



Paul R. LePage  
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, Esq.  
Commissioner

Geraldine L. Betts  
Administrator

Maine Board of Pharmacy  
Minutes of October 1, 2015 Board Meeting

**CALL TO ORDER**

President Bruno called the meeting to order at 8:00 a.m.

**MEMBERS PRESENT**

Joseph Bruno, R.Ph., Pharmacist, President  
Donald Watson, R.Ph., Hospital Pharmacist, Vice President  
Kevin Holland, R.Ph., Independent Pharmacist  
Bradley Hamilton, R.Ph., Chain Pharmacist  
Kirsten Martin, Public Member  
Joseph Pietroski, Public Member

**MEMBERS ABSENT**

Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer

**STAFF PRESENT**

Andrew Black, AAG, Board Attorney  
Geraldine Betts, Board Administrator  
Kelly McLaughlin, Senior Consumer Assistance Specialist  
Thomas Avery, Chief Field Investigator  
Jessica Gowell, Planning & Research Associate I

**OLD BUSINESS**

*Review and approval of the minutes of September 3, 2015*

In a motion by Martin, seconded by Hamilton, to accept the minutes of September 3, 2015 and as presented. Motion carried.

**NEW BUSINESS**

**Complaint Committee's Report**

*2015 PHA 11410*

In a motion by Martin, seconded by Hamilton, to dismiss 2015 PHA 11410 with a Letter of Guidance regarding realigning the camera in a way so the date and time does not get imposed by staff. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried.

Licensing (207)624-8579  
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OFFICE LOCATION: GARDINER ANNEX  
76 NORTHERN AVENUE, GARDINER, MAINE

In a motion by Martin, seconded by Watson, to amend the motion in the matter of 2015 PHA 11410, sending a Letter of Guidance to the pharmacy company regarding adjusting the camera angles. Motion carried.

*2015 PHA 11411*

In a motion by Pietroski, seconded by Hamilton, to dismiss 2015 PHA 11411 with no evidence of a violation of the Board's Laws and Rules. Motion carried.

*2015 PHA 11452*

In a motion by Martin, seconded by Watson, to schedule 2015 PHA 11452 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(C); 10 M.R.S. § 8003(5-A)(A)(5) and Board Rules Chapter 30 § 1(8) and Chapter 23, § 1; 2) Reprimand; and 3) \$1,500.00. Motion carried.

*2015 PHA 11346*

In a motion by Pietroski, seconded by Martin, to schedule 2015 PHA 11346 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003 (5-A)(A)(4) and (9); and 32 M.R.S. § 13742-A; 2) Increase the monitoring requirements with the Maine Medical Professionals Health Program to once a week; 2) \$500.00 fine; 3) seven (7) day license suspension; 4) Abstain from the use of alcohol; and 5) Provide a copy of the Consent Agreement to any current employer or prospective employer related to the practice of pharmacy. Motion carried, Complaint Officer recused.

*1996 PHA 108*

*Bruno recused and left the room.*

In a motion by Hamilton, seconded by Pietroski, to terminate the Eighth Consent Agreement in the matter of 1996 PHA 108. Motion Carried, Bruno recused.

*2015 PHA 11077*

In a motion by Martin, seconded by Watson, to deny the request to amend the proposed Consent Agreement in the matter of 2015 PHA 11077. Motion carried.

*2015 PHA 11597*

*Hamilton recused and left the room.*

In a motion by Holland, seconded by Watson, to impose an immediate suspension of license in the matter of 2015 PHA 11597 for a period not to exceed thirty (30) days pursuant to 5 M.R.S. § 10004 (3); The Board found that continued licensure will pose an immediate jeopardy to the public and failure to suspend the license will fail to adequately respond to the known risk. Motion carried, Complaint Officer recused.

In a motion by Holland, seconded by Watson, that sufficient evidence exists to schedule 2015 PHA 11597 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(4), (5) and (9) and 32 M.R.S. § 13742-A; 2) Reprimand; and 3) Revocation. Motion carried, Hamilton recused.

### **Board Action of Waiver Request**

#### *Franklin Memorial Hospital, HOS17*

In a motion by Watson, seconded by Hamilton, to grant the waiver request of Board Rule Chapter 20 Subchapter 2 Section 11 (1) - Video Surveillance and Section 11(2) 2 Way Communication. Motion carried.

#### *New England Rehabilitation Hospital, HOS16*

In a motion by Watson, seconded by Hamilton, to grant the waiver request of Board Rule Chapter 20 Subchapter 2 Section 4, Subsection 1 (C): Access to Automated Pharmacy System, Health Care Professional; Corrections Personnel; Professionals who may remove drugs from dispensing machines at point of care locations; Section 6, Transport and Delivery; Section 8 - Dispensing of Drugs; Section 11 (1) - Video Surveillance and Section 11(2) 2 Way Communication. Motion carried.

#### *New England Home Therapies, PH50001485*

In a motion by Pietroski, seconded by Holland, to accept staff's recommendation to grant waiver of hours to a minimum of thirty two (32) hours per week at this location from October 1, 2015 through November 30, 2015, any change of employment this waiver will become void. Motion carried.

### **Board Action on Company Renewal Applications**

#### Board Action on Company Renewal Applications

*Wal-Mart Pharmacy #10-1856, PH50001374*  
*Wal-Mart Pharmacy #10-2178, PH50001147*  
*Wal-Mart Pharmacy # 10-2659, PH50001141*  
*Wal-Mart Pharmacy # 10-3269, PH50001151*  
*Wal-Mart Pharmacy # 10-2183, PH50001144*  
*Wal-Mart Pharmacy # 10-2143, PH50001135*  
*Wal-Mart Pharmacy # 10-2013, PH50001217*  
*Wal-Mart Pharmacy # 10-2046, PH50001139*  
*Wal-Mart Pharmacy # 10-1939, PH50001145*  
*Wal-Mart Pharmacy # 10-2047, PH50001136*  
*Wal-Mart Pharmacy # 10-1788, PH50001364*  
*Wal-Mart Pharmacy # 10-1924, PH50001140*  
*Wal-Mart Pharmacy # 10-1868, PH50001138*  
*Wal-Mart Pharmacy # 10-2153, PH50001134*  
*Wal-Mart Pharmacy # 10-5076, PH50001137*  
*Wal-Mart Pharmacy # 10-1866, PH50001142*  
*Wal-Mart Pharmacy # 10-1974, PH50001148*  
*Wal-Mart Pharmacy # 10-1932, PH50001380*  
*Wal-Mart Pharmacy # 10-1919, PH50001131*  
*Wal-Mart Pharmacy # 10-1954, PH50001369*  
*Wal-Mart Pharmacy # 10-1797, PH50001495*  
*Wal-Mart Pharmacy # 10-2202, PH50001146*  
*Wal-Mart Pharmacy # 10-2615, MO40000371*  
*Wal-Mart Pharmacy # 10-5315, MO40001344*

*Sam's Pharmacy # 10-6333, PH50001119*  
*Sam's Pharmacy # 10-8186, PH50001337*  
*Wal-Mart Pharmacy Warehouse #06045, WH70000755*  
*Wal-Mart Pharmacy Warehouse #46, WH70000756*

In a motion by Pietroski to issue a fine in the amount of \$1,500.00 for each Wal-Mart presented. Motion failed for a lack of a second.

In a motion by Watson, seconded by Martin, to preliminary deny licensure renewal with the offer of a consent agreement to include the following: 1) Admission to violation of 10 MRS §§ 10 M.R.S. §§ 8003-G(2)(c) and 8003(5-A)(A)(1); 2) Warning; and 3) Fine of \$1,500.00 per license for a total fine of amount of \$42,000.00 to the Wal-Mart Corporation. Motion carried.

In a motion by Hamilton, seconded by Martin, the Board will hold the Pharmacist in Charge ("PIC") responsible for disclosing and reporting disciplinary action only related to the pharmacy specific that the PIC is responsible to oversee and will not be held responsible for corporate disciplinary action(s) relating to the entity's other locations or within the entity's corporate structure.

#### **Administrator's Report**

Administrator Betts updated the Board on the National Association of Boards of Pharmacy (NABP) District 1 and 2 meeting in Portsmouth, NH that she, Bradley Hamilton and Thomas Avery attended. Bradley Hamilton will be attending the Tri-Regulatory Symposium held by the National Association of Boards of Pharmacy on October 5-7, 2015 in Arlington, VA.

#### **Public Comments**

None

#### **ADJOURN**

There being no further business Martin, motioned to adjourn at 10:10 a.m. seconded by Holland. Motion carried.