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**TESTIMONY OF JERI BETTS**  
**BOARD MANAGER, OFFICE OF PROFESSIONAL AND OCCUPATIONAL**  
**REGULATION**  
**IN OPPOSITION TO L.D. 275**

***“Resolve, to Require the Maine Board of Pharmacy to Review Work Practices and Treatment of Pharmacists”***

**Sponsored by Representative Kevin J. M. O’Connell**

**BEFORE THE JOINT STANDING COMMITTEE ON  
HEALTH COVERAGE, INSURANCE AND FINANCIAL SERVICES**

**Public Hearing: February 16, 2023, 1:00 PM**

Senator Bailey, Representative Perry, and honorable members of the Committee, my name is Jeri Betts and I am a Board Manager at the Office of Professional and Occupational Regulation (OPOR). I am here to speak in opposition to LD 275 on behalf of OPOR.

This Resolve directs the Maine Board of Pharmacy (“Board”) to conduct a study “to review the work practices and treatment of pharmacists, including, but not limited to, treatment by employers.”

While we appreciate the spirit of this Resolve, *the Board regulates the practice of pharmacy and prescription drugs, not matters within the scope of employment law.* Pursuant to 10 M.R.S. § 8008

“The sole purpose of an occupational and professional regulatory board is to protect the public health and welfare. A board carries out this purpose by ensuring that the public is served by competent and honest practitioners and by establishing minimum standards of proficiency in the regulated professions by examining, licensing, regulating and disciplining practitioners of those regulated professions. Other goals or objectives may not supersede this purpose.”

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The Board does not have statutory authority to mandate that its licensees provide such employment information as suggested in this Resolve. As part of its investigative and disciplinary authority, the Board may request certain records to carry out that purpose, but the records must relate to or potentially evidence a violation of the Board law or rules, which does not generally extend to matters that are solely within the purview of a pharmacist’s employment relationship or work environment. Even if the Board had the ability to mandate that its licensees provide information about their employment or workplace, the Resolve is vague and does not contain information regarding metrics or the types of information the Committee is seeking.

The Board does not have the needed staffing or funding to support such a study nor does the Office of Professional and Occupational Regulation have dedicated research staff. The Board would have to hire expert resources for this comprehensive study, which makes reporting back to the Legislature by December 6, 2023, unachievable. Furthermore, even if the board hired expert resources, our staff would need to oversee the project which would impede and delay their ability to attend to their core functions such as the issuance of licenses and rulemaking.

Thank you for your time and I will be happy to answer your questions now or at the work session.

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