

March 21, 2023

Senator Donna Bailey, Chair
Representative Anne Perry, Chair
Members of the Health Coverage, Insurance and Financial Services Committee

RE: Testimony, LD 940 Resolve, An Act to Allow Pharmacists to Provide Services Through Telehealth and Vending Machines at Federally Qualified Health Centers

Dear Senator Bailey, Representative Perry, and members of the Health Coverage and Financial Services Committee:

My name is Matthew Marston, I am a resident of Hampden and the Legislative Liaison on the Maine Society of Health System Pharmacists Board of Directors. Today I am submitting joint testimony on behalf of the Maine Society of Health System Pharmacists and the Maine Pharmacy Association. Together, these two organizations address the advocacy, continuing education and professional needs of all licensed pharmacists, pharmacy technicians and student pharmacists in Maine. We promote public health by advocating for the profession of pharmacy. I am testifying today in opposition to LD 940.

LD 940 seeks to allow for the dispensing of medications to occur via vending machines in the State of Maine supported by pharmacists either within or outside of the State of Maine through telehealth. Medications will presumably be supplied by the Federally Qualified Health Centers (FQHCs) to fill the vending machine, which could be placed outside of a licensed pharmacy location within the FQHC. In fact, there are no requirements within this bill that the vending machine be supplied by or monitored by a pharmacy licensed and regulated in the State of Maine. It is the position of MSHP and MPA that pharmacy services must be provided by a pharmacy licensed by the State of Maine that can ensure effective oversight of the medication use process. Ensuring proper storage and the accuracy of medications is vital for public safety.

Maine Board of Pharmacy has developed robust rules surrounding the appropriate use of self-Service Kiosks in Chapter 20-A. These rules require that self-service kiosks only be stocked with medication refills of non-controlled substances, be situated within a licensed retail pharmacy, and be under operation only during the open hours of the pharmacy. Additionally, only a licensed pharmacist or pharmacy technician may restock these kiosks. There are also security requirements defining camera coverage and alarm system utilization to protect from theft that are enforceable under the associated pharmacy license owning the kiosk.

Reliance on an out of State pharmacist remotely monitoring an automated vending machine to supply patients with their medications undermines the importance of pharmacists and retail pharmacies in ensuring safe and effective medication use in healthcare. With the widespread availability of retail pharmacies this bill will neither demonstrably improve access nor improve the safety of medication use in our State. It is our recommendation that the intent of this bill be settled in Board of Pharmacy rulemaking or by pursuit of a waiver request by the Federally Qualified Health

Center seeking to utilize this technology versus through legislation that does not adequately account for the necessary oversight, safety, and security of medication utilized in the manner.

The Maine Society of Health System Pharmacists and Maine Pharmacy Association requests that the Committee carefully consider the long-term safety implications of the provision of prescription medications through vending machines to the public with limited virtual pharmacist oversight.

Kind Regards,



Matthew Marston, PharmD, MBA, BCPS, BCOP
Maine Society of Health System Pharmacists
Maine Pharmacy Association