

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

Joan Cohen  
Acting Commissioner  
Geraldine L. Betts  
Administrator

Maine Board of Pharmacy  
Minutes of November 7, 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 8:33 a.m.

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Geraldine L. Betts, Administrator  
Thomas Avery, Chief Field Investigator  
Jennifer Willis, Assistant Attorney General, Board Counsel  
Andrew Black, Assistant Attorney General, Board Counsel  
Meagan McLaughlin, Comprehensive Health Planner II  
Clark Phinney, Comprehensive Health Planner II  
Dominic Cotone, Comprehensive Health Planner I

**MINUTES REVIEW AND APPROVAL**

Norberg moved to accept the minutes of October 3, 2024, as written, seconded by Hamilton. Unanimously voted.

Hamilton moved to accept the minutes of October 21, 2024, as written, seconded by Norberg. Ahmed, Kane, McCormack and White in favor, Haar abstained.

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

## **APPLICATION, REVIEW AND BOARD ACTION**

*Alison D. Gary (Initial)*

McCormack moved to preliminarily deny licensure to Alison D. Gary, PT60019270, and offer a Consent Agreement to include the following 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(4) and 32 M.R.S. § 13742-A(1)(A), 2) Obtain, at Applicant's own expense, an evaluation from a pre-approved, licensed healthcare practitioner with training and experience in substance misuse diagnosis and treatment; ensure that the practitioner performing the evaluation provides to the Board a complete and accurate copy of the evaluation and any recommended treatment and monitoring conditions, 3) Period of probation following issuance of license for a period of five (5) years, including the following conditions: If Applicant tests positive for drugs, alcohol, or other substances of concern during monitoring required under paragraph 2(a) by this Consent Agreement; is arrested for another OUI; or is reported to be impaired at work in a pharmacy or during pharmacy-related employment, Applicant agrees to immediately notify the Board within 24 hours of the occurrence; and Applicant further agrees to an immediate suspension of her license, for violation of the terms and conditions of this Consent Agreement, seconded by Norberg. Unanimously voted.

*Lindsey F. Hook (Initial)*

McCormack moved to preliminarily deny licensure to Lindsey F. Hook, PT60012268, and offer a Consent Agreement to include the following 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(3, for conviction of a crime involving dishonesty; and 10 M.R.S. § 8003(5-A)(A)(1) for engaging in the practice of fraud, deceit, or misrepresentation in obtaining a license by either lying to or misstating the facts related to her theft conviction, 2) Three (3) hours continuing education on the topic of ethics to be completed within one (1) year of signed Consent Agreement and approved by Board Complaint Officer, 3) Period of probation for five (5) years, seconded by Hamilton. Ahmed, Haar, Kane, Norberg in favor, White opposed.

## **COMPLAINT PRESENTATION(S) AND BOARD ACTION**

### **MOTION TO GO INTO EXECUTIVE SESSION**

Pursuant to 1 M.R.S. § 405(6)(F), Hamilton moved that the Board go into executive session at 9:00 a.m. solely for the purpose of confidentiality by statute pursuant to 10 M.R.S. § 8003-B(1), seconded by McCormack, unanimously voted.

Pursuant to 1 M.R.S. § 405(6)(F), Haar moved that the Board leave executive session by statute at 11:05 a.m. Pursuant to 10 M.R.S. § 8003-B(1), seconded by McCormack, unanimously voted.

*2021-PHA-17957*

White moved to table 2021-PHA-17957 for further investigation, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19097*

White moved to schedule 2023-PHA-19097 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. 8003(5-A)(A)(1); 32 M.R.S. 13742-A(1)(C); 13781; 8003(5-A)(A)(5) and Chapter 29 (Food Drug and Cosmetic

Act misbranding); Chapter 29 (failure to perform final check); Chapter 30, Section 1 (12) conspiring to aiding and abetting, a violation of The Maine Pharmacy Act, 2) License Revocation. seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19098*

White moved to dismiss 2023-PHA-19098 with a Letter of Guidance to include licensee ensures all prescription vials are accurate, and medications have correct National Drug Code. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19099*

White moved to schedule 2023-PHA-19099 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. 8003(5-A)(A)(1); 32 M.R.S. 13742-A(1)(C); 13781; 8003(5-A)(A)(5) and Chapter 29 (Food Drug and Cosmetic Act misbranding); Chapter 29 (failure to perform final check); Chapter 30, Section 1 (12) conspiring to aiding and abetting, a violation of The Maine Pharmacy Act, 2) Reprimand, Civil Penalty in the amount of \$19,600.00 seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19100*

White moved to schedule 2023-PHA-19100 1) Admission to violation of 10 M.R.S. 8003(5-A)(A)(1); 32 M.R.S. 13742-A(1)(C); 13781; 8003(5-A)(A)(5) and Chapter 29 (Food Drug and Cosmetic Act misbranding); Chapter 29 (failure to perform final check); Chapter 30, Section 1 (12) conspiring to aiding and abetting, a violation of The Maine Pharmacy Act, 2) Reprimand, 3) Civil Penalty in the amount of \$3,400.00, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19101*

White moved to schedule 2023-PHA-19101 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. 8003(5-A)(A)(1); 32 M.R.S. 13742-A(1)(C); 13781; 8003(5-A)(A)(5) and Chapter 29 (Food Drug and Cosmetic Act misbranding); Chapter 29 (failure to perform final check); Chapter 30, Section 1 (12) conspiring to aiding and abetting, a violation of The Maine Pharmacy Act, 2) License Revocation. seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19102*

White moved to dismiss 2023-PHA-19102 with a Letter of Guidance to include licensee ensures all prescription vials are accurate, and medications have correct National Drug Code. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19133*

McCormack moved to schedule 2023-PHA-19133 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Warning, 2) Civil Penalty in the amount of \$250.00, 3) Obtain, at Licensee's own expense, an evaluation from a pre-approved, licensed healthcare practitioner with training and experience in substance misuse diagnosis and treatment; ensure that the practitioner performing the evaluation provides to the Board a complete and accurate copy of the evaluation and any recommended treatment and monitoring conditions, seconded by White. Ahmed, Haar, Kane and Norberg in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19391*

Norberg moved to dismiss 2023-PHA-19391 with no evidence of a violation of the Board's law and rule, seconded by White. Ahmed, Haar, Kane, McCormack in favor. Complaint Officer Hamilton abstained.

*2024-PHA-19868*

White moved to schedule 2024-PHA-19868 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Warning, 2) Civil Penalty in the amount of \$250.00, 3) Probationary period to mirror New Hampshire discipline, 4) Licensee agrees to report all licensing complaints and actions against them within ten (10) days, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

*2024-PHA-19907*

White moved to dismiss 2024-PHA-19907 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed, Haar, Kane, McCormack in favor. Complaint Officer Hamilton abstained.

*2024-PHA-19932*

White moved to dismiss 2024-PHA-19932 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar, Kane, Norberg in favor. Complaint Officer Hamilton abstained.

*2024-PHA-19977*

White moved to dismiss 2024-PHA-19977 with a Letter of Guidance to include licensee ensures protection of confidentiality. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Haar. Ahmed, Kane, McCormack and Norberg in favor. Complaint Officer Hamilton abstained.

*2024-PHA-20047*

White moved to dismiss 2024-PHA-20047 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar, Kane, Norberg in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19565*

Norberg moved to dismiss 2023-PHA-19565 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar, Kane, White in favor. Complaint Officer Hamilton recused.

*2024-PHA-19825*

White moved to dismiss 2024-PHA-19825 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed, Haar, Kane, McCormack in favor. Complaint Officer Hamilton recused.

*2024-PHA-20113*

White moved to dismiss 2024-PHA-20113 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar, Kane, Norberg in favor. Complaint Officer Hamilton recused.

*2024-PHA-20244*

White moved to dismiss 2024-PHA-20244 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed, Haar, Kane, McCormack in favor. Complaint Officer Hamilton recused.

*2024-PHA-20164*

Haar moved to schedule 2024-PHA-20164 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 32 M.R.S. 13742-A(A)(1); 2) License Revocation. seconded by Norberg. Ahmed, Kane and McCormack in favor, White opposed. Complaint Officer Hamilton abstained.

*2023-PHA-19204*

White moved to dismiss 2023-PHA-19204 with a Letter of Guidance to include licensee ensures Maine Board of pharmacy reporting requirements. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Ahmed. Haar, Kane, McCormack and Norberg in favor. Complaint Officer Hamilton abstained.

*2023-PHA-19406*

McCormack moved to Preliminarily Deny licensure of 2023-PHA-19406 to include the following: 1) Admission to 10 M.R.S. 8003 (5-A)(A)(3) and 5 M.R.S. on the basis of two (2) felony convictions, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor. Complaint Officer Hamilton abstained.

**WAIVER REQUEST**

McCormack moved to approve Uni-Care Health Services, Omnicare of Maine CSP50001737, waiver request of Board Rule Chapter 20, Section 2(11), seconded by Hamilton. Unanimously voted.

**RULEMAKING – REVIEW AND ACCEPT PROPOSED RULE REVISIONS FOR SECOND NOTICE OF AGENCY PROPOSED RULEMAKING PUBLICATION AND PUBLIC COMMENTS**

Chapter 43: Prescribing, Dispensing and Administering HIV Prevention Drugs (New)

McCormack moved to accept revised proposal and move to open public comment period, seconded by Haar. Unanimously voted.

**PUBLIC OPPORTUNITY TO COMMENT**

No public comments.

**ADJOURN**

There being no further business to discuss, Hamilton moved to adjourn the meeting, seconded by Norberg. Unanimously voted.

Meeting adjourned at 12:31 p.m.

*Prepared By: Meagan McLaughlin, Comprehensive Health Planner II  
Board approved: December 5, 2024*