TEMPORARY SUSPENSION ORDER #A-15-026-AS1

RE: IN THE MATTER OF
RAGAN YVETTE WEBSTER
(PHARMACIST LICENSE #41192)

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 (Board) the matter of the Petition for Temporary Suspension of pharmacist license number 41192, issued to Ragan Yvette Webster (Respondent), pursuant to § 565.059 of the Texas Pharmacy Act (Pharmacy Act), TEX. OCC. CODE ANN., Title 3, Subtitle J.

Respondent did appear and was not represented by counsel. Caroline Hotchkiss represented Board staff. Kerstin Arnold served as General Counsel to the Disciplinary Panel. The following Board members served as the Disciplinary Panel: Jeanne D. Waggener, R.Ph.; Dennis F. Wiesner, R.Ph.; and Bradley A. Miller, Ph.T.R.

The Disciplinary Panel determines that Respondent, by continuation in practice, would constitute a continuing threat to the public welfare, and that pharmacist license number 41192 issued to Respondent shall be temporarily suspended in accordance with § 565.059 of the Pharmacy Act. The Disciplinary Panel makes this finding based on the following evidence and/or information presented at the May 26, 2015, Hearing on Temporary Suspension of License of Respondent:

1. On or about October 3, 2002, Respondent was issued Texas pharmacist license number 41192.

2. Respondent's Texas pharmacist license was in full force and effect at all times and dates material and relevant to this Order.

3. Respondent served as pharmacist-in-charge and a pharmacist of Supreme RX Pharmacy, as described in the Allegations below. A pharmacist-in-charge is has responsibility for the practice of pharmacy at the pharmacy for which he is the pharmacist-in-charge, including legally operating the pharmacy in accordance with all state and federal laws or sections governing the practice of pharmacy. A pharmacist is responsible for complying

with all state and federal laws and rules governing the practice of pharmacy while on duty.

4. All jurisdictional requirements have been satisfied.

5. Respondent served as a pharmacist of Supreme RX Pharmacy prior to on or about October 9, 2014, through on or about April 23, 2015, and between on or about November 24, 2014, through on or about April 23, 2015, Respondent served as a pharmacist and pharmacist-in-charge of Supreme RX Pharmacy. In total, while Respondent was a pharmacist of Supreme RX Pharmacy, 405 patients received prescriptions for hydrocodone/APAP 10/325 mg tablets pursuant to prescriptions purportedly issued on October 4, 2014, by Vogue Davis, APN (totaling 48,600 dosage units); and while Respondent was pharmacist-in-charge of Supreme RX Pharmacy, 352 patients (of the 405 total patients) received prescriptions for hydrocodone/APAP 10/325 mg tablets pursuant to prescriptions purportedly issued on October 4, 2014 by Ms. Davis. These prescriptions were invalid because they were issued without a valid patient-practitioner relationship and/or a valid medical need.

6. Respondent engaged in fraud by dispensing and delivering these prescriptions for controlled substances because Vogue Davis, APN, acted outside the course of professional practice by supplying prescriptions to patients with the same date of issuance, and Respondent knew or should have known that the practitioner could not have a valid patient-practitioner relationship with hundreds of patients in a single day.

7. Respondent, while acting as a pharmacist and pharmacist-in-charge of Supreme RX Pharmacy, was required to determine before dispensing a prescription that the prescription was a valid prescription. Respondent knew or should have known the prescriptions for hydrocodone/APAP 10/325 mg tablets issued by Vogue Davis, APN, on October 4, 2014, were invalid and fraudulent because, based primarily on the factors listed below, the patients receiving such prescriptions received inadequate or improper medical treatment and/or the prescribers failed to use medical reasoning in issuing the prescriptions.
   - The patients received prescription drug orders written by Ms. Davis for an hydrocodone/APAP 10/325 mg (an opioid), along with either a benzodiazepine (alprazolam) and/or a muscle relaxant (carisoprodol), which is part of what is known in the Houston, Texas community as "the Houston cocktail" and "the Trinity." Hydrocodone, alprazolam, and carisoprodol are controlled substances with a high potential for abuse, and the drugs are commonly sought by drug abusers and have a high street value, indicating that diversion from legitimate medical channels was more likely;
   - Prescriptions for hydrocodone/APAP written by Ms. Davis were prescribed in consistent quantities of 120 tablets of hydrocodone/APAP 10/325 mg tablets per prescription drug order, indicating that the prescription drug orders were not based on an individual patient assessment or medical need;
   - In an attempt to avoid regulatory scrutiny for prescribing and dispensing an inversely

proportional amount of controlled substances, the prescription drug orders written by Ms. Davis contained an equal number of dangerous drugs to controlled substances, i.e., ibuprofen 600 mg and a multivitamin; and

- Supreme RX Pharmacy charged, and patients were willing to pay $340 for 120 hydrocodone/APAP 10/325 mg tablets ($2.83 per tablet). This pricing of hydrocodone/APAP indicates that Supreme RX Pharmacy was not dispensing the drug for legitimate medical purposes, but rather selling the drug for profit to drug-seeking patients willing to pay a higher price for a pharmacy that would not reject the invalid prescriptions.

8. On May 15, 2015, Board staff mailed a Notice of Hearing and Petition to Respondent by first class and certified mail to Respondent's address of record.

9. The Notice of Hearing contained a statement of the time, place, and nature of the hearing; a statement of the legal authority and jurisdiction under which the hearing has to be held; a reference to the particular section of the statutes and rules involved; and a statement of the matters asserted.

10. The Notice of Hearing contained the following language: "your failure to appear will not prevent the TSBP from temporarily suspending [Respondent's] license."

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:

(1) Pharmacist license number 41192 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 contested case hearing on disciplinary action against the suspended license to be held at the State Office of Administrative Hearings not later than ninety (90) days after the date of this Order. During the period of suspension, Respondent shall:

(a) not practice pharmacy in this state or be employed in any manner requiring a license with the Board or allowing access to prescription drugs in a pharmacy during the period of suspension; and

(b) surrender to the Board said license and any renewal certificate and personal identification card pertaining to said license number as specified by Board staff.

(2) Failure to comply with any of the requirements in this Order constitutes a violation and shall be grounds for further disciplinary action. The requirements of this Order are subject to the Texas Pharmacy Act, TEX. OCC. CODE ANN., Title 3, Subtitle J (2013), and Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2015).

Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 26th day of May, 2015.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 26th day of May, 2015.

MEMBER, TEXAS STATE BOARD OF PHARMACY

R.Ph

MEMBER, TEXAS STATE BOARD OF PHARMACY

PMTR

MEMBER, TEXAS STATE BOARD OF PHARMACY