Maine Board of Pharmacy
Minutes of November 3, 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
Shane Savage, R.Ph., Independent Pharmacist
Kirsten Martin, Public Member
Linda Varrell, Public Member

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 October 6, 2016
In a motion by Watson, seconded by Hamilton, to accept the minutes of October 6, 2016.
Unanimously voted. Martin and Varrell abstained.

NEW BUSINESS
Complaint Committee’s Report
2016 PHA 12035
In a motion by Savage, seconded by Hamilton, to continue the Board interim suspension of licensure for a period of at least one (1) year from the signing of the Maine Professionals Health
Program (MPHP) contract and to require random urine tests on a weekly basis. Unanimously voted. Complaint Officer recused.

2016 PHA 12163
In a motion by Bruno, seconded by Martin, to offer a consent agreement to include the following: 1) Admission of violation pursuant to 10 M.R.S. § 8003(5-A)(A)(5) and Board Rules Chapter 29, § 1(8) for violating Federal Rule 16 C.F.R § 1700.14(a)(10) and for violating 32 M.R.S § 13742-A(1)(C); 2) Reprimand and 3) $2,000.00 fine. Unanimously voted. Complaint Officer recused.

2016 PHA 12327
In a motion by Hamilton, seconded by Martin, to continue the Board interim suspension of licensure pending further information. Unanimously voted. Complaint Officer recused.

2016 PHA 12559
In a motion by Watson, seconded by Savage, to dismiss 2016 PHA 12559 with no evidence of a violation of the Board’s Laws and Rules. Unanimously voted. Complaint Officer recused.

2016 PHA 12595
In a motion by Hamilton, seconded by Watson, to dismiss 2016 PHA 12595 with no evidence of a violation of the Board’s Laws and Rules. Unanimously voted. Complaint Officer recused.

2016 PHA 12673
Watson recused and left the room
In a motion by Savage, seconded by Martin, to impose an immediate suspension of license in the matter of 2016 PHA 12673 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 and Watson recused.

In a motion by Savage, seconded by Martin, that sufficient evidence exists to schedule 2016 PHA 12673 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 and Watson recused.

Board Action on Initial Applications
Jesse Graffam, PR46294
In a motion by Hamilton, seconded by Watson, to accept staff’s recommendation and grant licensure to Jesse Graffam, PR46294, as presented. Unanimously voted.

Steven Green, PR46300
In a motion by Hamilton, seconded by Savage, to accept staff’s recommendation and grant licensure to Steven Green, PR46300, as presented. Unanimously voted.
Rite Aid Pharmacy #4126, PH50001020 – PIC Application
In a motion by Watson, seconded by Savage, to accept the application naming Karen Wolfson as the incoming Pharmacist in Charge (PIC) effective September 30, 2016. Unanimously voted.

Kassaundra Michaud, PT60011759
Hamilton recused and left the room.
In a motion by Martin, seconded by Savage to preliminary deny pharmacy technician licensure to Kassaundra Michaud, PT60011759, with an offer of a Consent Agreement including: 1) Admission of unlicensed practice and violation of Board Rules Chapter 7, §1-A and 10 M.R.S. §8003(5-A)(A)(5); 2) Reprimand; and 3) Fine of $500.00. Unanimously voted. Hamilton recused.

Correspondence
Martha Morrison - Charity Pharmacy Oct 2016
The Board discussed correspondence requesting the Board’s guidance on the operation of a “Charity Pharmacy” in Maine. Ms. Morrison was present and spoke with the Board concerning her questions. The Board advised Ms. Morrison this operation would require a change to the statute.

Charles Oullette - regarding off site vaccine clinics
The Board discussed the correspondence and unanimously agreed a pharmacist who is licensed to administrations of drugs and vaccines with an approved off site protocol can administer vaccines pursuant to 32 M.R.S. 32 § 13702-A(28); However the off-site protocol must clearly identify any vaccines to be administered.

Tom Edge - Epinephrine Autoinjector Substitution
The Board discussed the correspondence and recommends that Mr. Edge refer to the Laws and Board Rules for additional information and to follow the requirements of the medicine itself.

Kellie P. Vogel - Pharmacist - administered penicillin skin test
Pursuant to 32 MRS 13702-A (28) it is not within the scope of practice of a pharmacist to administer penicillin skin tests.

PMP-DHHS - Opioid Guidance (10-18-16) – President Bruno
President Bruno provided a brief update on the Maine Prescription Monitoring task force evaluating the implementation of PLC 488.

Administrator’s Report
Administrator Betts was absent.

MEMO - EO - EpiPen Labeling Requirements
The Board discussed the memo on EpiPen Labeling Requirements, no action was taken.

Waiver request EMMC
The Board tabled this topic for a future meeting.
2016 PHA 12238 Draft Decision and Order
In a motion by Martin, seconded by Hamilton, to accept the Decision and Order in the matter of 2016 PHA 12238 as written. Unanimously voted. Martin and Varrell abstained.

2016 Election of Officers
In a motion by Savage, seconded by Martin, to elect Bradley Hamilton as Vice Chairman of the Maine Board of Pharmacy for the remainder of 2016. Unanimously voted.

Resignation
Donald Watson informed the Board that he will be resigning from the Board, and today is the last meeting he will be attending.

Public Comments
None

ADJOURN
There being no further business Bruno motioned to adjourn at 9:38 a.m. seconded by Hamilton. Unanimously voted.