

AGREED BOARD ORDER #K-08-026-B

RE: IN THE MATTER OF BEFORE THE TEXAS STATE
 MEDICINE STORE PHARMACY, INC. BOARD OF PHARMACY
 (PHARMACY LICENSE #18669)

On this day came on to be considered by the Texas State Board of Pharmacy the matter of pharmacy license number 18669 issued to Medicine Store Pharmacy, Inc., 517 W. California St., Gainesville, Texas 76240.

By letter dated October 29, 2008, the Texas State Board of Pharmacy gave preliminary notice to Medicine Store Pharmacy, Inc. of its intent to take disciplinary action with respect to pharmacy license number 18669 held by Medicine Store Pharmacy, Inc. as a result of an investigation which produced evidence indicating that Medicine Store Pharmacy, Inc. may have violated:

Section 565.001(a)(1), (12), and (13); Section 565.002(a)(3); Section 568.003(a)(1) and (7); and Section 568.007(a) and (d) of the Texas Pharmacy Act, TEX. OCC. CODE ANN. Subtitle J (2007); and

Section 291.32(a)(2)(H); Section 291.32(c)(1)(C) and (E); Section 291.32(d)(1)(A); Section 295.3; Section 297.3(a)(1) and (b); and Section 297.5(a) of the Texas Pharmacy Rules of Procedure, 22 TEX. ADMIN. CODE (2008), in that, allegedly:

COUNTS

- (1) On or about December 27, 2007, through on or about February 1, 2008, Ronnie Xaybanha, while acting as an employee (pharmacy technician trainee) at Medicine Store Pharmacy, Inc., 1400 S. Main Street, Suite 101, Fort Worth, Texas 76104, was unlawfully engaged in the duties of a pharmacy technician trainee. Mr. Xaybanha failed to register with the Texas State Board of Pharmacy before starting his employment as a pharmacy technician trainee. As evidenced by pharmacy records, Mr. Xaybanha engaged in the duties of a pharmacy technician trainee without a registration. His failure to register was discovered during a Texas State Board of Pharmacy inspection on July 7, 2008.
- (2) On or about December 27, 2007, through on or about February, 1, 2008, Eva Belinda Martinez, while acting as an employee (pharmacist-in-charge) at Medicine Store Pharmacy, Inc., 1400 S. Main Street, Suite 101, Fort Worth, Texas 76104, failed to properly supervise Mr. Xaybanha and to legally operate the pharmacy as described above in Count (1).

By letter dated October 29, 2008, Medicine Store Pharmacy, Inc. was notified that the matters previously set out in this Order could be disposed of without the scheduling of an informal conference or administrative hearing. By his signature on this Order, Lewis Allen Hall Jr., Corporate President of The Medicine Store Pharmacy, Inc., for and on behalf of Medicine Store Pharmacy, Inc., neither admits nor denies the truth of the matters previously set out in this Order, agrees that the Texas State Board of Pharmacy has jurisdiction in this matter, and waives the pharmacy's right to informal conference, to notice of hearing, to a formal administrative hearing, and to judicial review of this Order.

Lewis Allen Hall Jr. understands that any failure to comply with the terms of this Order is a basis for discipline under the Texas Pharmacy Act.

Should this Order not be accepted by the Board, it is agreed that neither the presentation of the Order to the Board nor the Board's consideration of the Order, will be deemed to have unfairly or illegally prejudiced the Board or its individual members and, therefore, will not be grounds for precluding the Board or any individual member of the Board from further participation in proceedings related to the matters set forth in the Order.

Lewis Allen Hall Jr., on behalf of Medicine Store Pharmacy, Inc., agrees to the entry of an Order disposing of the need for further disciplinary action in this matter and agrees to comply with the terms and conditions set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

THEREFORE, PREMISES CONSIDERED, the Texas State Board of Pharmacy does hereby ORDER that pharmacy license number 18669 held by Medicine Store Pharmacy, Inc. (hereinafter referred to as "Respondent") shall pay an administrative

penalty of one thousand five hundred dollars (\$1,500) due ninety (90) days after the entry of this Order.

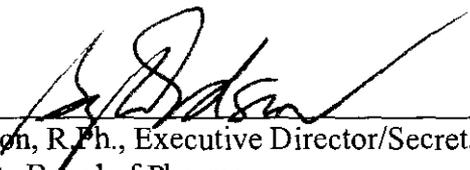
It is further ORDERED that Respondent shall develop and implement policies and procedures regarding the verification of the registration status of pharmacy technicians during the hiring process and on an on-going basis. A written report of such policies and procedures shall be submitted to the Texas State Board of Pharmacy, Enforcement Division, within ninety (90) days after the entry of this Order.

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

And it is so ORDERED.

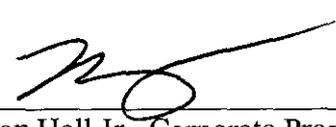
THIS ORDER IS A PUBLIC RECORD.

Signed and entered by the Executive Director on behalf of the Texas State Board of Pharmacy on this 2nd day of December, 2008.

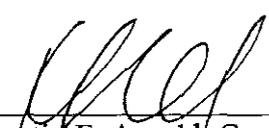


Gay Dodson, R.Ph., Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:



Lewis Allen Hall Jr., Corporate President of The Medicine Store Phy, Inc.,
for and on behalf of Medicine Store Pharmacy, Inc.



Kerstin E. Arnold, General Counsel
Texas State Board of Pharmacy