



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 May 7, 2015 Board Meeting

CALL TO ORDER

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

MEMBERS PRESENT

Donald Watson, R.Ph., Hospital Pharmacist, Vice President
Bradley Hamilton, R.Ph., Chain Pharmacist
Joseph Pietroski, Public Member (*arrived at 8:10 a.m.*)
Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer
Kirsten Martin, Public Member

MEMBERS ABSENT

Joseph Bruno, R.Ph., Pharmacist, President
Kevin Holland, R.Ph., Independent Pharmacist

STAFF PRESENT

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

OLD BUSINESS

Review and approval of the minutes of April 2, 2015

In a motion by Savage, seconded by Martin, to accept the minutes of April 2, 2015 and as amended. Motion carried.

NEW BUSINESS

Adjudicatory Hearing –Rapid Equine Solutions, LLC – 2014 PHA 10325

In a motion by Pietroski, seconded by Martin to find Rapid Equine Solutions, LLC in violation of 10 M.R.S. § 8003 (5-A)(A)(4) and (5); 32 M.R.S. § 13753(1)(C) and Board Rule Chapter 11 § 3. Motion carried.

In a motion by Martin, Seconded by Hamilton to impose a Reprimand and a fine of \$3,000.00.

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OFFICE LOCATION: GARDINER ANNEX
76 NORTHERN AVENUE, GARDINER, MAINE

Motion withdrawn.

In a motion by Pietroski, seconded by Martin to impose a Warning and a fine of \$3,000.00.
Motion withdrawn.

In a motion by Pietroski, seconded by Martin to impose a Reprimand and a fine of \$3,000.00.
Motion carried, Complaint Officer recused.

Complaint Committee's Report

2015 PHA 10773

In a motion by Martin, seconded by Hamilton, that sufficient evidence exists to schedule 2015 PHA 10773 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 Rules Chapter 7 section 3(4) (in effect 2012); 2) Reprimand; and 3) \$500.00 fine. Motion carried, Complaint Officer recused, Pietroski opposed.

2015 PHA 10887

In a motion by Martin, seconded by Hamilton, to dismiss 2015 PHA 10887 with a Letter of Guidance regarding the pharmacy must keep its pharmacist in charge fully informed of drug-related investigations and personnel decisions. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried, Complaint Officer recused.

2015 PHA 10916

In a motion by Hamilton, seconded by Martin, to dismiss 2015 PHA 10916 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 10917

In a motion by Martin, seconded by Hamilton, that sufficient evidence exists to schedule 2015 PHA 10917 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); Board Rules Chapter 30 section 1(21) and 22 M.R.S. § 1711-C(2); 2) Warning; and 3) \$100.00 fine. Motion carried. Complaint Officer recused.

2014 PHA 10673

In a motion by Pietroski, seconded by Martin, to table 2014 PHA 10673 and authorize staff to file a complaint against the dispensing pharmacist. Motion carried, Complaint Officer recused

2015 PHA 10774

In a motion by Pietroski, seconded by Martin, to dismiss 2015 PHA 10774 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 10879

In a motion by Hamilton, seconded by Martin, to dismiss 2015 PHA 10879 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 10950

In a motion by Martin, seconded by Pietroski, to dismiss 2015 PHA 10950 with a Letter of Guidance regarding upon a change of pharmacist in charge a mail order prescription pharmacy must file a new application with the Board by registered mail no later than seven (7) days after the change. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried, Hamilton Opposed, and Complaint Officer recused.

2015 PHA 10450

Savage recused and left the room.

In a motion by Martin, seconded by Bradley, to approve the Letter of Guidance as drafted and presented. Motion carried, Savage recused.

Board Action of Waiver Request

Ashland Drug Store, PH50000822

In a motion by Savage, seconded by Martin, to grant the waiver request of Board Rule Chapter 13 Section 2(1) hours of operation. This waiver is not transferable and is solely granted based on the information presented. Any change in any conditions requires reconsideration by the Board and this current waiver would become void. The Board has granted this waiver through December 31, 2015; any requests to extend this waiver must be submitted prior to December 31, 2015, to be considered by the Board. Motion carried.

Waltz Long Term Pharmacy, CSP50001455

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

Blue Hill Memorial Hospital, HOS10

In a motion by Martin, seconded by Savage, 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 and Section 11 (1) - Video Surveillance. Motion carried.

Board Action on Initial Applications

Thomas King, PT60011467

In a motion by Pietroski, seconded by Savage, to accept staff's recommendation and grant licensure to *Thomas King, PT60011467*, as presented. Motion carried.

Melissa DiBiase, PT60004505

In a motion by Pietroski, seconded by Savage, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician initial application of Melissa DiBiase, PT60004505, and offer a Consent Agreement to include: 1) Admission to 10 MRSA § 8003(5-A)(A)(1); 2) Warning; 3) \$250.00 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.

Kierstyn Sprague, PT60011651

In a motion by Savage, seconded by Martin, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician initial application of Kierstyn Sprague,

PT60011651, and offer a Consent Agreement to include: 1) Admission to 10 MRSA § 8003(5-A)(A)(1); 2) Warning; 3) \$250.00 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.

Health Star Pharmacy, Inc. dba Lenox Village Integrative Pharmacy, MO40001089

In a motion by Savage, seconded by Pietroski, to accept staff's recommendation and issue a preliminary denial of the Mail Order Pharmacy license renewal application and the Pharmacist in Charge Application of Health Star Pharmacy, Inc. dba Lenox Village Integrative Pharmacy, MO40001089, and offer a Consent Agreement to include: 1) Admission to 10 MRSA § 8003(5-A)(A)(1); 10 M.R.S. § 8003-G(2) and 8003 (5-A)(A)(4); 32 M.R.S. § 13753(1)(C) and Board Rule Chapter 11 section 1(2)(C); 2) Reprimand; 3) \$39,500.00 fine (\$1,500.00 for unlicensed practice and fraud and deceit in obtaining a license; and \$38,000.00 – forty one(41) weeks total of \$250.00 per week for the first four (4) weeks and \$1,000.00 for each subsequent week for the pharmacist in charge reporting violation). and 4) Conditional license not authorized to prepare and dispense sterile compounding medications into the State of Maine. Motion carried.

Factor Supply Network Pharmacy, Inc., MO40001774

In a motion by Martin, seconded by Savage, to accept staff's recommendation and issue a preliminary denial of the Mail Order Pharmacy initial application of Factor Supply Network Pharmacy, Inc., MO40001774 and offer a Consent Agreement to include: 1) Admission to 10 MRSA §§ 8003(5-A)(A)(1) and (4); 32 M.R.S 13751 and 32 M.R.S. § 13752(3); 2) Reprimand; 3) \$11,750.00 fine; 4) Probation for a period of one (1) year that will include maintaining a valid license and no violation of Maine Laws and Rules; and 5) Cease performing services that require a license in Maine until properly licensed. Motion carried.

H & H Wholesale Services, Inc., WH70002194

In a motion by Savage, seconded by Martin, to accept staff's recommendation and issue a preliminary denial without the offer of a Consent Agreement of the Wholesaler initial application of H & H Wholesale Services, Inc., WH70002194 pursuant to 10 M.R.S. § 8003(5-A)(A)(5) and Board Rules Chapter 12 Section 2(4)(5). Motion carried.

Cynthia Thibodeau, ADV28698

In a motion by Pietroski, seconded by Hamilton, to offer a Consent Agreement to include 1)warning and 2) \$100.00 fine. Motion withdrawn.

In a motion by Savage, seconded by Pietroski, to approve the license of Cynthia Thibodeau, Administration of Drug and Vaccines, ADV28698, with a Letter of Guidance regarding failure to disclose a disciplinary action, the Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried.

Medi-Physics Inc., MF30001430

In a motion by Pietroski, seconded by Savage to accept staff's recommendation and grant licensure to Medi-Physics Inc., MF30001430 as presented. Motion carried.

Medi-Physics Inc., MF30001429

In a motion by Pietroski, seconded by Savage to accept staff's recommendation and grant licensure to Medi-Physics Inc., MF30001429 as presented. Motion carried.

Rulemaking on Licensure of Retail Suppliers of Prescription Medical Devices – Chapter 34-A.

In a motion by Hamilton, seconded by Savage, to accept the basis statement and response to comments and provisionally adopt Board Rules Chapter 34-A. Motion carried.

Administrator's Report

No report.

Public Comments

None

ADJOURN

There being no further business Pietroski, motioned to adjourn at 11:16 a.m. seconded by Martin. Motion carried.