

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 December 1, 2022, 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 8:16 a.m.

MEMBERS PRESENT

Edward Kane, Esq., Public Member, Board President
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer (*Left meeting at 8:57 a.m.*)
Cassandra White, PharmD, R.Ph., Pharmacist
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

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

GORDON SMITH, ESQ., DIRECTOR OF OPIOID RESPONSE

Gordon Smith addressed the Board and commented on the opioid crisis and requested the Board to review Board Rules Chapter 36 - Licensure of Opioid Treatment Programs as it creates a third level of regulation and suggests repealing the rule. Mr. Smith thanked the Board for their public service.

RULEMAKING – PUBLIC HEARING – 8:30 A.M.

1. Chapter 4-A, Administration of Drugs and Vaccines (Amend)

The Board received a verbal comment regarding Chapter 4-A, Administration of Drugs and Vaccines.

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

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

The Board received no comments regarding Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets (New)

3. *Chapter 42, Compounding Drugs for Veterinary Office Use (New)*

The Board received comments regarding Chapter 42, Compounding Drugs for Veterinary Office Use (New)

MINUTES REVIEW AND APPROVAL

November 3, 2022

White moved to accept the minutes of November 3, 2022, as presented, seconded by Norberg. Unanimously voted. Ahmed abstained.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2022-PHA-18298

White moved to dismiss 2022-PHA-18298 with a Letter of Guidance regarding prompt compliance with Board Rules Chapter 11 Section 3 and 10 M.R.S. § 8003-G. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by McCormack. Unanimously voted.

2022-PHA-18621

Norberg moved to dismiss 2022-PHA-18621 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted.

APPLICATION, REVIEW AND BOARD ACTION

Amy Small, PT60017369 (Initial)

McCormack moved to accept staff's recommendation and grant licensure to Amy Small, PT60017369, seconded by Norberg. Unanimously voted.

Dalilah Frost, PT60017632 (Initial)

McCormack moved to accept staff's recommendation and grant licensure to Dalilah Frost, PT60017632, seconded by Norberg. Unanimously voted.

Pharmacy Associates, Inc., MO40002651 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Pharmacy Associates, Inc., MO40002651 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Akorn Operating Company, LLC., WH70003215 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Akorn Operating Company, LLC., WH70003215 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Boehringer Ingelheim Animal Health USA Inc., WH70003000 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Boehringer Ingelheim Animal Health USA Inc., WH70003000 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Broughton Pharmaceuticals LLC., WH70003216 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Broughton Pharmaceuticals LLC., WH70003216 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Carepoint Healthcare LLC., MO40002578 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Carepoint Healthcare LLC., MO40002578 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Honeybee Health Inc., MO40002384 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Honeybee Health Inc., MO40002384 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Hook-SupRx LLC., MO40001010 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Hook-SupRx LLC., MO40001010 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Integrated Health Concepts Inc., MO40001506 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Integrated Health Concepts Inc., MO40001506 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Procare Pharmacy Direct, LLC., MO40002441 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Procare Pharmacy Direct, LLC., MO40002441 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Sanofi Pasteur Inc., WH70001025 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Sanofi Pasteur Inc., WH70001025 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Tabula Rasa Healthcare Group Inc., MO40002882 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Tabula Rasa Healthcare Group Inc., MO40002882 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Tabula Rasa Healthcare Group Inc., MO40002892 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to Tabula Rasa Healthcare Group Inc., MO40002892 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

The Hilsinger Company Parent LLC., WH70002458 (Renewal)

McCormack moved to preliminary deny pharmacy licensure to The Hilsinger Company Parent LLC., WH70002458 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

BOARD ACTION ON WAIVER REQUEST

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

Haar moved to grant the waiver of Board Rules Chapter 20 Subchapter 2 Section 11(1) for Video Surveillance for a period of five (5) years, seconded by White. Unanimously voted.

ELECTION OF OFFICERS FOR 2023

White moved to table action, seconded by McCormack. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

No comments.

ADJOURN

There being no further business McCormack moved to adjourn at 9:41 a.m., seconded by Ahmed. Unanimously voted.

Prepared By: Jessica Gowell, Comprehensive Health Planner II

Board approved: January 5, 2023