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No. 4

S.P. 11

In Senate, January 13, 2021

An Act To Amend the Maine Pharmacy Act

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Received by the Secretary of the Senate on January 11, 2021. Referred to the Committee on Health Coverage, Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator SANBORN, H. of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §13702-A, sub-§23**, as enacted by PL 2007, c. 402, Pt. DD, §2,
3 is amended to read:

4 **23. Pharmacist in charge.** "Pharmacist in charge" means ~~the~~ a pharmacist who is
5 responsible for the ~~licensing of the~~ accepts responsibility for the operation of a licensed
6 pharmacy in conformance with applicable laws.

7 **Sec. 2. 32 MRSA §13721, sub-§1, ¶A**, as enacted by PL 1987, c. 710, §5, is
8 amended to read:

9 A. The licensing by examination or by ~~reciprocity~~ endorsement of applicants who are
10 qualified to engage in the practice of pharmacy under this Act;

11 **Sec. 3. 32 MRSA §13732, sub-§1, ¶C**, as enacted by PL 1987, c. 710, §5, is
12 repealed.

13 **Sec. 4. 32 MRSA §13733**, as amended by PL 2007, c. 402, Pt. DD, §14, is repealed.

14 **Sec. 5. 32 MRSA §13733-A** is enacted to read:

15 **§13733-A. Licensure by endorsement**

16 **1. Requirements.** To obtain a license as a pharmacist by endorsement, an applicant
17 for licensure must:

18 A. Have submitted an application as prescribed by the board together with the fee as
19 set under section 13724;

20 B. Have attained 21 years of age; and

21 C. Present proof of:

22 (1) Having a valid license or authorization to practice as a pharmacist from another
23 state or other jurisdiction of the United States as long as no cause exists for denial
24 of a license under section 13742-A;

25 (2) Having a valid license or authorization to practice as a pharmacist in another
26 country that maintains professional standards that are equivalent to or higher than
27 those in this chapter, as long as no cause exists for denial of a license under section
28 13742-A. The board may require the applicant to pass an examination required by
29 the board in rule; or

30 (3) Having met educational, experience and examination requirements that are
31 equivalent to or higher than the requirements set by this chapter, as long as no cause
32 exists for denial of a license under section 13742-A. The board may require the
33 applicant to pass an examination required by the board in rule.

34 **2. Exception.** If an otherwise qualified applicant for licensure by endorsement has
35 had a license suspended, revoked, cancelled or otherwise restricted for any reason, the
36 board may assess the prior disciplinary event and, in its discretion, issue the license.

37 **Sec. 6. 32 MRSA §13752, sub-§2, ¶C**, as amended by PL 2007, c. 402, Pt. DD,
38 §24, is further amended to read:

1 C. Identity of the pharmacist licensed to practice in the State who will be the
2 pharmacist in charge of the pharmacy, when one is required by this chapter, and such
3 further information as the board may determine necessary. The board shall adopt rules
4 identifying the duties and responsibilities of the pharmacist in charge, which must
5 include, at a minimum, responsibility for ensuring the pharmacy's compliance with all
6 state and federal laws, rules and regulations pertaining to the practice of pharmacy, the
7 distribution of drugs by the pharmacy and the licensure of pharmacy personnel. A
8 pharmacist may be the pharmacist in charge for only one pharmacy, except ~~upon the~~
9 ~~pharmacist applying for and receiving written authorization from~~ as otherwise
10 determined by the board by rule. The position of pharmacist in charge may not be held
11 by a qualified assistant pharmacist; and

12 **Sec. 7. 32 MRSA §13752, sub-§2, ¶D**, as enacted by PL 1999, c. 130, §11, is
13 amended to read:

14 D. ~~A certification~~ Attestation by the pharmacist identified as the pharmacist in charge
15 that the pharmacist has read and understands the requirements and duties of a
16 pharmacist in charge set forth in board rules.

17 **Sec. 8. 32 MRSA §13753, sub-§1**, as amended by PL 2007, c. 402, Pt. DD, §26,
18 is further amended to read:

19 **1. Changes.** All licensed pharmacies shall report to the board, by mail ~~or~~ fax or
20 electronic communication as accepted by the board, the occurrence of any of the following
21 changes:

- 22 A. Permanent closing, which requires ~~14~~ 10 calendar days' prior notice to the public
23 and to the board;
- 24 B. Change of ownership, which requires ~~7~~ 10 calendar days' prior notice to the board;
- 25 C. Change of pharmacist, in charge which requires notice no later than ~~7~~ 10 calendar
26 days after the change; and
- 27 D. Any other matters and occurrences as the board may require by rule.

28 **Sec. 9. 32 MRSA §13833, first ¶**, as amended by PL 2011, c. 577, §6, is further
29 amended to read:

30 ~~The~~ A pharmacist shall administer drugs and vaccines in compliance with a treatment
31 protocol established by a practitioner authorized under the laws of this State to order
32 administration of those drugs and vaccines approved by the board. A copy of the original
33 treatment protocol must be submitted to the board and any subsequent revisions to the
34 treatment protocol must be kept on the premises of the pharmacy and be available to the
35 board or the board's representative upon request. At a minimum the treatment protocol
36 must include:

37 **Sec. 10. 32 MRSA §13835, sub-§1**, as amended by PL 2011, c. 577, §8, is further
38 amended to read:

39 **1. Criteria.** Criteria for the operation of a vaccine administration clinic inside, outside
40 or off the premises of a retail pharmacy, rural health clinic or free clinic licensed under
41 section 13751. The rules must require ~~one-time board approval of~~ the plan of operation for

1 any vaccine administration clinics to be operated by a pharmacist or pharmacy ~~and may not~~
2 ~~require board approval of each individual clinic;~~

3 **SUMMARY**

4 This bill makes the following changes to the Maine Pharmacy Act.

5 1. It clarifies the responsibility of the pharmacist in charge of a pharmacy.

6 2. It repeals the character reference requirement for licensure.

7 3. It updates and clarifies requirements for licensure by endorsement.

8 4. It updates the timeline for certain reporting requirements.

9 5. It eliminates the requirement for submission of a vaccine administration treatment
10 protocol to and approval by the Maine Board of Pharmacy and requires pharmacies to
11 maintain a protocol on the premises and make it available to the board upon request.