

TEMPORARY SUSPENSION ORDER #J-18-022-BS1

RE: IN THE MATTER OF
PALAFOX PHARMACY
(PHARMACY LICENSE #26185)

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 26185, issued to Palafox Pharmacy (Respondent), 929 South Main Street, Anthony, Texas 79821, pursuant to § 565.059 of the Texas Pharmacy Act (Pharmacy Act), TEX. OCC. CODE ANN., Title 3, Subtitle J. The Disciplinary Panel considered the case during a hearing without notice, and a second hearing with notice of hearing is scheduled within fourteen (14) days of the date of this Order.

Samuel Ambrosio Gurrola, R.Ph., Individual Owner, on behalf of 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: Dennis F. Wiesner, R.Ph.; Jenny Downing Yoakum, R.Ph.; and Chip Thornsburg.

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 26185 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 June 18, 2018, Hearing on Temporary Suspension of License of Respondent:

1. On or about September 9, 2008, Respondent, 929 South Main Street, Anthony, Texas 79821, was issued Texas pharmacy license number 26185.

2. The individual owner of Respondent is Samuel Ambrosio Gurrola.
3. As the holder of a pharmacy license, Respondent is liable for any violation of the Act by an employee of the pharmacy.
4. As the owner of a pharmacy, Mr. Gurrola has responsibility for all administrative and operational functions of the pharmacy.
5. A pharmacy is responsible for any violations in the practice of pharmacy by an owner or employee of the pharmacy.
6. The pharmacy license of Respondent was in full force and effect at all times and dates material and relevant to this Order.
7. The license of Respondent is current through September 30, 2018.
8. All jurisdictional requirements have been satisfied.
9. On or about June 18, 2018, Samuel Ambrosio Gurrola, while employed as the pharmacist-in-charge and owner of Respondent, 929 South Main Street, Anthony, Texas 79821, engaged in unprofessional conduct by failing to operate a pharmacy in a sanitary manner and by dispensing prescriptions in a manner inconsistent with the public health and welfare. Specifically, the pharmacy was grossly unclean in that rat droppings were present, there was a persistent odor of urine, drug stock was disorganized, pills were loose on counters and tables, trash was present throughout, and the floors were visibly dirty. Despite these unsanitary conditions, Mr. Gurrola admitted to dispensing one to four prescription medications each day.
10. On or about June 18, 2018, Samuel Ambrosio Gurrola, while employed as the pharmacist-in-charge and owner of Respondent, 929 South Main Street, Anthony, Texas 79821, engaged in unprofessional conduct by failing to keep and/or maintain records as required. Mr. Gurrola failed to maintain daily logs, inventories, prescriptions and other patient records. Any records Mr. Gurrola did maintain were disorganized and not filed. Further, Mr. Gurrola was unable to access any electronic records, including any inventories or patient records. Consequently, Mr. Gurrola failed to provide adequate security and/or recordkeeping procedures to prevent potential diversion of prescription drugs.

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) Effective upon the entry of this Order, Agreed Board Order #B-13-002-B, entered on August 4, 2015, shall be set aside and be of no further force and effect, and this Order shall supersede Agreed Board Order #B-13-002-B.
- (2) Pharmacy license number 26185 held by Respondent shall be, and such license is hereby temporarily suspended. Said suspension shall be effective immediately and shall continue in effect for a period of fourteen (14) days unless a further Order of the Board is entered. 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.
- (3) 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 June 25, 2018, and to immediately thereafter provide documentation of such transfer to the Board.
- (4) Respondent shall be responsible for all costs relating to compliance with the requirements 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 (2018).


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Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 18th day of June, 2018.

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

Signed and entered by the Executive Director under the direction and on behalf of the Texas State Board of Pharmacy on the 18th day of June, 2018.



Allison Vordenbaumen Benz, R.Ph., M.S.
Executive Director/Secretary
Texas State Board of Pharmacy