

## **Maine Board of Pharmacy Meeting**

**September 2, 2010**

The start of the meeting was delayed about 20 minutes due to a tardy board member who was needed to make the quorum.

**Old Business:** Last meeting's minutes were reviewed and accepted as written.

### **New Business:**

**Adjudicatory hearings...**Three hearings planned for today were dispensed with, being told that all issues had been settled with the Assistant Attorney General (AAG), Carrie Carney and/or board investigator, Tom Avery.

Three Decision & Orders (D&O) of adjudicatory hearings held at a previous MEBOP meeting were voted on and accepted.

**Complaints...**The complaint committee brought forth #12 complaints against licensees. Out of the twelve complaints filed, 10 were dismissed (patients complaining about insurance coverage - co pays - having to wait, etc).

#11 was brought against a PIC who had been warned in 2003 and subsequent times since, for having un-licensed personnel doing the work of licensed technicians. The most recent complaint was filed jointly by the MEBOP Investigator and Inspector, having done back to back visits to the pharmacy, finding the same violations both times. Their findings involved three unlicensed people so, the board decided to offer a consent agreement including a fine of \$200 x 3 = \$600 plus a letter of reprimand from the MEBOP.

#12 the last complaint involved a high-volume LTC facility in Maine, filed by a former employee. This action also involved non-tech personnel doing tech work, techs doing final checks of prescriptions rather than pharmacists, prescriptions being filled with no direct supervision of a pharmacist, etc. The board considered the responsibilities involved as this facility has both General and Operation Managers who are both pharmacists as well as a PIC. The board tabled the complaint...wanting to hear from all parties involved at a later time.

**PIC Waiver Request...**A PIC from a methadone clinic requested and was granted a waiver to work only 5 hours a week through the end of the year.

**Licensing...**Two out-of-state entities, both wholesalers, were denied Maine licenses and were fined \$100 and \$400 respectively for not disclosing discipline in other states on their Maine applications.

**Correspondence...**A Maine hospital pharmacy director met with the board at length to discuss two requests. He asked that given the fact that the hospital already held retail drug outlet license w/restrictions that they can only service employees and their families and dispense first-fill Rxs for discharged patients, could they also supply the LTC prescriptions to two nursing care facilities owned by

the hospital but not on campus. The board members and the AAG had a long discussion as to the request and its compliance with Maine pharmacy law and MEBOP rules and regulations. After about 45 minutes of back and forth over the issue, the board voted not to grant the request, feeling that new pharmacy rules would have to be written to accommodate such a request.

Request number two was...could his pharmacy outlet, currently open till 11pm, service pediatric patients from several physician-staffed clinics in the area also owned by the hospital. His argument was that because the clinics were owned by the hospital, the patients were being "discharged" when they left the office. This was a much shorter discussion during which the board found the request to be outside the restrictions (imposed by the hospital) as previously mentioned. Once again, request #2 was not granted.

**e-Correspondence**...A question was referred to the MEBOP by the board of nursing asking if RNs should be allowed to access a hospital pharmacy's drug stock after hours to service an in-patient and/or re-stock a drug cabinet on a floor. After much discussion it was determined to be outside the jurisdiction of the board and will be referred to DHHS, who licenses hospital pharmacies.

We were told that the next MEBOP meeting (no date yet) is going to be two days long. This usually means a long and complicated adjudicatory hearing(s) or review of proposed rule changes.

The meeting adjourned at 2:15pm.