

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 October 6, 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 8:34 a.m.

**MEMBERS PRESENT**

Edward Kane, Esq., Public Member, Board President  
Eric Norberg, R.Ph., Pharmacist, Vice President  
Nicholas Haar, PharmD, R.Ph., Hospital Pharmacist  
Abdifatah Ahmed, PharmD, R.Ph., Independent Pharmacist  
Timothy McCormack, Esq., Public Member

**MEMBERS ABSENT**

Bradley Hamilton, R.Ph., Chain Pharmacist, Complaint Officer  
Cassandra White, PharmD, R.Ph., Pharmacist

**STAFF PRESENT**

Geraldine L. Betts, Administrator  
Thomas Avery, Chief Field Investigator  
Jennifer Willis, Assistant Attorney General, Board Counsel  
Jessica Gowell, Professional Licensing Supervisor  
Dominic Cotone, Office Specialist II

**MINUTES REVIEW AND APPROVAL**

*September 1, 2022*

Norberg moved to accept the minutes of September 1, 2022, as presented, seconded by Haar.  
Unanimously voted.

**ADJUDICATORY HEARING**

*8:30 a.m. 2021-PHA-17338 and 2021-PHA-17653 - Christopher Gauthier*

McCormack moved to accept the proposed consent agreement, seconded by Norberg.  
Unanimously voted.

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

## **COMPLAINT PRESENTATION(S) AND BOARD ACTION**

### *2021-PHA-17293*

McCormack moved that the Board go into executive session at 9:06 a.m. pursuant to 1 M.R.S. § 405(6)(F) for the purpose of discussing information contained in investigation records that are made confidential by 10 M.R.S. § 8003-B, seconded by Norberg. Unanimously voted.

The Board ended executive session at 9:12 a.m.

McCormack moved to schedule 2021-PHA-17293 for an adjudicatory hearing and to offer a modified Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(4) and 32 M.R.S. § 13794; 2) Reprimand; 3) \$136,000.00 fine, seconded by Norberg. Unanimously voted.

### *2021-PHA-17702*

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

### *2021-PHA-17876*

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

### *2022-PHA-18286*

Haar moved to dismiss 2022-PHA-18286 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted.

### *2022-PHA-18309*

Norberg moved to dismiss part of 2022-PHA-18309 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Norberg withdrew his motion.

McCormack moved to schedule 2022-PHA-18309 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(C), Board Rules Chapter 30 Section 1(16); 2) Suspension for one hundred and eighty (180) days; 3) Probation for a period of three (3) years during which the licensee may only practice under the supervision of a peer monitor and the peer monitor be pre-approved by the Board, 4) \$500.00 fine; and 5) Completion of three (3) hours of Board approved continuing education, seconded by Haar. McCormack withdrew the motion.

McCormack moved to table action and request the complaint committee to provide an alternative to a practice monitor. Motion fails for the lack of a second.

Norberg moved to schedule 2022-PHA-18309 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(C), Board Rules Chapter 30 Section 1(16); 2) Reprimand; 3) \$500 Civil Penalty; and 4) Extend the Licensee's existing probationary period for three (3) years from the end of current probationary period on June 30, 2023; 5) Conditions of probation include: a) Completion of three (3) hours of board-approved continuing education on the ethical duties owed to patients; b) continuation of the existing probationary conditions, seconded by Ahmed. Kane, Ahmed, Haar and Norberg in favor, McCormack opposed.

*2022-PHA-18359*

Board discussed whether the corroded sink was a violation of 32 M.R.S. § 13742-A(1)(C), Board Rules Chapter 13 Operation of Retail Pharmacies, Section 1. Following discussion, Norberg moved to dismiss 2022-PHA-18359 with a Letter of Guidance regarding failure to address the corroded state of the sink. The Letter of Guidance is to remain on file for a period of ten (10) years, seconded by Haar. Unanimously voted. Complaint Officer abstained

**WAIVER REQUEST**

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

Haar moved to grant the waiver for a period of five (5) years, seconded by Norberg. Unanimously voted.

**APPLICATION, REVIEW AND BOARD ACTION**

*Katelyn Epstein, PT60017541 (Initial)*

McCormack moved to accept staff's recommendation and grant licensure to Katelyn Epstein, PT60017541, seconded by Norberg. Unanimously voted.

**PUBLIC OPPORTUNITY TO COMMENT**

No comments.

**ADJOURN**

There being no further business Haar moved to adjourn at 10:54 a.m., seconded by Ahmed. Unanimously voted.

*Prepared By: Jessica Gowell, Professional Licensing Supervisor  
Board approved: November 3, 2022*