

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
Unofficial Draft Minutes of August 3, 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
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist
Timothy McCormack, Esq., Public Member
Cassandra White, PharmD, R.Ph., Pharmacist
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist (*joined meeting at 9:45 a.m.*)

MEMBERS ABSENT

Eric Norberg, R.Ph., Pharmacist, Vice President

STAFF PRESENT

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

STAFF ABSENT

Jessica Gowell, Comprehensive Health Planner II

MINUTES REVIEW AND APPROVAL

June 1, 2023

White moved to accept the minutes of June 1, 2023, as presented, seconded by Haar. Kane, Haar, McCormack and White in favor. Hamilton and Ahmed recused.

REVIEW OF BOARD DUTIES AND RESPONSIBILITIES – Assistant Attorney General,

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

Jennifer Willis

Assistant Attorney General, Jennifer Willis provided the Board a review of Board duties, responsibilities, and the adjudicatory hearing process.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2022-PHA-18773

White moved to dismiss 2022-PHA-18773 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2022-PHA-18801

White moved to dismiss 2022-PHA-18801 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2022-PHA-18805

Haar moved to dismiss 2022-PHA-18805 with a Letter of Guidance producing requested documents concerning a pending complaint or proceeding or any matter under investigation. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Ahmed. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-18847

Haar moved to table action to allow final investigative steps, seconded by White. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-18858

White moved to dismiss 2023-PHA-18858 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-18911

White moved to dismiss 2023-PHA-18911 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19031

McCormack moved to dismiss 2023-PHA-19031 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19104

White moved to dismiss 2023-PHA-19104 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19126

White moved to dismiss 2023-PHA-19126 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19127

White moved to dismiss 2023-PHA-19127 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19129

Haar moved to dismiss 2023-PHA-19129 with no evidence of a violation of the Board's Laws and Rules, seconded by McCormack. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19163

White moved to schedule 2023-PHA-19163 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 Rule Chapter 30, §15, 2) Warning, 3) 500.00 fine and 4) Completion of three (3) hours of continuing education in preventing prescription errors and misfills to be completed within ninety days of the execution of the Consent Agreement and proof of completion submitted within thirty (30) days of completion. The continuing education credits may not be used to fulfill the continuing education required for relicensure, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19164

White moved to schedule 2023-PHA-19164 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 Rule Chapter 30, §15, 2) Warning, 3) 500.00 fine and 4) Completion of three (3) hours of continuing education in preventing prescription errors and misfills to be completed within ninety days of the execution of the Consent Agreement and proof of completion submitted within thirty (30) days of completion. The continuing education credits may not be used to fulfill the continuing education required for relicensure, seconded by Haar. Unanimously voted. Complaint Officer Hamilton abstained.

2023-PHA-19176

McCormack moved to schedule 2023-PHA-19176 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 Rule Chapter 30, §15, 2) Censure, 3) 750.00 fine and 4) Completion of six (6) hours of continuing education completing three (3) hours in preventing prescription errors and misfill and three (3) hours in proper pharmacy work-flow management to ensure proper filling, to be completed within ninety days of the execution of the Consent Agreement and proof of completion submitted within thirty (30) days of completion. The continuing education credits may not be used to fulfill the continuing education required for relicensure, seconded by White. Unanimously voted. Complaint Officer Hamilton abstained.

NABP REPORT UPDATE FOR BOARD APPROVAL AND SUPPORT

Cassandra White appointed to serve on the NABP Committee on Law Enforcement/Legislation.
The Board discussed the NABP appointment for Cassandra White. No action taken.

TRAVEL

NABP, District 1 & 2 Meeting, September 20-22, 2023, Atlantic City, NJ

Haar moved for Cassandra White to attend, seconded by Kane. Unanimously voted.

White moved for Administrator Bett's to attend, seconded by Haar. Unanimously voted.

ELECTION OF OFFICERS FOR 2023

Hamilton moved to remain the same slate of officers for the remainder of 2023. Hamilton as Complaint Officer, Kane as Board President, and Norberg as Vice-President, seconded by McCormack. Unanimously voted.

RULEMAKING

Repeal Chapter 36 Opioid Treatment Programs and to Amend Chapters 1, 13, and 25.
Hamilton moved to accept the changes and to initiate the Administrative Procedures Act upon pre-legal review, seconded by White. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

No comments.

ADJOURN

There being no further business Haar moved to adjourn at 11:15 a.m., seconded by White. Unanimously voted.

*Prepared By: Jessica Gowell, Comprehensive Health Planner II
Board approved: October 5, 2023*