

STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

vs.

A.H. FILE NO. (HSR) 2003-3

DOMENIC COLARUSSO, 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 Domenic Colarusso, R.Ph., Respondent, with a violation of Chapter 5-19.1 of the Rules and Regulations.

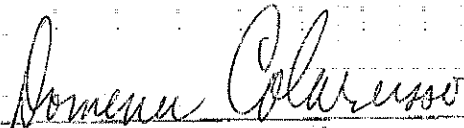
After consideration by the "Department", the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

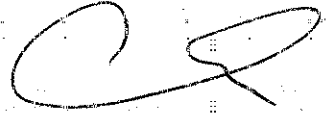
1. Respondent is a pharmacist registered to practice pharmacy in the State of Rhode Island.
2. That at all pertinent times Respondent was employed as a registered pharmacist at Prime Drug, Inc., 613 Cranston Street, Providence, RI 02907.
3. That on or about 19 September 2002 Respondent did fail to transfer to another pharmacy a prescription for Patient A when the transfer of said prescription was in the best interest of the patient.
4. That the conduct described in paragraph three (3) constitutes unprofessional conduct as defined in Section 5-19.1-21 and Section 19.1(1) 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 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 evidence 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 paragraphs three (3) and four (4) 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 voluntarily accepts the sanction of a Reprimand.
8. That this Consent Order shall constitute a final disposition of the matters contained in the Administrative Hearing Notice dated 25 February 2003 and obviates the necessity for an administrative hearing.


Domenic Colarusso, R.Ph.


Chairperson
Board of Pharmacy

Ratified as an Order of the Board of Pharmacy this 16 day of April 2003.