



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 April 3, 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 8:36 a.m.

**MEMBERS PRESENT**

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

**STAFF PRESENT**

Geraldine L. Betts, Administrator  
Reid Hayton-Hull, Assistant Attorney General, Board Counsel  
Adam Wood, Regulatory Health Compliance Agent  
Meagan McLaughlin, Comprehensive Health Planner II  
Clark Phinney, Comprehensive Health Planner II  
Dominic Cotone, Comprehensive Health Planner I  
Celia Robinson, Comprehensive Health Planner I

**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 continued efforts. Mr. Smith also reported on the success of vending machines in rural areas of Maine where Naloxone is available for free to anyone in need; and reported that mortality rates are down 21.8 % as of March 30, 2025.

**COMPLAINT CASE 2021-PHA-17293, Rebekah Smith, Esq.**

Hearing Officer Rebekah Smith, Esq. convened the hearing at 8:53 a.m. CarmarkPCS Pennsylvania Mail Pharmacy, LLC was represented by McElroy, Deutsch, Mulvaney & Carpenter, LLP and Assistant Attorney

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General Elizabeth Stivers represented Board Staff. Hearing Officer Smith conducted a roll call vote to confirm that Board Members had access to the documents with all members voting in the affirmative. Following the presentation of the Consent Agreement the Board made the following motion:

McCormack moved to accept the Consent Agreement for case No. 2021-PHA-17293 as written, seconded by Norberg, Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

## **MINUTES REVIEW AND APPROVAL**

*December 5, 2024*

Norberg moved to accept the minutes of December 5, 2024, as written, seconded by Hamilton. Unanimously voted.

## **CHAPTER 43: PRESCRIPTION, DISPENSING AND ADMINISTERING HIV PREVENTION DRUGS – Review public comments and vote on the basis statement and response to comment and adopt rule**

McCormack moved to accept basis statement, response to comments and adopt rule as drafted, seconded by Norberg. Unanimously voted.

## **COMPLAINT CASE NO. 2025-PHA-20618 – Emergency Summary Suspension Consideration**

McCormack moved to adopt order of immediate suspension amended per discussion for case 2025-PHA-20618 for violation of 32 M.R.S. § 13742-A(1)(A), misuse of alcohol, drugs, or other substances that may result in the licensee performing duties in a manner that endangers the health or safety of patients; 32 M.R.S. § 13742-A(1)(C), engaging in unprofessional conduct as defined by the Board Rule Ch. 30(1)(13) by “being unable to practice pharmacy or perform the duties of a pharmacy intern or pharmacy technician with reasonable skill and safety by reason of illness, use of drugs, narcotics, chemicals, or any other type of material.” Licensee will immediately be suspended from the practice of Pharmacy and schedule for adjudicatory hearing within 30 days. Seconded by Norberg, Ahmed, Haar and Kane in favor; Complaint officer Hamilton abstained.

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

*2024-PHA-20111*

Norberg moved to dismiss 2024-PHA-20111 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Haar, Ahmed, Kane and McCormack in favor; Complaint Officer Hamilton abstained.

*2024-PHA-20261*

Norberg moved to dismiss 2024-PHA-20261 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years seconded by McCormack, Ahmed, Haar and Kane and in favor; Complaint Officer Hamilton abstained.

*2024-PHA-20277*

Haar moved to dismiss 2024-PHA-20277 with no evidence of a violation of the Board’s law and rule, seconded by McCormack, Ahmed, Kane and Norberg in favor; Complaint Officer Hamilton abstained.

*2024-PHA-20354*

Norberg moved to dismiss 2024-PHA-20354 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Haar, Ahmed, Kane and McCormack in favor; Complaint Officer Hamilton abstained

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*2023-PHA-19171*

McCormack moved to dismiss 2023-PHA-19171 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19209*

McCormack moved to dismiss 2023-PHA-19209 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19214*

McCormack moved to dismiss 2023-PHA-19214 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19351*

McCormack moved to dismiss 2023-PHA-19351 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2022-PHA-18808*

McCormack moved to schedule 2022-PHA-18808 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. 8003(G); 2) Warning, 3) Civil Penalty in the amount of \$500.00, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2022-PHA-18848*

McCormack moved to schedule 2022-PHA-18848 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. 8003(G); 2) Warning, 3) Civil Penalty in the amount of \$250.00, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19411*

McCormack moved to dismiss 2023-PHA-19411 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19412*

McCormack moved to dismiss 2023-PHA-19412 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19488*

McCormack moved to dismiss 2023-PHA-19488 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19489*

McCormack moved to dismiss 2023-PHA-19489 with no evidence of a violation of the Board's law and rule, seconded by Haar. Ahmed, Kane and Norberg in favor; Complaint Officer Hamilton abstained.

*2023-PHA-19551*

Norberg moved to dismiss 2023-PHA-19551 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2024-PHA-19849*

McCormack moved to dismiss 2024-PHA-19849 with a Letter of Guidance to be drafted by the Assistant Attorney General and to remain on file for a period of ten (10) years, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2024-PHA-19847*

McCormack moved to schedule 2024-PHA-19847 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. 8003(G); 2) Reprimand, 3) Civil Penalty in the amount of \$3000.00, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2024-PHA-19850*

Norberg moved to dismiss 2024-PHA-19850 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2024-PHA-19853*

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

*2024-PHA-20066*

McCormack moved to dismiss 2024-PHA-20066 with no evidence of a violation of the Board's law and rule, and to grant waiver of Board Rule Chapter 8, Section 2(2), seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton abstained.

*2022-PHA-18494*

McCormack moved to schedule 2022-PHA-18494 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), 2) Reprimand; 3) License revocation, seconded by Norberg. Ahmed, Haar and Kane in favor, Complaint Officer Hamilton recused.

*2024-PHA-20245*

McCormack moved to dismiss 2024-PHA-20245 with no evidence of a violation of the Board's law and rule, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20368*

McCormack moved to schedule 2024-PHA-20368 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); Board Rule Chapter 30, Section 1(15); 2) Warning; 3) Civil Penalty in the amount of \$250.00; 4) Three (3) hours continuing education on the topic of preventing misfills, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20418*

Norberg moved to dismiss 2024-PHA-20418 with no evidence of a violation of the Board's law and rule, seconded by McCormack. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

**MOTION TO GO INTO EXECUTIVE SESSION**

Pursuant to 1 M.R.S. § 405(6)(F), Haar 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. Ahmed, Kane and Norberg in favor; Complaint Officer Hamilton recused.

Pursuant to 1 M.R.S. § 405(6)(F), Haar moved that the Board leave executive session by statute at 9:30 a.m. Pursuant to 10 M.R.S. § 8003-B(1), seconded by McCormack. Ahmed, Kane and Norberg in favor; Complaint Officer Hamilton recused.

*2024-PHA-20447*

McCormack moved to table 2024-PHA-20447 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2023-PHA-19347*

McCormack moved to table 2023-PHA-19347 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20040*

McCormack moved to table 2024-PHA-20040 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20039*

McCormack moved to table 2024-PHA-20039 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20038*

McCormack moved to table 2024-PHA-20038 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20037*

McCormack moved to table 2024-PHA-20037 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

*2024-PHA-20036*

McCormack moved to table 2024-PHA-20036 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

#### *2024-PHA-20035*

McCormack moved to table 2024-PHA-20035 for further investigation, seconded by Norberg. Ahmed, Haar and Kane in favor; Complaint Officer Hamilton recused.

### **WAIVER REQUEST**

Hamilton moved to table Pen Bay Hospital Waiver Request of Board Rule Chapter 20, Subchapter 2 and request staff to gather more information, seconded by Norberg. Unanimously voted.

### **REQUEST FOR CONSIDERATION**

Maine Prevention Services

*Request to partner with pharmacists to educate communities about 'Maine QuitLink'*

The Board agreed to take no action on this matter.

**Maine Academy of Physician Associates**

*Request related to routine license verification by pharmacists*

The Board agreed to take no action on this matter.

**Eli Lily and Company**

*Mounjaro and Zepbound supply update and patient safety concerns*

The Board agreed to take no action on this matter.

### **REQUEST FOR EXEMPTION**

**Novo Nordisk Pharmaceutical Industries, LP.**

*Request for exemption of insulin product registration fee, under 32 M.R.S § 13800-D, for period ending December 31, 2024.*

McCormack moved to deny Novo Nordisk Pharmaceutical Industries, LP. request for exemption, seconded by Hamilton. Unanimously voted.

### **PHARAMCY SUBCOMMITTTE ON RULEMAKING**

McCormack moved to accept proposed changes to Chapter 21 as amended by the Assistant Attonrey General, seconded by Hamilton. Unanimously voted.

McCormack moved to accept the proposed changes related to Chapters 1, 20-A, and 24 necessary for consistency with proposed revisions of Chapter 21, seconded by Hamilton. Unanimously voted.

### **TRAVEL**

NABP 121<sup>st</sup> Annual Meeting, May 13-16, 2025, Fort Lauderdale, FL

The Board agreed the following Board members will be in attendance:

Bradley Hamilton, Edward Kane and Eric Norberg.

### **2025 ELECTION OF OFFICERS**

The Board agreed to table election of officers to a later date.

### **PUBLIC OPPORTUNITY TO COMMENT**

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(Board President Statement) “Under this item, the Board may offer an opportunity to members of the public listening in 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 complaint cases that may be on the agenda. The board will listen to comments and may ask staff to place the issue on a subsequent agenda. At the discretion of the Board President a time limit on comments may be set.”

Nichole Cover, R.Ph. Director of Pharmacy Affairs, Walgreen Co.

Ms. Cover thanked the Board for their continued efforts regarding the rulemaking process.

#### ADJOURNMENT

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

*Prepared By: Meagan McLaughlin, Comprehensive Health Planner II*

*Board approved: May 1, 2025*