STATE OF MAINE
BOARD OF PHARMACY

IN RE: )
) ) CONSENT AGREEMENT
) )
Kevin D. Veilleux, R.Ph. )
) )
Complaint No. 2011-PHA-7584 

PARTIES

This document is a Consent Agreement regarding disciplinary action against Kevin D. Veilleux’s license to practice pharmacy in the State of Maine. The parties to this Consent Agreement are: Kevin D. Veilleux (“Mr. Veilleux”), 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. At all times pertinent to this matter, Mr. Veilleux was licensed by the Board as a pharmacist, license no. PR 3951.

2. At all times pertinent to this matter, Mr. Veilleux was the owner and pharmacist in charge ("PIC") at Maine Specialty Pharmacy, LLC (license PH50001273) located at 13 Washington Street in Waterville, Maine.

3. On or about September 8, 2011, the Board received a complaint against Mr. Veilleux from Board Investigator Thomas Avery which was docketed as Complaint No. 2011-PHA-7584.

4. The complaint was based on information received from another pharmacist who went to Maine Specialty Pharmacy to see Mr. Veilleux. While at the pharmacy, the other pharmacist
noticed that the pharmacy was open, but the only person present and working at the pharmacy was an individual who was not licensed as a pharmacist or pharmacy technician.

5. As a result of the information that Mr. Avery received, he interviewed Mr. Veilleux. During the interview, Mr. Veilleux told Mr Avery the following:

   a. In May 2010, Mr. Veilleux began working full time as a staff pharmacist at another pharmacy on weekdays from 9:00am to 6:00pm.

   b. Mr. Veilleux cut the hours of Maine Specialty Pharmacy to Monday through Friday from 6:30pm to 9:30pm, Saturday from 9:00am to 9:30pm, and Sunday from noon to 9:30pm, the only times he was available to be at the pharmacy.

   c. Some customers did not like to drive at night, so Mr. Veilleux’s mother, who is neither a licensed pharmacist nor a licensed pharmacy technician, volunteered to work at the pharmacy, beginning in June 2010, on Tuesdays and Thursdays from 2:00pm to 6:00pm. Her main duty was to cash out veterinary refill prescriptions.

   d. After the other pharmacist visited Maine Specialty Pharmacy in August 2010, Mr. Veilleux made sure that the pharmacy was open only when he was present.

6. Mr. Veilleux failed to keep Maine Specialty Pharmacy open the minimum of forty hours required by Board Rule Chapter 13 § 2(1).

7. When Mr. Veilleux altered the schedule of Maine Specialty Pharmacy, he failed to adhere to the posted hours of operation required by Board Rule Chapter 13 § 2(3).

8. Mr. Veilleux failed to report the deviation from the hours of operation of Maine Specialty Pharmacy to the Board as required by Board Rule Chapter 13 § 2(4).
9. On November 3, 2011, following a presentation of the complaint, the Board voted to offer Mr. Veilleux this Consent Agreement, in order to resolve Complaint No. 2011-PHA-7584. Absent acceptance of this Consent Agreement by signing and dating it and returning it to Kelly McLaughlin, Board Clerk, 35 State House Station, Augusta, Maine 04333-0035 by December 9, 2011, the Board will resolve this matter by holding an adjudicatory hearing.

COVENANTS

10. Mr. Veilleux admits that he aided and abetted the unlicensed practice of pharmacy by allowing his mother, who was not licensed as a pharmacist or a pharmacy technician, to dispense prescription medication at Maine Specialty Pharmacy when neither he nor any other licensed pharmacist was present at the pharmacy. Mr. Veilleux admits that such conduct constitutes grounds for disciplining him pursuant to 10 M.R.S. § 8003(5-A)(A)(8).

11. Mr. Veilleux admits that he violated the following Board Rules, and that such conduct constitutes grounds for disciplining him pursuant to 10 M.R.S. § 8003(5-A)(A)(5):
   a. Chapter 13 § 2(1), failure to keep a pharmacy open to the public for a minimum of forty hours per week and failure to have a pharmacist present at all times that the pharmacy is open;
   b. Chapter 13 § 2(3), failure to adhere to the posted hours of operation of the pharmacy;
   c. Chapter 13 § 2(5), failure to report a deviation from posted hours of operation to the Board;
   d. Chapter 13 § 3(1), operation of a pharmacy without a pharmacist in charge;
e. Chapter 13 § 6(2), allowing the dispensing of prescription medications in the absence of a pharmacist; and

f. Chapter 30 § 13, failing to establish and maintain effective controls over prescription drugs.

12. As DISCIPLINE for conduct admitted in paragraphs 10 and 11 above, Mr. Veilleux agrees to do the following:

a. Accept a REPRIMAND;

b. Accept a SUSPENSION of his license to practice pharmacy, which will commence on January 2, 2012 at 9:00am and end on February 2, 2012 at 9:00am. No later than fourteen days prior to the commencement of his license suspension, Mr. Veilleux must post a notice to the public on the door of Maine Specialty Pharmacy indicating the dates and times that the pharmacy will be closed;

c. Pay a CIVIL PENALTY in the amount of five thousand dollars ($5,000.00). Payment shall be made by check or money order payable to the “Treasurer, State of Maine” and delivered to Kelly McLaughlin, Senior Consumer Assistance Specialist, 35 State House Station, Augusta, Maine 04333-0035, immediately upon the execution of this Consent Agreement; and

d. Complete and provide proof of completion of fifteen additional hours of continuing education on the subject of Board laws and rules, to be completed by the next renewal, which is no later than December 31, 2011.
13. Violation of any of the terms or conditions of this Consent Agreement by Mr. Veilleux shall constitute grounds for discipline, including but not limited to modification, suspension, or revocation of licensure or the denial of licensure or re-licensure.

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

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

16. 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.

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

18. Mr. Veilleux 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: 12/7/11

KEVIN D. VEILLEUX, R.Ph.

DATED: 12/16/11

JOSEPH BRUNO, R.Ph., President
Maine Board of Pharmacy

DATED: 12-21-11

CARRIE L. CARNEY
Assistant Attorney General

In re: Kevin D. Veilleux
2011-PHA-7584

Consent Agreement