

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

vs.

STEVEN ARRUDA, R.Ph.

CONSENT ORDER

Pursuant to Rhode Island General Laws (1999 Reenactment) Section 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Pharmacy (hereinafter "Department") has investigated a complaint charging Steven Arruda, R.Ph., (hereinafter "Respondent") with a violation of Chapter 5-19.1 of the Rules and Regulations.

After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent.

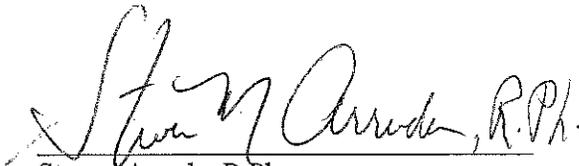
1. Respondent is a pharmacist licensed to practice pharmacy in the State of Rhode Island.
2. That at all pertinent times Respondent was employed as a registered pharmacist at CVS Store # 311 at 555 Main Street, East Greenwich, RI.
3. That on or about September 21, 2004 Respondent negligently filled a prescription for Augmentin with the drug Amoxicillin. The patient consumed the Amoxicillin as dispensed and was required to undergo medical evaluation and/or treatment as a result of the prescription error.
4. That the conduct described in paragraph three (3) constitutes unprofessional conduct as defined in Section 5-19.1-21 and Section 24.1(11) of the Rules and Regulations promulgated thereunder.

The parties agree as follows:

1. Respondent is a pharmacist registered to practice pharmacy in the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under jurisdiction of the Department.

3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval by the Department.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Department;
 - b) The right to produce witnesses and evidence in his behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties.
6. Respondent disputes the allegations contained in paragraph three (3) herein, but in an effort to resolve this matter and avoid protracted hearings Respondent, without admitting or denying the matters forming the basis hereof, enters into this Consent Order.
7. Respondent is hereby issued a reprimand that will be placed in his file at the Department of Health.

8. Within thirty (30) days of the date of signing of this consent order, the Respondent shall provide the Board with evidence of his participation in, and successful completion of, a documented re-training program of pharmacy verification process (Quality First Program).
9. That should Respondent fail to comply with the laws and regulations governing the practice of pharmacy and/or fail to comply with the terms of this Order, his license as a pharmacist shall be subject to suspension or other appropriate disciplinary actions.
10. That this Consent Order shall remain in full force and effect pending further Order of the Board.


Steven Arruda, R.Ph.


Chairperson
Board of Pharmacy

Ratified as an Order of the Board of Pharmacy this 17 day of March 2005.