

*TEMPORARY SUSPENSION ORDER #A-13-056-BSI*

RE: IN THE MATTER OF  
MEGS DISCOUNT PHARMACY  
(PHARMACY LICENSE #26789)

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 pharmacy license number 26789, issued to Megs Discount Pharmacy ("Respondent"), 603 Sunset Street, Denton, Texas 76201, pursuant to § 565.059 of the Texas Pharmacy Act ("Pharmacy Act"), TEX. OCC. CODE ANN., Title 3, Subtitle J.

Susan Jenevive Megwa, R.Ph., Pharmacist-in-Charge and Managing Member of Megs Discount Pharmacy, LLC, for and on behalf of Respondent, and Louis Leichter, Legal Counsel for Respondent, were in attendance. Caroline K. Hotchkiss represented Board staff. Kerstin E. Arnold served as General Counsel to the Disciplinary Panel. The following Board members served as the Disciplinary Panel: Jeanne D. Waggener, R.Ph.; Charles F. Wetherbee and Christopher M. Dembny, R.Ph.

The Disciplinary Panel determines that Respondent, by continuation in the operation of the pharmacy, would constitute a continuing threat to the public welfare, and that pharmacy license number 26789 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 July 11, 2014, Hearing on Temporary Suspension of License of Respondent:

1. On or about January 28, 2010, Megs Discount Pharmacy, 603 Sunset Street, Denton, Texas 76201, was issued Texas pharmacy license number 26789.
2. Susan Jenevive Megwa, R.Ph., is a managing member of Megs Discount Pharmacy LLC, which owns Megs Discount Pharmacy, and she is the pharmacist-in-charge of Megs Discount Pharmacy.

3. As the corporate managing member and pharmacist-in-charge, Ms. Megwa has responsibility for the legal operation of the pharmacy.
4. As the holder of a pharmacy license, Megs Discount Pharmacy is liable for any violation of the Act by an owner or employee of the pharmacy.
5. Megs Discount Pharmacy's pharmacy license was in full force and effect at all times and dates material and relevant to this Order.
6. All jurisdictional requirements have been satisfied.
7. On or about December 18, 2012, through on or about May 20, 2014, Susan Jenevive Megwa, while acting as an employee (pharmacist-in-charge) and corporate managing member of Megs Discount Pharmacy, failed to keep and maintain complete and accurate records of purchases and disposals of 24,068 hydrocodone/APAP 10/325 mg tablets (-7.39%), a controlled substance listed in the Texas Controlled Substances Act: Hydrocodone.
8. On or about December 18, 2012, through on or about May 20, 2014, Susan Jenevive Megwa, while acting as an employee (pharmacist-in-charge) and corporate managing member of Megs Discount Pharmacy, failed to keep and maintain complete and accurate records of purchases and disposals of 9,979 alprazolam 2mg tablets (-15.09%), a controlled substance listed in the Texas Controlled Substances Act: Alprazolam.
9. On or about the dates listed below, Susan Jenevive Megwa, while acting as an employee (pharmacist-in-charge) and corporate managing member of Megs Discount Pharmacy, dispensed the prescriptions listed below to patient G.S. and failed to evaluate and to identify the clinically significant overutilization of hydrocodone, a Schedule III controlled substance, caused by filling or refilling the prescriptions listed below written by various prescribers, at a frequency that was not consistent with the patient's health and welfare.

<u>Date</u>	<u>Drug</u>	<u>Qty.</u>	<u>Prescriber</u>
07/08/13	hydrocodone/APAP 10/325 mg tablets	60	P. Estorque, MD
07/08/13	hydrocodone/APAP 10/500 mg tablets	120	J. Chacko APN/ S. Evans, MD
08/07/13	hydrocodone/APAP 10/325 mg tablets	60	P. Estorque, MD
08/07/13	hydrocodone/APAP 10/500 mg tablets	120	S. Evans, MD
09/06/13	hydrocodone/APAP 10/325 mg tablets	60	P. Estorque, MD
09/11/13	hydrocodone/APAP 10/500 mg tablets	120	S. Evans, MD
11/18/13	hydroco0064one/APAP 10/500 mg tablets	120	S. Evans, MD
11/22/13	hydrocodone/APAP 10/325 mg tablets	120	P. Estorque, MD
04/23/14	hydrocodone/APAP 10/325 mg tablets	120	S. Evans, MD
05/08/14	hydrocodone/APAP 10/325 mg tablets	60	P. Estorque, MD

10. On or about the dates listed below, Susan Jenevive Megwa, while acting as an employee (pharmacist-in-charge) and corporate managing member of Megs Discount Pharmacy, dispensed the prescriptions listed below to patient L.S. and failed to evaluate and to identify the clinically significant overutilization of hydrocodone, a Schedule III controlled substance, caused by filling or refilling the prescriptions listed below written by various prescribers, at a frequency that was not consistent with the patient's health and welfare.

<u>Date</u>	<u>Drug</u>	<u>Qty.</u>	<u>Prescriber</u>
07/16/13	hydrocodone/APAP 10/500 mg tablets	120	I. Adugba, MD*
07/16/13	hydrocodone/chlorpheniramine 8-10 mg/5ml syrup	120 ml	M. Saraiya, MD
01/10/14	hydrocodone/APAP 10/325 mg tablets	35	V. Cobos, MD
01/10/14	hydrocodone/chlorpheniramine 8-10 mg/5ml syrup	120 ml	C. Hedtke, APN
01/20/14	hydrocodone/APAP 10/500 mg tablets	120	I. Adugba, MD*
01/24/14	hydrocodone/APAP 7.5/325 tablets	15	D. Hall, DO

\*Dr. Adugba's medical license was subject to an Agreed Board entered by the Texas Medical Board on June 8, 2012, based on allegations that he failed to adequately supervise a delegate in treatment of chronic pain to justify continued prescribing of controlled substances.

11. On or about the dates listed below, Susan Jenevive Megwa, while acting as an employee (pharmacist-in-charge) and corporate managing member of Megs Discount Pharmacy, dispensed the prescriptions listed below to patient B.T. and failed to evaluate and to identify the clinically significant overutilization of hydrocodone, a Schedule III controlled substance, caused by filling or refilling the prescriptions listed below written by various prescribers, at a frequency that was not consistent with the patient's health and welfare.

<u>Date</u>	<u>Drug</u>	<u>Qty.</u>	<u>Prescriber</u>
10/11/13	hydrocodone/APAP 10/500 mg tablets	120	S. Evans, MD
11/06/13	hydrocodone/APAP 10/500 mg tablets	16	B. Talbot, DDS
11/08/13	hydrocodone/APAP 10/500 mg tablets	120	V. Sirls, APN
12/05/13	hydrocodone/APAP 10/325 mg tablets	120	S. Evans, MD
12/27/13	hydrocodone/APAP 10/325 mg tablets	16	P. Theurer, DDS
12/30/13	hydrocodone/APAP 10/325 mg tablets	120	M. Sim, MD
01/10/14	hydrocodone/APAP 10/325 mg tablets	16	P. Theurer, DDS
01/13/14	hydrocodone/APAP 10/325 mg tablets	16	B. Talbot, DDS

12. On or about June 16, 2014, Susan Jenevive Megwa, while acting as an employee (pharmacist-in-charge) and corporate managing member of Megs Discount Pharmacy, delivered to D.B., an informant acting in a covert manner on behalf of local law enforcement, 120 hydrocodone/APAP 10/325 mg tablets and 60 alprazolam 2mg tablets without a prescription. Ms. Megwa took the controlled substances from dispensed prescription vials labeled for patient L.B., which had not been picked up, and gave them to D.B. in exchange for cash. D.B. was instructed to sign patient L.B.'s name on the prescription pick-up log with her non-dominant hand.

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) Pharmacy license number 26789 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 operate as a pharmacy in this state in any manner that would allow receipt, distribution, or dispensing prescription drugs during the period said license is suspended; and
  - (b) shall surrender to the Board said license and any renewal certificate pertaining to said license number as specified by Board staff.
- (2) Respondent shall immediately transfer all prescription drugs to a secured licensed pharmacy or other entity with the authority to legally possess prescription drugs, not later than July 18, 2014, and to immediately thereafter provide documentation of such transfer to the Board.
- (3) If Respondent does not immediately and fully comply with the terms of paragraph (2) above, the Board shall have the authority to remove all dangerous drugs from Respondent's establishment for the purpose of either transferring such drugs to a secured licensed pharmacy or other entity with the authority to legally possess dangerous drugs set forth in § 483.041(c) of the Texas Dangerous Drug Act, or destroying such drugs as in § 483.074 of the Texas Dangerous Drug Act.
- (4) Respondent shall be responsible for all costs relating to compliance with the requirements of this Order.
- (5) Respondent shall allow Board staff to directly contact Respondent on any matter regarding the enforcement of this Order.

- (6) 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 (2014).

Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 11th day of July, 2014.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 11th day of July, 2014.

  
MEMBER, TEXAS STATE BOARD OF PHARMACY

  
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