



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 March 5, 2015 Board Meeting

CALL TO ORDER

President Bruno called the meeting to order at 10:00 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., Independent Pharmacist
Bradley Hamilton, R.Ph., Chain Pharmacist
Joseph Pietroski, Public Member

MEMBERS ABSENT

Kirsten Martin, Public Member (*arrived at 8:06 a.m.*)

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 revised minutes of October 20, 2014

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

Review and approval of the minutes of January 8, 2015 and February 5, 2015

In a motion by Savage, seconded by Pietroski, to accept the minutes of January 8, 2015 and February 5, 2015, as presented. Motion carried.

NEW BUSINESS

Adjudicatory Hearing – Adam Jordan – 2014 PHA 10028

The adjudicatory hearing was resolved with a consent agreement.

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

Adjudicatory Hearing – Rapid Equine Solutions, LLC – 2014 PHA 10325

The Hearing Office issued a continuance to May 7, 2015 regarding the adjudicatory hearing in the matter of Rapid Equine Solutions, LLC. – 2014 PHA 10325.

Complaint Committee’s Report

2014 PHA 10525

In a motion by Pietroski, seconded by Holland, to accept the consent agreement in the matter of 2014 PHA 10525 as presented. Motion carried, Complaint officer recused.

2014 PHA 10607

In a motion by Pietroski, seconded by Holland, to dismiss 2014 PHA 10607 with no evidence of a violation of the Board’s Laws and Rules. Motion carried, Complaint officer recused.

2014 PHA 10649

In a motion by Pietroski, seconded by Watson, to schedule 2014 PHA 10649 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 Rule Chapter 30 § (1)(15); 2) Reprimand; and 3) \$750.00 fine. Motion carried, Complaint officer recused.

2014 PHA 10662

In a motion by Hamilton, seconded by Holland, to dismiss 2014 PHA 10662 with no evidence of a violation of the Board’s Laws and Rules. Motion carried, Complaint officer recused.

2014 PHA 10081

In a motion by Pietroski, seconded by Watson, to schedule 2014 PHA 10081 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. § 13796(5) and Board Rules Chapter 13, §3(2), Chapter 29, § 1(6), Chapter 30, § 1(12), and Chapter 30, § 1(13); 2) Reprimand; 3) \$3,250.00 fine with \$1,500.00 suspended; 4) Probation for five (5) years during which the licensee shall complete an inventory at the close of business of all controlled substances on hand at the pharmacy within two (2) days of the effective date of this Consent Agreement and immediately provide said inventory to the Board via fax or email; during the first year of probation the licensee shall provide to the Board a written report on or before August 15, November 15, February 15, and May 15 which report provides the on hand inventory amounts for all controlled substances, reconciles the inventory amounts with dispensing and purchasing records, identifies any resulting discrepancies, and provides an explanation for any discrepancies found. Beginning with the second year of probation, such reports shall be due on or before November 15 and May 15; and the licensee and pharmacy shall be subject to random unannounced audits from Board staff to determine compliance with all inventory and recordkeeping requirements; 5) Any violation of probation including but not limited to to effective controls or inventory the \$1,500.00 suspended fine will be reinstated; and 6) 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.

2015 PHA 10770

In a motion by Hamilton, seconded by Holland, to schedule 2015 PHA 10770 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 Rule Chapter 11, § 3; 2) Reprimand; 3) \$500.00 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.

2015 PHA 10772

In a motion by Holland, seconded by Pietroski, to schedule 2014 PHA 10772 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) \$500.00 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.

2015 PHA 10775

In a motion by Holland, seconded by Pietroski, to schedule 2015 PHA 10775 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 Rule Chapter 30, § 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, Complaint officer recused.

2015 PHA 10778

In a motion by Watson, seconded by Holland, to schedule 2015 PHA 10778 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), (8), 32 M.R.S. §§ 13702-A(23), 13752(4), Board Rule Chapter 3 § 1 and Board Rule Chapter 7, §§1-A, 4(1); 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.

In a motion by Pietroski, seconded by Holland, to amend the motion to remove the fine of \$250.00 offer a consent agreement to include the following: 1) Admission to violation of 10 M.R.S. § 8003(5-A)(A)(5), (8), 32 M.R.S. §§ 13702-A(23), 13752(4), Board Rule Chapter 3 § 1 and Board Rule Chapter 7, §§1-A, 4(1); 2) Warning; and 3) 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.

2015 PHA 10810

In a motion by Pietroski, seconded by Hamilton, to schedule 2015 PHA 10810 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 Rule Chapter 13 § 2(5)3; 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.

2003 PHA 355

Hamilton recused and left the room

In a motion by Pietroski, seconded by Holland to terminate all the term and conditions of the consent agreement in the matter of 2003 PHA 355. Motion carried, Hamilton recused.

2009 PHA 5928

Bruno recused and left the room.

In a motion by Pietroski, seconded by Hamilton, to terminate all the terms and conditions of the amended decision and order in the matter of 2009 PHA 5928. Motion carried, Bruno recused.

2015 PHA 10759

In a motion by Hamilton, seconded by Holland, to dismiss 2015 PHA 10759 with no evidence of a violation of the Board's Laws and Rules. Motion carried, Savage recused.

2014 PHA 10721

In a motion by Savage, seconded by Holland, to reconsider 2014 PHA 10721 that was presented to the Board at the February 5, 2015 meeting. Motion carried, Complaint officer recused.

In a motion by Pietroski, seconded by Holland, to schedule 2014 PHA 10721 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) \$750.00 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.

2013 PHA 9223 & 2014 PHA 9744

Bruno and Savage recused and left the room.

In a motion by Pietroski, seconded by Holland, to accept the continuing education credits in the matter of 2013 PHA 9223. Motion carried, Bruno and Savage recused.

2014 PHA 9744 is to be approved by the complaint committee per the consent agreement; the licensee submitted the information conjunctively.

Board Action on Initial Applications

Bernadette Amero, ADV30659

Hamilton recused and left the room.

In a motion by Holland, seconded by Pietroski, to accept staff's recommendation and issue a preliminary denial of the Administration of Drugs and Vaccines initial application of Bernadette Amero, ADV30659, and offer a Consent Agreement to include: 1) Admission to 10 M.R.S. § 8003 (5-A)(A)(1); 2) Warning; 3) 250.00 fine; and 3) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried, Hamilton recused.

Emmanuel Mensah, PI28030

In a motion by Pietroski, seconded by Holland, to accept staff's recommendation and issue a preliminary denial of the pharmacy intern initial application of Emmanuel Mensah, PI28030, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A (1)(A); 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 and recommendations to the Board within thirty (30) days of execution of the consent agreement; and 4) Provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

Thomas King, PT60011467

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 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 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.

Stephanie Villasis, PI30679

In a motion by Pietroski, seconded by Holland, to accept staff's recommendation and issue a preliminary denial of the pharmacy intern initial application of Stephanie Villasis, PI30679, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A (1)(A); 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 and recommendations to the Board within thirty (30) days of execution of the consent agreement; and 4) Provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

Robert Emery, PT60011302

In a motion by Hamilton, seconded by Savage, to accept staff's recommendation and issue a preliminary denial of the pharmacy technician initial application of Robert Emery, PT60011302 without the offer of a Consent Agreement. Motion carried.

Theresa Richard, PT60011659

Hamilton recused and left the room

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 Theresa Richard, PT60011659, and offer a Consent Agreement to include: 1) Admission to 10 M.R.S. § 8003(5-A)(A)(1); 2) Warning; 3) 250.00 fine; and 3) Promptly provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried, Hamilton recused.

Hollie Maloney, PT60011692

In a motion by Pietroski, seconded by Holland, to accept staff's recommendation and grant licensure to Hollie Maloney, PT60011692, as presented. Motion carried.

Shelli Domenico, PT60011498

In a motion by Holland, seconded by Pietroski, to accept staff's recommendation and grant licensure to Shelli Domenico, PT60011498, as presented. Motion carried.

Christian Vogt, PI28119

In a motion by Pietroski, seconded by Watson, to accept staff's recommendation and issue a preliminary denial of the Pharmacy Intern initial application of Christian Vogt, PI28119, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A (1)(A); 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 and recommendations to the Board within thirty (30) days of execution of the consent agreement; and 4) Provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy. Motion carried.

In a motion by Pietroski, seconded by Watson, to add to the agenda Board Action on Initial Application of a Retail Supplier of Medical Oxygen and Oxygen Devices, Lincare, MGD 80001127 and MGD 80001134. Motion carried.

Lincare, Inc. MGD 80001127 and MGD 80001134

In a motion by Pietroski, seconded by Watson, to accept staff's recommendation and issue a preliminary denial of the Retail Supplier of Medical Oxygen and Oxygen Devices initial application of Lincare, Inc., MGD80001127 and MGD80001134, and offer a Consent Agreement to include: 1) Admission to 10 M.R.S. § 8003(5-A)(A)(1), 10 M.R.S. § 8003-G(2)(C), 10 M.R.S. § 8003(5-A)(A)(4) and Board Rules, Chapter 34, § 4(2)(A); 2) Warning; 3) \$4,900.00 fine (representing \$250.00 x 14 separate violations = \$3,500.00 for failing to disclose the disciplinary action on the entity's renewal applications and \$100.00 x 14 separate violations = \$1,400.00 for failing to report the discipline to the Board within ten (10) days). Motion carried, Savage opposed.

Japan Soni, PI12327

In a motion by Pietroski, seconded by Holland, to accept staff's recommendation and issue a preliminary denial of the Pharmacy Intern renewal application of Japan Soni, PI12327, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A (1)(A), 10 M.R.S. § 8003-G(2)(B) and 10 M.R.S. § 8003(5-A)(A)(4) ; 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 and recommendations to the Board within thirty (30) days of execution of the consent agreement; 4) Provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy and 5) \$100.00 fine. Motion carried.

Hoang Pham, PI27792

In a motion by Savage, seconded by Watson, to accept staff's recommendation and issue a preliminary denial of the Pharmacy Intern renewal application of Hoang Pham, PI27792, and offer a Consent Agreement to include: 1) Admission to 32 M.R.S. § 13742-A (1)(A), 10 M.R.S. § 8003-G(2)(C) and 10 M.R.S. § 8003(5-A)(A)(4) ; 2) Warning; 3) 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; 4) Submit the evaluation and recommendations to the Board within thirty (30) days of execution of the consent agreement; 5) Provide a copy of the consent agreement to all current and prospective employers related to the practice of pharmacy and 6) \$100.00 fine. Motion carried.

Correspondence

Email of February 9, 2015 Bernadette Goncharova, regarding Vicodin vs. Norco and recent change of certain methylphenidate generics.

Hamilton recused and left the room.

The Board discussed the correspondence and directs the licensees to the Laws and Rules.

Email of October 14, 2014 Geza Fekete, I-Care Pharmacy regarding relabeling

The Board discussed the correspondence and with the information provided, the Board has no comments.

United States District Court, Docket No. 1:13-cv-00347-NT

No action taken.

Designation of Travel; NABP 111th Annual Meeting May 16-19, 2015 New Orleans, LA

In a motion by Pietroski, seconded by Holland, to designate Joseph Bruno to attend the NABP 111th Annual meeting, and Bradley Hamilton as an alternate attendee. Motion carried.

Board Action of Waiver Request – Board Rule Chapter 20 Subchapter 2

Inland Hospital – HOS 11

In a motion by Savage, seconded by Hamilton, to grant the waiver request of Board Rule Chapter 20 Subchapter 2 Section 11 (1) - Video Surveillance; and Section 11(2) 2 Way Communication.

Motion carried.

Administrator's Report

No Report.

Public Comments

None

ADJOURN

There being no further business Savage, motioned to adjourn at 11:43a.m. seconded by Hamilton. Motion carried.