

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 June 2, 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 8:33 a.m.

MEMBERS PRESENT

Edward Kane, Esq., Public Member, Board President
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer (*left meeting at 10:24*)
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist
Timothy McCormack, Esq., Public Member
Cassandra White, PharmD, R.Ph., Pharmacist

MEMBERS ABSENT

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

STAFF PRESENT

Geraldine L. Betts, Administrator
Thomas Avery, Chief Field Investigator
Andrew Black, Assistant Attorney General, Board Counsel
Jennifer Willis, Assistant Attorney General, Board Counsel
Jessica Gowell, Professional Licensing Supervisor
Kelly McLaughlin, Comprehensive Health Planner I

MINUTES REVIEW AND APPROVAL

April 7, 2022

Hamilton moved to accept the minutes of April 7, 2022 as amended, seconded by White.
Unanimously voted.

May 5, 2022

Hamilton moved to accept the minutes of May 5, 2022 as amended, seconded by White.
Unanimously voted.

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

May 18, 2022

Hamilton moved to accept the minutes of May 18, 2022 as amended, seconded by White. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

Andrew Black introduced Jennifer Willis who will be the new Assistant Attorney General for the Board.

2021-PHA-17945

McCormack moved to dismiss 2021-PHA-17945 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted. Complaint Officer abstained.

2022-PHA-18011 & 2022-PHA-18097

McCormack moved to table action, seconded by Ahmed.
McCormack withdrew the motion.

McCormack moved to schedule 2022-PHA-18011 and 2022-PHA-18097 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$9,000.00 fine and issue a Letter of Guidance regarding the importance of adequately communicating closures to patients. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18015

White moved to schedule 2022-PHA-18015 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$1,000.00 fine and issue a Letter of Guidance regarding the importance of signage during closures. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

2022-PHA-18016

White moved to dismiss 2022-PHA-18016 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. White, Ahmed, Haar and Kane in favor, McCormack opposed. Complaint Officer abstained.

2022-PHA-18017

White moved to dismiss 2022-PHA-18017 with no evidence of a violation of the Board's Laws and Rules, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

2022-PHA-18098

McCormack moved to dismiss 2022-PHA-18098 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted. Complaint Officer abstained.

2022-PHA-18128

McCormack moved to schedule 2022-PHA-18128 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter

13 § 2(1); 2) Warning and 3) \$1,000.00 fine and issue a Letter of Guidance regarding the importance of adequately communicating closures to patients. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18129

White moved to dismiss 2022-PHA-18129 with no evidence of a violation of the Board's Laws and Rules, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

2022-PHA-18313

White moved to schedule 2022-PHA-18313 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$3,000.00 fine and issue a Letter of Guidance regarding the importance of signage during closures. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

2022-PHA-18314

White moved to schedule 2022-PHA-18314 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$5,000.00 fine, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

2022-PHA-18315

White moved to schedule 2022-PHA-18315 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$5,000.00 fine, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

2022-PHA-18316

White moved to schedule 2022-PHA-18316 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$1,000.00 fine, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18317

McCormack moved to schedule 2022-PHA-18317 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 2(1); 2) Warning and 3) \$1,000.00 fine.
McCormack withdrew motion

White moved to table action for further investigation, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

WAIVER REQUEST

Guardian Pharmacy Maine, CSP50001564, Courtney Oland, Board Rules Chapter 20 Subchapter 2.

McCormack moved to table action and request staff to obtain more information, seconded by White. Unanimously voted.

RULEMAKING DISCUSSION

1. *Chapter 4-A, Administration of Drugs and Vaccines and Operation of Drug and Vaccine Administration Clinics (Amend)*
 2. *Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets (NEW)*
 3. *Chapter 42, Compounding Drugs for Veterinary Office Use (NEW)*
- Ahmed moved to table action, seconded by McCormack. Unanimously voted.

Administrator Betts informed the Board that herself, Kristin Racine, Staff Attorney for the Office of Professional and Occupational Regulation, Timothy McCormack and Assistant Attorney General, Jennifer Willis will be a part of the subcommittee to review the rules. The Board will be provided a new draft rulemaking package once complete. Bradley Hamilton offered to be part of the subcommittee.

PUBLIC OPPORTUNITY TO COMMENT

No comments.

ADJOURN

There being no further business Haar moved to adjourn at 11:17 a.m., seconded by McCormack. Unanimously voted.

*Prepared By: Jessica Gowell, Professional Licensing Supervisor
Board approved: August 4, 2022*