

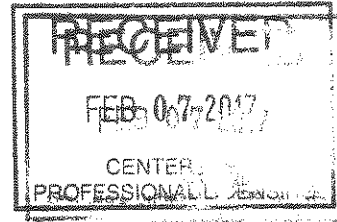


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**STATE OF RHODE ISLAND AND
PROVIDENCE PLANTATIONS**

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

**In the Matter of:
KEVIN WILBUR, RPH
LICENSE NUMBER RPH04245
COMPLAINT NUMBER C16-736**



CONSENT ORDER

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 charging Kevin Wilbur, RPh (hereinafter “Respondent”), with violations of RIGL §5-19.1 of the R.I. Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors. After consideration by the Board and the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is licensed as a registered pharmacist in the State of Rhode Island and holds license number RPH04245.
2. Respondent filled prescriptions and failed to perform prospective drug review each time, resulting in a therapeutic duplication involving two (2) drugs in the same therapeutic class known as benzodiazepines and two (2) drugs in the same therapeutic class of non-benzodiazepine sedative-hypnotics, which the Board determined is in violation of R5-19.1-PHAR§13.15.

3. Respondent's filling of prescriptions as detailed in paragraph 2 above, resulted in the patient's overutilization of medication involving two (2) drugs in the same therapeutic class known as benzodiazepines and two (2) drugs in the same therapeutic class of non-benzodiazepine sedative hypnotics, and refilled these medications early on multiple occasions, but within the Pharmacist-In-Charge's policy guidelines, which the Board finds is in violation of R5-19.1-PHAR§13.15.
4. Respondent failed to document potential misuse and abuse when filling prescriptions involving two (2) drugs in the same therapeutic class known as benzodiazepines and two (2) drugs in the same therapeutic class of non-benzodiazepine sedative hypnotics by not conducting prospective drug review as required by R5-19.1- PHAR §13.15 thereby resulting in the Board's determination that Respondent failed to identify said potential misuse and/or abuse, and that Respondent's actions violate R5-19.1-PHAR§13.15.
5. Pursuant to RI GL §5-19.1-21, the foregoing facts formed the basis for the Board's finding that Respondent's actions constitute unprofessional conduct in the State of Rhode Island and its issuing a letter of reprimand in this matter.

Based on the foregoing, the parties agree as follows:

1. Respondent is a registered pharmacist and is 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; and
 - 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 constitutes an admission of the facts contained herein.
7. Respondent hereby agrees to this Reprimand of his registered pharmacist license.
8. Respondent shall obtain an additional five (5) continuing education credits in the area of patient safety in addition to the fifteen (15) credit hours of continuing education required under R5-19.1-PHAR§7.4.
9. Respondent shall remain on probation for a period of 1 year from the date that this order becomes ratified by the Department.
10. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

1/31/17
Date

Kevin C. Wilbur
Kevin Wilbur, RPh
License Number RPH04245

2/16/17
Date

Leo Lariviere
Leo Lariviere, RPh.
Chairperson
Rhode Island Board of Pharmacy

Ratified by the Board of Pharmacy on this 16 day of February, 2017