

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 March 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 8:32 a.m.

MEMBERS PRESENT

Edward Kane, Esq., Public Member, Board President
Eric Norberg, RPh, Pharmacist, Vice President
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist (*Via Zoom*)
Timothy McCormack, Esq., Public Member
Cassandra White, PharmD, R.Ph., Pharmacist
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist (*Via Zoom*)

MEMBERS ABSENT

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
Dominic Cotone, Comprehensive Health Planner I (*Via Zoom*)
Heather Bronish, Senior Consumer Assistance Specialist

GORDON SMITH, OFFICE OF THE GOVERNOR, DIRECTOR OF OPIOID RESPONSE

Mr. Smith provided the Board with a progress update. He thanked the Board and Board Staff for their efforts. Mr. Gordon reported that his group is working on widespread distribution and ease of access to naloxone. He reported on the first naloxone vending machine in Presque Isle that will make naloxone available for free to anyone in need. Mr. Gordon stressed the importance of stigma reduction and urges pharmacies to place over the counter naloxone within self-help public visibility and easy access.

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

MINUTES REVIEW AND APPROVAL

1. October 5, 2023, White moved to accept as written, seconded by Norberg.
2. November 1, 2023, White moved to accept as written, seconded by Haar.
3. December 7, 2023, White moved to accept as written, seconded by Haar.
4. December 29, 2023, McCormack moved to table, correction to who seconded adjournment motion. Seconded by Norberg.
5. January 4, 2024, White moved to accept after correction of Chair vs President on election of officers, seconded by Haar.

APPLICATION, REVIEW AND BOARD ACTION – Presenter, Dominic Cotone, Comprehensive Health Planner I Keith Oakes (Initial)

Haar moved to preliminarily deny licensure to Keith Oakes, PT60018790, and offer a Consent Agreement to include the following 1) Admission to 10 M.R.S. §8003(5-A)(A)(3), and 5 M.R.S. § 5301(2)(A) for conviction of a crime involving dishonesty; 2) Five (5) years’ probation from the date of issuance of license; 3) Applicant to inform potential employers of criminal history. Seconded by White. Unanimously voted.

Nelson J. Rodriguez (Renewal)

White moved to preliminarily deny licensure to Nelson J. Rodriguez, PR70177, with offer of Consent Agreement to include the following 1) Admission to 32 M.R.S. § 13535 for failure to comply with continuing education requirements 2) Civil Penalty in the amount of \$650 (\$50 for each deficient hour of required continuing education), which payment shall be submitted with the signed Consent Agreement; 3) Completion of 13 hours of continuing education to make up for 2023; and 4) two (2) years’ probation. Seconded by McCormack. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2023-PHA-18975

Norberg moved to table 2023-PHA-18975 to allow Licensee time to respond, seconded by McCormack. Unanimously voted.

2023 PHA 19188

McCormack moved to schedule 2023-PHA-19188 for an adjudicatory hearing and to authorize the Assistant Attorney General to negotiate a Consent Agreement to include the following 1) Admission to violation of Chapter 13, § 2(5); 2) Warning; 3) \$1000.00 Civil Penalty. Seconded by Norberg. Unanimously voted.

2023 PHA 19388

White moved to dismiss 2023-PHA-19388 with Letter of Guidance to remind the licensee about 10 M.R.S. 8003(5-A)(A)(10) and compliance with producing any documents in the licensee’s possession or control as requested by the Board concerning a pending complaint or proceeding or any matter under investigation. Letter of Guidance to stay on file for a period of ten (10) years.

2023 PHA 19389

McCormack moved to schedule 2023-PHA-19389 for an adjudicatory hearing and to authorize the Assistant Attorney General to negotiate a Consent Agreement to include the following; 1) Admission to violation of 10 M.R.S. 8003(5-A)(A)(10); 2) Warning and; 3) \$500.00 Civil Penalty. Seconded by White. Unanimously voted.

A second Letter of Guidance reminding licensees to submit any requested documents in a timely manner. Letter to be drafted and brought before the Board for approval.

2023 PHA 19464

Norberg moved to dismiss 2023-PHA-19464 with no evidence of a violation of the Board's Laws and Rules. Seconded by White. Unanimously voted.

2023 PHA 19528

White moved to dismiss 2023-PHA-19528 with no evidence of a violation of the Board's Laws and Rules. Seconded by Haar. Unanimously voted.

2023 PHA 19334

McCormack moved to accept 2023-PHA-19334 for reconsideration. Seconded by White. McCormack moved to dismiss 2023-PHA-19334 with Letter of Guidance stating it is inadvisable to share credentials and that employing family members may not be consistent with good policy. Letter of Guidance to remain on file for a period of ten (10) years. Seconded by White. Unanimously voted.

2023 PHA 19216

White moved to dismiss 2023-PHA-19216 with a Letter of Guidance about compliance with Chapter 30, Section 1 (15) & (21). Letter of Guidance to remain on file for a period of ten (10) years. Seconded by Norberg. Unanimously voted.

RULEMAKING

Consideration – *Presenter, Board Member Dr. Cassandra White, PharmD*

Licensure by Endorsement – McCormack moved to remove this item from the current rulemaking packet to allow the Board time to discuss this chapter at a future board meeting. The current group of chapters that have been accepted by the Board will move forward through the Administrative Procedures Act process. Seconded by Norberg. Haar, Norberg, McCormack, Ahmed, and Kane in favor, White opposed, Complaint Officer Hamilton absent. Motion carries.

Telehealth Rulemaking Status – No action, the Board had already discussed this at a prior meeting.

CORRESPONDENCE

Request for waiver Board Rule Chapter 13, Section 2(1), January 23, 2024 – Nichole Cover, R.Ph., Director, Pharmacy Affairs, Walgreen Co.

McCormack moved to table for staff to gather further information regarding a list of the pharmacies involved and a better understanding on the number of days per week for which the

waiver is being requested. Seconded by White. Haar, White, Norberg, McCormack, Ahmed, and Kane in favor, Complaint Officer Hamilton absent.

TRAVEL –

120th NABP Annual Meeting, May 14-17, 2024, Fort Worth, Texas.

Haar moved to send Cassandra White to the 120th NABP Annual Meeting. Seconded by McCormack. Haar, White, Norberg, McCormack, Ahmed, and Kane in favor, Complaint Officer Hamilton absent.

PROVIDERS FOR SUBSTANCE USE DISORDER TREATMENT

Norberg moved to add this topic to the agenda. Seconded by White. Unanimously voted. The Board reviewed the list of Providers for Substance Use Disorder Treatment as provided to members by Administrator Betts. The listing is a resource and reference information to assist licenses in their search for a provider for purposes of regulatory compliance with a consent agreement, board order or other self-help needs. The Board was informed that efforts are underway to arrange for a presentation from a provider on the list, Affiliated Monitors, Inc. No Board action was necessary, and the Board appreciated the listing, which will be posted on the Board's website.

PUBLIC OPPORTUNITY TO COMMENT

Neil Watson – NABP Mr. Watson informed the Board that NABP was working on uniform pharmacy exam and that more information would be distributed to the Board executive directors.

ADJOURN

There being no further business McCormack moved to adjourn at 11:57 a.m., seconded by Norberg. Haar, White, Norberg, McCormack, Ahmed, and Kane in favor, Complaint Officer Hamilton absent.

Prepared By: Diane Perry, Comprehensive Health Planner II

Board approved: June 6, 2024