

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 December 7, 2023, 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 8:35 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
Abdifatah Ahmed, PharmD, R.Ph., Pharmacist

MEMBERS ABSENT

Timothy McCormack, Esq., Public Member

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
Diane Perry, Comprehensive Health Planner II
Dominic Cotone, Comprehensive Health Planner I

AGENDA MODIFICATION

Hamilton moved to add to the agenda a presentation by Gordon Smith, Director of Opioid Response, seconded by White. Unanimously voted.

Opioid Crisis and Board Rule Chapter 36 - Repeal

Gordon Smith, Office of the Governor, Director of Opioid Response

Mr. Smith thanked the Board for the repeal of the Opioid Treatment Program Rule and commented on the positive impact his program has seen as a result. Mr. Smith also spoke about the importance of visibility and availability of Naloxone in retail pharmacies and encouraged the Board to contemplate how this can be improved and requested to follow up with the Board at its February 1, 2024 meeting.

MINUTES REVIEW AND APPROVAL

October 5, 2023

November 1, 2023

Kane deferred the minutes review for the January 4, 2024 Board meeting.

CORRESPONDENCE

Rachel Fiske, DVM – Assistant Veterinarian, Maine Department of Agriculture, Conservation & Forestry

Administrator Betts spoke about the correspondence submitted and the request for guidance relating to the Federal Drug Administration Guidance for industry (GFI) #263 Recommendations for Sponsors of Medically Important Antimicrobial Drugs Approved for Use in Animals to Voluntarily Bring Under Veterinary Oversight All Products That Continue to be Available Over-the-Counter.

Hamilton and Norberg responded by stating the Board does not regulate over the counter medications. White and Kane agreed that the Board will not issue guidance on this matter. The board agreed that they do not have oversight over the sale of over-the-counter drugs and defers to the Federal guidance.

APPLICATION REVIEW AND BOARD ACTION- Presenter, Dominic Cotone

Christian Oliver

White moved to preliminarily deny licensure to Christian Oliver, PI71473, and offer a Consent Agreement to include the following 1) Admission to 10 M.R.S § 8003-G, 2) Warning, and 3) \$750.00 Civil Penalty, seconded by Hamilton. Unanimously voted.

Krissy-Lynne Jackson

White moved to grant licensure to Krissy-Lynne Jackson, PT60018438, seconded by Norberg. Unanimously voted.

Michelle Bouchard

White moved to accept staff's recommendation to preliminarily deny licensure to Michelle Bouchard and offer a Consent Agreement to include the following 1) Admission to 32 M.R.S § 13742-A(1)(A), 2) Obtain, at applicant's own expense, an evaluation from a pre-approved, licensed professional provider with training in substance misuse diagnosis and treatment, and if any ongoing oversight is recommended, the applicant agrees to submit the recommendations and monitoring terms made by the professional provider to the Board; and the applicant further agrees to follow all terms of the proposed treatment monitoring agreement until its completion, and to ensure quarterly reports are submitted to the Board reflecting the applicant's compliance with all terms, seconded by Norberg. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2022-PHA-18134

White moved to administratively Dismiss 2022-PHA-18134 without prejudice and flag the license in the event the individual reapplies for licensure in the future, seconded by Norberg. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-18824

Norberg moved to dismiss 2023-PHA-18824 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-19040

White moved to schedule 2023-PHA-19040 for an adjudicatory hearing and offer a Consent Agreement to include the following 1) Admission to violations of 32 M.R.S § 13742-A(1)(C), Board Rule Ch. 30, § 1 (15), and 10 M.R.S 8003(5-A)(A)(5), Board Rule Ch. 7, § 7-B(2), 2) Warning, 3) \$500.00 Civil Penalty, 4) Completion of three (3) hours of continuing education on avoiding prescription errors and misfills. The continuing education to be completed within ninety (90) days of Consent Agreement execution with report of completion to be submitted within thirty (30) days, seconded by Norberg. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-18829

White moved to dismiss 2023-PHA-18829 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-19062

Norberg moved to dismiss 2023-PHA-19062 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-18894

White moved to table 2023-PHA-18894 for further investigation, seconded by Norberg. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-19108

White moved to dismiss 2023-PHA-19108 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-19341

Norberg moved to dismiss 2023-PHA-19341 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

2023-PHA-19430

White moved to dismiss 2023-PHA-19430 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Kane, Haar, Ahmed in favor. Complaint officer Hamilton recused.

RULEMAKING – SUBCOMMITTEE DRAFT RULE RECOMMENDATIONS FOR BOARD REVIEW AND CONSIDERATION

Presenter, Board Member Dr. Cassandra White, PharmD

Hamilton moved to table rulemaking until the January 4, 2024 meeting, seconded by Norberg. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

No comments

ADJOURN

There being no further business Hamilton moved to adjourn at 11:10a.m.,
seconded by White. Unanimously voted.

*Prepared by: Meagan McLaughlin, Comprehensive Health Planner II
Board Approved: March 7, 2024*