

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 December 5, 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 11:07 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

MEMBERS ABSENT

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
Reid Hayton-Hull, 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 November 7, 2024, as written, seconded by Haar. Ahmed, Hamilton and White absent.

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

DELEGATION ORDERS

1. McCormack moved to approve the Limited Delegation of Authority to the Board's Administrator to Review and Approve Applications for Licensure and Offer Consent Agreements to Applicants or Licensees Who Fail to Timely Report Criminal Convictions that Do Not Involve Potentially Disqualifying Crimes or Crimes Related to Substance Misuse through December 31, 2026. Seconded by Norberg, Haar and Kane in favor. Ahmed, Hamilton and White absent.

2. McCormack moved to approve the Limited Delegation of Authority to the Board's Administrator to Offer Consent Agreements Resolving Complaints Involving Mail Order Pharmacies that Fail to File a New Application in a Timely Manner Following a Change in PIC through December 31, 2026. Seconded by Haar, Kane and Norberg in favor. Ahmed, Hamilton and White absent.

3. McCormack moved to approve the Limited Delegation of Authority to Board Administrator to Conduct Audits for Continuing Pharmacy Education ("CPE") Compliance and to Offer Consent Agreements in Instances of Non-Compliance through December 31, 2026. Seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2022-PHA-18246

McCormack moved to dismiss 2022-PHA-18246 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19336

McCormack moved to schedule 2023-PHA-19336 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)(10); 2) two (2) Warnings for (1) permitting unauthorized vaccine administration at the pharmacy, and (2) failing to provide requested documents in its possession; 3) Civil Penalty in the amount of \$2000.00, comprised of \$1000.00 for each warning seconded by Norberg. Haar and Kane in favor, Ahmed, Hamilton and White absent.

2022-PHA-18691

McCormack moved to dismiss 2022-PHA-18691 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Haar and Kane in favor, Ahmed, Hamilton and White absent.

2022-PHA-18715

McCormack moved to schedule 2022-PHA-18715 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) 10 M.R.S. § 8003-G); 5 M.R.S. § 5301 and 5302; and 32 M.R.S. § 13742-A(1)(A) 2) Reprimand, 3) License Revocation, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-18833

McCormack moved to dismiss 2023-PHA-18833 with a Letter of Guidance to include a reminder that licensee must cooperate with all Maine Board of Pharmacy Laws and Rules. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19380

McCormack moved to schedule 2023-PHA-19380 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); 2) Warning; 3) Civil Penalty in the amount of \$250.00; 40 three (3) hours of continuing education on the topic of ethics, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2023-PHA-18975

McCormack moved to dismiss 2023-PHA-18975 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19131

Haar moved to schedule 2023-PHA-19131 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rule Chapter 30 Section 1(17) for theft of drugs; 2) Reprimand; 3) License Revocation, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19271

Norberg moved to dismiss 2023-PHA-19271 with a Letter of Guidance to include a reminder that licensee the importance of protecting positive patient/client identification and confidentiality. Letter of Guidance to remain on file for a period of ten (10) years, seconded by McCormack. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19434

McCormack moved to dismiss 2023-PHA-19434 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2024-PHA-20042

McCormack moved to schedule 2024-PHA-20042 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rule Chapter 30, Section 17 for Unprofessional Conduct, and theft of non-drug merchandise while licensed to

practice pharmacy; 2) Reprimand, 3) License Revocation, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2024-PHA-20067

McCormack moved to schedule 2024-PHA-20067 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(1)(C) for unprofessional conduct, as more particularly defined by Board Rule Chapter 30, Section 1(15); 2) Warning; 3) Civil Penalty in the amount of \$500.00; 4) three (3) hours of continuing education on the topic of prescription misfills, seconded by Norberg. Kane in favor, Haar opposed. Ahmed, Hamilton and White absent.

2024-PHA-19196

McCormack moved to dismiss 2024-PHA-19196 with a Letter of Guidance to include a reminder of licensee obligations of Board Rule Chapter 34, Section 6. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2024-PHA-19352

McCormack moved to dismiss 2024-PHA-19352 with a Letter of Guidance to include a reminder of licensee obligations under Board Rule Chapter 11, Section 3. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19410

McCormack moved to dismiss 2023-PHA-19410 with a Letter of Guidance to include a reminder of licensee obligations under obligations under Board Rule Chapter 12, Section 5, which are not inconsistent with and supersede 10 M.R.S. § 8003-G. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19491

McCormack moved to dismiss 2023-PHA-19491 with a Letter of Guidance to include a reminder of licensee obligations under obligations under Board Rule Chapter 12, Section 5. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2023-PHA-19492

McCormack moved to dismiss 2023-PHA-19492 with a Letter of Guidance to include a reminder of licensee obligations under obligations under Board Rule Chapter 11, Section 3, which are not inconsistent with and supersede 10 M.R.S. § 8003-G. Letter of Guidance to remain on file for a period of ten (10) years, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2024-PHA-20085

Norberg moved to dismiss 2024-PHA-20085 with no evidence of a violation of the Board's law and rule, seconded by Haar. Kane and McCormack in favor. Ahmed, Hamilton and White absent.

2024-PHA-20273

McCormack moved to dismiss 2024-PHA-20273 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2024-PHA-20083

McCormack moved to dismiss 2024-PHA-20083 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Haar and Kane in favor. Ahmed, Hamilton and White absent.

2024-PHA-20081

Norberg moved to dismiss 2024-PHA-20081 with no evidence of a violation of the Board's law and rule, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2024-PHA-20082

Norberg moved to dismiss 2024-PHA-20082 with no evidence of a violation of the Board's law and rule, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2024-PHA-20084

Norberg moved to dismiss 2024-PHA-20084 with no evidence of a violation of the Board's law and rule, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2024-PHA-20086

Norberg moved to dismiss 2024-PHA-20086 with no evidence of a violation of the Board's law and rule, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

2024-PHA-20087

McCormack moved to dismiss 2024-PHA-20087 with a Letter of Guidance to include a reminder of licensee obligations under obligations under 32 M.R.S. § 13742-A(1)(C) for unprofessional conduct, as more particularly defined by Board Rule Chapter 30, Section 1(15). Letter of Guidance copy will also be sent to the retail pharmacy and to remain on file for a period of ten (10) years, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

SUBCOMMITTEE UPDATE REPORT

Presenter, Timothy McCormack, Esq., Public Board Member

McCormack spoke about the progress made with regard to Chapter 21(1) Central Prescription Processing and Chapter 4(B) Licensure by Endorsement. There will be discussions on these rules at the January 23, 2025 Sub-Committee meeting.

CORRESPONDENCE - WAIVER REQUEST

Pen Bay Hospital (HOS20)

Board President Kane tabled Pen Bay Hospital's waiver request of Board Rule Chapter 20 subchapter 2 –Automated Pharmacy Systems (Institutional Pharmacies).

Maine Veterans' Homes (CSP50001521 & CSP50001520)

McCormack moved to approve waiver request of Chapter 38, Section 4 – dual pharmacist in charge to Maine Veterans' Homes-MVH Pharmacies without time limitation, seconded by Haar. Kane and Norberg in favor. Ahmed, Hamilton and White absent.

PUBLIC OPPORTUNITY TO COMMENT

Nicole Cover, Director, Pharmacy Affairs, Walgreen Co. addressed the board with regard to the rulemaking process.

ADJOURN

There being no further business to discuss, McCormack moved to adjourn the meeting, seconded by Norberg. Haar nad Kane in favor. Ahmed, Hamilton and White absent.

Meeting adjourned at 2:16 p.m.

Prepared By: Meagan McLaughlin, Comprehensive Health Planner II
Board approved: April 3, 2025