

AGREED BOARD ORDER #A-14-003-B

RE: IN THE MATTER OF
RXpress PHARMACY
(PHARMACY LICENSE #18669)

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy (Board) the matter of pharmacy license number 18669 issued to RXpress Pharmacy (Respondent), 1000 West Weatherford #200, Fort Worth, Texas 76102.

By letter dated November 12, 2014, the Board gave preliminary notice to Respondent of its intent to take disciplinary action. This action was taken as a result of an investigation which produced evidence indicating that Respondent may have violated:

Sections 565.001(a)(1), (2), (12) and (13); and 565.002(a)(3) and (4) of the Texas Pharmacy Act, TEX. OCC. CODE ANN. Title 3, Subtitle J (2013); and

Sections 281.7(a)(13); 291.31(14); 291.32(a)(2)(H); 291.32(c)(1)(E); and 295.3 of the Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2013), in that allegedly:

PREVIOUS HISTORY

On or about December 2, 2008, the Texas State Board of Pharmacy entered Agreed Board Order #K-08-026-B in the matter of RXpress Pharmacy (previously licensed as Medicine Store Pharmacy, Inc). The Order was based on allegations that an employee engaged in the duties of a pharmacy technician trainee without having registered with the Texas State Board of Pharmacy. The Order imposed a \$1,500 penalty and required the pharmacy to implement policies and procedures requiring the verification of registration status for pharmacy technicians.

COUNT

From on or about July 1, 2013, through November 13, 2013, Reynaldo P. Moreno, while acting as an employee (pharmacist-in-charge) of RXpress Pharmacy, 1000 West Weatherford #200, Fort Worth, Texas 76102, allowed RXpress Pharmacy to unlawfully engage in the operation of a pharmacy, in that RXpress Pharmacy dispensed and sold 415 prescription drugs to patients in 5 states where RXpress Pharmacy did not possess a license from the respective state's board of pharmacy or other state licensing entity necessary to operate in that state as a pharmacy or wholesale facility.

An informal conference was held in the Board's office on January 13, 2015, with Lewis Allen Hall Jr., owner and managing officer of The Medicine Store Pharmacy, Inc., on behalf of Respondent and Randy Myers, Legal Counsel for Respondent, in attendance. The informal

conference was heard by a Board panel comprised of: Joyce A. Tipton, R.Ph., M.B.A., Board Member; and Carol Fisher, R.Ph., M.P.A., Director of Enforcement; with Kerstin Arnold, General Counsel. Lance Brenton, Staff Attorney, was also in attendance.

By appearing at the informal conference and by signing this Order, Lewis Allen Hall Jr. and Respondent's counsel neither admit nor deny the truth of the matters previously set out in this Order, and agree that the Board has jurisdiction in this matter and waive the right to notice of hearing, formal administrative hearing, and judicial review of this Order.

The parties acknowledge that this Order resolves the allegations set forth herein, and agree to the terms and conditions set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Board does hereby ORDER that:

- (1) Respondent shall pay an administrative penalty of five thousand dollars (\$5,000) due ninety (90) days after the entry of this Order.
- (2) Respondent shall develop and implement policies and procedures for ensuring valid pharmacy licensure from licensing entities in states where Respondent seeks to operate as a pharmacy or wholesale facility. A written report of such policies and procedures shall be submitted to Board staff within ninety (90) days after the entry of this Order.
- (3) Respondent shall be responsible for all costs relating to compliance with the requirements of this Order.
- (4) Respondent shall allow Board staff to directly contact Respondent on any matter regarding the enforcement of this Order.
- (5) 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).

And it is so ORDERED.


THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 3rd day of February, 2015.




MEMBER, TEXAS STATE BOARD OF PHARMACY

ATTEST:




Gay Dodson, R.Ph., Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:




Lewis Allen Hall Jr., owner and managing officer of The Medicine Store Pharmacy, Inc.
For and on behalf of RXpress Pharmacy



Randy Myers, Legal Counsel for RXpress Pharmacy
The Myers Law Firm
119 South Ranch House Road, Suite 300
Aledo, Texas 76008

APPROVED AS TO FORM:



Kerstin Arnold, General Counsel
Texas State Board of Pharmacy