



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 April 2, 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  
Joseph Pietroski, Public Member (*arrived at 8:10 a.m.*)

**MEMBERS ABSENT**

Shane Savage, R.Ph., Independent Pharmacist, Complaint Officer

**STAFF PRESENT**

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 March 5, 2015*

In a motion by Watson, seconded by Holland, to accept the minutes of March 5, 2015 and as presented. Motion carried.

**NEW BUSINESS**

**Public Hearing Rule-making – Chapter 34-A – Licensure of Retail Suppliers of Prescription Medical Devices.**

The board received a verbal comment regarding proposed rules.

**Complaint Committee's Report**

*2015 PHA 10978*

In a motion by Holland, seconded by Martin, to impose an immediate suspension of license in

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

the matter of 2015 PHA 10978 for a period not to exceed thirty (30) days pursuant to 5 MRSA § 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 Watson, that sufficient evidence exists to schedule 2015 PHA 10978 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 MRSA § 8003(5-A)(A)(5) and Board Rules Chapter 30 Section 1(17); 2) Revocation; and 3) Provide a copy of the Consent Agreement to any current employer or prospective employer related to the practice of pharmacy. Motion carried.

#### *2014 PHA 10450*

In a motion by Martin, seconded by Hamilton, to dismiss 2014 PHA 10450 with a Letter of Guidance regarding the Board's ability to discipline a licensee for engaging in unprofessional conduct by violating a standard of professional behavior that has been established in the practice of pharmacy. The Letter of Guidance is to remain on file for a period of ten (10) years, the Board will review and approve the proposed draft Letter of Guidance at the May 7, 2015 Board Meeting for acceptance. Motion carried, Bruno recused.

#### *2014 PHA 10528*

In a motion by Martin, seconded by Hamilton, to dismiss 2014 PHA 10528 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Pietroski opposed, Bruno recused.

#### *2014 PHA 10559*

In a motion by Hamilton, seconded by Martin, to dismiss case number 2014 PHA 10559 and refer the matter to the Attorney General's Office for possible investigation of unlicensed practice as the Board lacks jurisdiction when an entity is not licensed by the Board. Motion carried.

#### *2015 PHA 10771*

In a motion by Pietroski, seconded by Martin, to dismiss 2015 PHA 10771 with no evidence of a violation of the Board's Laws and Rules. Motion carried.

#### *2015 PHA 10777*

In a motion by Holland, seconded by Martin, to schedule 2015 PHA 10777 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of 10 MRSA § 8003(5-A)(A)(5), and Board Rules Chapter 11 § 3; 2) Warning; and 3) \$2,000.00 fine. Motion carried.

#### *2015 PHA 10818*

In a motion by Pietroski, seconded by Martin, to dismiss 2015 PHA 10818 with no evidence of a violation of the Board's Laws and Rules. Motion carried.

#### *2015 PHA 10853*

In a motion by Watson, seconded by Martin, to schedule 2015 PHA 10853 for an adjudicatory hearing and to offer a consent agreement to include the following: 1) Admission to violation of

10 MRSA § 8003(5-A)(A)(5), and Board Rule Chapter 13 § 3 (2)(G); 2) Warning; 3) \$1,500.00 fine. Motion carried.

*2014 PHA 9744*

*Bruno recused and left the room.*

In a motion by Martin, seconded by Pietroski, to continue with the Peer Monitoring by extending the monitoring requirements for an additional 250 (two hundred fifty) work hours (3 months) and request the peer monitor to supply the Board with the following information for the previous reports dated December 12, 2014 and February 25, 2015: 1) The number of hours within the two hundred and fifty (250) hours being reported on that the peer monitor worked directly with the licensee allowing for the direct observation of the practice of pharmacy and interactions with customers; 2) Supply a copy of the independent audit that is conducted quarterly; 3) The number of prescriptions filled by the licensee for the two hundred and fifty (250) hours being reported on; 4) The number of consumer/customer complaints received during the report period against the licensee; and 5) A description of the peer monitor's observation of the licensee's interactions with customers. Motion carried, Bruno recused.

**Board Action on Initial Applications**

*Kristina Goss, PT60011725*

*Hamilton recused and left the room.*

In a motion by Watson, seconded by Pietroski, to accept staff's recommendation and grant licensure to Kristina Goss, PT60011725, as presented. Motion carried, Hamilton recused.

*Par Sterile Products LLC, MF30001425 and WH70002297*

In a motion by Holland, seconded by Martin, to accept staff's recommendation and grant licensure to Par Sterile Products LLC, MF30001425 and WH70002297, as presented. Motion carried.

*LifeCell Corporation, MF30001433 and WH70002323*

In a motion by Martin, seconded by Hamilton, to accept staff's recommendation and grant licensure to LifeCell Corporation, MF30001433 and WH70002323, as presented. Motion carried.

*Lisa Vaillancourt, PT60011737*

In a motion by Pietroski, seconded by Holland, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician initial application of Thomas King, PT60011467, 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.

*Marianne Rusczyk, PR29255*

In a motion by Martin, seconded by Pietroski, to accept staff's recommendation and grant licensure to Marianne Rusczyk, PR29255, as presented with a Letter of Guidance regarding failure to disclose a license denial on an initial application for licensure. The Letter of Guidance is to remain on file for a period of ten (10) years. Motion carried.

*Marie Deakyne, PR5622*

In a motion by Pietroski, seconded by Watson, to accept staff's recommendation grant licensure to Marie Deakyne, PR5622 and ADV28345 and waive the examination requirements. Motion carried.

**Board Action on Renewal Applications**

*Kaitlyn Plummer, PI12289*

*Bruno recused and left the room*

In a motion by Pietroski, seconded by Hamilton, to accept staff's recommendation and grant licensure to Kaitlyn Plummer, PI12289, as presented. Motion carried, Bruno recused.

*Holly Allen, PT60009755*

*Hamilton recused and left the room.*

In a motion by Pietroski, seconded by Martin, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician renewal application of Holly Allen, PT60009755, and offer a Consent Agreement to include: 1) Admission to 10 MRSA § 8003(5-A)(A)(3) and 5 MRSA §§ 5301(2)(B) and 5302(1), 32 MRSA § 13742-A(1)(A), and 10 MRSA 8003-G(2)(B) and 10 MRSA § 8003(5-A)(A)(11); 2) Warning; 3) \$100.00 fine; 4) 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 this application once received and 5) Provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried, Hamilton recused.

**Board Action of Waiver Request**

*Treworgy Pharmacy, CSP50001428*

In a motion by Holland, seconded by Watson, to grant the waiver request of Board Rule Chapter 13 Section 2(1) based upon the fact that this entity is a Closed Shop Pharmacy. Motion carried.

**Request for an Advisory Ruling – Board Rules Chapter 13 §6(1), William Sanborn**

In a motion by Watson, seconded by Martin, to exercise the Board's discretion not to issue an advisory ruling at this time.

**Administrator's Report**

Administrator Betts updated the board on a meeting held the week of March 30, 2015 regarding the ongoing work on the collaborative practice rule-making. Assistant Attorney General, Michael Miller informed the Board that today is the last Pharmacy Board Meeting she will be attending as she has been reassigned to the Board of Medicine, Andrew Black will be the new Assistant Attorney General for the Board of Pharmacy effective at the May 7, 2015 Board Meeting.

**Public Comments**

None

**ADJOURN**

There being no further business Pietroski, motioned to adjourn at 11:23 a.m. seconded by Hamilton. Motion carried.