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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
LANSING

ORLENE HAWKS  
DIRECTOR

## MICHIGAN BOARD OF PHARMACY FEBRUARY 16, 2022 MEETING

### APPROVED MINUTES

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Michigan Board of Pharmacy met on February 16, 2022, at 611 West Ottawa Street, Upper-Level Conference Room 3, Lansing, Michigan 48933.

#### CALL TO ORDER

Maria Young, R.Ph., Vice Chairperson, Acting Chairperson, called the meeting to order at 10:01 a.m.

#### ROLL CALL

**Members Present:** Maria Young, R.Ph., Vice Chairperson  
Cynthia Boston, BHS, R.Ph.T.  
Pierre Boutros, R.Ph.  
Kathleen Burgess, Public Member  
Kyle McCree, Public Member (arrived 10:07 a.m., left 11:31 a.m.)  
Kelli Oldham, Public Member  
Grace Sesi, PharmD  
Michael Sleiman, PharmD  
Sandra Taylor, R.Ph.

**Members Absent:** David Hills, Public Member  
Charles Mollien, PharmD, JD, Chairperson

**Staff Present:** Jon Campbell, Director, Investigations & Inspections Division  
Andria Ditschman, Departmental Specialist,  
Boards and Committees Section  
Stephanie Rosenthal, Manager, Complaint Intake Section  
Jennifer Shaltry, Senior Analyst, Enforcement Section  
Michele Wagner-Gutkowski, Assistant Attorney General  
Stephanie Wysack, Board Support Technician,  
Boards and Committees Section

## **APPROVAL OF AGENDA**

MOTION by Sesi, seconded by Oldham, to approve the amended agenda, amending it by removing item 9.B.

Discussion was held.

A voice vote followed.

MOTION PREVAILED

## **APPROVAL OF MINUTES**

MOTION by Burgess, seconded by Oldham, to approve the December 8, 2021 meeting minutes as written.

A voice vote followed.

MOTION PREVAILED

## **Investigation and Inspections Training**

Campbell and Rosenthal gave an overview of the complaint intake process.

## **HPRP Annual Report**

Marks provided an overview of the Health Professional Recovery Program and presented the HPRP Executive Summary: October 1, 2020, through September 30, 2021.

## **REGULATORY CONSIDERATIONS**

### **Board's Findings of Fact and Conclusions of Law**

#### **Sureshkumar Dakshinamoorthy, R.Ph. (Tabled December 8, 2021)**

MOTION by Oldham, seconded by Burgess, to untable from December 8, 2021.

A voice vote followed.

MOTION PREVAILED

MOTION by Oldham, seconded by Burgess, to accept the Board's Findings of Fact and Conclusions of Law. Petitioner's license is reinstated with a limitation to run concurrently with probation. The term of the limitation is no pharmacy ownership. Petitioner is placed

on probation for a minimum of one year. The terms of probation include four satisfactory employer reports and compliance with the Public Health Code. Petitioner shall be automatically discharged from probation with reclassification to a full and unencumbered license upon successful completion of the terms of the probation.

Discussion was held.

A roll call vote was taken:               Yeas: Boston, Boutros, Burgess, McCree, Oldham, Sesi,  
  Sleiman, Taylor, Young  
  Nays: None

MOTION PREVAILED

**Proposal for Decision**

**Indivior Inc.**

MOTION by Burgess, seconded by Sleiman, to accept the Proposal for Decision and grant the application for a full and unencumbered wholesale distributor license.

Discussion was held.

A roll call vote was taken:               Yeas: Boston, Boutros, Burgess, McCree, Oldham, Sesi,  
  Sleiman, Taylor, Young  
  Nays: None

MOTION PREVAILED

**OLD BUSINESS**

None

**NEW BUSINESS**

**Internship Hour Approval Request**

**Zeyad Jinan**

MOTION by Taylor, seconded by Oldham, to accept the request for unconventional internship hours beginning February 16, 2022.

Discussion was held.

A roll call vote was taken:                   Yeas: Boston, Boutros, Burgess, McCree, Oldham, Sesi,  
  Sleiman, Taylor, Young  
  Nays: None

MOTION PREVAILED

### **Continuing Education**

Wysack directed the Board to the list of continuing education programs for consideration (Attachment #1).

MOTION by McCree, seconded by Taylor, to approve the continuing education list as presented.

A roll call vote was taken:                   Yeas: Boston, Boutros, Burgess, McCree, Oldham, Sesi,  
  Sleiman, Taylor, Young  
  Nays: None

MOTION PREVAILED

### **Rules Discussion**

Ditschman provided an overview of changes and additions to the Pharmacist Continuing Education draft rules (Attachment #2).

MOTION by Boutros, seconded by Burgess, to approve the Pharmacist Continuing Education draft rules as presented.

A roll call vote was taken:                   Yeas: Boston, Boutros, Burgess, McCree, Oldham, Sesi,  
  Sleiman, Taylor, Young  
  Nays: None

MOTION PREVAILED

Ditschman stated that the Pharmacy General Rules were close to promulgation. She stated that the Central Fill Pharmacies, Controlled Substances, Pharmacy General Rules, and Pharmacy Technicians are on the agenda for the Rules Committee meeting scheduled for March 2, 2022.

Sesi asked about removing the MPJE as a requirement in the rules.

Discussion was held.

Ditschman explained that it was a discussion for the rules committee and that she noted it as a topic to discuss under the Pharmacy General Rules.

Oldham asked about incorporating the controlled substance license into the pharmacist license as one license.

Wagner-Gutkowski stated that those licenses are covered separately under Article 7 and Article 15 and that is why they are regulated separately.

Ditschman stated that she would check with the Department as to the possibility of one license, but this was not something that would be discussed under the rules.

### **NABP Interactive Member Quorum Update**

Sleiman stated that he had recently attended an NABP Interactive Member Quorum. He stated that he noticed that other states appeared to be more proactive in areas that Michigan was not. He asked about how this could be addressed.

Discussion was held.

Ditschman stated that she should email the areas of concern to her, and she would follow up as to if they were areas that could be addressed in the rules, through an association, through the department, or legislation.

### **Chair Report**

None

### **Department Update**

Ditschman stated that the Bureau will hold the next Board Member Training on August 15, 2022, via Zoom. All Board members are welcome to attend.

Wysack reminded Board members Boston and Oldham that it was time to apply for reappointment if they were interested.

Wysack reminded the Board members to check their state email address regularly.

### **PUBLIC COMMENT**

None

## **ANNOUNCEMENTS**

The next regularly scheduled meeting will be held April 20, 2022 at 10:00 a.m. at the Ottawa Building, 611 West Ottawa Street, Upper-Level Conference Center Room 3, Lansing, Michigan 48933.

## **ADJOURNMENT**

MOTION by Burgess, seconded by Boston, to adjourn the meeting at 11:34 a.m.

A voice vote followed.

MOTION PREVAILED

Minutes approved by the Board on April 20, 2022.

Prepared by:  
Stephanie Wysack, Board Support Technician  
Bureau of Professional Licensing

February 17, 2022

# **PHARMACY CONTINUING EDUCATION REVIEW**

## **February 16, 2022**

### **RECOMMENDED APPROVAL(S)**

Approval from February 16, 2022 to February 28, 2025.

\* Each program listed under the sponsor name will be given a separate approval number.

#### **Spectrum Health Hospitals, Department of Pharmacy Services**

- Pharmacy Grand Rounds – Pharmacy Ethics and Jurisprudence (pharmacy technicians)
- Pharmacy Grand Rounds – Management of Micronutrient Deficiencies in the Adult Inpatient Population (pharmacists)
- Antifungal Treatment and Therapeutic Drug Monitoring Review (pharmacists)

#### **Ascension St. John Hospital, Department of Inpatient Services**

- Treatment of Hypercalcemia of Malignancy (pharmacists)
- Sodium-Glucose Cotransporter-2 Inhibitors in Chronic Kidney Disease (pharmacists)
- Tailoring Medication Education to Patients' Health Literacy Level (pharmacists)
- SGLT Too Many Meds: The Use of SGLT-2 Inhibitors in Heart Failure (pharmacists)
- The Evolving Role of Sodium-Glucose Cotransporter 2 Inhibitors in Patients with Heart Failure (pharmacists, pharmacy technicians)

#### **Covenant HealthCare**

- A Pharmacist's Role in Optimizing Therapy for Patient with Heart Failure (pharmacists, pharmacy technicians)
- Treatment and Prevention of Bacterial Meningitis/Encephalitis (pharmacists, pharmacy technicians)

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

PHARMACY – PHARMACIST CONTINUING EDUCATION

Filed with the secretary of state on

These rules take effect immediately upon filing with the secretary of state unless adopted under section 33, 44, or 45a(9) of the administrative procedures act of 1969, 1969 PA 306, MCL 24.233, 24.244, or 24.245a. Rules adopted under these sections become effective 7 days after filing with the secretary of state.

(By authority conferred on the **director of the** department of licensing and regulatory affairs by sections 16145, 16148, 16184, 16201, 16204, 16205, 17731, ~~17737~~, and 17767 of the public health code, 1978 PA 368, MCL 333.16145, 333.16148, 333.16184, 333.16201, 333.16204, 333.16205, 333.17731, ~~333.17737~~, and 333.17767, and Executive Reorganization Order Nos. 1991-9, 1996-2, 2003-1, and 2011-4, MCL 338.3501, 445.2001, 445.2011, and 445.2030)

R 338.3041, R 338.3043, and R 338.3044, of the Michigan Administrative Code are amended, and R 338.3040 is added, as follows:

**R 338.3040 Definitions.**

**Rule 1. (1) As used in these rules:**

(a) “Board” means the Michigan board of pharmacy, created in section 17721 of the code, MCL 333.17721.

(b) “Code” means the public health code, 1978 PA 368, MCL 333.1101 to 333.25211.

(c) “Department” means the department of licensing and regulatory affairs.

(2) Unless otherwise defined in these rules, the terms defined in the code have the same meaning when used in these rules.

R 338.3041 License renewals; continuing education requirements; applicability.

Rule 1. (1) These rules apply to applications for renewal of a pharmacist's license and a special retired volunteer pharmacist's license under sections 16201 and 16184 of the code, MCL 333.16201 and 333.16184. A licensee seeking renewal shall comply with all of the following:

(a) Submit a completed application on a form provided by the department, together with the requisite fee.

(b) Beginning with renewals on January 1, 2020, an applicant for license renewal shall have completed a 1-time training identifying victims of human trafficking as required in R 338.511 and section 16148 of the code, MCL 333.16148.

(c) An applicant for license renewal, who also applies for a controlled substance license, shall have completed a 1-time training in opioids and other controlled substances awareness as required in R 338.3135.



(d) **The continuing education requirements shall apply to** ~~An~~ applicant for license renewal, who has been licensed for the 2-year period immediately preceding the end of the license cycle.

(e) **An applicant for license renewal** shall furnish the board with satisfactory evidence that the applicant completed not less than 30 hours of continuing education approved by the board, under R 338.3043 and R 338.3044, during the ~~2 years~~ **24 months prior to the date they file their** ~~immediately preceding the~~ application for renewal, **which may include the 60 days grace period after the expiration date of the license if the license is renewed within 60 days after the expiration date and the late renewal fee is paid. The continuing education** ~~which~~ must comply with all of the following:

(i) An applicant for license renewal shall complete at least 1 hour of the 30 required hours of continuing education in pharmacy ethics and ~~jurisprudence~~ **pharmacy law, which may be completed in one or more courses.** ~~This paragraph applies only to renewals after December 30, 2020.~~

(ii) An applicant for license renewal shall complete a minimum of 10 hours of the 30 required hours of continuing education by attending live, **synchronous**, courses or programs, **in-person or virtual**, that provide for **the opportunity of** direct interaction between faculty and participants, including but not limited to, lectures, symposia, live teleconferences, and workshops. **ACPE courses designated as live meets this requirement.**

(iii) An applicant for license renewal shall complete at least 1 hour of the 30 required hours of continuing education in pain and symptom management, as required under section 16204(2) of the code, MCL 333.16204(2). Continuing education in pain and symptom management includes, but is not limited to, courses in behavior management, psychology of pain, pharmacology, behavior modification, stress management, clinical applications, and drug interventions as they relate to professional practice.

(iv) An applicant for license renewal shall earn no more than 12 hours of continuing education during a 24-hour period.

(v) **Except for the 1-time training in human trafficking, the 1-time training in opioid and controlled substances awareness, and the implicit bias training, which may be used to comply with both the training requirement and the continuing education requirement in the same renewal period,** ~~An~~ applicant for license renewal ~~shall~~ **may not earn continuing education credit for a program or activity that is identical to a program or activity an applicant has already earned credit for during that renewal period** ~~for taking the same continuing education course or program twice during 1 renewal period.~~

(2) Submission of an application for renewal constitutes the applicant's certification of compliance with the requirements of this rule. An applicant shall retain documentation of meeting the requirements of this rule for a period of 4 years from the date of applying for license renewal. The board may require an applicant to submit evidence to demonstrate compliance with this rule. Failure to comply with this rule is a violation of section 16221(h) of the code, MCL 333.16221(~~h~~).

(3) A request for a waiver under section 16205 of the code, MCL 333.16205, must be received by the department before the expiration date of the license.

(4) Except as otherwise stated, this rule takes effect upon promulgation of the rules.

R 338.3043 Continuing education courses and programs; standards for approval.

Rule 3. The board shall approve continuing education courses or programs pursuant to the following standards in this rule:

(a) A continuing education course or program sponsor shall submit a completed application on forms provided by the department and provide a "Patient Protection" form for any course or program that involves treatment of live patients.

(b) A completed application form shall be submitted to the department at least 70 days prior to the date the continuing education course or program is conducted ~~and 70 days prior to the next regularly scheduled board meeting~~ for the proposed continuing education to be considered for approval by the board. ~~A continuing education course or program conducted prior to board consideration will not be approved.~~

(c) A continuing education course or program must meet the standards and criteria for an acceptable category of continuing education under this rule and R 338.3044 and must be relevant to health care **services, pharmacy operations, or** ~~and~~ advancement of the licensee's pharmacy education.

~~(d) A continuing education course or program must be a planned learning program designed to promote the continual development of knowledge, skills, and attitudes on the part of the pharmacist. The course or program must be an individual organized educational experience under responsible sponsorship and capable direction and must provide qualified instruction.~~

~~(e)~~**(d)** A continuing education course or program shall be developed and presented by a sponsor and must provide all of the following:

(i) ~~Administrative support that ensures maintenance and availability~~ **Availability** of adequate records of participation.

~~(ii) An adequate budget and resources.~~

~~(iii)~~**(ii)** Appropriate, qualified, competent **Qualified** teaching staff.

~~(iv)~~**(iii)** A statement of educational ~~goals or measurable behavioral~~ objectives, ~~or both.~~

~~(v) Delivery methods that allow for active participation and involvement.~~

~~(vi) Appropriate, adequate facilities.~~

~~(vii) Evaluations of the participant and the provider.~~

~~(f) The continuing education course or program must include study in 1 or more of the following subjects:~~

~~(i) Social, psychological, economic, and legal aspects of health care delivery.~~

~~(ii) The properties and actions of drugs and dosage forms.~~

~~(iii) Etiology, characteristics, and therapeutics of the disease state.~~

~~(iv) Emergency skills related to the health and safety of the patient.~~

~~(v) Specialized professional services.~~

~~(vi) Other areas of study that the board finds are designed to maintain or enhance a pharmacist's ability to deliver competent pharmacy services.~~

~~(g)~~**(e)** Board approval is valid for a 3-year term of approval from the date of approval.

**(f) The subsequent dates that the course or program will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.**

~~(h)~~**(g)** The board shall reevaluate an approved continuing education course or program prior to any changes during the approval term, ~~including but not limited to,~~ changes to either of the following:

~~(i) Instructors and speakers.~~

(ii) ~~Course or program content, the title, and number of continuing education hours to be awarded to participants, or learning objectives.~~

~~(i) Subject to subdivision (j) of this rule, all changes to a previously approved course or program must be submitted on required department forms at least 70 days prior to the date the course or program is offered to participants and 70 days prior to the next regularly scheduled board meeting to be considered for approval by the board. Any changes to a submitted and previously approved course or program conducted prior to board reconsideration and approval will not be approved.~~

~~(j) Emergency changes to instructors and speakers that cannot be submitted to the board at least 70 days prior to the date of the course or program may be reviewed by the department in consultation with the board chair or a continuing education board committee member if proof that is acceptable to the department and that supports the nature of the emergency is submitted with the change.~~

~~(k) The specific dates that the course or program will be offered do not require further board approval and may be changed without review by the board if the presentation dates are within the board's original 3-year term of approval.~~

~~(h)~~ (h) A sponsor conducting the course or program shall record all of the following on a continuing education certificate or other proof prepared by that sponsor:

- (i) The name of the sponsor.
- (ii) Continuing education approval number assigned by the department.
- (iii) Course title or name of the program.
- (iv) Name of the speaker or instructor.
- (v) Date the approved course or program was conducted.
- (vi) Number and type of continuing education hours awarded.
- (vii) Approved sponsor's signature.
- (viii) Dates of the current approval term.
- (ix) Name of participant.

~~(m)~~ (i) The board may revoke the approval status of any approved course or program at any time the course or program fails to comply with these rules.

R 338.3044 Acceptable continuing education for licensees.

Rule 4. The board shall consider all of the following as acceptable continuing education:

ACCEPTABLE CONTINUING EDUCATION ACTIVITIES		
	Type of Activity	# Number of Hours Earned/Maximum Hours
(a)	Completion of an approved continuing education course or program related to the practice of pharmacy. A continuing education course or program is approved, regardless of the format in which it is offered, if it is approved or offered for continuing education credit by any of the following: A pharmacy program accredited by the Accreditation Council for Pharmacy	The number of hours earned will be the number of hours approved by the sponsor or the approving organization.  If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.

	<p>Education (ACPE) or the Canadian Council for Accreditation of Pharmacy Programs (CCAPP).</p> <p>A continuing education sponsoring organization, institution, or individual approved by the ACPE.</p> <p>Another state board of pharmacy.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or activity completed.</p>	<p>No limitation on the number of hours earned.</p>
(b)	<p>Completion of postgraduate pharmacy practice or administration courses offered for credit in a pharmacy school accredited by the ACPE or the CCAPP.</p> <p>If audited, a licensee shall submit an official transcript that reflects completion of the postgraduate pharmacy practice or administration course and number of semester or quarter credit hours earned.</p>	<p>Twelve hours of continuing education will be earned for each academic quarter credit earned and 18 hours will be earned for each academic semester credit earned.</p> <p>No limitation on the number of hours earned.</p>
(c)	<p>Participation in a home study program offered through an ACPE-approved provider or other instructional approaches that include an evaluation component including, but not limited to, on-line continuing education programs and journal articles.</p> <p>If audited, a licensee shall submit an affidavit attesting to the number of hours the licensee spent participating in the home study program that includes a description of the activity.</p>	<p>One hour will be earned for each hour devoted to a home study program.</p> <p>A maximum of 20 hours <b>may be earned</b> per renewal period.</p>
(d)	<p>Participation as a preceptor for at least 1 pharmacy intern.</p> <p>A preceptorship shall be for a minimum of 120 hours in person and have a 1 intern - to - 1 preceptor ratio. This may involve multiple preceptor relationships at different times.</p> <p>If audited, a licensee shall submit written</p>	<p>Five hours of continuing education may be earned for a minimum of 120 hours in person of preceptorship in each renewal period.</p> <p>A maximum of 5 hours may be earned in each renewal period.</p>

	documentation from the educational institution or preceptor's supervisor verifying the dates and hours of the preceptorship.	
(e)	<p>Renewal of a pharmacy license held in another state that requires continuing education for license renewal that is substantially equivalent in subject matter and total amount of required hours to that required in these rules if the licensee resides and practices in another state.</p> <p>If audited, a licensee shall submit proof of current licensure in another state and a copy of a letter or certificate of completion showing all of the following: the licensee's name, number of hours earned, the sponsor's name or the name of the organization that approved the program or activity for continuing education credit, and the date on which the program was held, or the activity was completed.</p>	<p>Thirty hours will be earned.</p> <p>A maximum of 30 hours may be earned in each renewal period.</p>
(f)	<p>Initial publication of an article or a chapter related to the practice of pharmacy in either of the following: A pharmacy textbook. A peer reviewed journal.</p> <p>If audited, a licensee shall submit a copy of the publication that identifies the licensee as the author or a publication acceptance letter.</p>	<p>Ten hours will be earned per publication.</p> <p>A maximum of 10 hours may be earned in each renewal period.</p>
(g)	<p>Successful completion of a board certification national pharmacy examination through Board of Pharmacy Specialties (BPS).</p> <p>If audited, a licensee shall submit proof of a passing score on the examination.</p>	<p>Ten hours may be earned in the year in which the licensee achieves a passing score.</p> <p>A maximum of 20 hours may be earned in each renewal period. Credit will not be given for repeating the same examination twice in a renewal period.</p>
(h)	<p>Presentation of a continuing education program approved by the board under R 338.3043 or subdivision (a) of this rule that is not a part of the licensee's regular job description.</p>	<p>Two hours for every 50 minutes devoted to presenting the program.</p> <p>A maximum of 10 hours <del>will</del> <b>may</b> be earned in each renewal period.</p>

	If audited, a licensee shall submit a copy of the curriculum and a letter from the program sponsor verifying the length and date of the presentation.	
(i)	<p>Attendance at a pharmacy-related program that is approved by the board pursuant to R 338.3043.</p> <p>If audited, a licensee shall submit a copy of a letter or certificate of completion showing the licensee's name, number of hours earned, sponsor name or the name of the organization that approved the program or course for continuing education credit, and the date on which the program was held, or the activity was completed.</p>	<p>The number of hours earned will be the number of hours approved by the sponsor or the approving organization.</p> <p>If the activity was not approved for a set number of hours, then 1 credit hour for every 50 minutes of participation may be earned.</p> <p>No limitation on the number of hours earned.</p>
(j)	<b>Attendance at a full Board of Pharmacy meeting, Disciplinary Subcommittee meeting, or Rules Committee Work Group meeting.</b>	<p><b>1 hour may be earned for attending a full meeting. This category of CE qualifies as 1 hour in pharmacy law.</b></p> <p><b>A maximum of 5 hours may be earned in each renewal period.</b></p>