

BEFORE THE BOARD OF PHARMACY  
OF THE STATE OF OREGON

In the Matter of the ) Case No. 2015-0318  
Pharmacist License of )  
)  
KERRI L ROSENBLATT, R.PH., ) EMERGENCY SUSPENSION ORDER  
) AND NOTICE OF RIGHTS  
Licensee )  
)

The Oregon Board of Pharmacy (Board) is the state agency responsible for licensing and disciplining pharmacists in the State of Oregon and is also responsible for regulating the practice of pharmacy. Kerri L. Rosenblatt (Licensee) is licensed by the Board to practice as a pharmacist in the State of Oregon. Effective the date the Emergency Suspension Order is signed, the Board hereby suspends the license of Licensee pursuant to ORS 689.445, 689.135, and 689.145, for the following reasons.

**FINDINGS OF FACT**

1. Kerri L Rosenblatt, R.Ph. holds a license to practice as a pharmacist from this Board. At all times relevant herein, Licensee was licensed by the Board to practice as a pharmacist in Oregon.

2. From on or about 5/15/2011, you were an owner and the pharmacist in charge at Tumalo Pharmacy and responsible for the daily operation of the pharmacy.

3. Licensee did not cooperate with the Board.

3.1. Licensee destroyed records or removed records from the pharmacy during the course of the Board's investigation.

3.2. Licensee 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. Licensee failed to produce requested pharmacy records.

3.4. Licensee altered pharmacy paper and computer records.

4. Licensee misrepresented information to a pharmacy and patients. Licensee transferred patients' prescriptions to another pharmacy without the patient's permission or knowledge. Licensee represented to pharmacy that patients requested the transfer of their prescriptions to the other pharmacy. Licensee 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. Licensee directed a

47 pharmacy technician to pick up transferred prescriptions from the other pharmacy, pay the  
48 copay, and bring the filled prescriptions to bring to Tumalo Pharmacy. Not all of the  
49 prescriptions were dispensed to patients.

50  
51 4.1. Licensee misbranded drugs. Licensee relabeled the prescriptions that were  
52 dispensed and picked up from another pharmacy with a Tumalo Pharmacy prescription label.

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54 4.2. Licensee did not create the required record of the above mentioned prescription  
55 transfers creating false records that included an unauthorized second active prescription.

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57 5. Licensee falsified and altered the amount of patients' copays. Licensee  
58 fraudulently charged patients in excess of their copay.

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60 6. Licensee used a pharmacy technician in a manner that is not authorized by the  
61 rules of the Board.

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

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

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

71  
72 9. Licensee unlawfully distributed controlled substance products.

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

76  
77 9.2. Licensee distributed prescription controlled substance medication to people  
78 without a prescription.

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

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

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

89  
90  
91 **CONCLUSIONS OF LAW**

93 1. Licensee engaged in unprofessional conduct as defined by OAR 855-006-  
94 0005(28)(a)(A), (C), (F), (G), (d), (f), (j), and (k) and in violation of and grounds for discipline  
95 pursuant to OAR 855-041-1010(1), OAR 855-001-0035, 21 USC 352, OAR 855-025-0025(1),  
96 (2), ORS 689.527(6), ORS 689.305, OAR 855-041-1015, OAR 855-006-0005(28)(f) and (j),  
97 ORS 689.405(1)(a) and (e)(B)  
98

99 2. Licensee's conduct as set out above, demonstrates that allowing her to practice  
100 pharmacy poses a serious danger to the public. The Board has determined that Licensee's  
101 continuation in the practice of pharmacy does or might constitute a serious danger to the public if  
102 Licensee is allowed to practice pharmacy before a hearing may be held.  
103

104 3. The Board is authorized to immediately suspend Licensee's license pursuant to  
105 the provisions of ORS 183.430(2).  
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### 107 ORDER

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

113 Notwithstanding the suspension of your ability to practice Pharmacy, this order  
114 specifically authorizes your access to the pharmacy and its records insofar as it allows for your  
115 complete cooperation with the Board of Pharmacy investigation in this matter.  
116

117 BOARD OF PHARMACY  
118 FOR THE STATE OF OREGON  
119

120 \_\_\_\_\_  
121 Gary Miner, R.Ph.,  
122 Compliance Director  
123

124 6/11/15  
125 \_\_\_\_\_  
126 Date  
127

### 128 NOTICE OF RIGHTS

129 You are entitled to a hearing as provided by the Administrative Procedures Act (ORS  
130 chapter 183). If you wish to have a hearing, you must file a written request for hearing with the  
131 Board within 90 days from the date this notice was mailed. You may send or deliver a request for  
132 hearing to:  
133

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

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143 If a request for hearing is not received within this 90-day period, your right to a hearing  
144 shall be considered waived.

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

149  
150 If you do not request a hearing within 90 days, or if you withdraw a hearing request,  
151 notify the Board or Administrative Law Judge that you will not appear, or fail to appear at a  
152 scheduled hearing, the Board may issue a final order by default imposing discipline. If the Board  
153 issues a final order by default, it designates its file on this matter as the record.  
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