

TEMPORARY SUSPENSION ORDER #A-12-025-B

RE: IN THE MATTER OF
EXPRESS RX PHARMACY
(PHARMACY LICENSE #27759)

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Disciplinary Panel of the Texas State Board of Pharmacy (“the Board”) the matter of the Petition for Temporary Suspension of pharmacy license number 27759, issued to Express Rx Pharmacy (hereinafter referred to as “Respondent”), pursuant to § 565.059 of the Texas Pharmacy Act (hereinafter referred to as “Pharmacy Act”), TEX. OCC. CODE ANN. Subtitle J.

Respondent appeared and was represented by Godson E. Anyanwu. Kerry D. Sullivan represented Board staff. Kerstin E. Arnold served as General Counsel to the Disciplinary Panel. The following Board members served as the Disciplinary Panel: Joyce A. Tipton, R.Ph.; Phyllis A. Stine; and Charles F. Wetherbee.

The Board Disciplinary Panel determines that Respondent, by continuation in practice, would constitute a continuing threat to the public welfare, and that pharmacy license number 27759 issued to Respondent 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 March 4, 2013, Hearing on Temporary Suspension of License of Respondent:

1. On or about November 15, 2011, Respondent was issued Texas pharmacy license number 27759.
2. As the holder of a pharmacy license, Respondent is liable for any violation of the Act by an owner or employee of the pharmacy.
3. Respondent’s license was in full force and effect at all times and dates material and relevant to this matter.

4. All jurisdictional requirements have been satisfied.
5. Esther Chinedozi Amaka, as owner and pharmacist-in-charge of Respondent, was responsible for a shortage of approximately 30,000 units of Hydrocodone in various strengths and 50,000 milliliters of Promethazine with codeine Syrup in a drug audit conducted by the Board for the period of January 26, 2012, through October 25, 2012.
6. Beginning on or around October 25, 2012, and continuing through February 21, 2013, Respondent ceased to operate as a pharmacy from its licensed location and has not provided written notice to the Board of its closure.
7. Between October 25, 2012, and October 30, 2012, Ms. Amaka removed quantities of controlled substances and dangerous drugs previously at the location of the Respondent to an unlicensed location. On an unknown date prior to February 11, 2013, the controlled substances listed below were returned to the location where the pharmacy was previously operating:

Drug	Dosage Units
Alprazolam 0.5 mg	635
Alprazolam 1mg	1524
Alprazolam 2 mg	7755.5
Benzphetamine HCL 50 mg	315
Butalbital, acet, & Caffeine	500
Butalbital, Aspirin, Caffeine 50/325/40	324
Carisoprodol 350 mg	3091
Clonazepam 0.5 mg	730
Clonazepam 1mg	404
Clonazepam 2 mg	1290
Diazepam 10 mg	1761
Diazepam 2 mg	70
Diazepam 5 mg	196
Eszopicione 3 mg	10
Hydrocodone 10/325	4000
Hydrocodone 10/500	3500
Hydrocodone 10/650	3000
Hydrocodone Bitartrate & Acetaminophen 10/325	9832
Hydrocodone Bitartrate & Acetaminophen 10/500	574
Hydrocodone Bitartrate & Acetaminophen 10/650	1050
Hydrocodone Bitartrate & Acetaminophen 7.5/500	410
Hydrocodone Bitartrate & Acetaminophen 7.5/750	252
Lorazepam 1mg	657
Lorazepam 2 mg	467
Phendimetrazine Tartrate 35 mg	1058

Drug	Dosage Units
Phentermine HCL 37.5 mg	2410
Pregabalin 50 mg	60
Temazepam 30 mg	230
Zolpidem Tartrate 10 mg	1415.5
Zolpidem Tartrate 12.5 mg	40
TOTAL	47,561

8. Following the closure of the Respondent at its licensed location, Ms. Amaka continued to purchase and dispense controlled substances and dangerous drugs. The drugs purchased included 20 pints of Promethazine with Codeine, a Schedule V Controlled Substance, delivered to Ms. Amaka in the parking lot outside the location where the pharmacy was previously operating.

9. Following the close of the pharmacy at its licensed location, Ms. Amaka conducted pharmacy operations from her home. On or about February 11, 2013, a Board investigator accompanied law enforcement officers in the execution of a search warrant at Ms. Amaka's home and observed:
 - numerous open boxes containing unlabeled prescription vials containing various dangerous drugs and controlled substances;
 - trash bags with empty new prescription vials and two empty pint bottles of promethazine with codeine syrup, a Schedule IV controlled substance;
 - several computers, printers, and fax machines set up in a home office. One computer was turned on and was running the computer software for Express Rx Pharmacy with a patient information screen displayed. Prescription labels were on the printer; and
 - pharmacy records and prescriptions that had been filled but not delivered to the patient.

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, Respondent 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 pharmacist license number 27759 held by 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.

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.

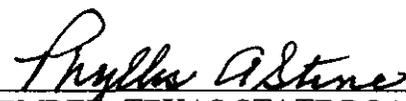
Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 4th day of March, 2013.

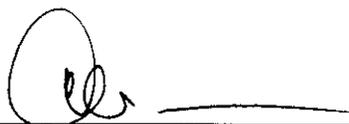
And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 4th day of March, 2013.


MEMBER, TEXAS STATE BOARD OF PHARMACY


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MEMBER, TEXAS STATE BOARD OF PHARMACY