



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 February 5, 2015 Board Meeting

**CALL TO ORDER**

President Bruno called the meeting to order at 8:01 a.m.

**MEMBERS PRESENT**

Joseph Bruno, R.Ph., Pharmacist, President  
Donald Watson, R.Ph., Hospital Pharmacist, Vice President  
Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer  
Kevin Holland, R.Ph., Independent Pharmacist (*arrived at 8:06 a.m.*)  
Bradley Hamilton, R.Ph., Chain Pharmacist  
Joseph Pietroski, Public Member (*arrived at 8:16 a.m.*)  
Kirsten Martin, Public Member (*arrived at 8:06 a.m.*)

**STAFF PRESENT**

Geraldine Betts, Administrator  
Michael Miller, AAG, Board Attorney  
Kelly McLaughlin, Senior Consumer Assistance Specialist  
Thomas Avery, Chief Field Investigator  
Jessica Gowell, Planning & Research Associate I  
James Liddell, Professional Licensing Supervisor

**NEW BUSINESS**

**Review and approve Decision and Order**

*Review and approve Decision and Order – Crystal Abbott 2014 PHA 10073*

In a motion by Savage seconded by Watson, to accept the Decision and Order in the matter of Crystal Abbott, 2014 PHA 10073, as presented. Motion carried.

**Complaint Committee's Report**

*2014 PHA 10394*

In a motion by Watson, seconded by Hamilton, to schedule 2014 PHA 10394 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)(5), and Board Rule, Chapter 30 § (1)(15); 2) Warning; 3) \$250.00 fine; and 4) 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.

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

*Holland and Martin arrived late due to weather conditions.*

*2014 PHA 10631*

In a motion by Watson, seconded by Hamilton, to dismiss 2014 PHA 10631 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint officer recused.

*Pietroski arrived late due to weather conditions.*

*2014 PHA 10651*

In a motion by Holland, seconded by Hamilton, to dismiss 2014 PHA 10651 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint officer recused.

*2014 PHA 10664*

In a motion by Martin, seconded by Holland, to schedule 2014 PHA 10664 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), 32 M.R.S. § 13753(1)(C) and Board Rule Chapter 11, § 3; 2) Reprimand; and 3) \$500.00 fine. Motion carried, Complaint officer recused.

*2014 PHA 10668*

In a motion by Martin, seconded by Holland, to schedule 2014 PHA 10668 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)(5) and Board Rule Chapter 11, § 3 2) Reprimand; and 3) \$500.00 fine. Motion carried, Complaint officer recused.

*2014 PHA 10703*

In a motion by Martin, seconded by Holland, to schedule 2014 PHA 10703 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), 32 M.R.S. § 13753(1)(C) and Board Rule Chapter 11, § 3; 2) Reprimand; and 3) \$2,000.00 fine. Motion carried, Complaint officer recused.

*2014 PHA 10721*

In a motion by Holland, seconded by Martin, to schedule 2014 PHA 10721 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)(5) and Board Rule Chapter 11, § 3; 2) Reprimand; 3) \$250.00 fine; and 4) 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.

*2015 PHA 10795*

In a motion by Martin, seconded by Holland, to impose an immediate suspension of license in the matter of 2015 PHA 10795 for a period not to exceed thirty (30) days pursuant to 5 MRA § 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 Martin, seconded by Holland, that sufficient evidence exists to schedule 2015 PHA 10795 for an adjudicatory hearing and to offer a consent agreement to include the

following: 1) Admission to violation of 10 MRS § 8003(5-A)(A)(5) and Board Rules Chapter 30 Section 1(17); 2) Revocation; and 3) 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.

### **Board Action of Waiver Request – Board Rule Chapter 20 Subchapter 2**

#### *Spring Harbor Hospital – HOS 26*

In a motion by Martin, seconded by Holland, to grant the waiver request of Board Rule Chapter 20 Subchapter 2 Section 6 - Transport and Delivery; Section 8 - Dispensing of Drugs; Section 11 (1) - Video Surveillance and Section 11(2) - 2 Way Communication. Motion carried.

#### *Southern Maine Health Care, HOS 47 & HOS 36*

In a motion by Martin, seconded by Holland, to grant the waiver request of Board Rule Chapter 20 Subchapter 2 Section 4 (1)(B) - Stock a dispensing machine at a point of care location; Section 4 (1)(C) - Health Care Professionals; Section 8 Dispensing of Drugs; Section 11 (1) - Video Surveillance and Section 11(2) - 2 Way Communication. Motion carried.

#### *St. Mary's Regional Medical Center, HOS 13*

In a motion by Martin, seconded by Holland, to grant the waiver request of Board Rule Chapter 20 Subchapter 2 Section 4 (1)(C) - Health Care Professionals; Section 5 Verification of Prescription Medication to be Dispensed by an Automated Pharmacy System and Section 7 Insertion of Canisters, Pockets or Containers into Dispensing Machine; Section 8 Dispensing of Drugs; Section 11 (1) - Video Surveillance; and Section 11(2) - 2 Way Communication. Motion carried.

#### *Inland Hospital, HOS 11*

In a motion by Martin, seconded by Holland, to table the waiver request and request more information. Motion carried.

### **Correspondence**

#### *Email of November 17, 2014 CVS Caremark, Anne Theriault regarding schedule II prescriptions clarification and over the counter sale of syringes*

The Board discussed the correspondence including samples provided of the stamp regarding schedule II prescription clarification, the Board agrees this prescription would be considered preprinted material. The Board requests Assistant Attorney General, Michael Miller to draft a letter from the Board of Pharmacy to the Board of Dental Examiners and the Board of Medicine conveying the consensus of the Board of Pharmacy is that the sample provided is considered preprinted material, also sending a letter to the Maine Drug Enforcement Agency for clarification if this would violate any of the Drug Enforcement Agencies regulations.

#### *December 18, 2014 Delhaize America, Mark Polli regarding Hannaford-to-GO Hamilton Recused and left the room.*

The Board reviewed the information provided and at this time has no comments.

### **Board Action on Initial Applications**

#### *Catherine Gore, PR6002*

In a motion by Martin, seconded by Holland, to accept staff's recommendation to grant licensure to Catherine Gore, PR6002, as presented. Motion carried.

*Alysson White, PT60011642*

In a motion by Martin, seconded by Holland, to accept staff's recommendation to grant licensure to Alysson White, PT60011642, as presented. Motion carried.

*Eben Jordan, PT60011632*

In a motion by Martin, seconded by Pietroski, to accept staff's recommendation to grant licensure to Eben Jordan, PT60011632, as presented. Savage and Holland opposed; Motion carries.

*David Lamont, PR27783*

In a motion by Martin, seconded by Pietroski, to accept staff's recommendation to grant licensure to David Lamont, PR27783, as presented. Motion carried.

*Elizabeth Wise, PT60011624*

In a motion by Martin, seconded by Holland, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician initial application of Elizabeth Wise, PT60011624, and offer a Consent Agreement to include: 1) Admission to 5 M.R.S. § 5301(2)(A); 10 M.R.S. § 8003(5-A)(A)(3); and 32 M.R.S. § 13742-A(1)(A); 2) Probation for two (2) years without any criminal convictions or violations of any Board Law or Rule; and 3) promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

*Amber Woods, PT60009535*

*Hamilton recused and left the room.*

In a motion by Martin, seconded by Holland, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician initial application of Amber Woods, PT60009535, and offer a Consent Agreement to include: 1) Admission to Board Rules, Chapter 6-A(4)(1) and 10 M.R.S. § 8003(5-A)(A)(7); 2) Reprimand; 3) \$1,200.00 fine and 4) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

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

*Amber Woods, PI12620*

*Hamilton recused and left the room.*

In a motion by Martin, seconded by Holland to accept staff's recommendation and issue a preliminary denial of the pharmacy intern renewal application of Amber Woods, PI12620, pursuant to Board Rules Chapter 6-A Subchapter 1 section 1 without the offer a Consent Agreement. Motion carried.

*Larry Caldwell, PR3218 (reinstatement)*

In a motion by Martin, seconded by Savage, to accept staff's recommendation and issue a preliminary denial of the pharmacist reinstatement application of Larry Caldwell, PR3218, and offer a Consent Agreement to include: 1) Admission to 10 M.R.S. § 8003(5-A)(A)(7); 2)

\$1,500.00 fine; and 3) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

In a motion by Martin, seconded by Savage, to waive the examination requirement pursuant to 32 M.R.S. § 13734(1); and waive the internship requirement pursuant to 32 M.R.S. § 13732(E). Motion carried.

*Kevin Bouchard, PR3290*

In a motion by Martin, seconded by Watson, to accept staff's recommendation and issue a preliminary denial of the pharmacist renewal application of Kevin Bouchard, PR3290, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13735; Board Rules, Chapter 5, and 10 M.R.S. §§ 8003(5-A)(A)(4) and (5); 2) \$137.50 fine (\$50.00 per continuing education hour not completed on time); 3) Completion of twice the continuing education hours not completed on time ( $2.75 \times 2 = 5.5$  hours) which units shall be in addition to the units required for renewal of the license and which must be completed prior to December 31, 2015 and 4) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

**Administrator's Report**

Administrator Betts informed the Board that the Legislature is in session, she monitors all bills that will directly impact the Board. The Public Comment hearing regarding the Durable Medical Equipment Rulemaking will potentially take place at the April 2, 2015 Board Meeting.

**Public Comments**

None

**ADJOURN**

There being no further business Martin, motioned to adjourn at 9:45 a.m. seconded by Holland. Motion carried.