

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
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 May 02, 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 8:32 a.m.

MEMBERS PRESENT

Edward Kane, Esq., Public Member, Board President
Eric Norberg, RPh, Pharmacist, Vice President
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist (Left meeting at 3:30 p.m.)
Timothy McCormack, Esq., Public Member
Cassandra White, PharmD, R.Ph., Pharmacist (Left meeting at 11:55 a.m.)
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist (Left meeting at 11:59 a.m.)
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer

STAFF PRESENT

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

ADJUDICATION HEARING

Hearing Officer Mark Terison, Esq. convened the hearing at 8:39 a.m. Bruce Jarvi was represented by Heidi Bean, Esq. Assistant Attorney General Nicole Sawyer represented Board Staff. Hearing Officer Terison conducted a roll call vote to confirm that Board Members had access to the hearing exhibits with all members voting in the affirmative. Following presentation of evidence and witness testimony, the Board made the following motions regarding the alleged facts in the Notice of Hearing.

- 1. Pursuant to 32 M.R.S. § 13743(2) the decision to grant or deny Bruce A. Jarvi's petition*

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OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

for reinstatement, or to modify its original finding to reflect any circumstances which have changed sufficiently to warrant those modifications.

McComack moved to accept the reinstatement application of Bruce A. Jarvi and issue licensure with the following 1) Probationary period of 2 (two) years to include the following conditions: The licensee be limited to no more than 20 hours per week in the practice field of Pharmacy; licensee will undergo a neuropsychological evaluation and submit evaluation to licensee's therapist. Licensee's therapist and evaluation to be submitted to the Board within 1(one) year. Participate at licensee's own expense in a monitoring agreement with the Medical Professionals Health Program. The licensee will continue drug and alcohol testing 8 (eight) times per calendar year, results to be submitted to the Board within 5 (five) calendar days of testing. The licensee will not work as a Pharmacist in Charge or preceptor until licensee petition's the Board. The licensee will submit status reports regarding relationships within the pharmacy workplace to be signed by the Pharmacist in Charge. Seconded by Hamilton. Haar, Kane, and Norberg in favor, White and Ahmed absent.

The hearing adjourned at 3:18 p.m.

MINUTES REVIEW AND APPROVAL

McCormack moved to table minutes review and approval. Seconded by Hamilton. Kane and Norberg in favor, White, Haar and Ahmed absent.

APPLICATION, REVIEW AND BOARD ACTION – Presenter, Dominic Cotone, Comprehensive Health Planner I, Meagan McLaughlin, Comprehensive Health Planner II Angela Fahey (Initial)

McCormack moved to preliminarily deny licensure to Angela Fahey, PT60018719, and offer a Consent Agreement to include the following 1) Admission to violation of 10 M.R.S. §8003(5-A)(A)(4), and § 13742-A(1)(A); 2) 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 and to share required information with the Board. Seconded by Hamilton. Kane and Norberg, in favor, White, Haar and Ahmed absent.

Gina L. Leidenfrost (Renewal)

Norberg moved to preliminarily deny licensure to Gina L. Leidenfrost, PT60006394, with offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G(2)(B); 2) Warning; 3) \$250.00 Civil Penalty. Seconded by McCormack. Kane and Norberg in favor, White, Haar and Ahmed absent.

Kaplan Group LLC dba Medical Home Pharmacy (Renewal)

McCormack moved to preliminarily deny licensure to Kaplan Group LLC dba Medical Home Pharmacy, MO40002489, with offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003 (5-A)(A)(1), and 10 M.R.S. § 8003-G(2)(C); 2)

Reprimand; 3) \$2,000.00 Civil Penalty comprised of \$500.00 for each violation. Seconded by Norberg, Hamilton and Kane in favor, White, Haar and Ahmed absent.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2023-PHA-19556

McCormack moved to dismiss 2023-PHA-19556 with no evidence of a violation of the Board's Laws and Rules. Seconded by Norberg, Kane in favor. Complaint Officer Hamilton recused. White, Haar, Ahmed absent.

2024-PHA-19724

Assistant Attorney General, Jennifer Willis provided the Board with an update regarding 2024-PHA-19724, this case will be presented to the Board at a future meeting.

2023-PHA-18923

McCormack moved to dismiss 2023-PHA-18923 with Letter of Guidance to include a reminder to the licensee to update the Board of an address change within a timely fashion as required by Board Rule Chapter 11, § 3, no less than seven (7) days prior to the change and accept the surrender of license held at the time of this complaint. Seconded by Norberg. Kane in favor, Complaint Officer Hamilton abstained, White, Haar, Ahmed absent.

2022-PHA-18062

McCormack moved to table 2022-PHA-18062. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2022-PHA-18063

McCormack moved to table 2022-PHA-18063. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19479

McCormack moved to table 2023-PHA-19479. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19480

McCormack moved to table 2023-PHA-19480. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19481

McCormack moved to table 2023-PHA-19481. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19482

McCormack moved to table 2023-PHA-19482. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19563

McCormack moved to table 2023-PHA-19563. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19572

McCormack moved to table 2023-PHA-19572. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19651

McCormack moved to table 2023-PHA-19651. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19672

McCormack moved to table 2023-PHA-19672. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2024-PHA-19712

McCormack moved to table 2024-PHA-19712. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2024-PHA-19725

McCormack moved to table 2024-PHA-19725. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2024-PHA-19744

McCormack moved to table 2024-PHA-19744. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2024-PHA-19776

McCormack moved to table 2024-PHA-19776. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2024-PHA-19777

McCormack moved to table 2024-PHA-19777. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2024-PHA-19887

McCormack moved to table 2024-PHA-19887. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19255

McCormack moved to table 2023-PHA-19255. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19267

McCormack moved to table 2023-PHA-19267. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

2023-PHA-19619

McCormack moved to table 2023-PHA-19619. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

REVIEW AND APPROVAL OF PROFESSIONAL HEALTH MONITOR

2023-PHA-19368

McCormack moved to approve professional health monitor. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

WAIVER REQUEST

McCormack moved to approve Walgreen Co. Waiver Request of Board Rule, Chapter 13, Section 2(1) Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

McCormack moved to approve St. Joseph Hospital, HOS32, Waiver Request to deviate from specified requirements of Board Chapter 20, Subchapter 2, for the hospital's automated pharmacy system(s) and update the 2016 waiver granted by the Board. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

CORRESPONDENCE PROPOSAL

McCormack moved to table Walgreen Eastern Co. request for central fill services. Seconded by Norberg. Kane, and Hamilton in favor. White, Haar, and Ahmed absent.

RULEMAKING-Subcommittee Draft Rule Recommendations for Board Review and Consideration. – *Presenter, Chair of Subcommittee for Rulemaking, Dr. Cassandra White, PharmD.*

McCormack moved to ask staff to consult with the Board and schedule within two (2) weeks, identify a day of the month, standing rule subcommittee meetings, and obtain feedback from Board Members for standing meeting. Seconded by Hamilton. Kane and Norberg in favor. White, Haar, and Ahmed absent.

PUBLIC OPPORTUNITY TO COMMENT

No opportunity to comment.

ADJOURN

Hamilton moved to adjourn the meeting. Seconded by McCormack. Kane and Norberg, in favor. White, Haar, and Ahmed absent.

Meeting adjourned at 4:07 p.m.

*Prepared By: Meagan McLaughlin, Comprehensive Health Planner II
Board approved: August 1, 2024*