

TEMPORARY SUSPENSION ORDER #J-07-004-B-S

RE: IN THE MATTER OF
GUARDIAN ANGEL PHARMACY
(PHARMACIST LICENSE #23346)

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 "TSBP") the matter of the Petition for Temporary Suspension of Pharmacy License regarding license number 23346, issued to Guardian Angel 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 did not appear. Julie Hildebrand represented TSBP staff. Kerstin Arnold served as General Counsel to the TSBP. The following TSBP members served as the Disciplinary Panel: W. Michael Brimberry, R.Ph., MBA; Kim A. Caldwell, R.Ph.; and Rosemary Forester Combs, appeared via teleconference.

ORDER OF THE BOARD

The TSBP Disciplinary Panel determines that Respondent, by continuation in operation, would constitute a continuing threat to the public welfare, and that pharmacy license 23346 issued to Respondent should be temporarily suspended in accordance with § 565.059 of the Pharmacy Act. The TSBP Disciplinary Panel makes this finding based on the following evidence and/or information presented at the Hearing on Temporary Suspension of License of Respondent:

1. Respondent was issued a Texas pharmacy license, number 23346, by the TSBP on August 16, 2004.
2. Respondent's license is current until August 31, 2008.

3. Respondent's Texas pharmacy license was in full force and effect at all times and dates material and relevant to this matter.
4. On December 18, 2006, the TSBP, by fax, served Respondent Notice and Petition for Temporary Suspension of Pharmacist License at its address of record, notice of all matters asserted.
5. On or about December 13 and 14, 2006, Paschal Cyril E. Chuma Ike, owner and pharmacist-in-charge of Respondent, and Ramiro Martinez, staff pharmacist of Respondent, allowed the pharmacy to operate while not under the supervision of a pharmacist and allowed pharmacy technicians to perform duties that may only be performed by a pharmacist and duties that may only be performed under the supervision of a pharmacist.
6. On or about December 13 and 14, 2006, an Investigator for the TSBP observed pharmacy technicians operating Respondent, including filling and dispensing prescriptions and receiving oral prescriptions, while no pharmacist was present at the pharmacy or while not under the supervision of a pharmacist. The pharmacy was open from approximately 9:00 a.m. to 10:00 p.m. each day. Ramiro Martinez worked at the pharmacy from approximately 10:00 a.m. to 3:00 p.m. each day. No pharmacist worked in the pharmacy for the remaining hours of operation.
7. The following prescriptions were filled and dispensed to patient J.H. (a TSBP investigator acting in an undercover capacity) by pharmacy technicians without a pharmacist verifying the accuracy of the prescription, in that a pharmacist was not present in the pharmacy or a pharmacist was not supervising the duties performed by the technician:

Date	RX#	Drug	Qty.
12-13/06	4004185	Hydrocodone/Acetaminophen 10/500 tablets	30
12-13/06	4004197	Alprazolam 2 mg tablets	90
12-14/06	4004203	Hydrocodone/Acetaminophen 10/500 tablets	30
12-14/06	4004212	Hydrocodone/Acetaminophen 10/500 tablets	30
12-14/06	4004213	Hydrocodone/Acetaminophen 10/325 tablets	30

8. On or about December 13 and 14, 2006, a pharmacist employed by Respondent failed to evaluate the prescription drug orders and the patient medication record to conduct a drug regimen review in order to identify inappropriate drug utilization of the dispensed prescriptions described above. Additionally, a pharmacist dispensed the prescriptions described above in quantities, dosages, or for periods of time which grossly exceeded the standards of practice, approved labeling of the Federal Food and Drug Administration, or the guidelines published in professional literature. The recommended maximum dosage for Hydrocodone with Acetaminophen is 4 g per day of Acetaminophen (the maximum dose of the Hydrocodone is limited by the total daily limit of Acetaminophen).

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the TSBP does hereby ORDER that pharmacy license number 23346 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 TSBP.

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.

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Passed and approved at the Temporary Suspension Hearing of the Texas State Board of
Pharmacy on the 19th day of December 2006.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 19th day of December 2006.

W. Michael Brimby RPh
MEMBER, TEXAS STATE BOARD OF PHARMACY

K. Udwin
MEMBER, TEXAS STATE BOARD OF PHARMACY

Rosemary J. Conley
MEMBER, TEXAS STATE BOARD OF PHARMACY