

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
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5 Legislative Document

No. 603

6
7 H.P. 505

House of Representatives, February 8, 1983

8 Received by the Clerk of the House on February 8, 1983. Referred to the
9 Committee on Health and Institutional Services, and ordered printed pursuant
10 to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Ingraham of Houlton.
11

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Require the Inspection of
18 Hospital Pharmacies Prior to Licensure.
19

20 Be it enacted by the People of the State of Maine as
21 follows:

22 Sec. 1. 22 MRSA §1817, as repealed and replaced
23 by PL 1977, c. 694, §345, is amended to read:

24 §1817. Issuance of licenses

25 The department ~~is authorized to~~ may issue
26 licenses to operate hospitals, sanatoriums, convales-
27 cent homes, rest homes, nursing homes or other
28 related institutions, which, after inspection, are
29 found to comply with this chapter and any regulations
30 adopted by the department. Ten days prior to conduct-
31 ing an inspection required in this section, the
32 department shall notify the drug inspector employed

1 by the board of commissioners as provided in Title
2 32, section 2853. The notice shall state the time
3 and location of the inspection. The department shall
4 accompany the notice with forms necessary for the
5 inspector to report to the department as provided in
6 Title 32, section 2851, subsection 3. The department
7 shall not issue a license authorized by this section
8 until it has received the inspector's report as pro-
9 vided in Title 32, section 2851, subsection 3. If
10 the inspector's report disapproves the practices of
11 the pharmacy, the department may issue a temporary or
12 conditional license as provided in this section. The
13 reasons for the disapproval shall be provided to the
14 applicant by the department. The correction of the
15 disapproved practices shall be a requirement neces-
16 sary for compliance with this chapter. When any
17 institution, upon inspection by the department, shall
18 be found not to meet all requirements of this chapter
19 or departmental regulations ~~thereunder~~ of this chap-
20 ter, the department is authorized to may issue either
21 a temporary license for a specified period not to
22 exceed 90 days, during which time corrections speci-
23 fied by the department shall be made by the institu-
24 tion for compliance with this chapter and departmen-
25 tal regulations ~~thereunder~~ of this chapter, if, in
26 the judgment of the commissioner, the best interests
27 of the public will be so served, or a conditional li-
28 cense setting forth conditions which shall be met by
29 the institution to the satisfaction of the depart-
30 ment. Failure of the institution to meet any of these
31 conditions shall immediately void the conditional li-
32 cense by written notice thereof by the department to
33 the conditional licensee or, if the licensee cannot
34 be reached for personal service, by notice thereof
35 left at the licensed premises. The fee for this
36 temporary or conditional license shall be \$15 and
37 shall be payable at the time of issuance of such a
38 license. A new application for a regular license may
39 be considered by the department if, when and after
40 the conditions set forth by the department at the
41 time of the issuance of this temporary or conditional
42 license have been met and satisfactory evidence of
43 this fact has been furnished to the department. The
44 department may amend, modify or refuse to renew a li-
45 cense ~~hereunder~~ in conformity with the Maine Adminis-
46 trative Procedure Act, or file a complaint with the
47 Administrative Court requesting suspension or revoca-

1 tion of any license on any of the following grounds:
2 Violation of this chapter or the rules and regula-
3 ~~tions~~ issued pursuant thereto; permitting, aiding or
4 abetting the commission of any illegal act in that
5 institution; conduct of practices detrimental to the
6 welfare of the patient; provided that whenever, on
7 inspection by the department, conditions are found to
8 exist which violate this chapter or departmental
9 regulations issued ~~thereunder~~ in this chapter which,
10 in the opinion of the commissioner, immediately
11 endanger the health or safety of patients, or both
12 the health and safety, in any of the institutions or
13 to such an extent as to create an emergency, the
14 department by its duly authorized agents may, under
15 the emergency provisions of Title 4, section 1153,
16 request that the Administrative Court suspend or
17 revoke the license.

18 Sec. 2. 32 MRSA §2851, sub-§3, as amended by PL
19 1971, c. 282, §13, is further amended to read:

20 3. Inspection; analysis; sales. To inspect
21 during business hours all pharmacies, dispensaries,
22 stores, hospital pharmacies, extended care facili-
23 ties, boarding homes, nursing homes or places in
24 which drugs or medicines are manufactured, stored,
25 distributed, compounded, dispensed or retailed, and
26 to regulate and to control the distribution and the
27 sale, character and standard of all drugs, poisons
28 and medicines compounded, dispensed or distributed in
29 this State; to secure samples and cause them to be
30 analyzed; and to prevent the sale of such those
31 drugs, poisons or medicines as do not conform to the
32 laws of the State. When inspecting hospital or
33 institutional pharmacies of hospitals and insti-
34 tutions which are inspected and licensed according to
35 Title 22, chapter 405, the inspector shall coordinate
36 his inspection with that of the department so that it
37 occurs on the same day or within 48 hours subsequent
38 to that inspection. When the inspection has been
39 made as provided in this subsection, the drug inspec-
40 tor shall report to the Department of Human Services
41 on forms provided by them, his approval of the
42 pharmacy's practices as outlined in this subsection
43 or his disapproval and his reasons therefor. The
44 report shall be submitted to the department within 10

1 days following his inspection; and

2 STATEMENT OF FACT

3 This bill provides that the drug inspector of the
4 Board of Commissioners of the Profession of Pharmacy
5 shall inspect the pharmacy of applicants for hospital
6 and institutional licenses.

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