

BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

In the Matter of the) Case No. 2015-0307
Drug Outlet Registration of)
CENTRAL OREGON)
PHARMACY ENTERPRISES LLC.,dba) EMERGENCY SUSPENSION ORDER
TUMALO PHARMACY) AND NOTICE OF RIGHTS
Registrant)

The Oregon Board of Pharmacy (Board) is the state agency responsible for licensing and disciplining drug outlets in the State of Oregon and is also responsible for regulating the practice of pharmacy and the quality, manufacture, sale and distribution of drugs. Tumalo Pharmacy (Registrant) is registered by the Board as a drug outlet in the State of Oregon. Effective the date the Emergency Suspension Order is signed, the Board hereby suspends the registration of Registrant pursuant to ORS 689.445, 689.135, and 689.145, for the following reasons.

FINDINGS OF FACT

1. Tumalo Pharmacy holds a drug outlet registration from this Board.
2. Registrant was issued a drug outlet registration from this Board on 4/12/2011.
3. Registrant did not cooperate with the Board.
 - 3.1. Registrant destroyed records or removed records from the pharmacy during the course of the Board's investigation.
 - 3.2. Registrant made a direct misrepresentation to the Board regarding the whereabouts and availability of the pharmacy technician, and further interfered with the Board's timely access to the technician.
 - 3.3. Registrant failed to produce requested pharmacy records.
 - 3.4. Registrant altered pharmacy paper and computer records.
4. Registrant misrepresented information to a pharmacy and patients. Registrant transferred patients' prescriptions to another pharmacy without the patient's permission or knowledge. Registrant represented to pharmacy that patients requested the transfer of their prescriptions to the other pharmacy. Registrant provided the other pharmacy with the telephone number of a pharmacy technician and represented that phone number as the patient's telephone number. The other pharmacy billed patients' insurance for the prescriptions. Registrant directed a pharmacy technician to pick up transferred prescriptions from the other pharmacy, pay the copay, and bring the filled prescriptions to bring to Tumalo Pharmacy. Not all of the

47 prescriptions were dispensed to patients.
48

49 4.1. Registrant misbranded drugs. Registrant relabeled the prescriptions that were
50 dispensed and picked up from another pharmacy with a Tumalo Pharmacy prescription label.
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52 4.2. Registrant did not create the required record of the above mentioned prescription
53 transfers creating false records that included an unauthorized second active prescription.
54

55 5. Registrant falsified and altered the amount of patients' copays. Registrant
56 fraudulently charged patients in excess of their copay.
57

58 6. Registrant used a pharmacy technician in a manner that is not authorized by the
59 rules of the Board.
60

61 6.1. Registrant allowed, aided, and abetted a pharmacy technician to operate Tumalo
62 Pharmacy without a pharmacist present in the building and without pharmacist supervision.
63

64 7. Registrant sold pseudoephedrine and ephedrine, schedule III controlled substance
65 medications, over the counter without a prescription.
66

67 8. Registrant unlawfully manufactured controlled substance products. Registrant
68 made liquid and capsule preparations that contained marijuana.
69

70 9. Registrant unlawfully distributed controlled substance products.
71

72 9.1. Registrant labeled a marijuana product as a prescription and transferred the
73 product to a care facility for the marijuana product to be administered to a patient.
74

75 9.2. Registrant distributed prescription controlled substance medication to people
76 without a prescription.
77

78 10. Registrant operated Tumalo Pharmacy without a pharmacist present in the
79 building.
80

81 11. Registrant did not secure the pharmacy where legend and controlled substances
82 and records are stored. Registrant did not restrict access to the pharmacy when a pharmacist
83 was not present.
84

85 12. Registrant engaged in unprofessional conduct. Registrant practiced pharmacy
86 contrary to accepted standards of practice. Registrant brought alcohol into the pharmacy and
87 drank alcohol while working at the pharmacy.
88

89 CONCLUSIONS OF LAW

90 1. Registrant engaged in unprofessional conduct as defined by OAR 855-006-
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92

93 0005(28)(a)(A), (C), (F), (G), (d), (f), (j), and (k) and in violation of and grounds for discipline
94 pursuant to OAR 855-041-1010(1), OAR 855-001-0035, 21 USC 352, OAR 855-025-0025(1),
95 (2), ORS 689.527(6), ORS 689.305, OAR 855-041-1015, OAR 855-006-0005(28)(f) and (j),
96 ORS 689.405(1)(a) and (e)(B)

97
98 2. Registrant's conduct as set out above, demonstrates that allowing the drug outlet
99 to continue business poses a serious danger to the public. The Board has determined that
100 Registrant's continuation of business does or might constitute a serious danger to the public if
101 Registrant is allowed to continue business before a hearing may be held.

102
103 3. The Board is authorized to immediately suspend Registrant's registration pursuant
104 to the provisions of ORS 183.430(2).

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106
107 **ORDER**

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109 Based on the foregoing, it is hereby ORDERED that Registrant's registration is
110 IMMEDIATELY SUSPENDED on the date and at the time this Emergency Suspension Order is
111 signed, and Registrant is not permitted to continue business in the State of Oregon pending the
112 outcome of further disciplinary action.

113
114
115 BOARD OF PHARMACY
116 FOR THE STATE OF OREGON

117
118
119
120 _____
121 Gary Miner, R.Ph.,
122 Compliance Director

6/16/15
123 _____
124 Date

125
126 **NOTICE OF RIGHTS**

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128 You are entitled to a hearing as provided by the Administrative Procedures Act (ORS
129 chapter 183). If you wish to have a hearing, you must file a written request for hearing with the
130 Board within 90 days from the date this notice was mailed. You may send or deliver a request for
131 hearing to:

132
133 Oregon Board of Pharmacy
134 800 NE Oregon Street Suite 150
135 Portland, OR 97232
136 Fax: (971) 673-0002

137
138 If a request for hearing is not received within this 90-day period, your right to a hearing

139 shall be considered waived.

140

141 If you request a hearing, you will be notified of the time and place of the hearing. Before
142 the commencement of the hearing, you will be given information on the procedures, right of
143 representation and other rights of parties relating to the conduct of the hearing.

144

145 If you do not request a hearing within 90 days, or if you withdraw a hearing request,
146 notify the Board or Administrative Law Judge that you will not appear, or fail to appear at a
147 scheduled hearing, the Board may issue a final order by default imposing discipline. If the Board
148 issues a final order by default, it designates its file on this matter as the record.

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