



Janet T. Mills
Governor

STATE OF MAINE
DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
OFFICE OF PROFESSIONAL AND OCCUPATIONAL
REGULATION
35 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0035

Anne L. Head
Commissioner, DPFR
Director, OPOR

TESTIMONY OF GERALDINE L. BETTS

**BOARD MANAGER, OFFICE OF PROFESSIONAL AND OCCUPATIONAL
REGULATION**

IN OPPOSITION OF L.D. 940

***“An Act to Allow Pharmacists to Provide Services Through Telehealth and Vending
Machines at Federally Qualified Health Centers”***

Sponsored by Representative Anne C. Perry

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

Public Hearing: March 21, 2023, 1:00 PM

Senator Bailey, Representative Perry, and honorable members of the Committee, my name is Jeri Betts and I am a Regulatory Board Manager with the Office of Professional and Occupational Regulation (OPOR.) I am the Board Manager for the Board of Pharmacy, five other allied health boards and one licensing program. I am here to speak in opposition to LD 940 on behalf of OPOR.

This bill proposes to allow pharmacists licensed out-of-state to provide telehealth services for a patient of a federally qualified health center (“FQHC”) in Maine. It is our understanding that there are approximately 144 Federally Qualified Health Centers located broadly across the State of Maine. Allowing a pharmacist to practice in Maine without a Maine license (by telehealth or in person) deprives the Maine Board of Pharmacy of regulatory oversight over that out-of-state pharmacist and deprives a Maine citizen of the ability to file a complaint against that provider with the Maine Board of Pharmacy.

A pharmacist licensed in good standing in another state can apply for a Maine license through a fast-track procedure called “licensure by endorsement.” This fast-track process was established by P.L. 2021 c. 642, which took effect on August 8, 2022. Public law 642 directed the Board to establish a process to issue a license by endorsement to an applicant who has an out of state license from a jurisdiction which maintains substantially equivalent license requirements to Maine requirements. As a side note, the legislation establishing licensure by endorsement was initiated by OPOR and DPFR.

OFFICES: GARDINER ANNEX, 76 NORTHERN AVENUE, GARDINER, MAINE

The portion of this bill that provides that a Maine licensed pharmacist may provide “telehealth services for a patient of a federally qualified health center” in Maine, including by means of a “pharmaceutical vending machine” located at a FQHC, is already permitted under the Board’s law and rules. Although the bill uses the terminology “pharmaceutical vending machine,” it is likely this is referring to “automated pharmacy systems” as that term is used in Maine. Automated pharmacy systems may be in a retail pharmacy, or as contemplated by the bill, an institutional pharmacy such as a FQHC.

Chapter 20, subchapter 2 of Board rules currently provides that a “[a]n automated pharmacy system may dispense drugs at one or more point of care locations remote from the pharmacist in charge of the system or the pharmacist on duty. The pharmacist in charge and pharmacist on duty need not be physically present at the point of care location and need not be located within the State. However, **such pharmacists must be licensed in Maine** and must be in good standing with the board.” (emphasis added.) Furthermore, Maine law (P.L. 2021, c. 291) already authorizes telehealth services to be provided by several categories of Maine health care licensees, including pharmacists.

In speaking with the proponent of this bill, the bill may not have been drafted as they intended both with respect to Maine licensure and automatic dispensing machines. We are meeting with the proponent to see if the current law satisfies their needs or, if not, to discuss what further objectives they are seeking to accomplish.

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