



July 31, 2024

[submitted electronically via: Geraldine.L.Betts@maine.gov]

Geraldine Betts
Regulatory Board Manager
35 State House Station
Augusta, ME 04333-0035

Dear Ms. Betts:

The American Pharmacists Association (APhA) appreciates the opportunity to provide comments on the Maine Board of Pharmacy's proposed rules¹ that will be discussed during the August Board of Pharmacy Meeting. APhA thanks Governor Janet Mills and the Board of Pharmacy for the implementation of these important legislative changes that will increase patient access to services provided by pharmacists and pharmacy technicians.

Overall, APhA is supportive of the proposed rules to amend Chapter 7: Licensure and Employment of Pharmacy Technicians, and to create Chapters 43: Prescribing, Dispensing and Administering HIV Prevention Drugs and 44: Pharmacist Authorization to Make Certain Contraception Accessible.

In addition to our overall support, APhA provides the following minor recommendation to minimize any unintended consequences from the proposed changes. With the proposed new rule, Chapter 44: Pharmacist Authorization to Make Certain Contraception Accessible, APhA respectfully requests the following language be stricken (lined out below) from the well-intended "Authorization Required" section of the proposed rule:

"No pharmacist shall prescribe, dispense and administer, ~~including according to a standing order or a collaborative drug therapy management agreement,~~ a self-administered hormonal contraceptive or an injectable hormonal contraceptive before having been issued authorization as described in this chapter by the board."

The requirements outlined in subsection 3 of 32 M.R.S. § 13826 are specific to the prescriptive authority outlined in that section and does not mention standing orders or collaborative drug therapy management agreements or refer to their relevant sections of statute. Pharmacists that have been prescribing hormonal contraceptives for years via standing orders or collaborative drug therapy management agreements should not now have to complete the requirements of subsection 3 of 32 M.R.S. § 13826. Without any statutory

¹ https://www.maine.gov/pfr/professionallicensing/sites/maine.gov/pfr/professionallicensing/files/inline-files/PUBLIC_DISTRIBUTION_Rulemaking_Notice_Proposed_Rule_1.pdf

mandate that pharmacists prescribing hormonal contraceptives via standing orders or collaborative drug therapy management agreements must complete the requirements outlined in 32 M.R.S. § 13826, APhA respectfully requests the above language be stricken from the well-intended proposed rule.

Thank you for the opportunity to provide these supportive comments and minor recommendations. If you have any questions or require additional information, please do not hesitate to contact E. Michael Murphy, PharmD, MBA, APhA Senior Advisor for State Government Affairs by email at mmurphy@aphanet.org.

Sincerely,

A handwritten signature in black ink that reads "Michael Baxter". The script is cursive and fluid, with the first name "Michael" and last name "Baxter" clearly legible.

Michael Baxter
Vice President, Federal Government Affairs

About APhA: APhA is the largest association of pharmacists in the United States advancing the entire pharmacy profession, including 1,370 licensed pharmacists in Maine. APhA represents pharmacists in all practice settings, including community pharmacies, hospitals, long-term care facilities, specialty pharmacies, community health centers, physician offices, ambulatory clinics, managed care organizations, hospice settings, and government facilities. Our members strive to improve medication use, advance patient care and enhance public health. APhA represents pharmacists and students who practice in numerous settings and provide care to many of your constituents. As the voice of pharmacy, APhA leads the profession and equips members for their role as the medication expert in team-based, patient-centered care. APhA inspires, innovates, and creates opportunities for members and pharmacists worldwide to optimize medication use and health for all.