

Maine Board of Pharmacy (MEBOP) Monthly Meeting

The MEBOP held its monthly meeting on Wednesday, October 27, in the General Conference Room of the Department of Professional & Financial Regulation (DPFR) in Gardiner. The meeting was originally planned to take place over a two-day period but was changed to a one day format at the last minute.

The meeting was called to order @ 9am by Vice President, Dana Hunter who chaired the meeting.

Old Business: Minutes of their previous meeting were reviewed and approved.

New Business:

Three (3) adjudicatory hearings that were scheduled were "tabled" by the board (hence the 2nd day being cut).

Complaint Committee Report: Two complaints were dismissed and two were diversion issues by pharmacists, one who is now participating in the Maine Professionals Health Program (MPHP) and the other has been terminated from the MPHP program for non-compliance. The later pharmacist received an emergency suspension of their license and is now unable to practice. The board also levied an \$8,000 fine against a mail order company outside of Maine, who admits sending prescriptions into the State, citing 8 months of "unlicensed practice". A pharmacy was fined \$100 for HIPAA violations, having put the wrong person's name and information on prescriptions - billing - profile files. The final complaint dealt with a pharmacy tech, who also held a license from the nursing board, who was arrested for having diverted over \$7,000 in Oxycodone over a 2-year period. The board levied an emergency suspension along w/a consent decree that included permanent revocation of their license.

No names are revealed regarding disciplinary actions unless it is an adjudicatory hearing, which is open to the public.

Correspondence: The issue that took the most time was generated by DHHS regarding the payment of "medical gasses" to pharmacies. The State says that oxygen dealers, who sell to the general public, cannot procure a "wholesalers" license (as many have been), as wholesalers cannot sell to the general public. Seeing that oxygen and other DME devices carry the federal "legend" warning, do these dealers now have to get a "drug outlet" license and abide by all rules and regs??

This turned the administrator(s) and MEBOP upside-down. After a lengthy discussion by numerous parties it was decided that the board would promulgate emergency rules whereby O2/DME dealers could seek a license by the board, similar to a rural health center, but without requirements of having a PIC or pharmacist-consultant. I will report as these rules are crafted and reviewed by the board at their next meeting.

There were two inquiries from pharmacies regarding remodeling...one wanting to know if you moved a pharmacy in the same building/address would you need a new pharmacy license = YES. The other is doing a major store remodel and asked if DME federal "legend" items would need to be stored in a separate area w/a barrier? Originally the board ruled YES but after a discussion with the owner, stating that the entire store and pharmacy had no barriers because they are opened/closed at the same times, the board decided to work with the store's PIC on a solution.

A Texas company presented a rambling request regarding their pharmacy business and what type of license should they apply for in Maine. The MEBOP determined that a mail-order pharmacy license would fit their type of business.

Board Action on Initial Licenses:

Applications were reviewed that had been flagged by the administrators for scrutiny by the board. Six were from pharmacists that had not disclosed discipline - convictions in Maine (or other states) or who were seeking approval of their reciprocity applications...five were granted, one was not.

One for the books...A pharmacy (student), holding both Intern and Technician licenses completed his IPPEs (Intern) and continued to work for the same chain in another store (Technician) after the IPPE requirements had been met. Inspectors determined that the student, now working as a technician, was still doing the work of an intern with an unapproved preceptor, which they considered to be "unlicensed practice". The student was unaware of the difference and so was the pharmacist they were now working with. To my surprise, the MEBOP concurred and the student was levied discipline including a consent agreement and a letter of "Warning" which will stay on their record.

The other license applications were from wholesalers and mail-order companies in other states all wanting to do business in Maine. Some were granted and some were not depending on their individual situations.

Administrator's Report:

Jeri Betts stated that in January, 2011, MEBOP meeting's both audio and video, will be streamed to the internet. While she felt that all members conducted themselves professionally at meetings, she just wanted to remind everyone that the cameras / audio may project perceptions that are unintended to the general public.

The next MEBOP meeting has been scheduled for Monday, November 15 @ 9am.

A motion to adjourn was voted upon and the meeting adjourned at 2pm.

Respectfully submitted,

Bob