



**Government of the District of Columbia  
Department of Health**



**899 NORTH CAPITOL ST. NE – 2<sup>ND</sup> FLR.  
WASHINGTON, DC 20002**

**June 2, 2016**

**9:30am- 11:30 am**

**OPEN SESSION MINUTES**

**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 Detailers; through the licensure of Pharmacists, Pharmaceutical Detailers and Pharmacy Interns.”

**CALL TO ORDER:** 9:39 am

**PRESIDING:** Dr. Daphne Bernard

**BOARD MEMBERSHIP/ATTENDANCE:**

BOARD MEMBERS:		
	DR .DAPHNE B. BERNARD, PHARMD RPH CHAIRPERSON	Present
	MR. JAMES APPLEBY, RPH VICE CHAIR	Present
	DR. TAMARA MCCANTS, PHARMD RPH	Present
	MR. ALAN FRIEDMAN, RPH	Present
	MR. DARWIN CURRY, CONSUMER MEMBER	Present
	MR. EDDIE CURRY, CONSUMER MEMBER	Present
STAFF:	SHAUNA WHITE– EXECUTIVE DIRECTOR	
	KARIN BARRON-HEALTH LICENSING SPECIALIST	
	DEREK BROOKS, BOARD INVESTIGATOR	
LEGAL STAFF:	CARLA WILLIAMS, ASSISTANT GENERAL COUNSEL	
VISITORS:	Brian Bohnenkamp, King & Spalding LLP	
	Sheila Arrington, Walgreens	
	Yujin Chung, UMD	
	Jennifer Thomas, Delmarva Foundation	
	Don Zowader, Public	
	Jorge Aguilera, Howard University School of Pharmacy Student-DC Pharmaceutical Control Division Pharmacy Student	
	Solomon Kumara, Howard University School of Pharmacy Student	
	Jonathan Puhl, Georgetown University School of Pharmacy Student	
	Nicole Persun, Georgetown University School of Pharmacy Student	
	Charlene Fairfax, DC Department of Health Care Finance	
	Abraham Alemneh, Howard University School of Pharmacy Student	
	Pamela Bachman-Padula, Kaiser Permanente	
	Kristin Oarde, PhRMA	
	Bill Irvin, CVS Caremark	
	John Sisto, Express-Scripts	
	Rohini Choudhun, University of Maryland School of Pharmacy	
	Dana Lee, University of Maryland School of Pharmacy	
	Brienna Chappell, CVS Caremark	
	David W. Wilmot, PhRMA	
	Amir Masoud, Safeway Pharmacy	

	Chibuzor Okoro, District of Columbia AIDS Drug Assistance Program	
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**Open Session Agenda**

**Quorum:** Yes

<p><b>0602-O-01</b></p>	<p><b><u>Approval of the Open Session Meeting Minutes</u></b>          April 7, 2016</p> <p><b>Motion:</b> Board Member, Mr. James Appleby moved that the Board approved the April 7, 2016 Open Session Board of Pharmacy Meeting Minutes.</p> <p><b>Seconded by:</b> Board Member, Dr. Tamara McCants</p> <p><b>Motion Carried</b></p>	
<p><b><u>Consent Agenda</u></b></p>	<p><b>None</b></p>	
<p><b><u>Comments from the Public</u></b></p>	<p><b>Request for additional 60-day Extension for Detailer’s to Complete the 2016 License Renewal</b></p> <p>Mr. Brian Bohnenkamp of King &amp; Spalding, spoke with the DC Board of Pharmacy to discuss the implications for those who may have relied on the statutory language passed by the D.C. Council as exempting them from the licensing requirements. Mr. Bohnenkamp mentioned that there are a number of manufacturers who have in good faith interpreted the statutory language differently than the Department’s FAQs indicate, given the statute’s use of the phrase “30 consecutive days” and because the District defines “pharmaceutical detailing” in relevant part to mean “communicating in person with a licensed health professional, or an employee or representative of a licensed health professional, located in the District of Columbia.” Mr. Bohnenkamp further mentioned that many, therefore, may have in good faith interpreted the statutory exemption as suggesting that an individual would need to be communicating in person with District health care professionals located in the District for 30 consecutive days to trigger an obligation to be licensed. Mr. Bohnenkamp also mentioned that the late issuance of the FAQs – which he believes suggest a different approach to the exemption from what many were expecting and has put some in a tight time crunch to get detailer licenses renewed by the end of April.</p> <p>Considering the circumstances, Mr. Bohnenkamp requested that the Department exercise its discretion to provide an additional 60-day extension for detailers to complete their 2016 license renewal and request that the Department: (1)</p>	<p>Brian Bohnenkamp,          King &amp;. Spalding LLP</p>

permit renewal applications to be submitted up through June 30, 2016; and (2) accept continuing education credits earned up through June 30, 2016, for purposes of license renewals.

Board Chair, Dr. Daphne Bernard thanked Mr. Bohnenkamp for bringing the question to the Board's attention.

Assistant General Counsel, Carla Williams replied that the legislation language states "per calendar year" and asked how would that would comply to Mr. Bohnenkamp interruption of the legislation because that would imply that all DC Pharmaceutical Detailers would not be required to be licensed. Ms. Williams further explained that the exemption is intended for persons who come to the District once a year, such as for a conference or a speaking engagement. It is not intended for persons who are assigned to this area and who regularly and frequently engage in pharmaceutical detailing in the District of Columbia.

David Wilmont Esq. submitted recommendation for a revision of the previously published Pharmaceutical Detailers Frequently Asked Questions for clarity of the Pharmaceutical; Detailers exemption.

After hearing the concerns of clarity from Brian Bohnenkamp of King Spalding and David Wilmot Esq., Legal Representation of PhRMA, the DC Board of Pharmacy made the motions as follows:

**Motion:** Board Member, Dr. Tamara McCants moved that the Board refer the SafeRx Pharmaceutical Detailing Licensure Exemption amendment legislation to the Attorney General.

**Seconded by:** Board Member, Mr. James Appleby

**Motion Carried**

**Motion:** Board Member, Mr. James Appleby moved that the Board re-affirm the existing frequently asked questions document for District of Columbia Pharmaceutical Detailers as published.

**Seconded by:** Board Member, Alan Friedman

**Motion Carried**

**Motion:** Board Member, Mr. James Appleby moved that the Board approve an extension for Pharmaceutical detailers to complete their license renewals to June 30, 2016.

**Seconded by:** Board Member, Dr. Tamara McCants

**Motion Carried**

<p><b><u>Executive Director Report</u></b></p>	<p><b>Licensing Report</b></p> <p>Executive Director, Dr. Shauna White reported the following licensing DC Board of Pharmacy statistics:</p> <p><b><u>Number of Active/Licensed as of June 2, 2016</u></b>  Pharmacists: 1,868  Pharmacists with the Authority to Vaccinate and Immunize: 507  Pharmaceutical Detailers: 902  Pharmacy Interns: 604</p> <p><b>Monthly Report</b></p> <p>Executive Director, Dr. Shauna White reported that as June 2, 2016, the Pharmacy Technician application is now available via the DC Board of Pharmacy Website (<a href="http://www.doh.dc.gov/bop">www.doh.dc.gov/bop</a>) Pharmacy Technicians to apply.</p>	<p>Executive Director, Dr. Shauna White</p>
<p><b><u>Assistant General Counsel Report</u></b></p>		
<p><b>o602-O-02</b></p>	<p><b>LGBTQ Cultural Competency Continuing Education Amendment Act of 2016 and the LGBTQ CE Act of 2016</b></p> <p>Assistant General Counsel, Carla Williams reported that the purpose of the LGBTQ Cultural Competency Continuing Education Amendment Act is to amend the District of Columbia Health Occupation Revision Act of 1985 to require continuing education for licensed Health professionals on the subject of cultural competence and appropriate clinical treatment for individuals who are lesbian, gay, bisexual, transgender, gender nonconforming, queer, or questioning their orientation or gender identity and expression.</p> <p><b>Motion:</b> Board Member, James Appleby moved that the Board refer development of regulations to implement new continuing education requirements for LGBTQ Cultural Competency to the Regulatory Subcommittee.  <b>Seconded by:</b> Board Member, Alan Friedman  <b>Motion Carried</b></p> <p><b>Motion:</b> Board Member, James Appleby moved to incorporate the new two (2) hour continuing education requirement into the existing forty (40) hour requirement every two years.  <b>Seconded by:</b> Consumer Member, Eddie Curry  <b>Motion Carried</b></p>	
<p><b><u>Legislative and Regulatory Subcommittee Report</u></b></p>		

<p>0605-O-03</p>	<p><b>Collaborative Practice Agreement Regulations –Verbal Update</b></p> <p>Board Member, Alan Friedman reported that on May 5, 2016, the DC Board of Pharmacy Legislative and Regulatory Subcommittee held a special session for the public to provide input on the collaborative practice draft regulations. The session was specifically focused on information gathered related to hospitals, skilled nursing facilities, long term care facilities, and single physical locations.</p> <p>Mr. Friedman further stated that it was an informative two (2) hour session and received comments from AHAP, Children’s National Hospital, CVS Caremark, Sibley Hospital, Washington, DC Pharmacists Association, and Georgetown Hospital. Mr. Friedman also reported that the Legislative and Regulatory Subcommittee is in the process of setting up a meeting for further review and consideration of the comments submitted and to hopefully come back to the full Board in August 2016 with the legislative and regulatory subcommittee’s recommendations.</p> <p>Mr. Friedman reported that the Council introduced legislation called the DC Opioid Prevention Amended Act of 2016 to relieve physicians of liability for negligent medical treatment at the scene of an accident in the District of Columbia; to allow physicians licensed to practice medicine and pharmacists to prescribe an opioid antagonist, such as Naloxone, to a person at risk of experiencing opioid related overdose or a family member, friend, or other person in a position to assist a person who is likely to experience an opioid related overdose; and to provide limited liability to physicians and pharmacists prescribing an opioid antagonist. The Board drafted communication offering an opinion to Council Chairperson, Yvette Alexander regarding the Act. The Board acknowledges the importance of the legislation; however, the Board wanted to voice their concerns of three specific points in the language in the Act, (1) language that will allow Pharmacists to prescribe. The Board believes that is beyond the scope of what a pharmacist can do. (2) The Board believes that objectives of the bill can be achieved several ways, by oral or written prescription from a prescriber, through a standing order or protocol, or by a collaborative practice agreement. Lastly, the Board wanted the Council to consider adding language around training and other requirements necessary to implement the initiative such as patient counseling.</p> <p>Mr. Friedman also mentioned to address the DC Board of Pharmacy mission statement to include Pharmacy</p>	<p>Board Member, Mr. Alan Friedman</p>

	Technicians. This will be further addressed during the next open session on August 4, 2016.	
o605-O-04	<p><b>Communications Subcommittee Report</b></p> <p>Board Chair, Daphne Bernard reported that Board Member, Dr. Tamara McCants, Executive Director, Dr. Shauna White, and herself attended the 2016 NABP Annual Meeting held on May 14-17, 2016 in San Diego, CA. Dr. Bernard further stated that the Board collaborated with the Howard College of Pharmacy to present a poster on Men's Health due to the month of June being Men's Health Awareness Month. Two students presented. Dr. Bernard reported that the poster was very well received.</p> <p>Dr. Bernard also reported that information was mailed to all DC Pharmacists of the Prescription Monitoring Program. The Board also spoke of making a recommendations on of how to compose a DC Board Pharmacy Newsletter during the next open session meeting.</p>	Board Chair, Dr. Daphne Bernard
<b><u>Matters for Board Consideration</u></b>	<b>None</b>	
o605-O-05	<p><b>Prescription Monitoring Program Presentation</b></p> <p>Pharm.D. Candidate from Howard University College of Pharmacy Student , Jorge Aguilera gave a presentation to describe how the Prescription Drug Monitoring Program (PDMPs) will benefit health practitioners, policy makers and law enforcement; explain the process of reporting information, explain the process of obtaining information from the database, describe the purpose and ideal use cases for using the PDMP, and to answer questions pertaining to the PDMP.</p>	Jorge Aguilera, Pharm.D. Candidate Howard University College of Pharmacy Student
<b>Motion to Adjourn the Open Session</b>	<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><b>Motion:</b> Board Member, Mr. James Appleby moved that the Board to adjourn the Open Session meeting. <b>Seconded by:</b> Board Member, Alan Friedman <b>Motion Carried</b></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 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).

**Open Session Meeting Adjourned at 11:34**

DRAFT