



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
Draft Minutes of June 2, 2016 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., Complaint Officer
Bradley Hamilton, R.Ph., Chain Pharmacist
Kirsten Martin, Public Member

MEMBERS ABSENT

Shane Savage, R.Ph., Independent Pharmacist

STAFF PRESENT

Andrew Black, AAG, Board Attorney
Geraldine Betts, Board Administrator
Thomas Avery, Chief Field Investigator
Kelly McLaughlin, Comprehensive Health Planner I
Jessica Gowell, Senior Consumer Assistant Specialist
Lori Brann, Planning and Research Associate I

OLD BUSINESS

Review and approval of the amended minutes of April 7, 2016.

In a motion by Hamilton, seconded by Watson, to accept the April 7, 2016 minutes as amended.
Motion carried.

Review and approval of the minutes of May 5, 2016.

In a motion by Hamilton, seconded by Martin, to accept the May 5, 2016 minutes as presented.
Motion carried.

NEW BUSINESS

Complaint Committee's Report

2015 PHA 11741

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



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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

In a motion by Hamilton, seconded by Martin, that sufficient evidence exists to schedule 2016 PHA 11741 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 11 § 3; 2) Warning; 3) \$250.00 fine. Motion carried, Complaint Officer Holland recused.

2016 PHA 11991

Bruno recused and left the room

In a motion by Martin, seconded by Hamilton, to dismiss 2016 PHA 11991 with a Letter of Guidance regarding the creation of and/or following internal procedures pertaining to partial fills and owed medications. Motion carried. Complaint Officer Holland and Bruno recused.

In a motion by Martin, seconded by Watson the Letter of Guidance is to remain on file for a period of two (2) years. Motion carried. Complaint Officer Holland and Bruno recused.

2016 PHA 12110

In a motion by Hamilton, seconded by Martin, to dismiss 2016 PHA 12110 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Complaint Officer Holland recused.

2016 PHA 12327

In a motion by Martin, seconded by Watson, to impose an immediate suspension of license in the matter of 2016 PHA 12327 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 Holland recused.

In a motion by Martin, seconded by Watson, that sufficient evidence exists to schedule 2016 PHA 12327 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Immediate voluntary suspension of the pharmacist license which the voluntary suspension shall remain in effect until such time as the Board takes final action. Motion carried, Complaint Officer Holland recused.

Board Action on Applications

Christine Ogden – PT60012376

In a motion by Hamilton, seconded by Martin, to accept staff's recommendation and grant licensure to Christine Ogden PT60012376, as presented. Motion carried.

John DePue – PI45987

In a motion by Watson, seconded by Martin, to accept staff's recommendation and grant licensure to John DePue PI45987, as presented. Motion carried

Kierstyn Sprague – PT60011651

In a motion by Hamilton, seconded by Holland, to preliminary deny licensure to Kierstyn Sprague with an offer of a Consent Agreement including: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1), 2) Warning; and 3) Fine of \$250.00 to be paid prior to the issuance of the license. Motion carried.

Kathleen Ricker – PT60012309

In a motion by Martin, seconded by Hamilton, to preliminary deny licensure to Kathleen Ricker with an offer of a Consent Agreement including: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1), 2) Warning; and 3) Fine of \$250.00 to be paid prior to the issuance of the license. Motion carried.

Wendy Sears – PT60012303

Hamilton recused and left the room

In a motion by Holland, seconded by Watson, to preliminary deny licensure to Wendy Sears with an offer of a Consent Agreement including: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(1), 2) Warning; and 3) Fine of \$250.00 to be paid prior to the issuance of the license. Motion carried. Hamilton recused.

Correspondence

Caroline Riogi, Walmart – Expiration on CS Prescriptions

The board discussed the correspondence and unanimously agrees that no pharmacist may fill a prescription drug order for a controlled substance that is presented to the pharmacist more than 90 days after the date of the prescription.

If a patient presents a new prescription with an issue date older than 90 days, the pharmacist cannot fill that prescription. This provision of the Board Rules does not impose any restrictions on any refills that appear on the original as long as the original prescription is presented to the pharmacist within 90 days of being written. Board Rules chapter 29, however, requires Maine pharmacists to comply with certain Federal laws that do place restrictions on refills for controlled substances.

Rick Petrie, Maine EMS System – Clarification on the definition surrounding dispensing

The Board discussed the correspondence and does not consider a one-for-one medication exchange for medications used in the out-of-hospital setting by licensed EMS providers “dispensing” as the medication is not actually given to a patient, the Board feel this is more of a replacement. The Board requests Assistant Attorney General Andrew Black, and Administrator Betts to communication directly with the Board of Nursing on the Boards position on this matter.

Administrator’s Report

Administrator Betts updated the Board on Joint Chapter 21 Rules on Use of Controlled Substances for Treatment of Pain, Board of Dental Examiners, Board of Licensure in Medicine, State Board of Nursing, Board of Osteopathic Licensure, Board of Licensure of Podiatric Medicine, and finalizing the pharmacy consultant contract.

Public Comments

None

ADJOURN

There being no further business Martin, motioned to adjourn at 9:11 a.m. seconded by Holland. Motion carried.