



MAINE DEPARTMENT OF PROFESSIONAL & FINANCIAL REGULATION  
Office of Professional and Occupational Regulation  
BOARD OF PHARMACY

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Janet T. Mills  
Governor

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**GUIDANCE PAPER #01-2020**  
**MAINE BOARD OF PHARMACY**  
(4/18/2020)

Many questions have risen about the practice of pharmacy and the Board's position during this coronavirus emergency. On April 10, 2020 the Board held a virtual board meeting to consider the many questions being asked by many individual. In lieu of responding individually to a person's or a group's question, this Guidance Paper will serve to provide answers to inquiries by topic. The Board reminds everyone that this information is for guidance and that everyone should continue to follow State and Federal laws and regulations.

Board of Pharmacy Members:

*Joe Bruno, R.Ph., Pharmacist Member & Board President*  
*Brad Hamilton, R.Ph., Chain Pharmacist & Board Vice-President*  
*Kevin Holland, R.Ph., Independent Pharmacist & Complaint Officer (absent)*  
*John House, R.Ph., Pharmacist Member*  
*Nicholas Haar, R.Ph., Hospital Pharmacist*  
*Linda Varrell, Public Member*  
*Edward Kane, Public Member*

**Dispensing Chloroquine, Hydroxychloroquine, and Azithromycin – Board Statement**  
[Statement of the Board of Pharmacy on Chloroquine, Hydroxychloroquine, and Azithromycin](#)

(Note: After the pharmacy board meeting - The following Statement was issued by the Board of Osteopathic Licensure and Board of Licensure in Medicine) [Joint Statement of The Board of Osteopathic Licensure And The Board of Licensure In Medicine on Prescribing Chloroquine, Hydroxychloroquine, And Azithromycin](#)

**Telehealth / Telepharmacy**

Governor Mills issued Executive Order #35 FY 19/20 April 6, 2020 (see ref. below) allowing a pharmacist, pharmacy intern and pharmacy technician to “provide necessary health care services permitted by their licenses through the use of all modes of telehealth, including video and audio, audio-only, or other electronic media. To the extent that requirements of any state patient privacy or confidentiality law, including but not limited to 22 M.R.S. § 1711-C, would in any way prevent, hinder, or delay the provision of health care services through the use of telehealth authorized by this Order, enforcement of that law is hereby suspended. This Order does not expand the scope of practice of any type of license.” The Board interprets the term ‘telehealth’ and ‘telepharmacy’ as comparable activities.

## **Remote Data Processing / Work From Home**

Many inquired about the Board's position on pharmacists, pharmacy interns, and pharmacy technicians working from a remote location, such as home-base. The Board agrees that tasks such as; data entries, DUR reviews, third party management, phone calls, supervision, and etc. may be performed remotely. The Board agrees that filling prescription drug orders or the handling of prescription drug products are not permitted tasks outside a licensed pharmacy facility. The Board strongly advises that wherever remote processing occurs that cybersecurity be maintained, and patient confidentiality and HIPAA regulations are adhered to with the best possible intent. Intent is that patients receive prescription drug treatment and services by telehealth/telepharmacy systems during the coronavirus event.

## **Pharmacist, Pharmacy Interns, Pharmacy Technicians Working Across State Lines**

Q: Can a person work in Maine who holds an active license (Pharmacist, Pharmacy Intern or Pharmacy Technician) issued by another State?

A: To practice in Maine, you must hold a Maine license. However, Governor Mills's Executive Order #35 FY 19/20, section D, authorizes the Board to issue a Maine Temporary license to a person who holds a valid license from another state, which will be valid until 60 days after the conclusion of the declared state of civil emergency unless surrendered. There are conditions of licensure in good standing as described in the Order. The Temporary application is available online at [www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing) or you may contact the Board's office at [pharmacy.lic@maine.gov](mailto:pharmacy.lic@maine.gov) to request one be sent to you by email. Upon completing the application return it by email to [pharmacy.lic@maine.gov](mailto:pharmacy.lic@maine.gov) with this statement noted in the *email subject line: OOS TEMPORARY LICENSE REQUESTED*. There is no cost for the Temporary license and the application will be expedited quickly within about 24 hours. If applicable, the Board will consider the NABP Passport, however, all matter must be compliant with the Maine requirement.

## **Maine Pharmacist, Pharmacy Intern, Pharmacy Technician License Request for Licensure Reinstatement**

Pursuant to Governor Mills Executive Order #35 FY 19/20, Section C, a person who held an active Maine pharmacist, pharmacy intern, pharmacy technician license within the past three years of the date of the Order (April 6, 2020) may apply to have their license reinstated providing that the license was in good standing. The Reinstatement Temporary application is available online at [www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing) or you may contact the Board's office at [pharmacy.lic@maine.gov](mailto:pharmacy.lic@maine.gov) to request one be sent to you by email. Upon completing the application return it by email to [pharmacy.lic@maine.gov](mailto:pharmacy.lic@maine.gov) with this statement noted in the *email subject line: REINSTATEMENT TEMPORARY LICENSE REQUESTED*. There is no cost for the Reinstatement Temporary license and the application will be expedited quickly within about 24 hours. The license shall remain valid until 60 days after the conclusion of the declared state of civil emergency unless surrendered.

## **Pharmacist/Pharmacy Technician Ratio Waiver Request**

The question was asked of the Board to waive the pharmacist/pharmacy technician ratios. Maine does not require pharmacist/pharmacy technician ratios. This was removed from rule several years ago and decided by the Board to leave the matter of appropriate ratio to the good judgement of the pharmacy and pharmacist-in-charge. The Board recognizes and encourages all pharmacists to use sound professional judgement during these difficult times.

## **Pharmacy Hours – Deviations / Changes**

Current rules require a pharmacy to be open a minimum of 40 hours unless a waiver is granted by the Board and that any division of the pharmacy's posted schedule must be reported to the Board if the deviation is greater than 4 hours. Because of the current unprecedented event with the COVID-19 virus, the Board strongly encourages pharmacies to report changes to their posted pharmacy schedule, which may easily be reported by email to [pharmacy.lic@maine.gov](mailto:pharmacy.lic@maine.gov). Please list *PHARMACY HOUR DEVIATION REPORT* in the subject line of the email. The Board also reminds everyone that any deviation or change to its posted schedule should be updated for public knowledge and placed where it may readily be seen outside the pharmacy, including the pharmacy's phone line and the pharmacy's website. Patients must be properly notified on how to pick up or obtain their prescription medication should the pharmacy be closed at any point in time.

## **Emergency Supply**

The Board understands the difficulties that pharmacists may be having with contacting a patient's medical provider during this healthcare crisis. The Board does not have statutory authority over emergency refills and would require a statute change or at this time, an Executive Order. The Board is aware that patients must have their prescription medication and urges pharmacists to again use their clinical expertise and professional judgement to determine whether to issue an emergency supply to allow time to make contact with the medical provider. The emergency supply should only be for maintenance medications and at no time, a controlled substance. If the pharmacist authorizes an emergency supply the Board strongly advised the pharmacist to document all attempted contact with the medical provider, method of contact such as, phone (notation of message(s) left, fax, email before making the decision to dispense. Document, document, document is key. If an investigation is required, the Board will ask for the documented details on contact attempts in balance of professional judgement used to extend a refill.

Caution is advised to pharmacists on early prescriptions refills. The Board does not advise filling of a controlled substance prescriptions too early to avoid triggering opioid mismanagement and reminds its pharmacists of their corresponding responsibility during the dispensing of controlled substances. Balancing the risks is equally important and crucial to ensure that patients receive their prescription medication, but not at the risk of mismanagement of prescription medication by the patient, whether intentional or unintentional.

## **Therapeutic Substitutions**

Q: Does the Board permit therapeutic substitutions or interchange due to concerns over access and short supplies during the coronavirus event?

A: The Board is not authorized by law to permit therapeutic substitutions. However, the Board recognizes and understands everyone's concerns with product availability during this time. The Board is requesting through appropriate channels consideration for an Executive Order to allow pharmacists to perform emergency refills of maintenance prescription drugs and to allow therapeutic interchange when the pharmacist is unable to reach the patient's medical provider and immunity for the pharmacist given these circumstances. However, the Board is confident that a pharmacist will use their clinical expertise and professional judgement for any non-controlled medication when the pharmacist is unable to reach the patient's medical provider to dispense a prescription or for purposes of a therapeutic interchange. Remember, documenting your inability to reach the medical provider is critical.

## **Sterile Compounding**

1) Q: What is the Board's position on Clean Room Certifications and PPE (personal protective equipment)?

A: The Board advises that everyone should reference the April 2020 FDA Guidance for Industry on Temporary Policy Regarding Non-Standard PPE Practices for Sterile Compounding (personal protective equipment). <https://www.fda.gov/media/136841/download> The Board will be lenient with compliance with USP 797.

2) Q: Can compounding be performed in one hospital pharmacy and sent to another hospital pharmacy when the two hospitals are under the same ownership?

A: The Board does not license hospital pharmacies and, therefore, cannot advise.

## **Prescription Transfer By A Pharmacy Technician**

A pharmacy technician may transfer prescriptions, except for controlled substance prescriptions.

## **Pop-up Pharmacy Facilities And Temporary Pop-up Hospital Facility**

The Board does not have a provision for a temporary license for pharmacies that may set-up/pop-up temporarily. All pharmacy facilities must be appropriately licensed in Maine.

In the case of a pop-up hospital facility, the Board does not regulate hospitals or hospital pharmacies and, therefore, cannot advise. The Board only regulates the practicing pharmacists, pharmacy interns, and pharmacy technicians.

## **Wholesale Distributor Licensed In Most States Ships From Its Distribution Center In Another State Into Maine Without Obtaining A Maine License**

Not permitted, a wholesale distributor license issued by the Maine Board of Pharmacy is required to ship prescription drugs into Maine. The Board will make every effort to expedite applications as quickly as possible for applications that are fully completed.

### **Pharmacy Employee Safety**

Q: What is the Board's position with providing employees with safety equipment and the number of people in a location?

A: The Board takes no position on the actions by a company who provides safety equipment to employees. However, the Board encourages pharmacies to review current Federal and State guidelines and CDC recommendations.

The Board encourages pharmacists to stay advised to adhere to current U.S. Centers for Disease Control guidelines. The Board does strongly advise that the directive under Governor Mills Order #28 FY 19/20 (see ref. below) An Order Regarding Further Restrictions on Public Contact and Movement, Schools, Vehicle Travel, and Retail Business Operations be strictly followed.

### **CPR (Cardiopulmonary Resuscitation)**

Q: Can the Board waive or extend the expiration date of a CPR certificate?

A: No. The cardiovascular life support training (CPR) is only required for purposes of initial certification for authorization to administer drugs and vaccines but encourages on-going re-certification for CPR training. The Board has no control over an expiration date on the CPR certificate.

### **Waive The 5% Limit On Prescriptions Sent By Mail Within Maine And Mail Order Pharmacies Located Outside Maine, But Not Licensed in Maine**

The 5% limit referenced is related to the sale of a prescription drug by a retail pharmacy to licensed practitioners;

Rule Chapter 1, Section 36(6) "The sale of a drug by a retail pharmacy to licensed practitioners for office use when the total annual dollar volume of prescription drugs sold to licensed practitioners does not exceed five (5) percent of that pharmacy's total annual prescription drug sales;"

This rule does not apply to a pharmacy mailing prescription medication orders directly to patients. There is no limit on the number of prescription orders sent by mail by the pharmacy to the patient. Nor is a pharmacy located and licensed in Maine required to get a Maine Mail Order Pharmacy license to mail prescriptions to a Maine citizen.

A pharmacy located in another State is required to obtain a Maine Mail Order Pharmacy license, however, in light of the unprecedented coronavirus event, the Board will be lenient during the state of civil emergency on a mail-order pharmacy located out of state that ships a prescription drug order to a Maine citizen. The Board is interested in making sure that patient safety is first and foremost in everyone's mind and strongly express the importance of using sound judgment and "common sense" at all levels.

## **Alternative Prescription Drug Order Delivery Methods To Patients**

The Board supports and encourages pharmacies to find alternative ways of delivering prescription medications to patients, including controlled substance medication, to patients so that there is little to no personal interaction and supporting social distancing measures. Among features to consider is curbside delivery, by post mail or other mail systems, pharmacy drive-thru, and third-party delivery. Check with the mail carrier for any restrictions and precautions and safeguards should always be considered when delivering controlled substances.

## **Long Term Care Facility - Drug Destruction Without Oversight Of A Consultant Pharmacist**

Q: Can a Long-Term Care (LTC) facility destroy narcotics without a consultant pharmacist participating on site?

A: The Board regulates drug destruction for facilities licensed by the Board, not LTC facilities. However, the Board advises that destruction of controlled substances should be guided by federal regulation recommendations.

Q: As a pharmacy that fills prescriptions for residents of an LTC facility, there may be a situation with residents who may test positive for COVID-19 being quarantine in an off-site temporary location, such as nearby college dormitory during their quarantine. These patients may require emergency medication. Can we set up a temporary Emergency Medication Box for the benefit of residents who may be quarantined outside their LTC facility?

A: Yes, an Emergency Medication Box is permitted. Every effort should be taken to ensure LTC residents who are subject to quarantine have access to necessary medication.

## **NAPLEX Score Transfer Invalid After One-Year And Impact to Students Unable to Take The NAPLEX / MPJE Examinations**

The Board understands that many testing centers are closed preventing students from taking examinations, which in turn delays licensure. Some testing centers are beginning to open with limited access to ensure social distancing. During this civil emergency the Board will consider waiving the 1-year Score Transfer limitation on a case by case basis.

The Board recommends that students visit the NAPB / PearsonVUE website for updates on testing sites. Pharmacists are considered essential and some priority may be given by testing sites for students to test.

## Can pharmacies / pharmacist order and administer COVID-19 tests

Yes. Please refer to U.S. DHHS April 8, 2020 Guidance for Licensed Pharmacists, COVID-19 Testing, and Immunity under the PREP Act <https://www.hhs.gov/sites/default/files/authorizing-licensed-pharmacists-to-order-and-administer-covid-19-tests.pdf>

Priorities for testing patients with suspected COVID-19 infection are available at <https://www.cdc.gov/coronavirus/2019-ncov/downloads/priority-testing-patients.pdf>

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References for Executive Orders referenced within this document and Executive Orders that may be of interest

- [Executive Order 23: An Order Suspending Provisions of the Maine Pharmacy Act and Related Rules in Order to Facilitate the Continuation of Out-Ofstate Clinical Trials of Investigational Drugs During the Covid- 19 Pandemic \(PDF\)](#) - 3/26/2020
- [Executive Order 28: An Order Regarding Further Restrictions on Public Contact and Movement, Schools, Vehicle Travel and Retail Business Operations \(PDF\)](#) - March 31, 2020
- [Executive Order 28-A: An Order Updating Executive Order 28 Fy 19/20 \(PDF\)](#) - 4/10/2020
- [Executive Order 35: An Order Suspending Enforcement of Provisions of Certain Licensing Statutes and Rules in Order to Facilitate Health Care and Veterinary Care During the State of Emergency Created by COVID-19 \(PDF\)](#) - 4/6/2020

~ End ~