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OREGON BOARD OF PHARMACY

BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

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In the Matter of the) Case No. 2013-0289
Drug Outlet Registration of)
RINEHART PHARMACY LLC dba:) CONSENT ORDER
RINEHART PHARMACY)
Registrant)

WHEREAS, the Board of Pharmacy of the State of Oregon has filed a Notice of Proposed Disciplinary Action; Answer Required ("Notice"), hereby incorporated by reference, regarding the registrant in the above-captioned matter; and

WHEREAS, the above-noted Notice was duly served on the registrant as required by law; and

WHEREAS, the parties are desirous of resolving and settling those matters contained in the above-noted Notice without further proceedings thereon; and

WHEREAS, the registrant is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision, and hereby freely and voluntarily waives those rights; and

WHEREAS, the registrant admits that the facts alleged in the above-noted Notice are true, that legal cause exists pursuant to ORS 689.405 and ORS 689.445 for disciplinary action and imposition of a civil penalty by the Board; and

WHEREAS, the registrant consents to the disciplinary action as set forth herein;

The Board finds that the allegations in the Notice are true and hereby:

1. The registrant shall pay the Board a civil penalty in the amount of \$5,000. The \$5,000 civil penalty shall be stayed with:
 - a. No further violation involving the delivery of a completed prescription for 3 years; and
 - b. Submission and implementation of a Quality Assurance Plan acceptable to the Board to correct violations as noted in the Notice and include verification at point of sale, counseling, and prescription bagging procedures. Quality Assurance Plan and a copy of this order to be submitted within ten days from the date this Consent Order becomes final; and
 - c. Registrant shall document training of all pharmacists and technicians in the Quality Assurance Plan within 30 days from the date this Consent Order becomes final. Documentation of training shall be maintained on-site and available upon request; and

47 d. Registrant shall document training of all new pharmacists and technicians in the
48 Quality Assurance Plan for the next twelve months within 15 days of their hire
49 date. Documentation of training shall be maintained on-site and available upon
50 request.
51

52 2. Failure of the registrant to comply with the sanctions of this Consent Order may,
53 after notice and hearing, result in further disciplinary action.
54

55 CONSENT
56

57 I hereby acknowledge that I am the authorized representative of registrant. On behalf of
58 the registrant, I further certify that I have read and understand the Notice and this Consent Order
59 and am aware of the right to a hearing with the assistance of counsel and the right to judicial
60 review of the Boards final order. On behalf of the registrant I agree to the Board entering the
61 Consent Order.
62

63
64
65 _____
66 Authorized Representative | |
67 RINEHART PHARMACY LLC dba
68 Rinehart Pharmacy
69 Registrant (Reg. No. RP-0002615)
70
71

10-31-13

Date

72 IT IS SO ORDERED.
73
74

75 BOARD OF PHARMACY
76 FOR THE STATE OF OREGON
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80 _____
81 Gary Miner, R.Ph.
82 Compliance Director

11/5/13

Date

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BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

In the Matter of the) Case No. 2013-0289
Drug Outlet Registration of)
RINEHART PHARMACY LLC dba:) NOTICE OF PROPOSED
RINEHART PHARMACY) DISCIPLINARY ACTION;
Registrant) ANSWER REQUIRED

Under the authority granted pursuant to ORS 689.135, 689.145, 689.335, 689.405 and 689.445, the Oregon Board of Pharmacy proposes to take disciplinary action against your Certificate of Registration No. RP-0002615 because Rinehart Pharmacy violated the Oregon Pharmacy Act and the Board of Pharmacy rules as set forth below:

On or about 5/29/2013, your employees at Rinehart Pharmacy in Wheeler, OR did not follow registrant's written procedures for ensuring the delivery of each completed prescription to the correct party and sold a metoprolol prescription to the incorrect person and disclosed an individual's confidential information, in violation of OAR 855-041-1040(5), OAR 855-041-1055(1) and OAR 855-041-1105(1), and OAR 855-019-0210(1) which is a ground for discipline pursuant to ORS 689.405(1)(e)(B).

Based on these alleged violations, the Board proposes to impose a civil penalty in the amount of \$10,000 per violation.

HEARING RIGHTS

The corporation is entitled to a hearing as provided by the Administrative Procedures Act (ORS chapter 183). An attorney must represent the corporation. If the corporation wishes to have a hearing, the corporation's attorney must file a written request for hearing with the Board within 21 days from the date this notice was mailed. The corporation's attorney may send or deliver a request for hearing to:

Oregon Board of Pharmacy
800 NE Oregon Street, Suite 150
Portland, OR 97232
Fax: (971) 673-0002

If a request for hearing is not received within this 21-day period, the corporation's right to a hearing shall be considered waived.

If the corporation requests a hearing, the corporation's attorney will be notified of the time and place of the hearing. Before the commencement of the hearing, the corporation will be given information on the procedures, right of representation and other rights of parties relating to the conduct of the hearing.

If the corporation does not request a hearing within 21 days, or if it withdraws a hearing

48 request, notifies the Board or Administrative Law Judge that it will not appear, or fails to appear
49 at a scheduled hearing, the Board may issue a final order by default imposing discipline. If the
50 Board issues a final order by default, it designates its file on this matter as the record.
51

52 **ANSWER REQUIRED**

53
54 Pursuant to OAR 855-001-0010 and OAR 855-001-0015, if you request a hearing you
55 must also provide, within 21 days from the date this contested case notice was served, a written
56 answer to the allegations set forth in this contested case notice. Your written answer must include
57 an admission or denial of each factual matter alleged in the notice and a short and plain statement
58 of each relevant affirmative defense you may have. Except for good cause, factual matters
59 alleged in the notice and not denied in the answer shall be presumed admitted; failure to raise a
60 particular defense in the answer will be considered a waiver of such defense; new matters alleged
61 in the answer (affirmative defenses) shall be presumed to be denied by the agency; and evidence
62 shall not be taken on any issue not raised in the notice and the answer.
63

64 **Hearing Request and Answers:**
65 **Consequences of Failure to Answer**
66 **855-001-0015**

- 67 (1) A hearing request, and answer when required, shall be made in writing to the
68 Board by the party or his attorney and an answer shall include the following:
69 (a) An admission or denial of each factual matter alleged in the notice;
70 (b) A short and plain statement of each relevant affirmative defense the party
71 may have.
72
73 (2) Except for good cause;
74 (a) Factual matters alleged in the notice and not denied in the answer shall be
75 presumed admitted;
76 (b) Failure to raise a particular defense in the answer will be considered a
77 waiver of such defense;
78 (c) New matters alleged in the answer (affirmative defenses) shall be
79 presumed to be denied by the agency; and
80 (d) Evidence shall not be taken on any issue not raised in the notice and the
81 answer.
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84 BOARD OF PHARMACY
85 FOR THE STATE OF OREGON
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89 _____
90 Gary Miner, R.Ph.,
91 Compliance Director
92

10/22/13
93 _____
94 Date

95 DATE OF MAILING 10/22/2013