



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 November 5, 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
Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer
Kirsten Martin, Public Member
Joseph Pietroski, Public Member

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 October 1, 2015

In a motion by Watson, seconded by Martin, to accept the minutes of October 1, 2015 and as presented. Motion carried.

NEW BUSINESS

Complaint Committee's Report

2015 PHA 10673

In a motion by Hamilton, seconded by Martin, to table 2015 PHA 10673 for further investigation. Motion carried, Complaint Officer recused.

2015 PHA 11454

In a motion by Hamilton, seconded by Martin, to table 2015 PHA 11454 for further investigation. Motion carried, Complaint Officer recused.

Licensing (207)624-8579
Main Receptionist (207)624-8603
TTY users call Maine relay 711



PRINTED ON RECYCLED PAPER
www.maine.gov/professionallicensing

Geraldine.L.Betts@maine.gov
Direct Line: (207)624-8625
Fax: (207)624-8666

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

2015 PHA 11558

In a motion by Martin, seconded by Watson, to schedule 2015 PHA 11558 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)(1); 2) Warning; and 3) \$250.00. Motion carried, Complaint Officer recused, Hamilton opposed.

2015 PHA 11409

In a motion by Martin, seconded by Hamilton, to impose an immediate suspension of license in the matter of 2015 PHA 11409 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 Martin, seconded by Hamilton, that sufficient evidence exists to schedule 2015 PHA 11409 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, Complaint Officer recused.

2015 PHA 11456

In a motion by Pietroski, seconded by Martin, to dismiss 2015 PHA 11456 with a Letter of Guidance regarding positive pharmacist-patient relations are vital to effective patient care. The Letter of Guidance is to remain on file for a period of ten (10) years. 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

In a motion by Savage, seconded by Holland, 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 \$33,000.00 to the Wal-Mart Corporation. Motion carried. This vote amends the original vote at the October 1, 2015 meeting.

Corey Taylor, PI45625

In a motion by Martin, seconded by Savage, to accept staff's recommendation and grant licensure to Corey Taylor, PI45625, as presented. Motion carried.

Healthstar Pharmacy, MO40001089

The Board tabled action pending further information.

Review and approve Letter of Guidance

2015 PHA 11410

In a motion by Pietroski, seconded by Hamilton, to accept the Letter of Guidance in the matter of 2015 PHA 11410 as presented. Motion carried.

2015 PHA 11607

In a motion by Pietroski, seconded by Hamilton, to accept the Letter of Guidance in the matter of 2015 PHA 11607 as presented. Motion carried.

The Board discussed the review process of Letter of Guidance's issued by the Board and has authorized President Bruno to sign Letters of Guidance's after the drafting has been completed by the Complaint Committee. The Board stated they do not need to review them after being drafted unless otherwise requested.

Public Comments

None

ADJOURN

There being no further business Holland, motioned to adjourn at 9:07 a.m. seconded by Martin. Motion carried.