

*TEMPORARY SUSPENSION ORDER #A-11-044-B*

RE: IN THE MATTER OF  
RIVER'S EDGE PHARMACY  
(PHARMACY LICENSE #27358)

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 27358, issued to River's Edge Pharmacy, pursuant to § 565.059 of the Texas Pharmacy Act (hereinafter referred to as "Pharmacy Act"), TEX. OCC. CODE ANN. Subtitle J.

Shantae Yvette Shepard, R.Ph., Corporate Manager and Pharmacist-in-Charge of River's Edge Pharmacy; and Bassey Akpaffiong, Legal Counsel for River's Edge, 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: Jeanne D. Waggener, R.Ph.; Joyce A. Tipton, R.Ph.; and Charles F. Wetherbee.

The BOARD Disciplinary Panel determines that River's Edge Pharmacy, by continuation in the operation of the pharmacy, would constitute a continuing threat to the public welfare, and that pharmacy license number 27358 issued to River's Edge 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 River's Edge Pharmacy:

1. On or about February 4, 2011, River's Edge Pharmacy was issued Texas pharmacy license number 27358.

2. River's Edge Pharmacy's license is current until February 28, 2013.
3. As the corporate manager and pharmacist-in-charge, Shantae Yvette Shepard has responsibility for the legal operation of the pharmacy.
4. As the holder of a pharmacy license, River's Edge Pharmacy is liable for any violation of the Act by an owner or employee of the pharmacy.
5. River's Edge Pharmacy's license was in full force and effect at all times and dates material and relevant to this matter.
6. On July 1, 2011, the BOARD, by U.S. First Class and certified mail, return receipt requested, served River's Edge Pharmacy Notice and Petition for Temporary Suspension of pharmacy license at River's Edge Pharmacy's address of record, proper and timely notice of all matters asserted.
7. Between March 1, 2011, and June 6, 2011, Shantae Yvette Shepard, corporate manager and pharmacist-in-charge of River's Edge Pharmacy, dispensed controlled substances pursuant to approximately 2,736 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. Shepard 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, Shantae Yvette Shepard 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 27358 held by River's Edge 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 27358 is suspended; and
- (2) shall surrender to the BOARD pharmacy license number 27358 and any renewal certificate pertaining to pharmacy license number 27358 within thirty (30) days after the entry of this Order.

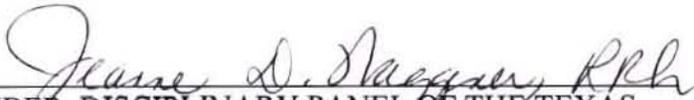
It is finally ORDERED that failure to comply with any of the terms and conditions in this Temporary Suspension Order constitutes a violation and shall be grounds for further disciplinary action against the Texas pharmacy license held by Respondent.

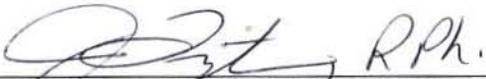
Passed and approved at the Temporary Suspension Hearing of the Texas State Board of Pharmacy on the 14<sup>th</sup> day of July 2011.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 14<sup>th</sup> day of July 2011.

  
MEMBER, DISCIPLINARY PANEL OF THE TEXAS  
STATE BOARD OF PHARMACY

  
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