

STATE OF RHODE ISLAND AND  
PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH  
DIVISION OF HEALTH SERVICES REGULATION  
BOARD OF PHARMACY

In the Matter of:  
CVS Store#351  
LICENSE #PHA00465

CONSENT ORDER

Pursuant to Rhode Island General Laws § 5-19.1-21 and the Rules and Regulations promulgated there under, the Department of Health (Department), Board of Pharmacy (Board) has investigated a complaint charging CVS Store 351, (hereinafter "Respondent"), with violations of RIGL § 5-19.1-21, and § 27 of the Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors ("Rules"). After consideration by the Board, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is licensed as a pharmacy in the State of Rhode Island and holds license #PHA00465.
2. Pursuant to § 5-19.1-21, the foregoing facts constitute unprofessional conduct in the State of Rhode Island.
3. The Department was notified by CVS Corporate Headquarters that there was a significant loss or theft of controlled substances.
4. The investigation by the Department resulted in discovery of the following deficiencies:
  - a. CVS/pharmacy 351 failed to recognize that substantial losses of controlled substances were occurring at its location.
  - b. CVS/pharmacy 351 failed to use corporate reporting systems to recognize that substantial losses or theft of controlled substances were occurring.

- c. Pharmacists at CVS/pharmacy 351 had insufficient knowledge of the proper use of the balance on hand report.

Based on these findings, the Respondent agrees to the following conditions of this Consent Order:

1. The license for CVS/pharmacy 351 shall be placed on probation for a period of 1 year to commence upon ratification of this consent order by the Board of Pharmacy (the "probationary period").
2. During the probationary period, any negative adjustments identified by the balance on hand report that cannot be reconciled within 72 hours, will be reported to the Department immediately.
3. During the probationary period, a monthly reconciliation of the top 10 most frequently dispensed GCNs (generic code number used to identify a drug ingredient, strength and form) for controlled substances shall be conducted by CVS Loss Prevention.
4. During the probationary period, a monthly reconciliation of a random sampling of 5 GCNs shall be selected by the PIC or pharmacy supervisor and shall be conducted by CVS Loss Prevention.
5. During the probationary period, the pharmacist in charge will review and sign-off on the Balance on Hand modification report. Any issues noted during this monthly review will be immediately discussed with the pharmacy supervisor. The pharmacist in charge and the pharmacy supervisor will work together to resolve any identified issues.
6. During the probationary period, the Pharmacy Supervisor shall visit this location no less than twice per month and document areas focusing on prevention of controlled substance diversion. Pharmacy Supervisor will develop a checklist of items to be monitored and sign off on that checklist after each visit.
7. Within 30 days of the acceptance of this consent order by the Board of Pharmacy, CVS Store 351 shall request two NABP retail pharmacy

inspection reports to be conducted during the initial probationary period and at the end of the probationary period.

Based on the foregoing, the parties agree as follows:

1. Respondent is a pharmacy and is able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Board and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
  - a) The right to appear personally or by counsel or both before the Board;
  - b) The right to produce witnesses and evidence on its behalf at a hearing;
  - c) The right to cross-examine witnesses;
  - d) The right to have subpoenas issued by Board and or 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 the Board reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing; and

- j) 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 and accepted by the Department.
  6. Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.
  7. Respondent hereby agrees to a Formal Reprimand of its license.
  8. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

7/16/15  
Date

*[Signature]*  
CVS Store 351  
License # PHA00465  
*in behalf of  
Director, Pharmacy  
Regulatory Affairs*

9/18/15  
Date

*[Signature]*  
Kelly Orr, Pharm.D., RPh  
Chairperson  
Rhode Island Board of Pharmacy

Ratified on this 18 day of SEPTEMBER, 2015.