

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 August 1, 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 8:31 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
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer

STAFF PRESENT

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

PUBLIC HEARING ON AGENCY PROPOSED RULEMAKING

Chapter 7: Licensure and Employment of Pharmacy Technicians (Amend)

No public comments in favor of the rule.

No public comments in opposition to the rule.

No public comment of neither in favor nor in opposition of the rule.

Chapter 41: Sale of Nonprescription Drugs Through Vending Machine Outlets (Amend)

No public comments in favor of the rule.

No public comments in opposition to the rule.

No public comment of neither in favor nor in opposition of the rule.

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

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

Public comments in favor of the rule:

Katie Rutherford, Executive Director of the Frannie Peabody Center, Maine's largest HIV services organization. Ms. Rutherford states she is in favor of this rule and is grateful to the Board for moving this forward as it is a national effort to take steps to end the HIV/AIDs epidemic.

No public comments in opposition to the rule.

Public comments neither in favor nor opposed to the rule:

Carly Schenk, clinical pharmacist in the Portland area. Board certified in infectious disease, credentialed by the American Academy of HIV Medicine. Ms. Schenk thanked the Board for this rule and allowing pharmacists to prescribe and dispense post exposure prophylactics for HIV prevention. She feels it's important for Maine patients to have access to HIV preventative care.

Chapter 44: Pharmacist Authorization to Make Certain Contraception Accessible (New)

No public comments in favor of the rule.

No public comments in opposition of rule.

No public comment of neither in favor nor in opposition of rule.

President Kane adjourned the hearing at 8:56 a.m.

MINUTES REVIEW AND APPROVAL

Haar moved to accept the minutes of May 2, 2024, as written, seconded by Norberg. Ahmed, Hamilton, Kane and McCormack in favor, White abstained.

APPLICATION, REVIEW AND BOARD ACTION

Shania J. Armstrong (Initial)

McCormack moved to preliminarily deny licensure to Shania J. Armstrong, PT60015512, and offer 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 Hamilton. Unanimously voted.

Alexandra Malinowski (Renewal)

Norberg moved to preliminarily deny renewal licensure to Alexandra Malinowski, PR27968, with offer of a Consent Agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13735; 2) Probation for a period of three (3) years from date of execution of the Consent Agreement during which period the licensee must submit no later than December 31st of each calendar year, proof that she has completed the required 15 hours of continuing education necessary for renewal, with the acknowledgement by all parties that she has already met this requirement for calendar year 2024, and need only submit such proof for calendar year 2025

and calendar year 2026; 3) Warning; 4) \$450.00 Civil Penalty. Seconded by Haar, unanimously voted.

Caremark New Jersey Specialty Pharmacy, LLC (Renewal)

McCormack moved to preliminarily deny renewal licensure to Caremark New Jersey Specialty Pharmacy, LLC, MO40002176, with offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G(2)(C); 2) Reprimand; 3) \$500.00 Civil Penalty, seconded by Haar. Ahmed, Hamilton, Kane and Norberg in favor, White opposed.

Smith & Nephew Inc. (Renewal)

McCormack moved to preliminarily deny renewal licensure to Smith & Nephew Inc., MF30001296, with offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G(2)(D); 2) Reprimand; 3) \$1000.00 Civil Penalty. Seconded by Norberg, unanimously voted.

LICENSEE SURRENDER REQUEST

Vistapharm, LLC

McCormack moved to accept the surrender request of Vistapharm, LLC, WH70002776, pursuant to 5 M.R.S. Section 8003(5-A)(E). Seconded by Hamilton, unanimously voted.

Alembic Pharmaceuticals, Inc.

McCormack moved to accept the surrender request of Alembic Pharmaceuticals, Inc, MF30001975, pursuant to 5 M.R.S. Section 8003(5-A)(E). Seconded by Hamilton, unanimously voted.

Atlas Pharmaceuticals, LLC

Hamilton moved to accept the surrender requests of Atlas Pharmaceuticals, LLC, MF30001975, and MFO30002195 pursuant to 5 M.R.S. Section 8003(5-A)(E). Seconded by McCormack, unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2023-PHA-18894

McCormack moved to dismiss 2023-PHA-18894 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Haar, Kane and White in favor, Complaint Officer Hamilton recused.

2023-PHA-19070

White moved to dismiss 2023-PHA-19070 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Haar, Kane and McCormack in favor, Complaint Officer Hamilton recused.

2023-PHA-19345

Norberg moved to dismiss 2023-PHA-19345 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Ahmed, Kane, McCormack and White in favor, Complaint Officer Hamilton recused.

2023-PHA-19346

McCormack moved to dismiss 2023-PHA-19346 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Haar, Kane and White in favor, Complaint Officer Hamilton recused.

2023-PHA-19407

Haar moved to dismiss 2023-PHA-19407 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Kane, McCormack and White in favor, Complaint Officer Hamilton recused.

2023-PHA-19455

McCormack moved to dismiss 2023-PHA-19455 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Haar, Kane and White in favor, Complaint Officer Hamilton recused.

2023-PHA-19460

McCormack moved to dismiss 2023-PHA-19460 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Haar, Kane and White in favor, Complaint Officer Hamilton recused.

2023-PHA-19522

White moved to table 2023-PHA-19522, seconded by McCormack. Ahmed, Haar, Kane and Norberg in favor, Complaint Officer Hamilton recused.

2024-PHA-19900

McCormack moved to dismiss 2024-PHA-19900 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Ahmed, Haar, Kane and White in favor, Complaint Officer Hamilton abstained.

CORRESPONDENCE

Request to Take Actions Regarding Compounded "Semaglutide" to Support Patient and Prescription Drug Safety, Novo Nordisk Inc.

The Board acknowledged this correspondence and took no action at this time.

WAIVER REQUEST

Hamilton moved to approve Pleasant Point Health Center Waiver Request of Board Rule Chapter 13, Section 2(1), seconded by McCormack. Unanimously voted.

2025 BOARD MEETING CALENDAR REVIEW

Board members agreed to cancel the January 2, 2025, meeting, all other dates are to be held as scheduled.

**U.S. ATTORNEY’S OFFICE (EASTERN DISTRICT OF MICHIGAN) PRESS RELEASE
ON MICHIGAN PHARMACY OWNER SENTENCED FOR UNLAWFUL
DISTRIBUTION OF CONTROLLED SUBSTANCES – DISCUSSION**

Assistant Attorney General Jennifer Willis spoke about a federal criminal case for the violation of the Controlled Substances Act. A pharmacist in Michigan was convicted of 26 counts of the unlawful sale of controlled substances and conspiracy to unlawfully distribute prescription drug-controlled substances.

REPORTS

Board member Haar discussed the IV hydration therapy workgroup meeting he attended with the Maine Board of Medicine and Maine State Board of Nursing. This included discussion of possible joint rulemaking and how the Maine Board of Pharmacy would play a role in this.

Board member Hamilton discussed his attendance of the NABP 120th annual conference and the topics discussed such as how to reduce burnout in the healthcare field. Hamilton also announced his title as president-elect for the NABP. This is the first time a Board member from the State of Maine will serve as president for NABP.

TRAVEL

NABP ACPE Districts 1 & 2 Meeting, October 7-9, 2024, Everett, Massachusetts
White, Haar, Hamilton and Kane voiced interest in attending this meeting.
Ahmed and Norberg may be able to attend pending schedules and McCormack stated he could not attend.

PUBLIC OPPORTUNITY TO COMMENT

No opportunity to comment.

ADJOURN

Hamilton moved to adjourn the meeting, seconded by McCormack. Unanimously voted.

Meeting adjourned at 11:38 a.m.

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