STATE OF RHODE ISLAND

DEPARTMENT OF HEALTH
DIVISION OF HEALTH SERVICES REGULATION
BOARD OF PHARMACY

In the Matter of:
CVS Store#8320
LICENSE #PHA00501

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 8320, (hereinafter “Respondent”), with violations of RIGL § 5-19.1-21 and 216-RICR-40-15-1 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 #PHA00501.

2. Pursuant to § 5-19.1-21, the foregoing facts constitute unprofessional conduct in the State of Rhode Island.

3. That on August 12, 2021, the Board of Pharmacy conducted an unannounced inspection of CVS Pharmacy #8320 in Wyoming, RI.

4. That on August 12, 2021, the Board of Pharmacy inspector discovered insanitary conditions at the drug flavoring station by way of opened bottles of the flavoring agents and a crusting substance at the opening of these same bottles in violation of 216-RICR-40-15-1-5.8 and 216-RICR-40-15-1-5.5(A)(6)(d).

5. That on August 12, 2021, the Board of Pharmacy inspector discovered insanitary conditions on drug shelves in the form of a dark residue of dust

6. That on August 12, 2021, the Board of Pharmacy inspector found expired medications within the general inventory in violation of 216-RICR-40-15-1-5.7(B) 216-RICR-40-15-1-5.16(A)(1) and 216-RICR-40-15-1-5.11(A)(2-3).

7. That on August 12, 2021, the Board of Pharmacy inspector found boxes and clutter in the pharmacy aisles in violation of 216-RICR-40-15-1-5.8.

8. That on August 12, 2021, the Board of Pharmacy inspector found open and loose tablets and dust throughout the automated dispensing device in violation of 216-RICR-40-15-1-5.8 and 216-RICR-40-15-1-5.5(A)(6)(d).

9. That on August 12, 2021, the Board of Pharmacy Inspector found expired medications in the automated dispensing device in violation of 216-RICR-40-15-1-5.16(A)(1).

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

1. Store 8320 shall conduct an immediate cleaning and organization of the entire pharmacy and ensure that these activities are ongoing and consistent.

2. Store 8320 shall purchase new flavoring agents and ensure they are kept in a clean and sanitary manner which guarantees optimal safety to patients ingesting these agents.

3. Store 8320 shall ensure that no expired drugs remain in the active dispensing inventory or in any automated dispensing devices.

4. CVS Store 8320 shall be monitored every 2 months for a period of 6 months by AFFILIATED MONITORS, INC., a pharmacy monitoring service which shall be paid for by CVS Store 8320.

5. CVS Store 8320 shall remain on probation for a period of 6 months to commence upon ratification of this consent order.
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 pharmacy license.

8. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

6/9/22
Date

CVS Store 8320 Authorized Agent (Title)
License # PHA00501
PRINT AND SIGN FULL NAME
Leo Lariviere, Dir. Regulatory Affairs

6/16/22
Date

Stacey Renucci, BPharm, RPh
Chairperson
Rhode Island Board of Pharmacy

Ratified on this ______ day of __________________, 2022.