

STATE OF MAINE  
BOARD OF PHARMACY

IN RE: )  
 )  
 THOMAS HITE ) CONSENT AGREEMENT  
 )  
 Complaint No. 2007-PHA-3618 )

PARTIES

This document is a Consent Agreement regarding disciplinary action against Thomas Hite's license to practice pharmacy in the State of Maine. The parties to this Consent Agreement are: Thomas Hite ("Mr. Hite"), the State of Maine Board of Pharmacy ("the Board") and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 32 M.R.S. § 13741(2) and 10 M.R.S. § 8003(5).

FACTS

1. Mr. Hite is licensed by the Board as a pharmacist, license no. PR5185.
2. Mr. Hite was first licensed by the Board on June 30, 2004.
3. Mr. Hite was a pharmacist at Wal-Mart Pharmacy 10-2047 located in Palmyra, Maine, which is licensed as a drug outlet, license no. PH 50000820, at all times relevant to this matter.
4. On or about May 15, 2007, the Board received a report from Wal-Mart that Mr. Hite had been terminated from his employment at Wal-Mart for allegedly diverting the controlled substance hydrocodone from the pharmacy, which the Board docketed as Complaint No. 2007-PHA-3618.

5. On or about May 10, 2007, in statements given to Wal-Mart investigative personnel and the Maine State Police, Mr. Hite admitted to having an addiction to hydrocodone and diverting approximately 25 bottles of hydrocodone/APAP 10/325 for his personal use.
6. On June 19, 2007, following a presentation of the complaint, the Board found that licensure of Mr. Hite as a pharmacist placed the health and physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board summarily suspended the license of Mr. Hite.
7. The Board then voted to offer Mr. Hite this Consent Agreement in order to resolve Complaint No. 2007-PHA-3618. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Kelly McLaughlin, Board Clerk, Maine Board of Pharmacy, 35 State House Station, Augusta, Maine 04333-0035 by July 9, 2007, the Board will resolve this matter by holding an adjudicatory hearing.

#### COVENANTS

8. Mr. Hite admits that over a period of over one year ending on May 10, 2007, he diverted for his personal use the controlled substance hydrocodone from Wal-Mart Pharmacy 10-2047 in Palmyra, Maine and admits that such conduct constitutes grounds for discipline pursuant to 32 M.R.S. § 13742(2), Board Rules, Chapter 30, and 10 M.R.S. § 8003(5) as further specified in paragraphs 9 through 10 below.

9. Mr. Hite admits there are grounds for disciplining him pursuant to 32 M.R.S. § 13742(2)(F), for violating the following established standards of professional behavior:
- a. Board of Pharmacy Rules, Chapter 30 § 17, by committing theft while licensed to practice pharmacy; and
  - b. Board of Pharmacy Rules, Chapter 30 § 12, by knowingly and intentionally acquiring or obtaining possession of a controlled substance by misrepresentation, fraud, deception, or subterfuge.
10. Mr. Hite admits there are grounds for disciplining him pursuant to 32 M.R.S. § 13742(2)(E)(1) because his conduct evidences a lack of ability or fitness to discharge the duty owed by the licensee to a client, patient, or the general public.
11. As discipline for conduct admitted in paragraphs 8 through 10 above, Mr. Hite agrees to accept the following **DISCIPLINARY ACTION**;
- a. A **REPRIMAND**; and
  - b. The immediate **REVOCATION** of his pharmacist license.
12. Nothing in this Consent Agreement shall prohibit Mr. Hite, pursuant to 32 M.R.S. § 13743(2), to “at reasonable intervals petition the board for reinstatement of the license.” Mr. Hite shall bear the burden of demonstrating that his registration should be reinstated and that the resumption of his practice of pharmacy does not pose a threat to himself or the public. The Board, upon receipt of any such petition for reinstatement from Mr. Hite, “may grant or deny the petition” pursuant to 32 M.R.S.

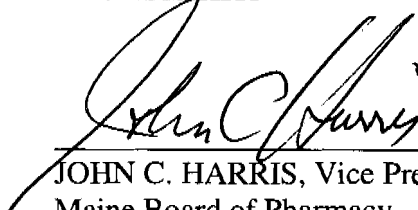
§ 13743(2), and/or may grant Mr. Hite a license subject to restrictions and/or conditions pursuant to 10 M.R.S. § 8003(5) and 32 M.R.S. § 13741.

13. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.
14. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.
15. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.
16. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.
17. Mr. Hite acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will, and that he agrees to abide by all terms and conditions set forth herein.


DATED: 7-4-07

  
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THOMAS HITE

DATED: July 11 2007

  
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JOHN C. HARRIS, Vice President  
Maine Board of Pharmacy

DATED: 8/13/2007

  
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ANDREW L. BLACK  
Assistant Attorney General