

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 September 1, 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
Jennifer Willis, Assistant Attorney General, Board Counsel
Andrew Black, Assistant Attorney General, Board Counsel
Jessica Gowell, Professional Licensing Supervisor
Dominic Cotone, Office Specialist II

MINUTES REVIEW AND APPROVAL

August 4, 2022

White moved to accept the minutes of August 4, 2022, as amended, seconded by Hamilton.
Unanimously voted.

RULEMAKING DISCUSSION

Bradley Hamilton presented the outcome of the workshop on rulemaking held on August 22, 2022.

1. Chapter 4-A, Administration of Drugs and Vaccines and Operation of Drug and Vaccine Administration Clinics (Amend)

Hamilton moved to accept the proposed rule as amended for Chapter 4-A Administration of

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

Drugs and Vaccines and Operation of a Drug or Vaccine Administration Clinic Inside, Outside or Off the Premises of a Licensed Retail Pharmacy, Rural Health Clinic or Free Clinic and begin the Administrative Procedures Act process for rulemaking, seconded by Harr. Unanimously voted.

2. Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets (NEW)

Hamilton moved to accept the proposed rule as amended for Chapter 41, Sale of Nonprescription Drugs Through Vending Machine Outlets and begin the Administrative Procedures Act process for rulemaking, seconded by White. Unanimously voted.

COMPLAINT PRESENTATION(S) AND BOARD ACTION

2021-PHA-17253

McCormack moved to issue an Order of Dismissal without Prejudice and flag the license in the event the licensee reapplies for licensure, seconded by Haar. Unanimously voted. Complaint Officer abstained.

2022-PHA-18028

Norberg moved to dismiss 2022-PHA-18028 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted. Complaint Officer abstained.

2022-PHA-18064

McCormack moved to schedule 2022-PHA-18064 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; 2) Warning, 3) \$500.00 fine and 4) Completion of one (1) hour of Board-approved continuing professional education on appropriate judgment in evaluating prescriptions and not relying solely on the system. The continuing education credits may not be used to fulfill the continuing education required for relicensure. Staff to refile the complaint on the retail pharmacy regarding consultation with patients, seconded by White. Unanimously voted. Complaint Officer abstained.

2022-PHA-18271

White moved to dismiss 2022-PHA-18271 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18286

This complaint was not discussed at the complainant's request and will be discussed at the next board meeting.

2022-PHA-18327

White moved to dismiss 2022-PHA-18327 with a Letter of Guidance regarding the American Pharmacy Associations Code of Ethics for Pharmacists to ensure they are respecting their duties to patients and should in all circumstances endeavor to avoid situations where patients feel their trust has been abused by their pharmacist. 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-18360

McCormack moved to schedule 2022-PHA-18360 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) \$500.00 fine per week of violation, seconded by Norberg. Unanimously voted. Complaint Officer abstained.

2022-PHA-18363

McCormack moved to schedule 2022-PHA-18363 for an adjudicatory hearing and to offer a Consent Agreement to include the following: 1) Admission to violation of Board Rules Chapter 13, § (3)(4); 2) Censure and 3) \$500.00 fine, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18375

McCormack moved to schedule 2022-PHA-18375 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) \$500.00 fine per week of violation, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18377

Norberg moved to dismiss 2022-PHA-18377 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted. Complaint Officer abstained.

2022-PHA-18379

McCormack moved to dismiss 2022-PHA-18379 with no evidence of a violation of the Board's Laws and Rules, seconded by White. Unanimously voted. Complaint Officer abstained.

2022-PHA-18380

White moved to dismiss 2022-PHA-18380 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18381

White moved to dismiss 2022-PHA-18381 with no evidence of a violation of the Board's Laws and Rules, seconded by Ahmed. Unanimously voted. Complaint Officer abstained.

2022-PHA-18410

White moved to dismiss 2022-PHA-18410 with no evidence of a violation of the Board's Laws and Rules, seconded by Haar. Unanimously voted. Complaint Officer abstained.

2022-PHA-18412

McCormack moved to schedule 2022-PHA-18412 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) \$1,000.00 fine per week of violation, seconded by Haar. Kane, White, Ahmed, Haar, and McCormack in favor, Norberg opposed. Complaint Officer abstained.

2022-PHA-18414

White moved to dismiss 2022-PHA-18414 with no evidence of a violation of the Board's Laws and Rules, seconded by Norberg. Unanimously voted. Complaint Officer abstained.

2022-PHA-18415

Norberg moved to dismiss 2022-PHA-18415 with no evidence of a violation of the Board's Laws and Rules, seconded by McCormack. Unanimously voted. Complaint Officer abstained.

APPLICATION, REVIEW AND BOARD ACTION

Fast Access Specialty Therapeutics LLC, MO40002671 (Renewal)

Hamilton moved to preliminarily deny pharmacy licensure to Fast Access Specialty Therapeutics LLC, MO40002671 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G and Board Rules Chapter 11 § 3; 2) Reprimand; and 3) \$1,000.00 fine, seconded by Norberg. Unanimously voted.

Total Vein Pharmacy LLC, MO40002885 (Renewal)

Hamilton moved to preliminarily deny pharmacy licensure to Total Vein Pharmacy LLC, MO40002885 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

Trustedmedrx LLC, MO40002707 (Renewal)

Hamilton moved to preliminarily deny pharmacy licensure to Trustedmedrx LLC, MO40002707 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G and Board Rules Chapter 11 § 3; 2) Reprimand; and 3) \$1,000.00 fine, seconded by Norberg. Unanimously voted.

Zo Skin Health Inc., WH70003237 (Renewal)

Hamilton moved to preliminarily deny pharmacy licensure to Zo Skin Health Inc., WH70003237 with an offer of a Consent Agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003-G; 2) Reprimand; and 3) \$500.00 fine, seconded by Norberg. Unanimously voted.

CORRESPONDENCE

Maine Society of Health System Pharmacists, MaineHealth, and Northern Light Health, COVID-19 Related Shortage of IV Contrast Media, Request for a 90-day extension.

Haar moved to issue an extension to the Board Statement issued August 19, 2022, regarding beyond-use dating of intravenous iodinated contrast media drugs during active shortage. In order to protect the public health and welfare, the Board issues the following extension for the period of 90 days, the Board will not consider it "unprofessional conduct" for purposes of Board Rules Chapter 29, when a licensed pharmacist assigns a beyond-use date to a repackaged intravenous iodinated contrast media drug, provided that the beyond-use date complies with the guidance contained in the USP's "Operational Considerations for Sterile Compounding During Covid-19 Pandemic." seconded by Hamilton. Unanimously voted.

This authorization extends the Board's previously approved authorizations which began with the first authorization commencing on May 19, 2022. The first authorization ran for 90 days until

August 16, 2022. The Board voted at its August 4, 2022, meeting to extend the first authorization for another 30 days. The second authorization was continuous from the previous authorization and began August 17, 2022, regardless of the issuance date stated in the second statement of authorization. The second authorization by the Board was valid through September 15, 2022. The Board voted at its September 1, 2022, meeting to extend its prior reauthorization for an additional 90 days which will be counted beginning on September 16, 2022, as day one and is effective for 90 days through to December 14, 2022.

NABP REPORT BY BRADLEY HAMILTON, R.PH., NABP EXECUTIVE COMMITTEE MEMBER

McCormack moved to table, seconded by White. Unanimously voted.

TRAVEL

NABP/AACP District 1 & 2 Annual Meeting, October 5-7, 2022, Newport, Rhode Island

The Board discussed who will attend the annual meeting as multiple board members volunteered, the board member who volunteered first was Cassandra White and she will attend. The Board decided going forward members will attend on a rotating basis.

PUBLIC OPPORTUNITY TO COMMENT

No comments.

ADJOURN

There being no further business Hamilton moved to adjourn at 10:55 a.m., seconded by Ahmed. Unanimously voted.

*Prepared By: Jessica Gowell, Comprehensive Health Planner II
Board approved: October 6, 2022*