

AGREED BOARD ORDER #H-16-002-B

RE: IN THE MATTER OF
WALGREENS #10846
(PHARMACY LICENSE #25597)

BEFORE THE TEXAS STATE
BOARD OF PHARMACY

On this day came on to be considered by the Texas State Board of Pharmacy (Board) the matter of pharmacy license number 25597 issued to Walgreens #10846 (Respondent), 6400 Fannin Street, Suite 102, Houston, Texas 77030-1511.

By letter dated January 21, 2016, the Board gave preliminary notice to Respondent of its intent to take disciplinary action. This action was taken as a result of an investigation which produced evidence indicating that Respondent may have violated:

Sections 565.001(a)(1), (2), (8), (12) and (13); and 565.002(a)(3) and (8) of the Texas Pharmacy Act, TEX. OCC. CODE ANN. Title 3, Subtitle J (2013);

Sections 281.7(a)(12), (13) and (29)(A); 281.8(b)(4)(A); 291.31(1), (16), (17) and (18); 291.32(c)(1)(E) and (F); 291.32(c)(2)(B), (C) and (D); 291.32(d)(2)(B)(i); 291.34(b)(7)(A)(vi); 291.34(c)(3)(G)(ii); and 295.3(b) of the Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2014); and

Sections 431.003; 431.021(a) and (b); and 431.112(a)(1) of the Texas Food, Drug, and Cosmetic Act, TEX. HEALTH & SAFETY CODE ANN. (2013), in that allegedly:

PREVIOUS HISTORY

On or about November 3, 2015, the Texas State Board of Pharmacy entered Agreed Board Order #H-14-015-B in the matter of Walgreens #10846. The Order was based on allegations that a prescription calling for digoxin 50 mcg/ml was dispensed with incorrect directions for use, resulting in a clinically significant high dosage of the drug, and that a compounded prescription of rifampin 50 mg/ml was erroneously dispensed on a prescription calling for rifaximin 200 mg/5ml. The Order imposed a two year probation, issued a \$1,500 penalty, and required the pharmacy to develop and implement a Continuous Quality Improvement Program.

COUNTS

- (1) On or about December 18, 2014, Catherine Cao, while acting as an employee (staff pharmacist) of Walgreens #10846, 6400 Fannin St., Ste. 102, Houston, Texas 77030, dispensed with incorrect directions for use two 3ml multi-dose vials of enoxaparin 100 mg/1ml solution to patient M.D., a sixteen month old child, pursuant to a new electronically transmitted prescription with two available refills. The prescription as prescribed called for 0.1 ml injection every 12 hours until December 22nd and then

starting December 23rd every 24 hours, but was labelled without the instructions to decrease the frequency of injection on December 23rd. The prescription was assigned prescription number 275699.

- (2) On or about December 18, 2014, Catherine Cao, while acting as an employee (staff pharmacist) of Walgreens #10846, 6400 Fannin St., Ste. 102, Houston, Texas 77030, failed to verify and/or correct erroneous prescription information entered into the pharmacy's data processing system on the prescription described above in Count (1). The prescription data that was entered called for enoxaparin 30 mg/0.3 ml pre-filled syringes. Because enoxaparin 30mg/0.3ml prefilled syringes are not marked for graduated dosing, they are designed to deliver the entire prefilled amount, which could result in a patient receiving 30 mg of the drug per injection instead of the prescribed amount of 20 mg daily until December 22nd and 10 mg daily starting December 23rd. Subsequently, the prescription was transferred to Walgreens #9601, 3755 Atascocita Road, Humble, Texas 77396, which dispensed a prescription refill on January 12, 2015 with prefilled syringes.

An informal conference was held in the Board's office on March 8, 2016, with Carole Hardin-Oliver, Healthcare Supervisor, Walgreen Co.; Aaron West, District Manager, Walgreen Co., on behalf of Respondent, and Dwayne Pinon, R.Ph., Legal Counsel for Respondent, in attendance. The informal conference was heard by a Board panel comprised of: Buford T. Abeldt Sr., R.Ph., Board Member; and Carol Fisher, R.Ph., M.P.A., Director of Enforcement; with Kerstin Arnold, General Counsel. Tyler Vance, Staff Attorney, was also in attendance.

By signing this Order, Richard Gates, Vice President, Pharmacy Operations, Walgreen Co., and Respondent's counsel neither admit nor deny the truth of the matters previously set out in this Order, and agree that the Board has jurisdiction in this matter and waive the right to notice of hearing, formal administrative hearing, and judicial review of this Order.

The parties acknowledge that this Order resolves the allegations set forth herein, and agree to the terms and conditions set forth in the ORDER OF THE BOARD below.

ORDER OF THE BOARD

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

- (1) Effective upon the entry of this Order, Agreed Board Order #H-14-015-B, entered on November 3, 2015, shall be set aside and be of no further force and effect, and this Order shall supersede Agreed Board Order #H-14-015-B.

- (2) Respondent's license shall be placed on probation for a period of two (2) years, with such period to commence upon the entry of this Order. During the period of probation, Respondent shall abide by the terms of this Order, and shall not violate any pharmacy or drug statute or rule of this state, another state, or the United States with respect to pharmacy, controlled substances, and dangerous drugs.
- (3) Respondent shall pay a probation fee of one thousand two hundred dollars (\$1,200) due one hundred twenty (120) days after the entry 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 (2015), and Texas Pharmacy Board Rules, 22 TEX. ADMIN. CODE (2016).

And it is so ORDERED.

THIS ORDER IS A PUBLIC RECORD.

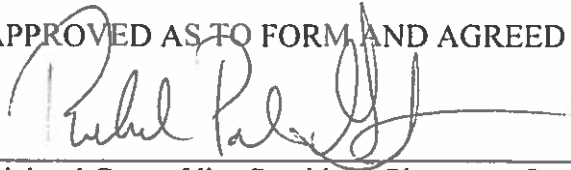
SIGNED AND ENTERED ON THIS 3rd day of May, 2016.


MEMBER, TEXAS STATE BOARD OF PHARMACY

ATTEST:

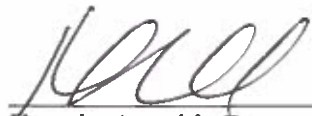

Gay Dodson, R.Ph., Executive Director/Secretary
Texas State Board of Pharmacy

APPROVED AS TO FORM AND AGREED TO:


Richard Gates, Vice President, Pharmacy Operations, Walgreen Co.
For and on behalf of Walgreens #10846


Dwayne A. Pinon, R.Ph., Director and Managing Counsel for Walgreens #10846
Pharmacy Law – Operations & Services
Walgreen Co.
104 Wilmot Road, MS 1447
Deerfield, Illinois 60015

APPROVED AS TO FORM:


Kerstin Arnold, General Counsel
Texas State Board of Pharmacy