

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 28, 2023, Board of Pharmacy Workshop

The meeting began at 9:20 a.m.

**MEMBERS PRESENT**

Edward Kane, Esq., Public Member, Board President  
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer  
Eric Norberg, R.Ph., Board Member, Vice President  
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist  
Cassandra White, PharmD, R.Ph., Pharmacist  
Timothy McCormack, Esq., Public Member (*left at 11:00 a.m.*)

**MEMBERS ABSENT**

Abdifatah Ahmed, PharmD, R.Ph., Board Member

**STAFF PRESENT**

Geraldine L. Betts, Administrator  
Jessica Gowell, Comprehensive Health Planner II  
Jennifer Willis, Assistant Attorney General, Board Counsel

**Opioid Crisis and Board Rule Chapter 36 Licensure of Opioid Treatment Programs / MAT**

Gordon Smith, Office of the Governor, Director of Opioid Response commented on the opioid crisis and requested the Board's consideration to review Board Rules Chapter 36 - Licensure of Opioid Treatment Programs as it creates a third level of regulation and recommends that the Board consider repealing the rule.

Hamilton moved to begin the process to repeal Board Rules Chapter 36 - Licensure of Opioid Treatment Programs, seconded by Harr. Unanimously voted.

**Pharmacist working conditions and public health interest**

Administrator Betts reminded the Board about LD 275, a Resolve before the 131<sup>st</sup> Legislature directing the Board to study pharmacist workplace conditions. The Board is a regulatory agency and does not have oversight over employment conditions. For this reason the Office testified in opposition of this bill. The Legislature is considering changing the Resolve to redirect the study to a Legislative study. The Board would like to explore rules that would hold the pharmacy owner responsibility for the operation of a pharmacy as opposed to the pharmacist in charge.

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76 NORTHERN AVENUE, GARDINER, MAINE

**Pharmacist in charge duties and responsibilities required by rule**

The Board agrees pharmacists in charge are responsibility for some aspects of the operation of pharmacy that they have no control over. The Board expressed interest in reviewing current rules to identify the duties and responsibilities of a PIC and amend the rules to reflect how pharmacies currently operate. Administrator Betts informed the Board they first need to complete the process for rulemaking regarding laws that were passed from the 130<sup>th</sup> Legislature related to Access to HIV Prevention Medications, Telehealth, Licensure for Credentialed Individuals from Other Jurisdictions and Licensure by Endorsement and repealing Board Rules Chapter 36 - Licensure of Opioid Treatment Programs as just discussed. McCormack volunteered to assist for the review of all chapters, White volunteered to assist with the rulemaking related to the areas identified by Ms. Betts.

**Central fill drug outlet and the retail drug outlet – Performing the Final Check, is there duplication?**

The Board agreed that Board Rule Chapter 21 Section 5 states the central fill drug outlet, and the retail drug outlet or other health care facility shall both perform a final check. The Board is agreeable to amend the rule in the all-chapter review of rules, but at this time the rule is in place and requires compliance.

**Immunization (IMZ) updates and pharmacy technician administration updates**

Administrator Betts provided an update to the Board on LD 1151 An Act to Decrease Barriers for Preventive Health Services by Allowing Pharmacy Technicians to Administer Vaccines currently before the 131<sup>st</sup> Legislature. The bill would allow a pharmacy technician to continue to become certified to administer vaccines upon expiration of the PREP Act.

**Telehealth Services 32 M.R.S., Subchapter 15, §§ 13848 – 13849-C**

Reminder that the Board needs to adopt rules related to telehealth services.

**FDA Drug Supply Chain Security Act (DSCSA)**

Administrator Betts informed the Board that the 10-year rollout of DSCSA is in its final phase and timeline for compliance is November 2023. She advised that the Board should consider the impact, if any, on product tracking requirements for manufacturers, repackagers, wholesale distributors and dispensers.

**Board strategic plan**

Administrator Betts informed the Board that NABP may have information related to strategic planning.

There being no further business the workshop ended at 11:50 a.m.

*Prepared By: Jessica Gowell, Comprehensive Health Planner II*  
*Board approved: June 1, 2023*