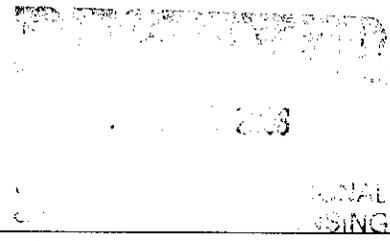


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BEFORE THE DIVISION OF OCCUPATIONAL AND PROFESSIONAL LICENSING
OF THE DEPARTMENT OF COMMERCE
OF THE STATE OF UTAH

IN THE MATTER OF THE LICENSE OF)	
4 CARE PHARMACY)	STIPULATION AND ORDER
TO ENGAGE IN THE PRACTICE)	
OF PHARMACY AND TO DISPENSE)	CASE NO. DOPL 2008--83
CONTROLLED SUBSTANCES)	
IN THE STATE OF UTAH)	

4 CARE PHARMACY ("Respondent") and the Division of Occupational and Professional Licensing of the Department of Commerce of the State of Utah ("Division") stipulate and agree as follows:

1. Respondent admits the jurisdiction of the Division over Respondent and over the subject matter of this action. Ranch Pratt is the manager of Respondent pharmacy and is authorized to act as an agent of Respondent pharmacy and to enter into binding agreements on behalf of Respondent pharmacy.

2. Respondent acknowledges that Respondent enters into this Stipulation knowingly and voluntarily.

3. Respondent understands that Respondent has the right to be represented by counsel in this matter and Respondent's signature below signifies that Respondent has either consulted with an attorney or Respondent waives Respondent's right to counsel in this matter.

4. Respondent understands that Respondent is entitled to a hearing before the State of Utah's Board of Pharmacy ("the Board"), or other Division Presiding Officer, at which time Respondent may present evidence on Respondent's own behalf, call witnesses, and confront adverse witnesses. Respondent acknowledges that by executing this document Respondent hereby waives the right to a hearing and any other rights to which Respondent may be entitled in connection with said hearing.

5. Respondent waives the right to the issuance of a Petition and a Notice of Agency Action in this matter.

6. Respondent acknowledges that this Stipulation and Order, if adopted by the Director of the Division, will be classified as a public document. The Division may release other information about this disciplinary action against Respondent's licenses, to other persons and entities.

7. Respondent admits the following facts are true:

a. Respondent is licensed as a Class B closed door pharmacy in the State of Utah.

b. On or about March 21, 2008 a Division investigator conducted an inspection at Respondent pharmacy. The following deficiencies were noted during the inspection:

(i) Numerous Schedule II controlled substance prescriptions had been dispensed by Respondent pharmacy that: (1) were dispensed without a written prescription signed by the prescribing practitioner, or (2) were dispensed with a written prescription signed by the prescribing practitioner that had been transmitted to

the Respondent pharmacy via fax. No original written, signed prescriptions were ever presented to Respondent prior to the above referenced Schedule II controlled substance prescriptions being dispensed by Respondent pharmacy.

- (ii) Pharmacy technicians were allowed access into the front office area of the facility after regular business hours and while a pharmacist was not present. Pharmacy technicians received prescription orders, accessed patient profiles, and processed prescription orders for subsequent dispensing by a pharmacist at a later time without a pharmacist being present.
- (iii) Bubble-packed medications that had already been prepared were stored within in-stock inventory and did not display any labeling information such as a drug name, strength, expiration date, or lot number.
- (iv) Expiration dates for labels were not necessarily taken from the originating stock bottle. Rather, Respondent pharmacy's software system would assign an expiration date which at times assigned an expiration date beyond the actual stock bottle date.
- (v) Respondent pharmacy had pharmacy technicians working in excess of the number allowed based upon the number of pharmacists working at the same time. Respondent pharmacy acknowledged to the Division investigator that the Division pharmacy had engaged in such practice before.
- (vi) Respondent accepted back bubble packed prescription medications, including controlled substances, into the pharmacy after the medications had already been dispensed to the patient or authorized representative. These returns did not meet the requirements to allow reuse as set forth in Utah Code Ann. § 58-17b-503(2).
- (vii) Respondent did not have current licenses displayed for all pharmacy employees.
- (viii) Respondent did not possess the required reference publications relating to applicable state and federal laws and rules.

8. Respondent admits that Respondent's conduct described above is unprofessional conduct as defined in Utah Code Ann. § 58-17b-502(3), (5) and (8); Utah Administrative Code

R156-17b-502(10) and R156-37-502(2) as further described in 21 CFR 1306.11(a); and that said conduct justifies disciplinary action against Respondent's licenses pursuant to Utah Code Ann. § 58-1-401(2)(a). Therefore, Respondent agrees that an Order, which constitutes disciplinary action against Respondent's licenses pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2), shall be entered in this matter as follows:

- a. Respondent's licenses shall be publicly reprimanded by the Division for the above violations.
- b. Respondent shall pay an administrative penalty of \$2,000.00 (two-thousand dollars), pursuant to Utah Code Annotated § 58-17b-504(3)(a), within 30 days of the effective date of this Stipulation and Order. *paid 6/9/2008*
- c. Respondent's pharmacist-in-charge shall meet with the Board within thirty (30) days of the signing of this Stipulation and Order to discuss this Stipulation and Order and what steps Respondent take to ensure that the unprofessional conduct described in this Stipulation and Order does not happen again.
- d. Respondent agrees that the Division may issue an Order restraining Respondent from engaging in the conduct described in paragraph 7 above, pursuant to Utah Code Ann. § 58-1-401(4). Respondent agrees to obey the Order and cease and desist from dispensing any future prescriptions which are not in accordance with 21 CFR 1306.11(a). Respondent will further cease and desist from accepting back into stock inventory for subsequent re-dispensing, prescription drugs which do not meet the qualifications for an exception as described in Utah Code Ann. § 58-17b-503.

9. This Stipulation and Order, upon approval by the Director of the Division, shall be the final compromise and settlement of this non-criminal administrative matter. Respondent acknowledges that the Director is not required to accept the terms of this Stipulation and Order and that if the Director does not do so, this Stipulation and the representations contained therein shall be null and void, except that the Division and the Respondent waive any claim of bias or prejudgment Respondent might have with regard to the Director by virtue of his having reviewed this Stipulation, and this waiver shall survive such nullification.

10. This document constitutes the entire agreement between the parties and supersedes and cancels any and all prior negotiations, representations, understandings or agreements between the parties regarding the subject of this Stipulation and Order. There are no verbal agreements that modify, interpret, construe or affect this Stipulation.

11. Respondent agrees to abide by and comply with all applicable federal and state laws, regulations, rules and orders related to Respondent's practice of pharmacy and the dispensing of controlled substances.

12. The terms and conditions of this Stipulation and Order become effective immediately upon the approval of this Stipulation and signing of the Order by the Division Director. Respondent must comply with all the terms and conditions of this Stipulation immediately following the Division Director's signing of the Order page of this Stipulation and Order. Respondent shall complete all the terms and conditions contained in the Stipulation and Order in a timely manner. If a time period for completion of a term or condition is not specifically set forth in the Stipulation and Order, Respondent agrees that the time period for completion of that term or condition shall be set by the Board. Failure to complete a term or condition in a timely manner shall constitute a violation of the Stipulation and Order and may subject Respondent to revocation or other sanctions.

13. If Respondent violates any term or condition of this Stipulation and Order, the Division may take action against Respondent, including imposing appropriate sanction, in the manner provided by law. Such sanction may include revocation or suspension of Respondent's license, or other appropriate sanction.

14. Respondent has read each and every paragraph contained in this Stipulation and Order. Respondent understands each and every paragraph contained in this Stipulation and Order. Respondent has no questions about any paragraph or provision contained in this Stipulation and Order.

DIVISION OF OCCUPATIONAL &
PROFESSIONAL LICENSING

RESPONDENT

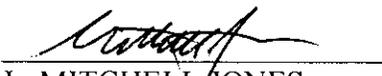
BY: 
NOEL TAXIN
Bureau Manager

BY: 
RANCH PRATT
Pharmacy Manager
4 Care Pharmacy

DATE: 5/1/08

DATE: 4-18-08

MARK L. SHURTLEFF
ATTORNEY GENERAL

BY: 
L. MITCHELL JONES
Counsel for the Division

DATE: 1 May 2008

ORDER

THE ABOVE STIPULATION, in the matter of **4 CARE PHARMACY**, is hereby approved by the Division of Occupational and Professional Licensing, and constitutes my Findings of Fact and Conclusions of Law in this matter. The issuance of this Order is disciplinary action against Respondent's licenses pursuant to Utah Administrative Code R156-1-102(7) and Utah Code Ann. § 58-1-401(2). The terms and conditions of the Stipulation are incorporated herein and constitute my final Order in this case.

DATED this 1 day of May , 2008.

DIVISION OF OCCUPATIONAL AND
PROFESSIONAL LICENSING



F. DAVID STANLEY
Director

INVESTIGATOR: JARED MEMMOTT