

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL REGULATION
BOARD OF PHARMACY
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 November 1, 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
Eric Norberg, RPh., Pharmacist, Vice President
Nicholas Haar, PharmD, RPh., Hospital Pharmacist
Cassandra White, PharmD, RPh., Pharmacist
Timothy McCormack, Esq., Public Member

MEMBERS RECUSED

Bradley Hamilton, RPh., Chain Pharmacist, Complaint Officer

MEMBERS ABSENT

Abdifatah Ahmed, PharmD, RPh., Pharmacist

STAFF PRESENT

Geraldine L. Betts, Administrator
Thomas Avery, Chief Field Investigator
Heather Bronish, Senior Consumer Assistance Specialist

ADJUDICATION HEARING

Hearing Officer Rebekah J. Smith, Esq. convened the hearing at 8:30 a.m.
Kwaku Boateng was represented by Michael Feldman, Esq.
Assistant Attorney General Samantha Morgan represented Board Staff.
Hearing Officer Smith conducted a roll call vote to confirm that Board members had access to the hearing exhibits with all members voting in the affirmative. Hamilton recused.
Following deliberations, the Board made the following motions with regard to the allegations in the notice of Hearing:

Allegation I. Pursuant to 32 M.R.S. § 13742-A(1)(C), violation of the standard of professional behavior in the practice of pharmacy while administering a COVID-19 vaccination.
McCormack moved to find that the licensee violated a standard of professional behavior that had been

established in the practice of pharmacy subjecting him to discipline pursuant to 32 M.R.S. § 13742-A(1)(C), seconded by White. Norberg and Haar in favor, Kane opposed, Hamilton recused. White moved to grant licensee's Pharmacist renewal license and deny renewal of the licensee's Administration of Vaccine License as sanction for the violation of Allegation I. pursuant to 32 M.R.S. § 13742-A(1)(C), seconded by McCormack. Haar, and Norberg in favor. Kane opposed, Hamilton recused.

Allegation II. Pursuant to 32 M.R.S. § 13742-A(1)(C) and Board Rule Chapter 30 § 1(28), violation of the standard of professional behavior in the practice of pharmacy.

Norberg moved to find the preponderance of evidence does not support the allegation, seconded by McCormack. White, Haar and Kane in favor, Hamilton recused.

Allegation III. Pursuant to 32 M.R.S. § 13742-A(1)(C) and Board Rule Chapter 30 § 1(15), violation of the standard of professional behavior in the practice of pharmacy and failing to establish or maintain effective controls to prevent prescription errors or misfills by improperly reconstituting 127 doses of Pfizer COVID-19 vaccines and administering to patients.

McCormack moved to find that the licensee violated a standard of professional behavior defined in Board Rule Chapter 30 § 1(15), proven by the preponderance of evidence. Sanction for this violation to include a Reprimand and Civil Penalty in the amount of \$500.00 to be paid within 90 days of the effective date of the Decision and Order.

Seconded by Norberg. White, Haar and Kane in favor, Hamilton recused.

Allegation IV. Pursuant to 32 M.R.S. § 13742-A(1)(C) and Board Rule Chapter 30 § 1(16), violation of the standard of professional behavior in the practice of pharmacy and failing to address or attempt to resolve a possible prescription error or situation of potential harm to a patient.

Norberg moved to find that the preponderance of evidence does not support the allegation, Seconded by McCormack. White, Haar and Kane in favor, Hamilton recused.

McCormack moved to delegate the signing of the Decision and Order to President Kane, seconded by White. Haar, Kane and Norberg in favor. Hamilton recused.

PUBLIC OPPORTUNITY TO COMMENT

No comments

ADJOURN

There being no further business, McCormack moved to adjourn the meeting at 4:00 p.m., seconded by Norberg. Unanimously voted.

*Prepared by Meagan McLaughlin, Comprehensive Health Planner II
Board Approved: March 7, 2024*