BEFORE THE BOARD OF PHARMACY  
OF THE STATE OF OREGON

In the Matter of the Drug Outlet Registration of HEALTHY OPTIONS INC dba: POSTAL PRESCRIPTION SERVICES Registrant Case No. 2015-0015  
CONSENT ORDER

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 does not contest the facts alleged in the above-noted Notice; and

WHEREAS, Registrant acknowledges that the allegations in the Notice, if proven in a contested case proceeding, would constitute grounds for imposition of a civil penalty as described herein; and

WHEREAS, the registrant consents to the civil penalty as set forth herein;

1. The registrant shall pay the Board a civil penalty in the amount of $20,000 with $10,000 stayed pending compliance with this Order, no similar violation for 3 years, and with the submission of a Quality Assurance Plan acceptable to the Board to correct violations as noted in Notice. Payment of the $10,000 civil penalty and the Quality Assurance Plan with a copy of this order shall be submitted within ten days from the date this Consent Order becomes final.

2. The registrant shall submit MedWatch reports for the 18 patients in Oregon associated with the allegations noted in the above-noted Notice.

3. Failure of the registrant to comply with the sanctions of this Consent Order may, after notice and hearing, result in further disciplinary action.
CONSENT

I hereby acknowledge that I am the authorized representative of registrant. On behalf of the registrant, I hereby acknowledge that I have read and understand the above-noted Notice and the terms of the Consent Order. I hereby acknowledge that I understand that the Consent Order with incorporated Notice is a public record and shall be available via the Board’s online licensure verification; is available upon written request pursuant to public disclosure laws; and shall be reported to the National Practitioner Data Bank as required by federal law. I agree to the Board entering the Consent Order.

Authorized Representative

Date

Healthy Options Inc dba Postal Prescription Services
Registrant (Reg. No. RP-0002910)

IT IS SO ORDERED.

BOARD OF PHARMACY
FOR THE STATE OF OREGON

Date

Gary Miner, R.Ph.
Compliance Director
BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

In the Matter of the
Drug Outlet Registration

HEALTHY OPTIONS INC dba: POSTAL PRESCRIPTION SERVICES
Registrant

NOTICE OF PROPOSED DISCIPLINARY ACTION;
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-0002910 because Postal Prescription Services (PPS) violated the Oregon Pharmacy Act and the Board of Pharmacy rules as set forth below:

From on or about August 2014 through November 2014, PPS located in Portland dispensed multiple patients a 90 days’ supply of Torrent brand telmisartan tablets in a prescription vial after removing the telmisartan from three 30 count manufacturer’s containers. The warning on the label of the manufactures bottle states ‘Moisture sensitive tablets - do not to remove from container until immediately before administration’.

In October 2014, Torrent notified PPS that Torrent’s telmisartan tablets remains stable for 30 days based on open bottle stability, in a prescription bottle. PPS did not begin to notify patients regarding the 30 day stability until on or about 1/14/2015.

The above conduct is contrary to accepted standards of practice and unprofessional conduct as defined by OAR 855-006-0005(28)(a)(A) and (j) and in violation of and grounds for discipline under OAR 855-041-1145, OAR 855-041-1105(1), 21 US Code §351(d)(1), ORS 689.527(3), and ORS 689.405(1)(a) and (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
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 request, notifies the Board or Administrative Law Judge that it will not appear, or fails to appear at a scheduled hearing, the Board may issue a final order by default imposing discipline. If the Board issues a final order by default, it designates its file on this matter as the record.

ANSWER REQUIRED

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

Hearing Request and Answers:

Consequences of Failure to Answer

855-001-0015

(1) A hearing request, and answer when required, shall be made in writing to the Board by the party or his attorney and an answer shall include the following:

(a) An admission or denial of each factual matter alleged in the notice;
(b) A short and plain statement of each relevant affirmative defense the party may have.

(2) Except for good cause;

(a) Factual matters alleged in the notice and not denied in the answer shall be presumed admitted;
(b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
(c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
(d) Evidence shall not be taken on any issue not raised in the notice and the answer.
BOARD OF PHARMACY
FOR THE STATE OF OREGON

Gary Miner, R.Ph.,
Compliance Director

DATE OF MAILING 4/27/2015