCOMMITTEES

- A. Subcommittees are established by motion and vote of the Board. There shall be the following standing subcommittees (permanent)/or special and select subcommittees (permissive);
 - Legislative and Regulatory Subcommittee
 - Communications Subcommittee
1. Legislative and Regulatory Subcommittee. This subcommittee shall consist of three Board members, Executive Director, and the Board's Legal Counsel. This subcommittee is responsible for the development of proposals for new regulations or amendments to existing regulations with all required accompanying documentation; the development of proposals for legislative initiatives of the Board; the drafting of Board responses to public comments as required in conjunction with rulemaking; conducting the required review of all existing regulations, and any other required tasks related to regulations. In accordance with the Administrative Procedure Act, any proposed draft regulation and response to public comment shall be reviewed and approved by

the full Board prior to publication.

2. Communications Subcommittee. This subcommittee shall consist of three Board members and the Executive Director. This subcommittee develops communication strategies for the Board to reach out to members of the public and the pharmacy community, this includes but is not limited to, publishing newsletters, sending information mass emails, and making presentations on behalf of the Board for the pharmacy community, other health professionals, and members of the public as requested.
- B. Ad Hoc Subcommittees.
The Board may create such other subcommittees as deemed necessary by motion and vote of the Board.
- C. A majority of the subcommittee shall constitute a quorum and the act of a majority of the members present at a meeting at which a quorum is present shall constitute the act of the subcommittee.

ARTICLE V: GENERAL DELEGATION OF AUTHORITY

The Board delegates the following functions:

1. The Board delegates to the Executive Director and her/his staff the authority to renew licenses and registrations where minimum qualifications have been met, and no disciplinary action or practice issues have been identified.
2. The Board delegates to the Executive Director the authority to issue new licenses and registrations where minimum qualifications have been met, and no disciplinary action or practice issues have been identified.
3. The Board delegates to the Executive Director the authority to reinstate licenses and registrations when the reinstatement is due to the lapse of the license or registration and where minimum qualifications have been met, and no disciplinary action or practice issues have been identified.
4. The Board delegates to the Executive Director the authority to sign orders and agreements on behalf of the Chairperson resulting from the disciplinary process or other administrative proceeding.
5. The Board delegates to the Executive Director the authority to grant extensions for continuing education on a one-time basis upon written request of the licensee prior to the renewal date in accordance with regulations. Approval of any request for an extension where the licensee must show good cause or approval of any request for an exemption is delegated to the executive director in consultation with the Chairperson. Should the

Executive Director and Chairperson not reach agreement, the matter shall be referred to the full Board.

6. The Board delegates to the Chairperson, the authority to represent the Board in instances where Board "consultation" or "review" may be requested, but where a vote of the Board is not required and a meeting is not feasible.
7. The Board delegates to the Executive Director, in consultation with Board counsel, the authority to grant an accommodation of additional testing time, up to a maximum of double time, to candidates for Board required examinations pursuant to the Americans with Disabilities Act provided the candidate provides documentation that supports such an accommodation as required by Board regulation or guidance document. Any other requests for accommodation beyond additional testing time shall be reviewed by the Board at the next available Board meeting.
8. The Board delegates to the Executive Director, in consultation with Board counsel, the authority to initiate an investigation or request that a Board investigator acquires additional information pertaining to an ongoing investigation, should the investigation or additional information be needed between Board meetings to ensure the efficient administration of Board matters.
9. The Board delegates to the Executive Director, in consultation with Board counsel, the authority to respond to an application for which the applicant's criminal background check has returned positive results by a) approving the application with no further action, b) issuing a negotiated settlement agreement with the appropriate fine, or c) referring to the Board for further action, pursuant to the Criminal Background Check Categories document issued by the Board.

ARTICLE VI: AMENDMENTS

These Bylaws shall be voted on every year, and amended as needed. Amendments to these Bylaws may be proposed by a Board member or staff personnel by presenting the amendment in writing to all Board members prior to any scheduled meeting of the Board. Upon favorable vote of at least two-thirds of the Board members present at said meeting, such proposed amendment shall be adopted. If notice is given to the Board members at the previously held board meeting, a favorable vote of a majority of the Board members present at the current board meeting is required to adopt the amendment.

Chairperson Mr. Friedman requests that the Board nominate the Vice Chairperson at the June, 2020 monthly meeting. Consequently, the Board makes one nomination.

Board Member Dr. Ashlee Bow nominates Mr. Alan Friedman as Vice Chairman of the District of Columbia Board of Pharmacy. Board Member Dr.

	Benjamin Miles votes in favor of the nomination. This nomination will be brought before the Board at the August, 2020 meeting for a final vote.	
<u>Matters of Consideration</u>		
o6o4-O-o6	<p><u>MPJE Retake Policy Clarification</u></p> <p>Executive Director of the Board, Dr. White, raises the following clauses of the District’s MPJE Re-Take Policy for the Board’s discussion:</p> <ol style="list-style-type: none"> 1. “An applicant that fails to pass the MPJE during the first three (3) attempts, shall be required to meet with the Board before the Board may approve the applicant for subsequent testing. If approved by the Board to retake the examination, the applicant shall be required to wait sixty (60) days before retaking the examination.” 2. “An applicant that fails to pass the MPJE during the first four (4) attempts, shall be required to wait ninety (90) days before retaking the examination.” <p>For clarification, Dr. White asks the Board the following:</p> <p><i>“Does the time period of sixty (60) days and ninety (90) days begin after the applicant meets with the Board, or does the time period begin after the applicant’s last date of testing?”</i></p> <p>Dr. Benjamin Miles introduces a motion to clarify the language:</p> <p>Motion: Board Member Dr. Benjamin Miles moves the Board to amend the MPJE Re-Take Policy to state the following:</p> <ol style="list-style-type: none"> 1. “An applicant that fails to pass the MPJE during the first three (3) attempts, shall be required to meet with the Board before the Board may approve the applicant for subsequent testing. If approved by the Board to retake the examination, the applicant shall be required to wait sixty (60) days from the date of last test before retaking the examination.” 2. “An applicant that fails to pass the MPJE during the first four (4) attempts, shall be required to wait ninety (90) days from the date of last test before retaking the examination.” <p>Seconded by: Board Member, Dr. Ashlee Bow.</p> <p>Roll Call Vote: Mr. Alan Friedman: Votes in favor of the motion. Dr. Ashlee Bow: Votes in favor of the motion. Dr. Benjamin Miles: Votes in favor of the motion. Dr. Allison Hill: Votes in favor of the motion. Ms. Chikita Sanders: Votes in favor of the motion. Abstentions: None Motion Carried</p>	

	<p>Mr. Friedman informs the Board of the delays in NAPLEX testing and suggests that pharmacy college graduates are experiencing difficulty in finding preferred dates and times at testing locations. Consequently, graduates are traveling to other states to sit the NAPLEX and/or MPJE but are finding that test dates and times are delayed for several months.</p> <p>Dr. White informs the Board that eight (8) testing locations remained opened during the COVID-19 public health emergency where <i>Stay At Home</i> Orders were implemented across states. In addition, these test locations limited seating capacity to comply with social distancing rules. However, as states re-open, additional locations are opening as well. The District of Columbia’s Board of Pharmacy continues to approve applicants to test for both examinations. While the applicants may experience a delay in preferred testing locations and times, they may contact the NABP for more information on locations that have re-opened and are re-opening in the near future.</p>	
o6o4-O-07	<p><u>Vote on the Next Percentage of Pharmaceutical Detailers to Audit Continuing Education</u></p> <p>Executive Director of the Board, Dr. White, informs the Board that its authorization is needed to conduct an audit of the Pharmaceutical Detailers to ensure compliance with continuing education credit requirements.</p> <p>Motion: Board Member Dr. Ashlee Bow moves the Board to authorize the audit of ten (10) percent of the licensed Pharmaceutical Detailers in the District of Columbia.</p> <p>Seconded by: Board Member, Ms. Chikita Sanders</p> <p>Roll Call Vote: Mr. Alan Friedman: Votes in favor of the motion. Dr. Ashlee Bow: Votes in favor of the motion. Dr. Benjamin Miles: Votes in favor of the motion. Dr. Allison Hill: Votes in favor of the motion. Ms. Chikita Sanders: Votes in favor of the motion. Abstentions: None Motion Carried</p>	
o6o4-O-08	<p><u>Communications Subcommittee Report</u></p> <p>The Communications Subcommittee has submitted a newsletter to NABP for the June publication, which will be disseminated via email. The publication will also be posted on the Board’s website for public access.</p> <p>The Subcommittee will meet in August, 2020 to discuss and prepare for the next newsletter publication.</p>	

<p>NABP E-Newsletter</p>	<p><u>May 26, 2020</u></p> <p>FDA Updates Guidance Documents on Compounding For Hospitalized Patients During the COVID-19 Pandemic</p> <p>Over 6,800 Applications Received for NABP Passport, a Service Supporting Boards' COVID-19 Response</p> <p>List of Antibody Tests Being Removed From FDA's 'Notification List'</p> <p>\$225 Million Approved for COVID-19 Testing in Rural Communities, HHS Reports</p> <p>FDA, FTC Issue Warning Letters to Two Amazon Associated Companies Selling Fake COVID-19 Treatments</p> <p><u>May 21, 2020</u></p> <p>FDA Issues Updated Guidance for Compounding Pharmacies Experiencing PPE Shortages</p> <p>FDA Shares Recommendations With Providers About Antibody Tests for COVID-19</p> <p>COVID-19 Pandemic May Lead to New Complications in the Opioid Crisis</p> <p>FDA Warns About Possible Accuracy Issues With Certain COVID-19 Tests</p> <p>FDA, FTC Take Additional Action Against Companies Selling Fraudulent COVID-19 Treatments</p> <p>Note to the Public: To receive weekly updates from NABP, please sign up by using the following link: https://nabp.pharmacy/newsroom/news/.</p>	<p>Dr. Tamara McCants</p>
<p><u>Public Comments</u></p>	<p><u>Turan Tafade, Howard University College of Pharmacy</u> asks the Board the following:</p> <p>“Are webinars that are conducted live, accepted by the Board for continuing education credit during the COVID-19 public health emergency?</p> <ul style="list-style-type: none"> ➤ Executive Director of the Board, Dr. White, explains that a code is affixed to all continuing education credit courses. The participant engaging in the course must ensure that the code “L” for live is affixed to the continuing education credit, if he/she intends to submit the webinar to the Board as a live continuing education credit. <p><u>Andrew Gentils, DC Pharmacy Association</u> asks the Board the following:</p> <p>“What are the Board’s plans on COVID-19 testing, which can be relayed to the Pharmacist community?”</p>	

	<p>Board Counsel, Ms. Williams, informs Mr. Gentils that the Board is currently engaged in the rulemaking process regarding this matter. (Please refer to item o604-O-03 for further details regarding <i>Pharmacist COVID-19 Testing Emergency Regulations</i>).</p> <p><u>Don Zawader, Public Interest Party</u> asks the Board the following:</p> <p>“Will the future meetings start at 8:30 am for the rest of the year, or will the start time move back to 9:30 am?”</p> <p>Executive Director of the Board, Dr. White, states that the start time for the Open Session of the Board’s monthly meeting will vary and depend on the matters to be discussed in the meeting. With access to the WebEx platform, the Board will be flexible in deciding the start time of each meeting based on the obligations and other business matters on the Board’s agenda.</p>	
<p>Motion to Adjourn the Open Session</p>	<p>Board member, Dr. Benjamin Miles moves as follows:</p> <p>“Madam Chair, I move that the Board close the Open Public session portion of the meeting and move into the Closed Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the following purposes: to discuss disciplinary matters pursuant to § 2-575(b)(9); to seek the advice of counsel to the board, to preserve the attorney-client privilege, or to approve settlement agreements pursuant to § 2-575(b)(4); and to plan, discuss, or hear reports concerning ongoing or planned investigations pursuant to § 2-575(b)(14).”</p> <p>Seconded by: Ms. Chikita Sanders.</p> <p>Roll Call Vote: Mr. Alan Friedman: Votes in favor of the motion. Dr. Benjamin Miles: Votes in favor of the motion. Dr. Ashlee Bow: Votes in favor of the motion. Dr. Allison Hill: Votes in favor of the motion. Ms. Chikita Sanders: Votes in favor of the motion.</p> <p>Motion Carried.</p>	

This concludes the Public Open Session of the meeting. The Board will now move into the Closed, Executive Session portion of the meeting pursuant to D.C. Official Code § 2-575(b) for the reasons set forth in the motion.

Open Session Meeting Adjourned at 9:30 AM.

This meeting is governed by the Open Meetings Act. Please address any questions or complaints arising under this meeting to the Office of Open Government at opengovoffice@dc.gov.