

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

vs.

NEW ENGLAND HOME INFUSION

CONSENT ORDER

Pursuant to Rhode Island General Laws (1999 Reenactment) Sections 5-19.1-8, and 5-19.1-9 and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Pharmacy (hereinafter "Department") has investigated a complaint charging New England Home Infusion, (hereinafter "Respondent"), with a violation of Chapter 5-19.1 of the Rules and Regulations.

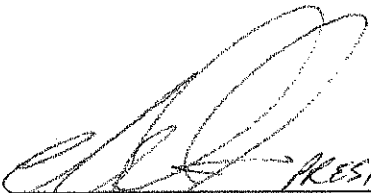
After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

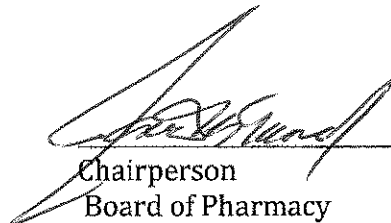
1. Respondent is a Registered Pharmacy licensed to practice pharmacy in the State of Rhode Island.
2. That Respondent removed drugs, including controlled substances, to an unauthorized, unlicensed site for compounding and dispensing in violation of RIGL 5-19.1-8, and operated the pharmacy at a location different than the one specified on the license in violation of RIGL 5-19.1-9. The above violations took place on or about April 6, 2010.
3. Respondent permitted drugs to be compounded in an environment inconsistent with USP 797 standards.

The parties agree as follows:

1. Respondent is a Pharmacy licensed in 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 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 present evidence in its 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 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 admits the allegations contained above.
7. Respondent agrees to a letter of Reprimand.


Mark Gilmore
PRESIDENT


Chairperson
Board of Pharmacy

Ratified as an Order of the Board of Pharmacy on this 17 day of May 2012.

I hereby certify that the within Consent Order was mailed by certified mail to W. Mark Russo, Esq., 55 Pine Street, Providence, RI 02903 on this ____ day of ____ 2012.
