

TEMPORARY SUSPENSION ORDER #2019-00432

RE: IN THE MATTER OF
CARE RRX PHARMACY
(PHARMACY LICENSE #31475)

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 31475, issued to Care RRX Pharmacy (Respondent), 6744 Highway 6 South, Houston, Texas 77083, previously located at 4102 Woodlawn Avenue, Suite 120, Pasadena, Texas 77504, pursuant to § 565.059 of the Texas Pharmacy Act (Pharmacy Act), TEX. OCC. CODE ANN., Title 3, Subtitle J.

Manjit Singh, Managing Officer of Care RRX Pharmacy, LLC, on behalf of Respondent, and Harold B. Dutton Jr., Legal Counsel for Respondent, were in attendance. John Griffith, Litigation Counsel, represented Board staff. Kerstin Arnold served as General Counsel to the Disciplinary Panel. The following Board members served as the Disciplinary Panel: Dennis F. Wiesner, R.Ph.; Julie Spier, R.Ph.; and Daniel Guerrero.

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 31475 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 August 28, 2019, Hearing on Temporary Suspension of License of Respondent:

1. On or about June 30, 2017, Respondent was issued Texas pharmacy license number 31475.
2. The corporate owner of Respondent is Care RRX Pharmacy, LLC, and the corporate officers are Manjit Singh and Hermes Ocera.
3. As the holder of a pharmacy license, Respondent is liable for any violation of the Act by an employee of the pharmacy.

4. A pharmacy is responsible for any violations in the practice of pharmacy by an owner or employee of the pharmacy.
5. The pharmacy license of Respondent was in full force and effect at all times and dates material and relevant to this Order.
6. The license of Respondent is current through June 30, 2021.
7. All jurisdictional requirements have been satisfied.
8. Between on or about October 10, 2017, through on or about April 22, 2019, Ibrahim Zaidan, while acting as an employee (pharmacist-in-charge on or about October 3, 2017, through on or about May 17, 2018, and staff pharmacist on or about August 1, 2018, through on or about November 30, 2018), Gary Lynne Smith while acting as an employee (pharmacist-in-charge on or about May 17, 2018, through on or about August 1, 2018.), Tracy Thuy Ly while acting as an employee (pharmacist-in-charge on or about February 6, 2019, through on or about May 24, 2019), and other pharmacists of Care RRX Pharmacy, previously located at 4102 Woodlawn Avenue, Suite 120, Pasadena, Texas 77504, dispensed numerous invalid prescriptions for controlled substances to patients in discernable patterns that demonstrate a lack of professional judgment and neglect of a pharmacist's corresponding responsibility in dispensing controlled substances. Mr. Zaidan, Mr. Smith, Ms. Ly, and the other pharmacists knew or should have known the prescriptions were invalid.

During the time period referenced above, 99.6% of the controlled substance prescriptions dispensed by the pharmacy were as follows:

- (a) 3,555 prescriptions for hydrocodone/APAP 10-325 mg tablets; and
- (b) 3,415 prescriptions for carisoprodol 350 mg tablets.

Prescriptions for the two above controlled substances account for 55% of the total 12,644 prescriptions dispensed by the pharmacy during the above-stated time period. Further, Mr. Zaidan, Mr. Smith, Ms. Ly, and other pharmacists dispensed hydrocodone and carisoprodol in combination to approximately 97% of the pharmacy's patients.

Controlled Substance Combinations Dispensed to the Same Patient on the Same Day	# Patients (3,170 total)	% Patients
Hydrocodone + Carisoprodol	3,064	96.66%
Hydrocodone (only)	41	1.29%
Carisoprodol (only)	22	0.69%
TOTAL	3,127	98.64%

During the above time period, Mr. Zaidan, Mr. Smith, Ms. Ly, and the other pharmacists dispensed the below controlled substances pursuant to prescriptions from multiple prescribers, including, but not limited to, the following:

Prescriber Name	# Patients (3,170 total)	% of Total Patients	# Patients receiving Hydrocodone and Carisoprodol	% of Prescriber's patients receiving Controlled Substances
Ravi, Shivarajpur	524	16.53%	515	98.28%
Prescriber, Not Found and Nwadeyi, Emmanuel (Pa)	402	12.68%	388	96.52%
Klein, Mervyn J	274	8.64%	266	97.08%
Evans, Peter and Bharwani, Pramila J (APN)	225	7.10%	204	90.67%
Romans, Bradford	253	7.98%	249	98.42%
Hayes, Leo M	181	5.71%	174	96.13%
Rodriguez, Jesus	200	6.31%	193	96.50%
Rodriguez, Victor M	144	4.54%	143	99.31%
Thompson, Katherine	128	4.04%	127	99.22%
Brish, Eldor	130	4.10%	128	98.46%
TOTAL	2,461	77.63%	2,387	96.99%

During the above-referenced time period, Mr. Zaidan, Mr. Smith, Ms. Ly, and the other pharmacists knew or should have known that the majority of the controlled substance prescriptions referenced above were invalid, i.e. not issued for a legitimate therapeutic purpose or medical need in the regular course of professional practice, due to the following discernable patterns or red flag factors that a reasonable pharmacist should have recognized:

- (a) prescriptions for the hydrocodone and carisoprodol were dispensed almost exclusively at the highest strength available in tablet form, with no variance;
- (b) large quantities were dispensed:
 - average of 116 tablets of hydrocodone/APAP 10/325 mg per patient;
 - average of 85 carisoprodol 350 mg tablets per patient;
- (c) controlled substance prescriptions were routinely dispensed as combinations, with patients receiving more than one of the controlled substances referenced above on the same date;

- (d) the prescriptions indicated a discernable lack of individualized treatment; i.e., patients were receiving the same controlled substances, the same combinations, at the same maximum strength, from the same practitioner;
 - (e) many of the prescriptions failed to indicate a therapeutic purpose and/or diagnosis on the face of the prescriptions;
 - (f) in addition to the prescriptions for large quantities of high strengths of controlled substances, patients were also prescribed dangerous drugs and/or over-the-counter products in discernable patterns;
 - (g) opioids and muscle relaxants are commonly known drugs of abuse—especially in combination; and
 - (h) almost all patients presenting prescriptions for the above referenced drugs and/or drug combinations paid cash.
9. Between on or about October 10, 2017, through on or about April 22, 2019, Care RRX Pharmacy, previously located at 4102 Woodlawn Avenue, Suite 120, Pasadena, Texas 77504, failed to comply with reporting requirements for dispensing of controlled substances to the State of Texas’s applicable drug monitoring database—the Texas Prescription Monitoring Program. The pharmacy’s drug audit trail of dispensing—data obtained from the pharmacy contains entries of dispensing approximately 6,995 prescriptions for controlled substances. However, data from the Texas Prescription Monitoring Program demonstrates the pharmacy reported 5,956 prescriptions dispensed for controlled substances. Care RRX Pharmacy failed to report approximately 1,039 prescriptions dispensed for controlled substances.
10. On or about December 15, 2018, through on or about February 6, 2019, Care RRX Pharmacy, previously located at 4102 Woodlawn Avenue, Suite 120, Pasadena, Texas 77504, failed to legally operate, in that the pharmacy ceased to engage in the business of pharmacy for a period of thirty (30) days or longer. Dispensing records demonstrate no prescriptions were dispensed during this time.
11. On or about December 1, 2018, through on or about February 6, 2019, Care RRX Pharmacy, previously located at 4102 Woodlawn Avenue, Suite 120, Pasadena, Texas 77504, was engaged in the operation of a pharmacy in violation of Texas State Board of Pharmacy Rules, in that the pharmacy was not under the supervision of a pharmacist-in-charge.

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 31475 held by Respondent shall be, and such license is hereby temporarily suspended. Said suspension shall be effective immediately and shall continue in force and 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) 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) 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 September 2, 2019, and to immediately thereafter provide documentation of transfer to the Board.
- (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 (2017), and Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2019).

Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 28th day of August, 2019.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 28th day of August, 2019.

 RPh

MEMBER, TEXAS STATE BOARD OF PHARMACY

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