

STATE OF MAINE
BOARD OF PHARMACY

IN RE:)
)
NOAH FARRINGTON) CONSENT AGREEMENT
)
Complaint No. 2010-PHA-6779)

PARTIES

This document is a Consent Agreement regarding disciplinary action against Noah Farrington's license to practice pharmacy in the State of Maine. The parties to this Consent Agreement are: Noah Farrington, ("Mr. Farrington"), the State of Maine Board of Pharmacy ("the Board") and the Maine Office of the Attorney General ("the Attorney General"). This Consent Agreement is entered into pursuant to 10 M.R.S. § 8003(5-A).

FACTS

1. After hearing in the matter of 2009 PHA 5984, the Board granted Mr. Farrington a conditional license to practice pharmacy on March 4, 2010, license number PR5796.
2. As part of the Board decision and order in 2009 PHA 5984, Mr. Farrington was required to comply with all terms of his contract with the Maine Medical Professionals Health Program (MMPHP).
3. The terms of Mr. Farrington's contract with the MMPHP included abstaining from the use of any psycho-active, mood altering drug, including alcohol, unless prescribed by Mr. Farrington's physician.

4. From the time Mr. Farrington obtained his license to practice pharmacy to September 30, 2010, Mr. Farrington was employed as a pharmacist at Walgreens #12818 and Walgreens #11285, both located in Bangor, Maine.
5. In September 2010, pharmacy staff at Walgreens noticed that Hydrocodone pills in the strengths of 10/325, 5/500 and 7.5/750 were missing from inventory and for which they could not account.
6. As a result of the missing Hydrocodone, store management initiated an internal investigation, which included reviewing security tape of the pharmacy. The review of this tape revealed that on approximately twelve occasions during the month of September, Mr. Farrington removed Hydrocodone from stock bottles for his own personal use.
7. During an interview with store management and pharmacy staff, Mr. Farrington admitted to diverting about 66 Hydrocodone pills for his own personal use from Walgreens #12818 and Walgreens #11285, stating that he ingested these pills during work hours.
8. Mr. Farrington did not have a valid prescription for Hydrocodone.
9. On September 30, 2010, Mr. Farrington was terminated from his position as pharmacist at Walgreens.
10. Effective October 1, 2010, MMPHP terminated Mr. Farrington's contract because he was unable to follow through with the requirements of the contract.
11. On the morning of October 5, 2010, Mr. Farrington had contact with members of the Bangor Police Department at his residence. The observation of Mr. Farrington by police officers was that Mr. Farrington had been drinking all night.

12. While at Mr. Farrington's residence, police found several bottles containing what Mr. Farrington said was his own urine. These bottles were located in Mr. Farrington's bedroom and in his vehicle.

13. Also found in Mr. Farrington's vehicle were 17 bottles of beer.

14. Mr. Farrington admitted to police that he had recently consumed some clonazepam that did not belong to him.

15. On October 27, 2010, following a presentation of the complaint, the Board found that licensure of Mr. Farrington as a pharmacist placed the health and physical safety of the public in immediate jeopardy and that waiting for a full hearing to adjudicate the matter would fail to adequately respond to this known risk. Accordingly, the Board summarily suspended the license of Mr. Farrington.

16. Because Mr. Farrington had pending criminal charges, he entered into an interim consent agreement with the Board in which he agreed to the continued suspension of his license to practice pharmacy. These criminal charges have since been resolved.

17. In order to finally resolve Complaint No. 2010-PHA-6779, the Board offers Mr. Farrington this Consent Agreement. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Kelly McLaughlin, Board Clerk, Maine Board of Pharmacy, 35 State House Station, Augusta, Maine 04333-0035 by April 16, 2011, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

18. Mr. Farrington admits to the facts as stated above and admits that such conduct constitutes grounds for discipline pursuant to the following:

- a. Violation of 10 M.R.S. § 8003(5-A)(A)(9), noncompliance with a Board decision and order;
 - b. Violation of 10 M.R.S. § 8003(5-A)(A)(1), fraud, deceit or misrepresentation in the practice of pharmacy;
 - c. Violation of 10 M.R.S. § 8003(5-A)(A)(4), failure to comply with a law of the Board;
 - d. Violation of 32 M.R.S. § 13742-A(1)(C), engaging in unprofessional conduct by violating a standard of professional behavior;
 - e. Violation of 10 M.R.S. § 8003(5-A)(A)(2), incompetence, misconduct, or violation of an applicable code of ethics or standard of practice in the profession of pharmacy;
 - f. Violation of 10 M.R.S. § 8003(5-A)(A)(5), failure to comply with a rule of the Board;
 - g. Violation of Board Rules chapter 30 § 1(17), diverting drugs while licensed to practice pharmacy;
 - h. Violation of 32 M.R.S. § 13742-A(1)(A), habitual substance abuse that has resulted or is foreseeably likely to result in performing duties in a manner that endangers the health or safety of patients; and
 - i. Violation of Board Rules chapter 30 § 1(14), inability to practice pharmacy with reasonable skill and safety by reason of use of controlled substances.
19. As discipline for conduct admitted in paragraph 17 above, Mr. Farrington agrees to accept the following DISCIPLINARY ACTION;

- a. A REPRIMAND; and
- b. The immediate REVOCATION of his pharmacist license.

20. Nothing in this Consent Agreement shall prohibit Mr. Farrington, pursuant to 32 M.R.S. § 13743(2), to “at reasonable intervals petition the board for reinstatement of the license.” In addition to meeting the requirements for re-licensure under 32 M.R.S. § 13734(1), Mr. Farrington shall bear the burden of demonstrating that his license should be reinstated and that the resumption of his practice of pharmacy does not pose a threat to himself or the public. The

Board, upon receipt of any such petition for reinstatement from Mr. Farrington, "may grant or deny the petition" pursuant to 32 M.R.S. § 13743(2), and/or may grant Mr. Farrington a license subject to restrictions and/or conditions of probation pursuant to 10 M.R.S. § 8003(5-A)(B)(6).

21. This Consent Agreement is not appealable and is effective until modified or rescinded by the parties hereto.

22. The Board and the Office of the Attorney General may communicate and cooperate regarding any matter related to this Consent Agreement.

23. This Consent Agreement is a public record within the meaning of 1 M.R.S. § 402 and will be available for inspection and copying by the public pursuant to 1 M.R.S. § 408.

24. Nothing in this Consent Agreement shall be construed to affect any right or interest of any person not a party hereto.

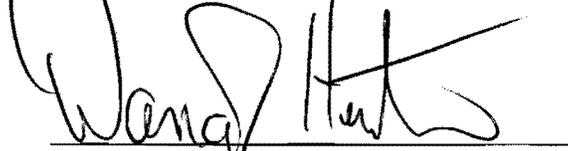
25. Mr. Farrington acknowledges by his signature hereto that he has read this Consent Agreement, that he has had an opportunity to consult with an attorney before executing this Consent Agreement, that he executed this Consent Agreement of his own free will, and that he agrees to abide by all terms and conditions set forth herein.

DATED: 4/28/11



NOAH FARRINGTON

DATED: 5/5/11



DANA J. HUNTER, JR., R.Ph.
Vice President, Maine Board of Pharmacy

DATED: 5-5-11



CARRIE L. CARNEY
Assistant Attorney General