

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 7, 2022 Board Meeting

Virtual Meeting Public Notification and Hearing/Viewing Instructions Provided at the Opening of the Meeting by Board President Bradley Hamilton.

CALL TO ORDER

President Hamilton called the meeting to order at 8:30 a.m.

MEMBERS PRESENT

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

STAFF PRESENT

Geraldine L. Betts, Administrator
Thomas Avery, Chief Field Investigator
Andrew Black, Assistant Attorney General, Board Counsel
Jessica Gowell, Professional Licensing Supervisor
Dominic Cotone, Office Specialist II

MINUTES REVIEW AND APPROVAL

February 3, 2022

Norberg moved to accept the minutes of February 3, 2022 as amended due to a typographical error, seconded by Harr. Unanimously voted. Ahmed abstained.

BOARD CONSIDERATION AND ACTION ON RULEMAKING

McCormack moved to adopt the basis statement and the joint rule with the Board of Nursing on Collaborative Drug Therapy Management, seconded by Ahmed. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

Harr recused, audio and video turned off.

2021-PHA-17338 & 2021-PHA-17653

Licensing (207)624-8620
Main Receptionist (207)624-8603
TTY users call Maine relay 711



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

McCormack moved to schedule 2021-PHA-17338 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 30 §1 (16) and (18) and Board Rules Chapter 30 §1 (28); 2) Reprimand and 3) License revocation, seconded by White. Unanimously voted. Harr recused.

2021-PHA-17702

Case will be presented at a future board meeting.

2021-PHA-17876

Case will be presented at a future board meeting.

2021-PHA-17885

Kane moved to dismiss 2021-PHA-17885 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted.

2021-PHA-17929

Norberg moved to dismiss 2021-PHA-17929 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted.

2021-PHA-17946

Kane moved to dismiss 2021-PHA-17946 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted.

2021-PHA-17947

Norberg moved to dismiss 2021-PHA-17947 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted.

2021-PHA-17956

Kane moved to dismiss 2021-PHA-17956 with a Letter of Guidance regarding substituting brand name medication for generic medication. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Norberg. Unanimously voted.

2022-PHA-18020

McCormack moved to dismiss 2022-PHA-18020 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted.

2022-PHA-18048

Kane moved to dismiss 2022-PHA-18048 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted.

2022-PHA-18134

McCormack moved to impose an immediate suspension of license in the matter of 2021-PHA-18134 for a period not to exceed thirty (30) days pursuant to 5 M.R.S. § 10004(3); The Board found that continued licensure will pose an immediate jeopardy to the public and failure to suspend the license will fail to adequately respond to the known risk, seconded by Norberg. Unanimously voted.

McCormack moved that sufficient evidence exists to schedule 2021-PHA-18134 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) and Board Rules Chapter 30 § 1(17); 2) Reprimand; and 3) Revocation and in alternative to offer an interim consent agreement for a voluntary suspension which voluntary suspension shall remain in effect until such time as the Board takes final action, seconded by Norberg. Unanimously voted.

2022-PHA-18154

McCormack moved to impose an immediate suspension of license in the matter of 2021-PHA-18154 for a period not to exceed thirty (30) days pursuant to 5 M.R.S. § 10004(3); The Board found that continued licensure will pose an immediate jeopardy to the public and failure to suspend the license will fail to adequately respond to the known risk, seconded by White. Unanimously voted.

McCormack moved that sufficient evidence exists to schedule 2021-PHA-18154 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) and Board Rules Chapter 30 § 1(17); 2) Reprimand; and 3) Revocation and in alternative to offer an interim consent agreement for a voluntary suspension which voluntary suspension shall remain in effect until such time as the Board takes final action, seconded by White. Unanimously voted.

**REPORT OF PHARMACY HOURS OF OPERATION AND HOURS OF OPERATION
DEVIATION**

Walgreen Eastern Co Inc., PH50001296
Walgreen Eastern Co Inc., PH50001321
Walgreen Eastern Co Inc., PH50001350
Walgreen Eastern Co Inc., PH50001567
Walgreen Eastern Co Inc., PH50001569
Walgreen Eastern Co Inc., PH50001574
Walgreen Eastern Co Inc., PH50001585
Walgreen Eastern Co Inc., PH50001586
Walgreen Eastern Co Inc., PH50001589
Walgreen Eastern Co Inc., PH50001592
Walgreen Eastern Co Inc., PH50001593
Walgreen Eastern Co Inc., PH50001597
Walgreen Eastern Co Inc., PH50001599
Walgreen Eastern Co Inc., PH50001604
Walgreen Eastern Co Inc., PH50001608
Walgreen Eastern Co Inc., PH50001610
Walgreen Eastern Co Inc., PH50001612
Walgreen Eastern Co Inc., PH50001613
Walgreen Eastern Co Inc., PH50001619
Walgreen Eastern Co Inc., PH50001630
Walgreen Eastern Co Inc., PH50001634
Walgreen Eastern Co Inc., PH50001635
Walgreen Eastern Co Inc., PH50001637

Walgreen Eastern Co Inc., PH50001639

The Board reviewed the reports on pharmacy hours of operation and hours of operation deviation and requested staff to determine any instances the pharmacy operated less than 40 hours a week.

APPLICATION, REVIEW AND BOARD ACTION

Monica B Daskam, PT60016878 (Initial)

Kane moved to table action and to request further information from the applicant, seconded by McCormack. Unanimously voted.

BOARD ACTION ON WAIVER REQUEST

Northern Light Mayo Hospital, HOS33, Lindsay Pelletier, Director of Pharmacy, Board Rules Chapter 20 Subchapter 2

Harr moved to grant the waiver request of Board Rules Chapter 20, Subchapter 2, Section 4, Subsection 1(C) Access to Automated Pharmacy Systems Health Care Professional; Corrections Personnel; Professionals who may remove drugs from dispensing machines at point of care locations and Board Rule Chapter 20 Subchapter 2, Section 11 (2) 2-Way Communication. The waiver is not transferable and is solely granted based on the information presented. Any change in any conditions requires reconsideration by the Board and this current waiver would become void, seconded by White. Unanimously voted.

CORRESPONDENCE

Dr. George L. Oestreich, G.L.O. & Associates on behalf of RxE2 regarding Clinical Trials

The Board reviewed the correspondence and thanks Dr. George Oestreich for the introductory letter and requests staff to provide him the laws and rules for reference.

ELECTION OF OFFICERS FOR 2022

Hamilton moved to nominate and elect Edward Kane as President, seconded by McCormack. Unanimously voted.

Kane moved to nominate and elect Eric Norberg as Vice President, seconded by McCormack. Unanimously voted.

Kane moved to nominate and elect Bradley Hamilton as Complaint Officer, seconded by McCormack. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

Gordon Smith, Director of Opioid Response thanked Bradley Hamilton for his months of serving as the Board's President, congratulated Edward Kane on his new role as the Board President as well as welcomed Abdifatah Ahmed to the Board. Gordon Smith stated it's a very dangerous time with regards to illicit street drugs with a record setting number of deaths.

Fred Barlow thanked the board regarding looking into pharmacy closures.

Kevin Day, pharmacist at Maine Medical Center stated this is his first board meeting he has been able to join and hopes with in person meetings, the public will be able to participate via zoom.

ADJOURN

There being no further business Norberg moved to adjourn at 11:09 a.m., seconded by Ahmed. Unanimously voted.

*Prepared By: Jessica Gowell, Professional Licensing Supervisor
Board approved: June 2, 2022*