

TEMPORARY SUSPENSION ORDER #J-18-022-BS2

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. Previously, a hearing without notice was held by the Disciplinary Panel on June 18, 2018, and Respondent's pharmacy license was temporarily suspended on that date by Temporary Suspension Order #J-18-022-BS1.

Samuel Ambrosio Gurrola, R.Ph., Individual Owner, on behalf of Respondent, was in attendance and 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 29, 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, Respondent and Samuel Ambrosio Gurrola, while employed as the pharmacist-in-charge and individual 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 approximately ten prescriptions per day.
10. On or about June 18, 2018, Respondent and Samuel Ambrosio Gurrola, while employed as the pharmacist-in-charge and individual 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 properly maintain invoices, hard-copy prescriptions, and other patient records. Any records Mr. Gurrola did maintain were disorganized and not filed. Further, Mr. Gurrola failed to properly maintain electronic patient records and inventories. Consequently, Mr. Gurrola failed to provide adequate security and/or recordkeeping procedures to prevent potential diversion of prescription drugs.
11. On June 18, 2018, the Board entered Temporary Suspension Order #J-18-022-BS1, which temporarily suspended Respondent's pharmacy license without notice, effective June 18, 2018, and continuing in effect for a period of fourteen (14) days unless a further Order of the Board is entered.

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, the temporary suspension ordered under Temporary Suspension Order #J-18-022-BS1, entered on June 18, 2018, 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. All other requirements of Temporary Suspension Order #J-18-022-BS1 shall continue in full force and effect during the period of suspension. 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 be responsible for all costs relating to compliance with the requirements of this Order.
- (3) 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).

Passed and approved at the Temporary Suspension Hearing of the Disciplinary Panel of the Texas State Board of Pharmacy on the 29th day of June, 2018.

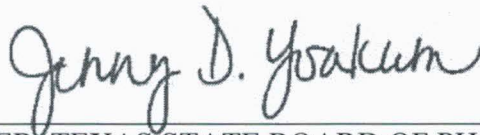
And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

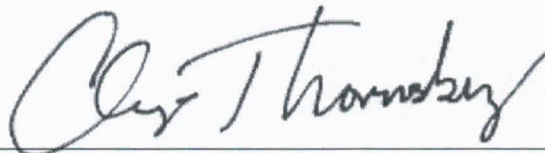
SIGNED AND ENTERED ON THIS 29th day of June, 2018.



MEMBER, TEXAS STATE BOARD OF PHARMACY



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