

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-422)  
110TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1117, L.D. 1334, Bill,  
"AN ACT Concerning Drug Abuse by Registered Pharmacists."

Amend the Bill by striking out everything after the  
enacting clause and inserting in its place the following:

'32 MRSA §2856, as amended by PL 1973, c. 303, §3,  
is repealed and the following enacted in its place:

§2856. Suspension or revocation of certificates

1. Finding on complaint. If the Administrative Court  
under Title 4, sections 1151 to 1158, and Title 5, section 10051,  
finds that the person so complained against is guilty of the  
act charged against him, it may suspend his registration as  
a pharmacist and his certificate thereof, for such term as  
may be deemed for the best interest of the public, or it  
may revoke the registration and certificate.

2. Violations of law. The Administrative Court may  
revoke or suspend the registration and certificate of a reg-  
istered pharmacist, qualified assistant pharmacist, licensed  
pharmacy intern or licensed wholesaler, and the board may  
refuse to register a pharmacist, assistant pharmacist,  
pharmacy intern or wholesaler for any of the following:

A. Violation of any of the pharmacy laws of the State;

B. ← conviction in a state or federal court of a  
crime punishable by a maximum term of imprisonment  
equal to or exceeding one year; or

C. Proof that the registrant or applicant is unfit or  
incompetent, as may be evidenced by acts of gross  
immorality, intoxication of an habitual nature, whether  
caused by drugs or alcoholic beverages, adjudicated  
insanity or as evidenced by abnormal mental or physical

conditions that threatened the safety of the public.

3. Crime in course of business. If any registered pharmacist is convicted in state or federal court of a crime which is committed during the course of his duties as a registered pharmacist or committed by him through the use of the pharmacy in which he is employed, or which he owns or operates, and which demonstrates his unfitness to practice as a pharmacist, including, but not limited to, convictions for defrauding the Medicaid program, and for illegally distributing prescription drugs, he is subject to the following action by the Administrative Court.

A. A pharmacist convicted of such a crime if it is punishable by a maximum term of imprisonment of less than one year, shall have his registration and certificate suspended for a minimum period of 120 days.

B. A pharmacist convicted of such a crime, if it is punishable by a maximum term of imprisonment equal to or exceeding one year, shall have his registration and certificate suspended for a minimum period of one year, and may have his registration and <sup>certificate revoked</sup> and be permanently barred from reapplying for registration, notwithstanding Title 5, sections 5301 to 5304.

Statement of Fact

This amendment specifies that, if a registered pharmacist is convicted of a crime committed while acting as a pharmacist or committed through the use of his pharmacy, his license is subject to a possible minimum suspension period of 120 days for a misdemeanor or one year for a felony, or his license may be permanently revoked, depending upon the seriousness of the crime.

Reported by the Majority of the Committee on Business Legislation.  
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5/18/81

(Filing No. H-422)