

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

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

vs.

CHRISTOPHER R. RIZZO (LICENSE #RPH03980)

CONSENT ORDER

Pursuant to Rhode Island General Laws 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 Christopher R. Rizzo, RPh (hereinafter “Respondent”), with violations of RIGL § 5-19.1-21 and Section 27 of the *Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors*. 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 pharmacist in the State of Rhode Island and holds license number RPH03980.
2. Respondent served as the Pharmacist-In-Charge at Millennium Pharmacy located at 33B Appian Way, Smithfield, RI at all relevant times outlined below.
3. On September 6, 2012 the Department conducted an inspection of Respondent’s facility, Millennium Pharmacy, located at 33B Appian Way, Smithfield, RI and asserts that it observed the following:
 - Distribution of adulterated and misbranded drugs,
 - Holding for dispensing and sale adulterated and misbranded drugs,
 - Accepting returned controlled substances and legend drugs from end users,
 - Permitting pharmacy technicians to perform final verification of prescription refills,

- Dispensing of drugs without receiving a prescription fulfilling all requirements of R5-19.1-PHAR-8.4,
 - Failure to notify the Department and U.S. Drug Enforcement Administration of a suspected or potential loss of controlled substances within 24 hours of discovery,
 - Failure to maintain a mechanism to identify on the prescription label the names of the delivery and central fill pharmacy involved with dispensing prescriptions, and
 - Failure to maintain records of completed technician training.
4. On October 5, 2012, Respondent's license as a registered pharmacist was summarily suspended by the Department.

Pursuant to Section 5-19.1-21, this conduct constitutes unprofessional conduct in the State of Rhode Island.

The parties agree as follows:

1. Respondent is a registered pharmacist who is licensed and 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 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.
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 in his 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 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.
 - 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 do not constitute an admission of the facts asserted or recited herein.
7. Effective upon the date of ratification of this consent order by the Department, the Summary Suspension issued against Respondent on October 5, 2012 shall be vacated, conditioned further on Respondent surrendering his license as a registered pharmacist in the State of Rhode Island.
- a. Respondent agrees to not apply for reinstatement of his registered pharmacist license in the State of Rhode Island for a minimum period of three (3) years, effective upon the date of ratification of this Order.
 - b. Respondent agrees to turn into the Department his wallet card and wall certificate upon signing this Order.
8. If Respondent applies for reinstatement of his registered pharmacist license after the minimum three (3) year period, Respondent shall be required to submit a new application to the Department and fulfill any prerequisites, certifications, continuing education, examinations, and fees required of the application at that time.

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

1/30/2013
Date

Christopher R. Rizzo
Christopher R. Rizzo, RPh
License # RPH03980

Approved on this 30th day of January ~~2012~~ 2013

Ratified on behalf of the board by,

Stephen Morris
Stephen Morris, Esquire
Deputy Chief Legal Counsel
Rhode Island Department of Health