

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 February 3, 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, Public Member, Vice President
Nicholas Haar, R.Ph., Hospital Pharmacist
John House, R.Ph., Independent Pharmacist
Timothy McCormack, Public Member
Eric Norberg, R.Ph., Pharmacist
Cassandra White, 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 (Application Presentations)

MINUTES REVIEW AND APPROVAL

Review and approval of the minutes of January 6, 2022

Harr moved to accept the minutes of January 6, 2022 as presented, seconded by Norberg. Unanimously voted.

ASSISTANT ATTORNEY GENERAL, ANDREW BLACK, MAINE PHARMACY PRACTICE ACT AND BOARD RULES ORIENTATION.

Assistant Attorney General, Andrew Black provided the Board with an overview regarding the Board's role in investigating complaints and enforcing laws.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2021-PHA-17299

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



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www.maine.gov/professionallicensing

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

Kane moved to dismiss 2021-PHA-17299 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted.

2021-PHA-17579

Kane moved to dismiss 2021-PHA-17579 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted. Hamilton abstained.

2021-PHA-17806

Hamilton recused. Audio and video were turned off.

White moved to dismiss 2021-PHA-17806 with no evidence of a violation of the Board's Laws and Rules, seconded by McCormack. Unanimously voted.

2021-PHA-17854

Kane moved to dismiss 2021-PHA-17854 with a Letter of Guidance reminding the licensee of the Drug Enforcement Administration (DEA) regulation on taking back controlled medications and the importance of using good judgement when balancing concerns of misuse with the needs and rights of patients and accurately communicating with patients. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Norberg. Unanimously voted.

2021-PHA-17950

Kane moved to dismiss 2021-PHA-17950 with a Letter of Guidance reminding the licensee of the requirements of 10 M.R.S. § 8003-G(2)(A) regarding the requirement to report a change of address no later than ten (10) days after the change. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Harr. Unanimously voted.

APPLICATION REVIEW AND BOARD ACTION

Jocelynn Sylvester, PT60016684 (Initial)

House moved to accept staff's recommendation and grant licensure to Jocelynn Sylvester, PT60016684 as presented, seconded by White. Unanimously voted.

Matthew Yankum, PT60015777 (Renewal)

Norberg moved to preliminary deny pharmacy licensure to Matthew Yankum PT60015777 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(A); 2) Probation for a period of six (6) months during which the licensee must abstain from the use of all chemicals with potential for abuse unless prescribed by a treatment provider and not inject alcohol in any form; Provide to the Board a copy of the 2021 Medical Professionals Health Program (MPHP) Agreement at the time of signing the Consent Agreement; Comply with all terms of the MPHP Agreement even if subsequently amended or terminated by MPHP and any additional recommendations by the MPHP; Report to the Board within ten (10) days any amendments to the 2021 MPHP Agreement, any positive test results and any violation of the 2021 MPHP Agreement; Ensure all toxicology results are provided to the Board within thirty (30) days of test results and that all incident events are reported immediately and accept an extension of the terms of probation if so recommended by MPHP at the end of the probation period and 3) Condition of licensure to present a copy of the executed Consent Agreement to all current or future employers for which he applies or is hired to practice as a pharmacy technician, seconded by Kane. Unanimously voted.

ELECTION OF OFFICERS FOR 2022

The board tabled the matter until the March 3, 2022 Board Meeting.

BOARD ACTION ON WAIVER REQUEST

Walgreens Eastern Co Inc., PH50001636 – Emergency pharmacist in charge

Kane moved to authorize Administrator Betts to communicate via email and telephone with the pharmacy informing them that they need to name a pharmacist in charge immediately, seconded by House. Unanimously voted.

McCormack moved to amend the motion to include denying the waiver request, seconded by Norberg. Unanimously voted.

Walgreens Eastern Co Inc., PH50001639 – Emergency pharmacist in charge

Kane moved to authorize Administrator Betts to communicate via email and telephone with the pharmacy informing them that they need to name a pharmacist in charge immediately, seconded by House. Unanimously voted.

McCormack moved to amend the motion to include denying the waiver request, seconded by Norberg. Unanimously voted.

ADMINISTRATOR’S REPORT

Review draft notice to Manufacturers regarding Insulin Product Registration Fee.

The Board reviewed the draft notice and discussed how a unit of insulin would be defined. Assistant Attorney General, Andrew Black explained the law gives authority for the Board to adopt rules to implement the law. The Board should go through rulemaking to make the determination. The Board agreed to remove #1 in the draft notice regarding what is the statutory definition for “unit of insulin” if questions are received staff should refer the individual to what is in the law 32 M.R.S. section 13800-D that states a unit of insulin means the lowest identifiable quantity of insulin that is dispensed. The Board also agrees to indicate in the notice to manufacturers that the notice is not legal advice and nothing in the notice is binding on the Board. Manufacturers are encouraged to seek independent legal counsel as they deem necessary.

PUBLIC OPPORTUNITY TO COMMENT

Nichole Cover commented that it can be hard to find pharmacists in charge. Board Member Kane and Administrator Betts stated their appreciation of what she is sharing but it’s not appropriate action during public opportunity to comment and suggested the discussion be ended.

ADJOURN

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

*Prepared By: Jessica Gowell, Professional Licensing Supervisor
Board approved: April 7, 2022*