

*TEMPORARY SUSPENSION ORDER #A-11-036-B*

RE: IN THE MATTER OF  
JOVIC PHARMACY, INC.  
(PHARMACY LICENSE #26402)

BEFORE THE TEXAS STATE  
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy (hereinafter referred to as "BOARD") the matter of the Petition for Temporary Suspension of pharmacy license number 26402, issued to Jovic Pharmacy, 9816 Memorial Blvd., Suite 203, Humble, Texas 77338, pursuant to § 565.059 of the Texas Pharmacy Act (hereinafter referred to as "Pharmacy Act"), TEX. OCC. CODE ANN. Subtitle J.

Joy A. Abolo, R.Ph., Corporate Officer and Pharmacist-in-Charge of Jovic Pharmacy; and Phong Phan, Legal Counsel for Jovic Pharmacy, were in attendance. Julie Hildebrand represented BOARD staff. Kerstin E. Arnold served as General Counsel to the BOARD Disciplinary Panel. The following BOARD members served as the Disciplinary Panel: Dennis F. Wiesner, R.Ph.; Buford T. Abeldt, Sr., R.Ph.; and Charles F. Wetherbee.

The BOARD Disciplinary Panel determines that Jovic Pharmacy, by continuation in the operation of the pharmacy, would constitute a continuing threat to the public welfare, and that pharmacy license number 26402 issued to Jovic Pharmacy shall be temporarily suspended in accordance with § 565.059 of the Pharmacy Act. The BOARD Disciplinary Panel makes this finding based on the following evidence and/or information presented at the Hearing on Temporary Suspension of License of Jovic Pharmacy:

1. On or about March 25, 2009, Jovic Pharmacy was issued Texas pharmacy license number 26402.
2. Ms. Abolo is a corporate officer, pharmacist-in-charge, and sole staff pharmacist of Jovic Pharmacy.
3. As the corporate officer and pharmacist-in-charge, Ms. Abolo has responsibility for the legal operation of the pharmacy.
4. As the holder of a pharmacy license, Jovic Pharmacy is liable for any violation of the Act by an owner or employee of the pharmacy.
5. Jovic Pharmacy's license was in full force and effect at all times and dates material and relevant to this matter.
6. On January 12, 2012, the BOARD served proper and timely notice of all matters asserted, via Notice and Petition for Temporary Suspension of pharmacy license, on Jovic Pharmacy by first class certified mail, return receipt requested, and on Jovic Pharmacy's Legal Counsel by facsimile and certified mail, return receipt requested.
7. Between May 7, 2010, and October 6, 2011, Ms. Abolo, corporate officer and pharmacist-in-charge of Jovic Pharmacy, dispensed controlled substances pursuant to approximately 13,947 prescriptions he knew or should have known were invalid. The prescriptions were issued from various pain management clinics by various physicians, or mid-level practitioners acting under a physician's supervision. The prescriptions were written for hydrocodone, carisoprodol, and/or alprazolam for the purported treatment of pain and/or anxiety. Ms. Abolo dispensed the controlled substances pursuant to prescriptions that were invalid because (a) the prescribers issued prescriptions for controlled substances that were not necessary or required for the patients' valid medical need or for a therapeutic purpose; or (b) the prescribers issued the prescriptions outside the usual course of medical practice, in that the prescriber failed to use medical reasoning in issuing the prescriptions.

Subsequent to any proceedings involving the conduct described above, the BOARD may take additional disciplinary action on any criminal action taken by the criminal justice system based on the same conduct described in the allegations above. However, Jovic Pharmacy shall be provided all rights of due process should the BOARD initiate such disciplinary action subsequent to the conclusion of the criminal proceedings.

**ORDER OF THE BOARD**

THEREFORE, PREMISES CONSIDERED, the BOARD does hereby ORDER that pharmacy license number 26402 held by Jovic Pharmacy (hereinafter referred to as “Respondent”) shall be, and such license is hereby temporarily suspended. Said suspension shall be effective immediately and shall continue in effect, pending a hearing on the suspended license, until further Order of the BOARD. During the period of suspension, Respondent shall:

- (1) shall not operate as a pharmacy in this state in any manner that would allow receipt, distribution, or dispensing prescription drugs during the period pharmacy license number 26402 is suspended; and
- (2) shall surrender to the BOARD pharmacy license number 26402 and any renewal certificate pertaining to pharmacy license number 26402 within thirty (30) days after the entry of this Order.

It is finally ORDERED that failure to comply with any of the terms and conditions in this Temporary Suspension Order constitutes a violation and shall be grounds for further disciplinary action against the Texas pharmacy license held by Respondent.

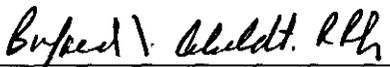
Passed and approved at the Temporary Suspension Hearing of the Texas State Board of Pharmacy on the 26<sup>th</sup> day of January 2012.

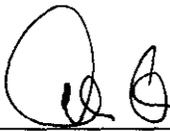
And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 26<sup>th</sup> day of January 2012.

  
MEMBER, DISCIPLINARY PANEL OF THE TEXAS  
STATE BOARD OF PHARMACY

  
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