



STATE OF MAINE
DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION

MAINE BOARD OF PHARMACY

35 STATE HOUSE STATION

AUGUSTA, MAINE

04333-0035

Janet T. Mills
Governor



Joan F. Cohen
Acting Commissioner

Maine Board of Pharmacy

Minutes of February 6, 2025, 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
Timothy McCormack, Esq., Public Member
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer

MEMBERS ABSENT

Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist

STAFF PRESENT

Geraldine L. Betts, Administrator
Reid Hayton-Hull, Assistant Attorney General, Board Counsel
Andrew Black, Assistant Attorney General, Board Counsel
Thomas Avery, Chief Field Investigator
Meagan McLaughlin, Comprehensive Health Planner II
Clark Phinney, Comprehensive Health Planner II
Dominic Cotone, Comprehensive Health Planner I
Celia Robinson, Comprehensive Health Planner I

ADJUDICATION HEARING

Hearing Officer Rebekah Smith, Esq. convened the hearing at 8:40 a.m. Amanda King represented herself and Assistant Attorney General John Belisle represented Board Staff. Hearing Officer Smith conducted a roll call vote to confirm that Board Members had access to the hearing exhibits with all members voting in the affirmative.

Office Location: 76 Northern Avenue, Gardiner, Maine 04345
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Following presentation of evidence and witness testimony, the Board made the following motions regarding the alleged facts in the Notice of Hearing.

The Board found that the Licensee had been untruthful and made inaccurate representations to the Board regarding the incidents that led to her arrests for crimes involving the use of alcohol. In light of the established significant misuse of alcohol, the Board did not find an objective proven demonstration that the Licensee had her sobriety under control. The Board noted that the Licensee's testimony about her present use of alcohol was not consistent. The Board was also concerned about the Licensee's failure to comply with the terms of the MPHP monitoring agreement and to address her positive test result and her inconclusive test result.

With regard to the first potential basis for denial of licensure identified in the Notice of Hearing, the Board determined that the Licensee's misuse of alcohol did not endanger the public health and welfare of patients. The Board noted the testimony of multiple former supervisors of the Licensee that the Licensee had not appeared at work intoxicated. While the Licensee's misuse was severe, the Board found that the preponderance of the evidence did not establish that the Licensee's misuse of alcohol endangered the health and welfare of the patients, which would have allowed the Board to deny her license pursuant to 32 M.R.S. Section 17342-A(1)(A).

With regard to the second potential basis for denial of licensure identified in the Notice of Hearing, the Board determined that the Licensee had not provided satisfactory evidence that her convictions for two crimes involving alcohol did not impair her ability to conduct, with safety to the public, the duties of a pharmacy technician as required by Board Rules Chapter 7, Section 1(2)(B).

The Board noted that the Licensee could potentially reapply in the future if she were able to demonstrate (1) one year of sobriety although any future application would be determined by the Board at that time.

The hearing adjourned at 12:40 p.m.

MINUTES REVIEW AND APPROVAL

December 4, 2024

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

APPLICATION REVIEW AND BOARD ACTION

Destanie M. Maranado

McCormack moved to preliminarily deny licensure to Destantie M, Maranado, License No. PT60019506 for the following 1) Admission to violation 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 or misstating the facts related to a theft conviction, seconded by Hamilton. Ahmed, Kane and Norberg in favor; Haar absent.

Calvin P. Limberg

Hamilton moved to approve and issue licensure with a letter of Guidance to Calvin P. Limberg, License No. PR69304. Letter of Guidance to reinforce knowledge of 10 M.R.S. § 8003(G)(2)(B), all licensees, including those with inactive licensure status, are required to report to the Board in writing any criminal convictions not

more than 10 days after the conviction, seconded by McCormack. Ahmed, Kane and Norberg in favor; Haar absent.

REVIEW AND APPROVAL

2024-PHA-19898 – Bruce A. Jarvi, PharmD

McCormack moved to approve extension to obtain evaluation as required by Mr. Jarvi's June 28, 2024, Decision and Order. Extension granted through August 18, 2025.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2023-PHA-19665

McCormack moved to dismiss 2023-PHA-19665 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19668

McCormack moved to dismiss 2023-PHA-19668 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19724

McCormack moved to schedule 2024-PHA-19724 for an adjudicatory hearing and offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(5) and Board Rule Chapter 30 § 1(17), for theft of drugs; 2) Reprimand; 3) License revocation, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19742

McCormack moved to dismiss 2024-PHA-19742 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19936

McCormack moved to dismiss 2024-PHA-19936 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-20111

McCormack moved to table 2024-PHA-20111, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-20261

McCormack moved to table 2024-PHA-20261, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-20277

McCormack moved to table 2024-PHA-20277, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

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2024-PHA-20354

McCormack moved to table 2024-PHA-20354, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19171

McCormack moved to table 2023-PHA-19171, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19209

McCormack moved to table 2023-PHA-19209, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19214

McCormack moved to table 2023-PHA-19214, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19351

McCormack moved to table 2023-PHA-19351, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19411

McCormack moved to table 2023-PHA-19411, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19412

McCormack moved to table 2023-PHA-19412, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19488

McCormack moved to table 2023-PHA-19488, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19849

McCormack moved to table 2024-PHA-19849, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2023-PHA-19551

McCormack moved to table 2023-PHA-19551, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19849

McCormack moved to table 2024-PHA-19849, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19847

McCormack moved to table 2024-PHA-19847, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19848

McCormack moved to table 2024-PHA-19848, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19850

McCormack moved to table 2024-PHA-19850, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-19853

McCormack moved to table 2024-PHA-19853, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024-PHA-20066

McCormack moved to table 2024-PHA-20066, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2022-PHA-18494

McCormack moved to table 2022-PHA-18494, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024 PHA 20245

McCormack moved to table 2024-PHA-20245, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024 PHA 20368

McCormack moved to table 2024-PHA-20368, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024 PHA 20418

McCormack moved to table 2024-PHA-20418, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

2024 PHA 20447

McCormack moved to table 2024-PHA-20447, seconded by Norberg. Ahmed and Kane in favor, Complaint Officer Hamilton abstained; Haar absent.

WAIVER REQUEST

Pen Bay Hospital

McCormack moved to table waiver request of Pen Bay Hospital, seconded by Norberg. Ahmed, Hamilton and Kane in favor, Haar absent.

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REQUEST FOR CONSIDERATION

Maine Academy of Physician Associates

McCormack moved to table request for consideration of Maine Academy of Physician Associates, seconded by Norberg. Ahmed, Hamilton and Kane in favor, Haar absent.

Maine Prevention Services

McCormack moved to table request for consideration of Maine Prevention Services, seconded by Norberg. Ahmed, Hamilton and Kane in favor, Haar absent.

MPJE ITEM DEVELOPMENT WORKSHOP

Presenter Jeri Betts, Regulatory Board Manager

McCormack moved to table MPJE Item Development Workshop, seconded by Norberg. Ahmed, Hamilton and Kane in favor, Haar absent.

TRAVEL

NABP 121st Annual Meeting

McCormack moved to table travel discussion of NABP 121st Annual Meeting, seconded by Norberg. Ahmed, Hamilton and Kane in favor, Haar absent.

2025 ELECTION OF OFFICERS

McCormack moved to table 2025 Election of Officers, seconded by Norberg. Ahmed, Hamilton and Kane in favor, Haar absent.

PUBLIC OPPORTUNITY TO COMMENT

(Board Chair Statement) “Under this item, the Board will offer an opportunity to members of the public in attendance to comment on any public matter under the jurisdiction of the Board. While the Board cannot take action on any issues presented, nor can it respond to or debate decisions made today, including matters relating to complaints cases. The board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board, a time limit on comments may be set.”

President Kane did not allow for public comment.

ADJOURN

There being no further business to discuss, McCormack moved to adjourn at 1:00 p.m., seconded by Hamilton. Ahmed, Kane and McCormack in favor, Haar absent.

Prepared By: Meagan McLaughlin, Comprehensive Health Planner II

Board approved: May 1, 2025