



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 September 3, 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 August 6, 2015

In a motion by Savage, seconded by Martin, to accept the minutes of August 6, 2015 and as presented. Motion carried.

NEW BUSINESS

Complaint Committee's Report

2015 PHA 11317

In a motion by Holland, seconded by Martin, to dismiss 2015 PHA 11317 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 11318

In a motion by Holland, seconded by Martin, to dismiss 2015 PHA 11318 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

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

2015 PHA 11230

In a motion by Holland, seconded by Martin, to schedule 2015 PHA 11230 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) and Board Rules Chapter 30 § 1(15); 2) Warning; 3) \$250.00 fine and 4) Successful completion of three (3) hours of Board-approved Continuing Education in the subject area of prevention of prescription errors and misfills. These continuing education credits will not count towards the continuing education required for re-licensure and shall be completed and proof of completion submitted to the Board within ninety (90) days of the final execution of the Consent Agreement. Motion carried, Complaint Officer recused.

2015 PHA 11269

Pietroski motioned to dismiss 2015 PHA 11269 with a Letter of Guidance regarding the importance of maintaining sanitary conditions. Motion failed for the lack of a second.

2015 PHA 10987

In a motion by Martin, seconded by Watson, to schedule 2015 PHA 10987 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 11 § 3; 2) Warning; and 3) \$750.00 fine. Motion carried, Complaint Officer recused.

2015 PHA 10975

In a motion by Pietroski, seconded by Martin, to dismiss 2015 PHA 10975 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer recused.

2015 PHA 11453

In a motion by Martin, seconded by Pietroski, to impose an immediate suspension of license in the matter of 2015 PHA 11453 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 Pietroski, that sufficient evidence exists to schedule 2015 PHA 11453 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 30 Section 1(17); 2) Reprimand; and 3) Revocation. Motion carried, Complaint Officer recused.

2015 PHA 11347

Savage recused and left the room

In a motion by Watson, seconded by Martin, to schedule 2015 PHA 11347 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) Censure; and 3) \$500.00 fine. Motion carried, Complaint Officer and Savage recused.

2015 PHA 11406

Hamilton recused and left the room.

In a motion by Martin, seconded by Watson, to impose an immediate suspension of license in the matter of 2015 PHA 11406 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 and Hamilton recused.

In a motion by Martin, seconded by Watson, that sufficient evidence exists to schedule 2015 PHA 11406 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 30 Section 1(17) and 2) Reprimand; and 3) Revocation. Motion carried, Complaint Officer and Hamilton recused.

Board Action on Applications

Angela Davis, PT60011859

In a motion by Martin, seconded by Watson, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician application of Angela Davis, PT60011859, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A(1)(A) ; 2) Obtain a substance abuse evaluation at the applicant's expense from a Board pre-approved Licensed Alcohol and Drug Counselor or other qualified professional and submit the evaluation to the Board within thirty (30) days of signing the consent agreement, the Board will review the evaluation and revisit the application and 3) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

Tori Dyer, PT60011917

In a motion by Savage, seconded by Watson, to accept staff's recommendation and grant licensure to Tori Dyer, PT60011917, as presented. Motion carried.

Jordan Heath, PT60011554

In a motion by Pietroski, seconded by Martin, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician application of Jordan Heath, PT60011554, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A(1)(A) ; 2) Obtain a substance abuse evaluation at the applicant's expense from a Board pre-approved Licensed Alcohol and Drug Counselor or other qualified professional and submit the evaluation to the Board within thirty (30) days of signing the consent agreement, the Board will review the evaluation and revisit the application and 3) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

Emmanuel Mensah, PI28030

In a motion by Martin, seconded by Savage, to amend the current consent agreement to include: 1) Probation for a minimum of six (6) months; 2) Maintain an active enrollment in the Maine Medical Professionals Health Program; 3) Provide a copy of the contract with the Maine Medical Professionals Health Program to the Board; 4) Report to the board within ten (10) days of any amendments to the contract, any positive drug or alcohol testing results, or any ingestion of alcohol or illegal drugs and 5) Provide a copy of the consent agreement to all current and future

employers related to the practice of pharmacy; this condition will terminate at the end of the probation period. Motion carried.

Hoang Pham, PI27792

In a motion by Martin, seconded by Watson, to accept staff's recommendation and grant licensure to Hoang Pham, PI27792, as presented. Motion carried.

Japan Soni, PI12327

In a motion by Martin, seconded by Savage, to amend the current consent agreement to include: 1) Probation for a minimum of six (6) months; 2) Maintain an active enrollment in the Maine Medical Professionals Health Program; 3) Provide a copy of the contract with the Maine Medical Professionals Health Program to the Board; 4) Report to the board within ten (10) days of any amendments to the contract, any positive drug or alcohol testing results, or any ingestion of alcohol or illegal drugs and 5) Provide a copy of the consent agreement to all current and future employers related to the practice of pharmacy; this condition will terminate at the end of the probation period. Motion carried.

Christian Vogt, PI28119

In a motion by Martin, seconded by Savage, to amend the current consent agreement to include: 1) Probation for a minimum of five (5) years; 2) Maintain an active enrollment in the Maine Medical Professionals Health Program; 3) Provide a copy of the contract with the Maine Medical Professionals Health Program to the Board; 4) Report to the board within ten (10) days of any amendments to the contract, any positive drug or alcohol testing results, or any ingestion of alcohol or illegal drugs and 5) Provide a copy of the consent agreement to all current and future employers related to the practice of pharmacy; this condition will terminate at the end of the probation period. Motion carried.

Joseph Norton, Discovery House

See complaint number 2015 PHA 11347 above.

City Drug Store, PH50000309

In a motion by Martin; seconded by Watson, to issue the license as present, no barrier is required as the pharmacy and the retail front end is open for business the same hours. Motion carried.

Correspondences

Karen Estrella, DME License Issue.

In a motion by Hamilton, seconded by Pietroski, to table the correspondence to allow Administrator Bett's and the Assistant Attorney General, Andrew Black to obtain more information. Motion carried.

Administrator's Report

Administrator Betts updated the Board on the Request for Proposals for a Pharmacist Examiner/Consultant Services; this was published in several newspapers on August 25-27, 2015. The deadline to submit proposals to the Division of Purchases is September 16, 2015 by 2:00 p.m. This position will assist with technical matters including but not limited to pharmacy inspections, complaints, inventory audits, etc.

Public Comments

None

ADJOURN

There being no further business Martin, motioned to adjourn at 9:25 a.m. seconded by Holland.
Motion carried.