

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD OF PHARMACY
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333 - 0035

Janet T. Mills
Governor

Anne L. Head, Esq.
Commissioner

Geraldine L. Betts
Administrator

Maine Board of Pharmacy
Minutes of January 4, 2024, Board Meeting

Virtual Meeting Public Notification and Hearing/Viewing Instructions Provided at the Opening of the Meeting by Board President Edward Kane.

CALL TO ORDER

President Kane called the meeting to order at 8:30 a.m.

MEMBERS PRESENT

Edward Kane, Esq., Public Member, Board President
Eric Norberg, R.Ph., Pharmacist, Vice President
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist
Cassandra White, PharmD, R.Ph., Pharmacist
Timothy McCormack, Esq., Public Member

MEMBERS ABSENT

Abdifatah Ahmed, PharmD, R.Ph., Pharmacist

STAFF PRESENT

Geraldine L. Betts, Administrator
Thomas Avery, Chief Field Investigator
Adam Wood, Regulatory Health Compliance Agent
Jennifer Willis, Assistant Attorney General, Board Counsel
Heather Bronish, Senior Consumer Assistance Specialist
Meagan McLaughlin, Comprehensive Health Planner II
Dominic Cotone, Comprehensive Health Planner I

APPLICATION REVIEW AND BOARD ACTION- *Presenter, Dominic Cotone*

Jacob J. Abbott

Norberg moved to preliminarily deny licensure to Jacob J. Abbott, PT60018158, and offer a Consent Agreement to include the following 1) Admission to 32 M.R.S. § 13742-A(1)(A), 5 M.R.S. § 5301(2)(B) and 10 M.R.S § 8003(5-A)(A)(1), 2) Warning, and 3) Obtain, at applicant's own expense, an evaluation from a pre-approved licensed health care practitioner with training and experience in substance misuse diagnosis and treatment, and if ongoing treatment or monitoring is recommended, applicant agrees to submit the treatment and monitoring terms to the Board; agrees to ensure that quarterly reports of compliance will be submitted to the Board, and agrees to follow all terms of the proposed treatment and monitoring requirements until its completion; and agrees to execute all waivers to all practitioners to share required information with the Board, seconded by Hamilton. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

Executive Session –

Pursuant to 1 M.R.S. § 405(6)(F), Kane moved that the Board go into Executive Session solely for the purpose of viewing video surveillance footage that is confidential by statute pursuant to 10 M.R.S. § 8003-B(1), seconded by Haar, unanimously voted.

McCormack moved for the board to come out of Executive Session, seconded by Haar, unanimously voted.

2023-PHA-18955

McCormack moved to schedule 2023-PHA-18955 for an adjudicatory hearing and to offer a Consent Agreement to include the following 1) Admission to 10 M.R.S. § 8003(5-A)(5) and Board Rule Chapter 30 § 1(17), 2) Revocation of license, seconded by Norberg. Kane, Haar, White in favor. Complaint officer Hamilton recused.

2023-PHA-18862

McCormack moved to schedule 2023-PHA-18862 for an adjudicatory hearing and to offer a Consent Agreement to include the following 1) Admission to 10 M.R.S. § 8003(5-A)(5) and Board Rule Chapter 30 § 1(17), 2) Revocation of license, seconded by Norberg. Kane, Haar, White in favor. Complaint officer Hamilton recused.

2023-PHA-18786

White moved to schedule 2023-PHA-18786 for an adjudicatory hearing and to offer a Consent Agreement to include the following 1) Admission to 10 M.R.S. § 8003(5-A)(5), and Board Rule Chapter 30 § 1(17), 2) Revocation of license, 3) \$1000.00 civil penalty, 4) 3 hours continuing education relating to appropriate handling of protected health information, 3 hours continuing education relating to professional relationships and boundaries. Continuing education to be completed within one (1) year of reinstatement, if licensee seeks reinstatement, seconded by Haar. Kane, Norberg, White in favor. Complaint officer Hamilton recused.

2023-PHA-19368

McCormack moved to schedule 2023-PHA-19368 for an adjudicatory hearing and offer a Consent Agreement to include the following 1) Admission to 32 M.R.S. § 13742-A(1)(C), 10 M.R.S. § 8003(5-A)(A)(5) and Board Rule Chapter 30 § 1(17), 2) Reprimand, 3) Revocation of license, 4) Obtain, at licensee's own expense, an evaluation from a pre-approved licensed health care practitioner with training and experience in substance misuse diagnosis and treatment, and if ongoing treatment or monitoring is recommended, applicant agrees to submit the treatment and monitoring terms to the Board; agrees to ensure that quarterly reports of compliance will be submitted to the Board; agrees to follow all terms of the proposed treatment and monitoring requirements until its completion; and agrees to execute all waivers to all practitioners to share required information with the Board, seconded by White. Kane and Norberg in favor. Haar and Hamilton recused.

1. Access to HIV Prevention Medications (PL 2021 Ch 265), including PEP and PrEP Protocols. Hamilton moved to accept draft language as amended with grammatical errors corrected, seconded by Norberg. Unanimously voted.
2. Access to Birth Control by Making Certain Contraception Accessible from a Pharmacist (PL 2023 Ch 115). Hamilton moved to accept draft language as written, seconded by McCormack. Unanimously voted.
3. Authorize Vaccine Administration by Pharmacy Technicians and Reduce Vaccine Administration Training Requirements for Pharmacists (PL 2023 Ch 245). Hamilton moved to accept draft language as written, seconded by McCormack. Unanimously voted.
4. Licensure by Endorsement. Hamilton moved to table Licensure by Endorsement pending a presentation by Neal Watson from NABP at the February 1, 2024 Board meeting, seconded by McCormack. Unanimously voted.
5. Board Rule Chapter Amend Limits on Medication in Vending Machines (PL 2023 Ch 160). McCormack moved to proceed with draft language with exception to and to eliminate the camera provision, seconded by Hamilton. Unanimously voted
6. Pharmacists Dispense an Emergency Supply of Chronic Maintenance Drugs (PL 2023 Ch 566) – *Update*. McCormack moved to accept recommendation, no rulemaking required at this time, seconded by Hamilton. Unanimously voted.
7. Telehealth Rulemaking Status – *Update*. Hamilton moved to accept as discussed and recommendation to be added to the February 1, 2024 Board meeting, seconded by McCormack. Unanimously voted.

ELECTION OF OFFICERS FOR 2024

McCormack moved to accept amendment to agenda to add Election of Officers for 2024, seconded by Hamilton. Unanimously voted.

McCormack moved to reelect Kane as President, seconded by Hamilton. Unanimously voted.

Hamilton moved to reelect Norberg as Vice President, seconded by McCormack. Unanimously voted.

McCormack moved to reelect Hamilton as Complaint Officer, seconded by White. Unanimously voted.

McCormack moved to vote White as Chair of Subcommittee for Rulemaking, seconded by Haar. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

Nichole Cover of Walgreen Co. commented on the discussion of the Rulemaking of today's meeting and the Emergency Board Meeting held on December 29, 2023.

ADJOURN

There being no further business McCormack moved to adjourn at 12:09 p.m., seconded by Hamilton. Unanimously voted.