

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 April 6, 2023, 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 8:30 a.m.

MEMBERS PRESENT

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

MEMBERS ABSENT

Cassandra White, PharmD, R.Ph., Pharmacist

STAFF PRESENT

Geraldine L. Betts, Administrator
Thomas Avery, Chief Field Investigator
Adam Wood, Regulatory Health Compliance Agent
Jennifer Willis, Assistant Attorney General, Board Counsel
Jessica Gowell, Comprehensive Health Planner II
Dominic Cotone, Comprehensive Health Planner I
Meagan McLaughlin, Comprehensive Health Planner I

MINUTES REVIEW AND APPROVAL

March 2, 2023

Haar moved to accept the minutes of March 2, 2023, as presented, seconded by Norberg. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2022-PHA-18382

McCormack moved to deny the request for reconsideration and offer the same consent

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

agreement. Motion withdrawn.

Ahmed moved to grant the renewal application and dismiss 2022-PHA-18382 with a Letter of Guidance regarding the importance of complying with reporting/disclosure requirements, The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Harr. Kane, Norberg, Haar, and Ahmed in favor. McCormack opposed. Complaint Officer Hamilton abstained.

2022-PHA-18778

Harr moved to schedule 2022-PHA-18778 for an adjudicatory hearing and to offer a Consent Agreement in include the following: 1) Admission to violation of Board Rule Chapter 8 Section 6, Paragraph 2; 2) Warning and 3) \$250.000 fine, seconded by Ahmed. Kane, Norberg, Haar, Ahmed and McCormack in favor. Complaint Officer Hamilton abstained.

2022-PHA-18809

McCormack recused, audio and video was turned off.

Norberg moved to dismiss 2022-PHA-18809 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Kane, Norberg, Haar and Ahmed in favor. McCormack recused. Complaint Officer Hamilton abstained.

2023-PHA-19065

Hamilton recused, audio and video was turned off

Assistant Attorney General, Jennifer Willis provided the Board with an update regarding 2023-PHA-19065, this case will be presented to the Board at a future meeting.

RULEMAKING – REVIEW AND ACCEPT THE BASIS STATEMENT AND RESPONSE TO COMMENTS

Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets (New)

McCormack moved to reopen rulemaking regarding Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets, seconded by Hamilton. Unanimously voted.

Hamilton moved to adopt finding #1. The Board finds that it would be inconsistent with 32 M.R.S. §§ 13795-13796, as well as Maine Board of Pharmacy Rule 02-392 C.M.R. Ch. 21, §11(2) which prevent methamphetamine precursors from being sold without appropriate oversight to allow the sale of methamphetamine precursors via vending machine outlets, seconded by Norberg. Unanimously voted.

Hamilton moved to adopt finding #2. The Board finds that the proposed rule's description of how to effect payment may be unnecessarily specific, seconded by Harr. Unanimously voted.

Hamilton moved to adopt finding #3. The Board finds that the proposed rule's reference to a physical "structure" may unnecessarily limit the placement of a vending machine outlet, seconded by Haar. Unanimously voted.

Hamilton moved to adopt finding #4. The Board finds that when a vending machine operator intends to relocate an existing machine, the Board wants the same information as would be provided in an initial application, seconded by Haar. Unanimously voted.

Hamilton moved to accept the modifications to the Basis Statement and Response to Comments regarding the specific finding above seconded by Haar. Unanimously voted.

APPLICATION REVIEW AND BOARD ACTION

Andrea Ogwudiegwu, PT60017763 (Initial)

Hamilton moved to accept staff's recommendation and grant licensure to Andrea Ogwudiegwu, PT60017763 as presented, seconded by Norberg. Unanimously voted.

Desiree Bureau, PT60016493 (Initial)

Hamilton moved to accept staff's recommendation and grant licensure to Desiree Bureau, PT60016493 as presented, seconded by Norberg. Unanimously voted.

COMMUNICATION TO LICENSEES ON COMPLIANCE WITH BOARD RECORDS REQUESTS – DISCUSSION AND VOTE

McCormack moved to adopt the communication advising and educating licensees on the requirements for producing records pursuant to Board Rule Chapter 24 and requests staff send the communication via email to all licensees, post the communication the website and send a GovDelivery notice to subscribers, seconded by Norberg. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

No comments.

ADJOURN

There being no further business Hamilton moved to adjourn at 9:25 a.m., seconded by Ahmed. Unanimously voted.

*Prepared By: Jessica Gowell, Comprehensive Health Planner II
Board approved: May 4, 2023*