Maine Board of Pharmacy  
Minutes of April 6, 2017 Board Meeting

CALL TO ORDER  
President Bruno called the meeting to order at 1:00 p.m.

MEMBERS PRESENT  
Joseph Bruno, R.Ph., Pharmacist, President (Left at 4 p.m.)  
Bradley Hamilton, R.Ph., Chain Pharmacist, Vice President  
Kevin Holland, R.Ph., Complaint Officer  
Kirsten Martin, Public Member  
Jason Tremblay, R.Ph., Hospital Pharmacist  
Linda Varrell, Public Member

MEMBERS ABSENT  
Shane Savage, R.Ph., Independent Pharmacist

STAFF PRESENT  
Andrew Black, AAG, Board Attorney  
Thomas Avery, Chief Field Investigator  
Kelly McLaughlin, Comprehensive Health Planner I  
Jessica Gowell, Senior Consumer Assistant Specialist  
AJ Paradis, Planning and Research Associate I

STAFF ABSENT  
Geraldine L. Betts, Administrator

OLD BUSINESS  
Review and approval of the minutes of March 2, 2017  
In a motion by Hamilton, seconded by Martin, to accept the minutes of March 2, 2017.  
Unanimously voted.
NEW BUSINESS

Adjudicatory Hearing – Nnamdi Nnah – 2017 PHA 12844 & 2016 PHA 12594
In a motion by Bruno, seconded by Hamilton, to find the licensee in violation of 10 M.R.S. § 8003-G(2)(C). Unanimously voted. Holland recused.

In a motion by Bruno, seconded by Hamilton, to find the licensee in violation of 10 M.R.S. § 8003(5-A)(A)(1). Unanimously voted. Holland recused.

In a motion by Bruno, seconded by Hamilton, to find the licensee in violation of 10 M.R.S. § 8003(5-A)(A)(2). Varrell opposed. Motion carried. Holland recused.

In a motion by Bruno, seconded by Hamilton, to deny licensee’s application for renewal of licensure as a pharmacist. Varrell opposed. Motion carried. Holland recused.

Complaint Committee’s Report

2016 PHA 12774
In a motion by Tremblay, seconded by Varrell, to preliminarily deny licensure as a pharmacy technician and offer a consent agreement to include the following: 1) Admission to 32 M.R.S. § 13742-A(1)(A); 2) Probation for a period of two (2) years in which the licensee is to abstain from all consumption of alcohol, continue to see her substance abuse counselor on a monthly basis and the counselor is to provide a report of her progress on a quarterly basis to the Board, continue treatment with her mental health practitioner, obtain, at her own cost from a service pre-approved by the Board, a toe nail test for the presence of alcohol at the end of each calendar quarter commencing with the last week of June 2017 with the results of the test sent immediately and directly to the Board from the testing service and; 3) Provide a copy of the second consent agreement to all current and future pharmacy employers or prospective employers and for the pharmacist in charge of any pharmacy where she works to submit a quarterly report to the Board indicating whether the licensee has met expectations with her attendance at work. Unanimously voted. Complaint Officer recused.

2017 PHA 12896
In a motion by Martin, seconded by Varrell, to offer a consent agreement to include the following: 1) Admission to 10 M.R.S. § 8003(5-A)(A)(1); 2) Warning; and 3) Fine $250.00. Unanimously voted. Complaint Officer recused.

2017 PHA 12984
In a motion by Tremblay, seconded by Varrell, to offer a consent agreement to include the following: 1) Admission to 10 M.R.S. § 8003(5-A)(A)(1), 10 M.R.S. § 8003(5-A)(A)(11) and 10 M.R.S. § 8003-G(2)(B); 2) Warning; and 3) Fine $500.00. Unanimously voted. Complaint Officer recused.

2017 PHA 13073
In a motion by Martin, seconded by Varrell, to impose an immediate suspension of license in the matter of 2017 PHA 13073 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. Unanimously voted. Complaint Officer recused.

In a motion by Martin, seconded by Varrell, that sufficient evidence exists to schedule 2017 PHA 13073 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)(A) and (C), and Board Rules Chapter 30 § 1 (17); 2) Reprimand; and 3) Revocation. Unanimously voted. Complaint Officer recused.

**Board Action on Initial Applications**

*Jessica Robbins, PT60012815*

*Hamilton recused and left the room.*

In a motion by Martin, seconded by Varrell, to rescind the original Board action of a preliminary denial without the offer of a consent agreement at the March 2, 2017 board meeting and grant the request to withdraw the application. Unanimously voted. Hamilton recused.

*Kelley Madore, PT60012939*

In a motion by Martin, seconded by Tremblay, to accept staff’s recommendation and grant licensure to Kelley Madore, PT60012939, as presented. Unanimously voted.

*Benjamin Markey, PT60012924*

In a motion by Martin, seconded by Varrell, to accept staff’s recommendation and grant licensure to Benjamin Markey, PT60012924, as presented. Unanimously voted.

**Board Action on Renewal Applications**

*Dean Jacobs, PR4294*

In a motion by Martin, seconded by Varrell, to preliminarily deny the renewal applications for licensure as a pharmacist and offer of a consent agreement to include the following: 1) Admission to violation of 32 M.R.S. § 13742-A(1)(A), 10 M.R.S. § 8003(5-A)(A)(4) and 10 M.R.S. § 8003-G(2)(D); 2) $1,000.00 fine; 3) Probation for a period of three (3) years and may be extended at the Board’s discretion after reassessing compliance, conditions of probation are complete abstention from alcohol or none prescribed drugs; 4) Maintain an active and compliant enrollment in the Maine Professional Health Program (MPHP) and provide a copy of any amendments of the MPHP contract to the Board within ten (10) calendar days, any positive test results must be reported to the board within ten (10) calendar days; 5) Not eligible to act as a pharmacist in charge, preceptor, mentor or consultant pharmacist; 6) Shall provide a copy of the Consent Agreement to all current and future employers related to the practice of pharmacy; and 7) Notify the Board in writing of employment changes within ten (10) calendar days of the change. In the event the licensee does not accept the offered consent agreement the license will be denied pursuant to 32 M.R.S. § 13742-A(1)(A) and 10 M.R.S. § 8003(5-A)(A)(4) Unanimously voted. Complaint Officer recused.

*Coast Quality Pharmacy LLC, MO40002023*

In a motion by Holland, seconded by Martin, to grant renewal licensure to Coast Quality Pharmacy LLC, MO40002023 by rescinding the original Board action of a preliminary denial of February 7, 2017. Unanimously voted.
Board Action on Change of Location Application
M Drug LLC, CF50001649
Varrell recused and left the room.
In a motion by Tremblay, seconded by Martin, to grant licensure to M Drug LLC, CF50001649, as presented. Unanimously voted. Varrell recused.

Review and Approval of Advisory Ruling – Time Limitations for Controlled Substance Prescriptions
In a motion by Martin, seconded by Varrell, to accept the advisory ruling, 2017-01, as written. A copy of this advisory ruling will be posted to the Maine Board of Pharmacy webpage and a notification will be sent via GovDelivery. Unanimously voted.

Rural Health Centers – Survey Review
In a motion by Varrell, seconded by Tremblay, to table the discussion for additional information that might provide clarity to the question. Motion withdrawn by Varrell.

Charles Ouellette was present and addressed the Board in regards to his request for clarifying the wording in Chapter 14 §3 recordkeeping, define the definition in section 1 as to whether or not the “consulting pharmacist” works for the provider drug outlet or the health center and clarify whether or not medications must be stored and dispensed using the automated pharmacy systems in reference to Chapter 20 Subchapter 2. Mr. Ouellette agreed to put his questions in a clear written request for an Advisory Ruling which will be presented at the next regularly scheduled Board meeting.

2017 PHA 12841 Draft Decision and Order
In a motion by Martin, seconded by Tremblay, to accept the Decision and Order in the matter of 2017 PHA 12841 as written. Unanimously voted.

Administrator’s Report
Administrator Betts was absent.

Public Comments
None.

ADJOURN
There being no further business Martin motioned to adjourn at 5:09 p.m., seconded by Holland. Unanimously voted.