



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  
Amended Minutes of January 8, 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  
Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer  
Kevin Holland, R.Ph.  
Bradley Hamilton, R.Ph.  
Joseph Pietroski, Public Member  
Kirsten Martin, Public Member

**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

**OLD BUSINESS**

*Review and approval of the minutes of October 20, 2014*

In a motion by Savage, seconded by Holland, to accept the minutes of October 20, 2014, as presented. Motion carried. Hamilton abstained.

*Review and approval of the minutes of November 6, 2014*

In a motion by Savage, seconded by Martin, to accept the minutes of November 6, 2014, as presented. Motion carried. Hamilton abstained.

**NEW BUSINESS**

**Adjudicatory Hearing – Adam Jordan – 2014 PHA 10028**

In a motion by Pietroski, seconded by Watson to deny Adam Jordan's motion to reconsider in the matter of 2014 PHA 10028. Motion carried.

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



PRINTED ON RECYCLED PAPER  
[www.maine.gov/professionallicensing](http://www.maine.gov/professionallicensing)

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

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

***Adjudicatory Hearing – Crystal Abbott – 2014 PHA 10073***

In a motion by Savage, seconded by Martin to deny the license application for renewal for Crystal Abbott, PT60005488 and issue a civil penalty in the amount of \$250.00 to be paid by June 30, 2015 finding that Crystal Abbott has not been sufficiently rehabilitated. Motion carried.

**Review and approve Decision and Order**

*Review and approve Decision and Order – Raymond Cote 2014 PHA 10249*

In a motion by Savage seconded by Pietroski to accept the Decision and Order in the matter of Raymond Cote, 2014 PHA 10249, as presented. Motion carried.

**Complaint Committee’s Report**

*2014 PHA 10301*

In a motion by Watson, seconded by Martin, to schedule 2014 PHA 10301 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)(2); 2) reprimand; and 3) \$250.00 fine. Motion carried, Complaint officer recused.

*2014 PHA 10305*

In a motion by Holland, seconded by Martin to dismiss 2014 PHA 10305 with no evidence of a violation of the Board’s Laws and Rules. Motion carried, Complaint officer recused.

*2014 PHA 10306*

In a motion by Holland, seconded by Martin to dismiss 2014 PHA 10306 with no evidence of a violation of the Board’s Laws and Rules. Motion carried, Complaint officer recused.

*2014 PHA 10307*

In a motion by Holland, seconded by Martin to dismiss 2014 PHA 10307 with no evidence of a violation of the Board’s Laws and Rules. Motion carried, Complaint officer recused.

*2014 PHA 10552*

In a motion by Holland, seconded by Martin, to schedule 2014 PHA 10552 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 32 M.R.S. § 13796(5); 2) warning; and 3) \$250.00 fine. Motion carried, Complaint officer recused.

*2014 PHA 10561*

In a motion by Holland, seconded by Martin to dismiss 2014 PHA 10561 with no evidence of a violation of the Board’s Laws and Rules. Motion carried, Complaint officer recused.

*2014 PHA 10567*

In a motion by Watson, seconded by Martin to dismiss 2014 PHA 10567 with no evidence of a violation of the Board’s Laws and Rules. Motion withdrawn.

In a motion by Pietroski, seconded by Hamilton, to schedule 2014 PHA 10567 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; 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.

*2014 PHA 10568*

In a motion by Martin, seconded by Holland, to schedule 2014 PHA 10568 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 32 M.R.S. § 13796(5); 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.

*2014 PHA 10569*

In a motion by Holland, seconded by Martin, to schedule 2014 PHA 10569 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 32 M.R.S. § 13796(5); 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.

*2014 PHA 10570*

In a motion by Pietroski, seconded by Martin, to schedule 2014 PHA 10570 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 32 M.R.S. § 13796(5); 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.

*2014 PHA 10608*

In a motion by Martin, seconded by Pietroski, to schedule 2014 PHA 10608 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 10609*

*Hamilton recused and left the room.*

In a motion by Martin, seconded by Holland, to schedule 2014 PHA 10609 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 8 § 6; 2) reprimand; and 3) \$750.00 fine. Motion carried, Complaint officer and Hamilton recused.

*2014 PHA 10630*

In a motion by Martin, seconded by Pietroski, to schedule 2014 PHA 10630 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. §§ 13831, 13833 and Board Rules Chapter 4-A, § 2; 2) reprimand; 3) \$500.00 fine; and 4) completion of two (2) hours of additional continuing education on the subject of appropriate immunization administration technique or procedure to be completed by December 31, 2015 which units shall be in addition to the units required for renewal. Motion carried, Complaint officer recused.

*2014 PHA 10648*

In a motion by Martin, seconded by Holland to dismiss 2014 PHA 10648 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint officer recused.

*2014 PHA 10663*

In a motion by Martin, seconded by Holland, to schedule 2014 PHA 10663 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 10665*

In a motion by Pietroski, seconded by Martin, to schedule 2014 PHA 10665 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 10666*

In a motion by Martin, seconded by Watson, to schedule 2014 PHA 10666 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.

**Board Action on Renewal Applications**

*Douglas Anderson, PR3874*

*Hamilton recused and left the room.*

In a motion by Martin, seconded by Watson to accept staff's recommendation with an amendment and issue a preliminary denial of the pharmacist renewal application of Douglas Anderson, PR3874, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A (1)(A), Board Rules Chapter 7 § 1 (2)(B), 10 M.R.S. § 8003(5-A)(A)(3), 5 M.R.S. §§ 5301(2)(B) and 5302(1), and 10 M.R.S. § 8003-G(2)(B); 2) Obtain a substance abuse evaluation from the Maine Medical Professionals Health Program (MMPHP) and follow the recommendations of the MMPHP, including signing a contract and participating in the program, if so recommended; 3) submit the evaluation to the Board within thirty (30) days of execution of the consent agreement; 4) \$250.00 fine and 5) promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried, Hamilton recused.

*Jamie Hathaway, PT60010318*

In a motion by Savage, seconded by Pietroski to enter executive session at 10:09 a.m.

In a motion by Martin, seconded by Watson to end executive session at 10:29 a.m.

In a motion by Martin, seconded by Pietroski to accept staff's recommendation and grant licensure to Jamie Hathaway, PT60010318, as presented. Martin, Watson and Holland in favor, Bruno, Savage, Pietroski and Hamilton opposed. Motion fails.

In a motion by Pietroski, seconded by Martin to accept staff's recommendation and grant licensure to Jamie Hathaway, PT60010318 as presented. Pietroski, Martin, Holland and Watson in favor, Bruno, Savage and Hamilton opposed. Motion carries.

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

#### *Katie Perry, PT60011370*

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 Katie Perry, PT60011370, and offer a Consent Agreement to include: 1) Admission to Board Rules Chapter 7, § 1(2)(B), 10 M.R.S. § 8003(5-A)(A)(3), and 5 M.R.S. §§ 5301(2)(B) and 5302(1) and 32 M.R.S. § 13742-A(1)(A); 2) Obtain a substance abuse evaluation at 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.

#### *DaVita Rx LLC, MO40001669*

In a motion by Savage, seconded by Pietroski to accept staff's recommendation and grant licensure to DaVita Rx LLC, MO40001669, as presented. Motion carried.

#### *Kelly Woodard, PT60011551*

In a motion by Savage, seconded by Pietroski to accept staff's recommendation and grant licensure to Kelly Woodard, PT60011551, as presented. Motion carried.

#### *Tiffany Libby, PT60011444*

In a motion by Savage, seconded by Pietroski to accept staff's recommendation and grant licensure to Tiffany Libby, PT60011444, as presented. Motion carried.

#### *Rood & Riddle Veterinary Pharmacy, MO40001510*

In a motion by Martin, seconded by Holland to accept staff's recommendation and issue a preliminary denial of the mail order pharmacy initial application of Rood & Riddle Veterinary Pharmacy, MO40001510, and offer a Consent Agreement to include: 1) Admission to Board Rules Chapter 12 § 4(5), 10 M.R.S. § 8003 (5-A)(A)(1), 10 M.R.S. §§8003-G(2), 8003 (5-A)(A)(4) and 10 M.R.S. § 8003 (5-A)(A)(7); 2) reprimand and 3) \$2,000.00 fine. Motion carried.

#### *ProStrakan, Inc., WH70001948*

In a motion by Pietroski, seconded by Holland to accept staff's recommendation and grant licensure to ProStrakan, Inc., WH70001948, as presented. Motion carried.

#### *Medline Industries, Inc., WH70002266*

In a motion by Martin, seconded by Watson to accept staff's recommendation and grant licensure to Medline Industries, Inc., WH70002266, as presented. Motion carried.

#### *Medline Industries, Inc., WH70002267*

In a motion by Martin, seconded by Watson to accept staff's recommendation and grant licensure to Medline Industries, Inc., WH70002267, as presented. Motion carried.

#### *Medline Industries, Inc., WH70002268*

In a motion by Martin, seconded by Watson to accept staff's recommendation and grant licensure to Medline Industries, Inc., WH70002268, as presented. Motion carried.

*Coastal Med Tech, Inc., MGD80001129*

In a motion by Holland, seconded by Hamilton to accept staff's recommendation and issue a preliminary denial of the Retail Supplier of Medical Oxygen and Oxygen Devices initial application of Coastal Med Tech, Inc., MGD80001129, and offer a Consent Agreement to include: 1) 10 M.R.S. § 8003 (5-A)(A)(1), 2) warning and 3) \$250.00 fine. Motion carried.

*KVP Supply LLC., MO40001491*

In a motion by Savage, seconded by Martin to accept staff's recommendation and grant licensure to KVP Supply., MO40001491, as presented. Motion carried.

*Melanie Tome, PI30585*

In a motion by Savage, seconded by Pietroski to issue a Letter of Guidance regarding unlicensed practice. The Letter of Guidance is to remain on file for a period of ten (10) years and file a complaint against the Pharmacist-In-Charge at St. Joseph Healthcare for allowing the unlicensed practice of the pharmacy intern. Motion carried.

*Dallas Gradie, PT60011599*

In a motion by Savage, seconded by Holland to accept staff's recommendation and grant licensure to Dallas Gradie, PT60011599, as presented. Motion carried.

*Tonia Verrill, PT60011573*

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 Tonia Verrill, PT60011573, and offer a Consent Agreement to include: 1) Admission to 5 M.R.S. §§5301-5302 and 10 M.R.S. §8003(5-A)(A)(3); 2) warning; 3) Probation for two (2) years without any criminal convictions or no violations of any Board law or rule; and 4) promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. 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 and requested staff to obtain a sample of what the stamp looks like regarding schedule II prescription clarification. In regards to the sale of over the counter syringes the pharmacist themselves has to verify the buyer of the syringes is eighteen (18) years of age or older, doing so would allow the technician that is working the register to make the sale of syringes.

*Email of October 22, 2014, OptumRx, Kristyl Thompson regarding license requirements.*

The Board discussed the correspondence and requested staff to obtain more information regarding the remote entry; specifically what information is the pharmacy technician entering and what the duties of this technician are when working for the non-resident pharmacy.

*Email of December 23, 2014, Courtney Oland regarding electronic medical records.*

The Board discussed the correspondence and agrees an “order” placed into the electronic medical record by a staff member at a facility such as a nursing facility, skilled nursing facility or an assisted living facility is not considered an e-prescription and does have to come directly from the prescriber.

### **Election of Officers**

#### *President*

In a motion by Savage, seconded by Hamilton, to nominate and elect Joseph Bruno, as President. Motion carried.

#### *Vice President*

In a motion by Savage, seconded by Hamilton, to nominate and elect Donald Watson, as Vice President. Motion carried.

#### *Complaint Officer*

In a motion by Savage, seconded by Hamilton, to nominate and elect Savage as Complaint Officer. Motion carried.

### **Administrator’s Report**

No Report.

### **Public Comments**

None

### **ADJOURN**

There being no further business Savage motioned to adjourn at 11:34 a.m. seconded by Martin. Motion carried.