

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 May 5, 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 8:30 a.m.

MEMBERS PRESENT

Edward Kane, Esq., Public Member, Board President
Eric Norberg, R.Ph., Pharmacist, Vice President
Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer
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

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)
Kelly McLaughlin, Comprehensive Health Planner I

MINUTES REVIEW AND APPROVAL

March 3, 2022

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

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2021-PHA-17965

Norberg moved to dismiss 2021-PHA-17965 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

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

2021-PHA-17966

Norberg moved to dismiss 2021-PHA-17966 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2021-PHA-17967

Norberg moved to dismiss 2021-PHA-17967 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2021-PHA-18000

McCormack moved to dismiss 2021-PHA-18000 with no evidence of a violation of the Board's Laws and Rules and request staff to verify there was not a gap in pharmacist in charge, if a gap occurred requested that staff file a complaint, seconded by White. Unanimously voted. Complaint Officer abstained.

McCormack requested an agenda item for the next meeting to be a discussion on potential rulemaking regarding transferring controlled substance prescriptions and pharmacy closures.

2021-PHA-18035

McCormack moved to schedule 2021-PHA-18035 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 11 § 3; 2) Censure and 3) \$500.00 fine, seconded by Norberg. Unanimously voted. Complaint Officer abstained.

2021-PHA-18036

McCormack moved to schedule 2021-PHA-18036 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 11 § 3 and 10 M.R.S. § 8003(5-A)(A)(1); 2) Warning and 3) \$2,000.00 fine, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2021-PHA-18062

White moved to table 2021-PHA-18062 for further investigation, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2021-PHA-18063

White moved to table 2021-PHA-18063 for further investigation, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2021-PHA-18064

White moved to table 2021-PHA-18064 for further investigation, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2021-PHA-18065

Norberg moved to dismiss 2021-PHA-18065 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18078

McCormack moved to schedule 2021-PHA-18078 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 11 § 3; 2) Censure and 3) \$1,750.00 fine, seconded by Norberg. Unanimously voted. Complaint Officer abstained.

2022-PHA-18093

Norberg moved to dismiss 2022-PHA-18093 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer abstained.

2022-PHA-18156

McCormack moved to schedule 2022-PHA-18156 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13 § 3(1); 2) Reprimand and 3) \$2,000.00 fine, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18162

White moved to dismiss 2022-PHA-18162 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted. Complaint Officer abstained.

2022-PHA-18172

White moved to dismiss 2022-PHA-18172 with a Letter of Guidance regarding vigilance and clarification with Humira start kits and advise the licensee that such errors should be reported to the Institute for Safe Medication Practices (ISMP). The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

APPLICATION, REVIEW AND BOARD ACTION

Monica B Daskam, PT60016878 (Initial)

McCormack moved to accept staff's recommendation and grant licensure to Monica B. Daskam, seconded by Norberg. Kane, Hamilton, Haar, Ahmed, and McCormack voted in favor. White opposed. Motion carries.

Richard Hansen, PT60016569 (Initial)

Norberg moved to preliminarily deny pharmacy licensure to Richard Hansen, PT60016569 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 three (3) months starting March 17, 2022 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 2022 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 2022 MPHP Agreement, any positive test results and any violation of the 2022 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 Hamilton. Unanimously voted.

BOARD ACTION ON WAIVER REQUEST

Walgreen Eastern Co Inc., PH50001593, Board Rule Chapter 8 Section 2(2), Minimum 40 hours per week of operation.

White moved to deny the waiver and requests staff to file a complaint regarding not operating 40 hours a week, seconded by Ahmed. Unanimously voted.

PUBLIC OPPORTUNITY TO COMMENT

Nichole Cover from Walgreens commented regarding the NABP Annual Meeting and stated as a company Walgreens wants to be more proactive and are willing to work with the Board for the citizens of Maine.

ADJOURN

There being no further business Hamilton moved to adjourn at 10:35 a.m., seconded by Haar. Unanimously voted.

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