

**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
DIVISION OF HEALTH SERVICES REGULATION
BOARD OF PHARMACY**

**In the Matter of:
SIMPSON'S PHARMACY
LICENSE NUMBER PHA00175
Complaint Number C13-016B**

ORDER FOR RELIEF FROM PROBATION

Pursuant to Rhode Island General Laws § 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health (Department), Board of Pharmacy (Board) has investigated a complaint against Simpson's Pharmacy (hereinafter "Respondent"), resulting from a March 2013 inspection of Respondent. After consideration by the Board and the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

Respondent is licensed as a retail pharmacy in the State of Rhode Island and holds license number PHA00175.

From December 2009 until November 2012, Respondent worked with a physician practice and produced, upon request of the physician practice, small batches of (non-sterile) pontocaine and phenylephrine solutions for use by the physician in the practice. The solutions were labeled but not for a specific patient.

Respondent is licensed as a retail pharmacy, and Respondent believed it could produce those solutions under that license, and also that it could provide the solutions because they were restricted

to use in the physician practice.

Respondent later learned that doing so meant that Simpson's Pharmacy was operating as an unlicensed drug manufacturer and wholesaler in violation of R5-19.1-8 and R5-19.1-12 and Respondent acknowledges that violation.

That between 2009 and 2012, Respondent distributed compounds to a Rhode Island medical practice for re-sale in violation of R5-19.1-PHAR-19.8.

Based on the foregoing, the parties agree as follows:

Respondent is hereby relieved from the probation initiated in a Consent Order dated May 28, 2009.

Respondent is a licensed pharmacy and is able to conduct business under and by virtue of the laws of the State of Rhode Island.

Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.

Respondent's officer has read this Consent Order and understands that it is a proposal of the Department 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.

Respondent hereby acknowledges and waives:

~~The right to appear personally or by counsel or both before the Department;~~

~~The right to produce witnesses and evidence in his behalf at a hearing;~~

~~The right to cross-examine witnesses;~~

~~The right to have subpoenas issued by the Department;~~

The right to further procedural steps except for those specifically contained herein;

The right to further procedural steps except for those specifically contained herein;

Any and all rights of appeal of this Consent Order;

Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;

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;

Any objection to the fact that the Department 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

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.

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.

Acceptance by the Respondent and approval by the Department of this Consent Order constitutes an admission of the facts contained herein.

Respondent hereby agrees to a Reprimand of its pharmacy license on the C13-016 complaint.

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

Signed on this 17th day of September, 2015.



Simpson's Pharmacy
License Number PHA00175

Ratified by the Board of Pharmacy on this 17th day of September,
2015.



Kelly Orr, Pharm.D, RPh.
Chairperson
Rhode Island Board of Pharmacy

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