

*TEMPORARY SUSPENSION ORDER #A-17-010-ASI*

RE: IN THE MATTER OF  
FRANK A. ROLLINS  
(PHARMACIST LICENSE #20688)

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 20688, issued to Frank A. Rollins (Respondent), pursuant to § 565.059 of the Texas Pharmacy Act (Pharmacy Act), TEX. OCC. CODE ANN., Title 3, Subtitle J.

Respondent Don E. Lewis, Legal Counsel for Respondent, were in attendance. 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 Christopher M. Dembny, R.Ph.

The Disciplinary Panel determines that Respondent, by continuation in practice, would constitute a continuing threat to the public welfare, and that pharmacist license number 20688 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 March 24, 2017, Hearing on Temporary Suspension of License of Respondent:

1. On or about January 17, 1974, Respondent was issued Texas pharmacist license number 20688.
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 is the pharmacist-in-charge of Houston South Side Pharmacy since on or about June 5, 2014. Additionally, Respondent has served as a pharmacist of Houston South Side Pharmacy throughout the time period referenced in the Allegations.
4. A pharmacist-in-charge has responsibility for the practice of pharmacy at the pharmacy

for which he/she is the pharmacist-in-charge, including legally operating the pharmacy in accordance with all state and federal laws or rules governing the practice of pharmacy.

5. A pharmacist is responsible for complying with all state and federal laws and rules governing the practice of pharmacy while on duty.
6. Respondent's Texas pharmacist license is current through August 31, 2018.
7. Between on or about January 4, 2016, and December 7, 2016, Houston South Side Pharmacy and Respondent, while acting as an employee (pharmacist-in-charge and a pharmacist), failed to comply with reporting requirements for dispensing of controlled substances to the State of Texas's applicable drug monitoring database, i.e. the Prescription Access Texas system (prior to September 1, 2016) and currently the Texas Prescription Monitoring Program (commencing September 1, 2016). Houston South Side Pharmacy and Respondent dispensed numerous prescriptions controlled substances between on or about January 4, 2016, and December 7, 2016, in that the pharmacy's drug audit trail of dispensing contains entries of dispensing 4,968 prescriptions for controlled substances (468,534 dosage units) during the above referenced time-period. However, according to data of the Texas Prescription Monitoring Program, the pharmacy reported dispensing of 0 prescriptions for controlled substances during this time-period.
8. Between on or about January 4, 2016, through December 7, 2016, which was during the time that Houston South Side Pharmacy and Respondent failed to report to the drug monitoring database as described in Allegation (7), the pharmacy and Respondent, while acting as an employee (pharmacist-in-charge and a pharmacist), dispensed alprazolam 2mg tablets, hydrocodone/APAP 10/325 mg tablets, promethazine with codeine 6.25-10mg/5ml liquid, oxycodone 30 mg tablets, and carisoprodol 350 mg tablets, pursuant to prescriptions purportedly authorized by James Krause, M.D., or Phong Le, D.O., as follows:

Unauthorized Total Pharmacy:	2,753 RXs	266,112 Dosage Units
Unauthorized Total Respondent Pharmacist:	1,318 RXs	126,408 Dosage Units

Dr. Krause and Dr. Le did not authorize these prescriptions (the unauthorized prescriptions). Respondent should have known the unauthorized prescriptions were invalid, i.e. not issued for a legitimate therapeutic purpose or medical need and/or prescription forgeries, due to the following prescription red flags factors:

- a. The unauthorized prescriptions were for the above-listed controlled substances, which are popular as street drugs and have a high potential for abuse;
- b. The unauthorized prescriptions were for consistent large quantities of the above-listed controlled substances, e.g., 90 tablets of alprazolam 2mg, 120 tablets of carisoprodol 350 mg, 120 tablets of hydrocodone/APAP 10/325 mg, and 120 tablets of oxycodone 30 mg tablets;

- c. The unauthorized prescriptions were routinely dispensed to patients receiving more than one of the above-listed controlled substances on the same date;
  - d. The unauthorized prescriptions routinely lack a specific diagnosis and the intended use for the drug prescribed;
  - e. The unauthorized prescriptions were dispensed for patients outside the general area of the pharmacy, in that many patients purportedly travelled long geographic distances between Houston South Side Pharmacy and the residence listed on the prescriptions, which indicated patient addresses throughout Houston's metropolitan area and other Texas cities;
  - f. The pharmacy purportedly sold the prescriptions in exchange for hundreds of dollars in cash;
  - g. Patients receiving the unauthorized prescriptions were generally dispensed non-controlled drugs at the same time as the prescriptions for controlled substances, which were also purportedly authorized by Drs. Krause and Le, typically for multivitamins, antibiotics, pain relievers, and antacids, totaling 1,670 prescriptions;
  - h. Over several months, the unauthorized prescriptions for the same or similar drugs, in the same or similar quantities, and in the same or similar combinations of drugs, were dispensed to multiple patients per day;
  - i. The unauthorized prescriptions bear readily-identifiable markers of forgeries, including quantities, directions, spelling, or dosages differing from usual medical usage, prescriptions that do not comply with the acceptable standard abbreviations, prescriptions look "too good," i.e., patients names and addresses match exactly to driver's license or identification, and prescriptions are written in different color inks or written in different handwriting; and
  - j. The unauthorized prescriptions were routinely presented to the pharmacy and Respondent, in that approximately almost half of all prescriptions dispensed by the pharmacy between January 4, 2016, and December 7, 2016, were the unauthorized prescriptions. Specifically, the pharmacy dispensed 4,968 total prescriptions for controlled substances during the above referenced time-period, of which approximately half of the total prescriptions were the unauthorized prescriptions (2,753 RXs out of 4,968 RXs). In addition, during the same time period, the pharmacy also dispensed 743 prescriptions purportedly issued by Daniele Thomas, M.D., for the same controlled substances, i.e., alprazolam 2mg tablets, hydrocodone/APAP 10/325 mg tablets, promethazine with codeine 6.25-10mg/5ml liquid, oxycodone 30 mg tablets, and carisoprodol 350 mg tablets. These prescriptions purportedly issued by Dr. Thomas bear the same prescription red flags listed above in subparagraphs (a) through (i), and Respondent should have known that these prescriptions were also invalid.
9. Between on or about December 8, 2016, and January 2, 2017, Houston South Side Pharmacy and Respondent, while acting as an employee (pharmacist-in-charge) operated the pharmacy on an infrequent basis, dispensing a total of 30 prescriptions during this approximately 30-day timeframe according to the pharmacy's drug audit trail of all

dispensing, which shows that the pharmacy was not operating according to routine and regular pharmacy business. In addition, during this same time-period despite a lack of dispensing by the pharmacy, the pharmacy purchased approximately 30,000 tablets of hydrocodone/APAP 10/325 mg, oxycodone 30 mg, and alprazolam 2mg from drug wholesalers.

10. On or about January 3, 4, 5, and 6, 2017, Houston South Side Pharmacy and Respondent, while acting as an employee (pharmacist-in-charge), failed to ensure the legal operation of the pharmacy, in that the pharmacy dispensed approximately 77 invalid prescriptions for the controlled substances, oxycodone 30 mg tablets and alprazolam 2mg tablets, purportedly issued by Parvez Qureshi, M.D. Prescriptions purportedly issued by Dr. Qureshi were the majority of prescriptions dispensed by the pharmacy in these four days according to the pharmacy's drug audit trail of all dispensing, i.e. 78% of the pharmacy's dispensing were prescriptions purportedly issued by Dr. Qureshi, and these prescriptions bear similar prescription red flags factors listed above in Allegation (8), which indicate that the prescriptions were invalid and not issued for a legitimate therapeutic purpose or medical need and/or prescription forgeries. Dr. Qureshi did not authorize the prescriptions.
  
11. On or after January 31, 2017, through on or about February 27, 2017, Houston South Side Pharmacy and Respondent, while acting as an employee (pharmacist-in-charge) began reporting to the Prescription Drug Monitoring Program prescriptions dispensed on or after December 8, 2016. In this time period, the pharmacy and Respondent reported that the pharmacy has dispensed 122 prescriptions for controlled substances. The report demonstrates that the pharmacy and Respondent are continuing to operate not in accordance with routine and regular pharmacy business, and are continuing to engage in dispensing invalid prescriptions by dispensing high strengths of controlled substances, that are known to be routinely abused, in large quantities to patients travelling significant distances to receive the drugs from this pharmacy. Specifically, of these 122 prescriptions reported to the Prescription Drug Monitoring Program during this period, the pharmacy and Respondent have allowed the dispensing of 91 prescriptions (approximately 75% of the total reported prescriptions), consisting of the following:
  - 5 prescriptions each for 120 or 145 oxycodone 30 mg tablets (625 dosage units) for patients residing in Louisiana purportedly issued by James Key, M.D.,
  - 38 prescriptions each for 60 alprazolam 2mg tablets (2,280 dosage units) purportedly issued by Parvez Qureshi, M.D., and
  - 48 prescriptions purportedly issued by Azim Karim, M.D.
    - 27 prescriptions each for 120 oxycodone 30 mg tablets (3,240 dosage units),
    - 11 prescriptions each for 90 carisoprodol 350 mg tablets (990 dosage units), and
    - 10 prescriptions each for 114 hydrocodone/APAP 10/325 mg tablets (1,140 dosage units).

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 20688 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) remove the wall certificate for said license and any renewal certificate pertaining to said license from public display in a pharmacy and may not further display in public view said certificates.
- (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 (2015), and Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2017).

Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 24th day of March, 2017.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 24th day of March, 2017.

  
MEMBER, TEXAS STATE BOARD OF PHARMACY

  
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