

TEMPORARY SUSPENSION ORDER #A-10-035-B

RE: IN THE MATTER OF
MEDSURE RX
(PHARMACY LICENSE #26790)

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 26790, issued to Medsure RX, 5705 Fondren, Suite 101, Houston, Texas 77036, pursuant to § 565.059 of the Texas Pharmacy Act (hereinafter referred to as "Pharmacy Act"), TEX. OCC. CODE ANN. Subtitle J.

Hetty Osaro Umeh, R.Ph., Corporate Manager and Pharmacist-in-Charge of Medsure RX; and Louis Leichter, Legal Counsel for Medsure RX, were in attendance. Julie Hildebrand represented BOARD staff. Kerstin E. Arnold served as General Counsel to the BOARD. The following BOARD members served as the Disciplinary Panel: Dennis F. Wiesner, R.Ph.; W. Benjamin Fry, R.Ph.; and Charles F. Wetherbee.

The BOARD Disciplinary Panel determines that Medsure RX, by continuation in the operation of the pharmacy, would constitute a continuing threat to the public welfare, and that pharmacy license number 26790 issued to Medsure RX 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 Medsure RX:

1. Medsure RX was issued Texas pharmacy license number 26790 by the BOARD on February 2, 2010.
2. Medsure RX's license is current until February 29, 2012.
3. Medsure RX's Texas pharmacy license was in full force and effect at all times and dates material and relevant to this matter.
4. On April 29, 2011, the BOARD, by U.S. First Class and certified mail, return receipt requested, served Medsure RX Notice and Petition for Temporary Suspension of pharmacy license at Medsure RX's address of record, proper and timely notice of all matters asserted.

5. Between March 29, 2010, and March 29, 2011, Ms. Umeh, corporate manager and pharmacist-in-charge of Pharmacy, dispensed controlled substances pursuant to approximately 11,707 prescriptions she 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. Umeh dispensed the controlled substances pursuant to prescriptions that were invalid because (a) the prescribers issued the prescriptions without a valid patient-practitioner relationship, in that the prescribers did not establish a diagnosis through the use of acceptable medical practices for the treatment of pain; (b) the prescribers prescribed controlled substances that were not necessary or required for the patients' valid medical need or therapeutic purpose; or (c) the prescribers issued the prescriptions outside the usual course of medical practice.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the BOARD does hereby ORDER that pharmacy license number 26790 held by Medsure RX (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.

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 9th day of May 2011.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

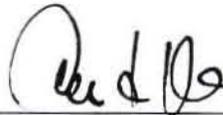
SIGNED AND ENTERED ON THIS 9th day of May 2011.



MEMBER, DISCIPLINARY PANEL OF THE TEXAS
STATE BOARD OF PHARMACY



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