

STATE OF RHODE ISLAND
PROVIDENCE, SC.

DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY

v.

A.H. FILE NO. (HSR) 2002-10

STEPHEN L. CARSON, R.Ph.

ADMINISTRATIVE DECISION

This matter came on for hearing before an Adjudication Officer within the Department of Health on April 25, 2002. The Administrative Hearing Notice issued by the Department on February 21, 2002 alleged that the Respondent has been guilty of unprofessional conduct in the practice of pharmacy as set forth in Section 5-19.1-21(11). Specifically, it is alleged that on or about October 2001, the Respondent did divert controlled substances from the CVS Pharmacy wherein he was employed as the registrant and primary pharmacist. The Respondent appeared at the hearing and was represented by legal counsel.

FINDINGS OF FACT

The Department presented the Respondent as its only witness. The Department produced a letter (Exhibit State's 2) written by the Respondent to the Board of Pharmacy in response to a complaint that the Board had received relative to his diversion of drugs while at CVS. The Respondent admitted sending the letter and attested to the contents thereof. In the letter and in his testimony at hearing, the Respondent admitted that over the course of approximately four to six weeks commencing in about October 2001, he diverted about 150 Vicodin pills per week to his own use. He testified that in the course of moving furniture, he injured himself. Rather than seek medical treatment, he began taking Vicodin from the pharmacy without a legitimate

prescription. At first, he took them only for himself. Subsequently, he began giving the Vicodin to friends he had met in various night clubs. He did not sell the Vicodin, but gave it away in order to be a "big shot" with his friends. The Respondent's activity ceased when the diversion was discovered by CVS. According to Respondent's testimony, he then immediately ceased taking the drugs and tried to "clean up" his act. There was testimony that Respondent has been a pharmacist since 1979 without incident. He also stated that he has enrolled in a counseling program and that he has adjusted his life for the better following the diversion discovery. He has stopped frequenting night clubs and has all but given up alcohol. The Respondent expressed his sincere desire to remain in the practice of pharmacy and indicated a willingness to comply with whatever controls the Adjudication Officer might impose upon him in order to retain his license. Respondent stated that he needed employment as a pharmacist so that he could support his ex-wife and young son as well as retain health insurance for them. He has not told his present employer about the pendency of the allegations against him.

CONCLUSION OF LAW

Diversion of controlled substances by a pharmacist, irrespective of the reason, is the very essence of unprofessional conduct in violation of Section 5-19.1-21(11). The fact that Respondent took such a vast quantity of drugs for the recreational use of his friends is even more troubling. Further, the activity did not cease until it was discovered by the employer and the Respondent was confronted with the facts. Only then did he admit to taking the drugs. It is admirable that the Respondent has taken action to "clean up" his act, but it does not negate his unprofessional conduct. Diversion of drugs by a pharmacist, who has sworn to protect the public, must carry with it serious consequences in order to preserve the health and safety of the public.

ORDER

Based upon the testimony and evidence presented, the Adjudication Officer hereby enters the following ORDER:

1. The Respondent's license as a registered pharmacist is hereby suspended forthwith for a minimum period of twelve (12) months.
2. That upon the expiration of twelve (12) months, the Respondent may apply to the Board of Pharmacy for reinstatement of his license upon such terms and conditions as the board deems fit to impose at that time.

Entered this 27th day of April 2002.



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YOU HAVE 30 DAYS WITHIN WHICH TIME TO APPEAL THIS ADMINISTRATIVE DECISION TO THE SUPERIOR COURT.

CERTIFICATION

I hereby certify that I have mailed a copy of the within Administrative Decision to Daryl Dayian, Esquire, 67 Cedar Street, Providence, RI 02903 on this 29th day of April 2002.

