

TEMPORARY SUSPENSION ORDER #2020-05239

RE: IN THE MATTER OF
JOHN JAMES KOTZUR
(PHARMACIST LICENSE #22884)

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 22884 issued to John James Kotzur (Respondent), pursuant to § 565.059 of the Texas Pharmacy Act (Pharmacy Act), TEX. OCC. CODE ANN., Title 3, Subtitle J.

Respondent did not appear and was not represented by counsel. 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: Julie Spier, R.Ph.; Jenny Yoakum, R.Ph.; and Donna Montemayor, 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 22884 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 September 2, 2020, Hearing on Temporary Suspension of License of Respondent:

1. On or about October 13, 1977, Respondent was issued Texas pharmacist license number 22884.
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 individual owner of Jay's City Pharmacy, Texas pharmacy license number 6417, located at 214 East Calvert, Karnes City, Texas 78118.
4. Respondent has been the pharmacist-in-charge and a pharmacist of Jay's City Pharmacy since on or about July 17, 2006.

5. As owner of the pharmacy, Respondent has responsibility for all administrative and operational functions of the pharmacy.
6. 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.
7. A pharmacist is responsible for complying with all state and federal laws and rules governing the practice of pharmacy while on duty.
8. Respondent's pharmacist license is current through August 31, 2020.
9. All jurisdictional requirements have been satisfied.
10. On or about August 7, 2020, a Board compliance officer conducted an inspection of Jay's City Pharmacy at 214 East Calvert, Karnes City, Texas 78118, in the presence of Respondent, acting as the individual owner and pharmacist-in-charge of Jay's City Pharmacy. Respondent failed to operate a pharmacy in a sanitary manner and dispensed prescriptions in a manner presenting a continuing threat to the public welfare. Specifically, the pharmacy was not arranged in an orderly fashion or kept clean in that water damage to the ceiling was present; there was an abundance of items crowding the counters and preventing cleaning; pills were loose on counters and the floor; drug stock was spread throughout; records were disorganized; the sink was unclean and stained; the floors were visibly dirty and cluttered, and dirt and dust were present throughout the pharmacy. Despite these unsanitary and disorganized conditions, Jay's City Pharmacy and Respondent admitted to dispensing approximately 5-10 prescriptions per day.

ORDER OF THE BOARD

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

- (1) Pharmacist license number 22884 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 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; 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.

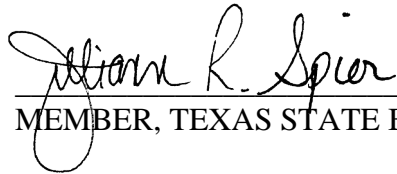
- (2) Failure to comply with any of the requirements in this Order constitutes a violation and shall be grounds for further disciplinary action. The requirements of this Order are subject to the Texas Pharmacy Act, TEX. OCC. CODE ANN., Title 3, Subtitle J (2019), and Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2020).

Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 2nd day of September 2020.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

SIGNED AND ENTERED ON THIS 2nd day of September 2020.


MEMBER, TEXAS STATE BOARD OF PHARMACY


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