

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF PROFESSIONAL LICENSING
BOARD OF PHARMACY
DISCIPLINARY SUBCOMMITTEE

In the Matter of

SURESHKUMAR DAKSHINAMOORTHY, R.PH
License No. 53-02-035671,

File No. 53-17-147134

Respondent.

ORDER OF SUMMARY SUSPENSION

The Department filed an *Administrative Complaint* against Respondent as provided by the Public Health Code, MCL 333.1101 *et seq*, the rules promulgated under the Code, and the Administrative Procedures Act, MCL 24.201 *et seq*.

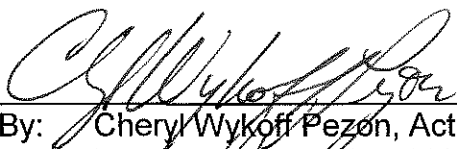
After careful consideration and after consultation with the Chairperson of the Board of Pharmacy pursuant to MCL 333.7314(2), the Department finds that the public health, safety, and welfare requires emergency action.

Therefore, IT IS ORDERED that Respondent's controlled substance license is SUMMARILY SUSPENDED, commencing the date this *Order* is served.

Under Mich Admin Code, R 792.10702, Respondent may petition for the dissolution of this *Order* by filing a document clearly titled **Petition for Dissolution of Summary Suspension** with the Department of Licensing and Regulatory Affairs, Bureau of Professional Licensing, P.O. Box 30670, Lansing, MI 48909.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 11/6, 2017


By: Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs by Cheryl Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondent Sureshkumar Dakshinamoorthy, R.Ph as follows:

1. The Michigan Board of Pharmacy is an administrative agency established by the Public Health Code, MCL 333.1101 *et seq.* The Board's Disciplinary Subcommittee is empowered to discipline licensees for Code violations.

2. The Board administers the controlled substance provisions in Article 7 of the Code, MCL 333.7101 - .7545, and is empowered to discipline licensees for Article 7 violations under MCL 333.7311(1)(h).

3. MCL 333.7333(1) provides, in pertinent part:

"[G]ood faith" means the prescribing or dispensing of a controlled substance by a practitioner . . . to or for an individual Application of good faith to a pharmacist means the dispensing of a controlled substance pursuant to a prescriber's order which, in the professional judgment of the pharmacist, is lawful. The pharmacist shall be guided by nationally accepted professional standards including, but not limited to, all of the following, in making the judgment:

(a) Lack of consistency in the doctor-patient relationship.

- (b) Frequency of prescriptions for the same drug by 1 prescriber for larger numbers of patients.
- (c) Quantities beyond those normally prescribed for the same drug.
- (d) Unusual dosages.
- (e) Unusual geographic distances between patient, pharmacist, and prescriber.

4. Mich Admin Code, R 338.490(2) provides:

A pharmacist shall not fill a prescription order if, in the pharmacist's professional judgment, any of the following provisions apply:

- (a) The prescription appears to be improperly written.
- (b) The prescription is susceptible to more than 1 interpretation.
- (c) The pharmacist has reason to believe that the prescription could cause harm to the patient.
- (d) The pharmacist has reason to believe that the prescription will be used for other than legitimate medical purposes.

5. Respondent is a Michigan-licensed pharmacist and holds a controlled substance license. On information and belief, Respondent has been the owner and pharmacist in charge (PIC) of Universal Pharmacy of Saginaw (Universal) in Saginaw, Michigan at all times relevant to this complaint.¹

6. As Universal's PIC, Respondent was responsible to supervise its practice. MCL 333.17748(5).

7. After consultation with the Board Chairperson, the Department found that the public health, safety, and welfare requires emergency action. Therefore, pursuant to MCL 333.7314(2), the Department summarily suspended Respondent's controlled substance license, effective on the date the accompanying Order of Summary Suspension was served.

¹The Department has also filed an Administrative Complaint against Universal for the conduct alleged here. *Universal Pharmacy of Saginaw*, No. 53-17-147135.

8. Alprazolam is a commonly abused and diverted benzodiazepine schedule 4 controlled substance, particularly in its 1 mg and 2 mg dosages.

9. Carisoprodol is a muscle relaxant and a schedule 4 controlled substance. Carisoprodol has significant potential for abuse, dependence, overdose, and withdrawal, particularly when used in conjunction with opioids and benzodiazepines.

10. Codeine preparations (e.g., codeine/promethazine syrup) are schedule 5 controlled substances prescribed for treating cough and related upper respiratory symptoms. Codeine/promethazine syrup is rarely indicated for any other health condition, and is particularly ill-suited for long-term treatment of chronic pain. Codeine/promethazine syrup is a highly sought-after drug of abuse, and is known by the street names "lean," "purple drank," and "sizzurp."

11. Hydrocodone combination products are commonly abused and diverted opioid schedule 2 controlled substances.

12. The Department reviewed data from the Michigan Automated Prescription System (MAPS), the State of Michigan's prescription monitoring program, which gathers data regarding controlled substances dispensed in Michigan. The Department discovered that Universal dispensed more codeine/promethazine syrup than any other Michigan dispenser in 2015 and 2016. Universal also was among the top 100 dispensers of hydrocodone/apap in its 7.5-325 mg dosage in 2015 and was the 26th ranked dispenser of hydrocodone/apap 7.5-325 mg in 2016.

13. During the following periods, Universal filled prescriptions for the following commonly abused and diverted controlled substances in the following quantities:

	2015	2016
(a) Hydrocodone/apap 5-325 mg	79 (0.98%)	115 (1.20%)
(b) Hydrocodone/apap 7.5-325mg	1797 (22.18%)	2577 (26.93%)
(c) Hydrocodone/apap 10-325 mg	635 (7.84%)	834 (8.72%)
(i) Hydrocodone/apap, all strengths	2511 (30.99%)	3526 (36.85%)
(d) Oxycodone 30 mg	46 (0.57%)	79(0.83%)
(e) Carisoprodol 350 mg	146 (1.80%)	93 (0.97%)
(f) Alprazolam 1 mg	399 (4.83%)	310 (3.24%)
(g) Alprazolam 2 mg	89 (1.10%)	120 (1.25%)
(h) Promethazine/codeine syrup	2335 (28.82%)	1980 (20.69%)
(i) Total, (a) - (h)	5526 (68.21%)	6108 (63.83%)
(j) Total CS prescriptions	8101	9569

14. Universal purchased such an alarmingly large amount of codeine/promethazine syrup in 2015 that its controlled substances distributor McKesson terminated Universal's ability to purchase controlled substances from McKesson in January 2016.

15. Patients paid cash for more than thirteen percent (13%) of the prescriptions Universal filled in 2015 and 2016. These rates exceed the state average for cash payment and are indicative of prescriptions filled for the purpose of drug diversion.

16. In 2015 and 2016, nearly eighty percent of the prescriptions Universal dispensed were issued by a small number of prescribers who are or have been respondents in licensing discipline proceedings initiated by the Department (see table on the following page):

	2015	2016
Kriangsak Thepveera, M.D. ²	5151 (63.58%)	5237 (54.73%)
Glenn Scott Saperstein, D.O. ³	717 (8.85%)	1207 (12.91%)
Amaning Sarkodie, M.D. ⁴	444 (5.48%)	539 (5.63%)
Ramon Octavio Rodriguez, MD. ⁵	219 (2.70%)	165 (1.72%)
Chidozie Ononuju, D.O. ⁶	66 (0.81%)	35 (0.37%)
	6597 (81.43%)	7183 (75.07%)
Total CS Prescriptions	8101	9569

17. MAPS data showed these physicians frequently prescribed commonly abused and diverted controlled substances to many patients. When interviewed by a Department investigator, Respondent admitted that he did not research the legitimate medical purpose for the prescriptions by checking patient MAPS reports.

18. Kriangsak Thepveera, M.D. told a Department investigator that he knew Respondent when Respondent worked at another pharmacy. Thepveera admitted that Respondent was the only pharmacist who would dispense pursuant to Thepveera's prescriptions, as the other pharmacists considered Thepveera a "bad doctor."

19. To facilitate Respondent's dispensing of commonly abused and diverted controlled substances, Thepveera arranged to pick up filled controlled substance prescriptions from Universal for his patients so that his patients did not need to travel the distance from Thepveera's office to Universal.

²Complaint and Order of Summary Suspension issued December 5, 2016; Consent Order imposing disciplinary suspension issued May 17, 2017. (File No. 43-16-141405).

³Complaint and Order of Summary Suspension issued January 31, 2017; Consent Order imposing disciplinary suspension issued August 3, 2017. (File No. 51-16-140958).

⁴Complaint and Order of Summary Suspension issued May 18, 2017. (File No. 43-16-141946).

⁵Complaint issued December 14, 2015; Consent Order imposing license limitation (no controlled substance prescribing) entered July 20, 2016. (File No. 43-14-133973).

⁶Complaint and Order of Summary Suspension issued October 28, 2016; Order of Summary Suspension issued November 1, 2016; Consent Order imposing license revocation entered December 1, 2016. (File Nos. 51-14-133743, 51-14-133972, 51-16-140851).

20. The Department reviewed MAPS data from January 1, 2015 through October 24, 2017. Universal dispensed commonly abused and diverted drugs to the following persons in 2017, despite warning signs of abuse and diversion during that period:

- a) Patient JB⁷ filled 33 controlled substance prescriptions, including for oxycodone, oxymorphone, and promethazine/codeine syrup, from 8 different prescribers.
- b) Patient CD filled 74 controlled substance prescriptions, including for hydrocodone, alprazolam, diazepam, carisoprodol, and promethazine/codeine syrup, from 4 different prescribers.
- c) Patient MM filled 78 controlled substance prescriptions, including for hydrocodone, alprazolam, zolpidem, carisoprodol, and promethazine/codeine syrup, from 13 different prescribers.
- d) Patient RT, who has a Flint, Michigan address, filled 27 controlled substance prescriptions, including for hydrocodone, carisoprodol, and promethazine/codeine syrup, from 5 different prescribers located in Saginaw, Flint, Caro, and Davisburg.
- e) Patient BS filled 49 controlled substance prescriptions, including for hydrocodone, tramadol, and lorazepam, from 14 different prescribers located in Saginaw, Eureka, Clinton Township, Pontiac, Bad Axe, and Grand Blanc.
- f) Patient TM filled 44 controlled substance prescriptions, including for hydrocodone, tramadol, carisoprodol, and promethazine/codeine syrup, from 4 different prescribers located in Detroit, Ann Arbor, Saginaw, and Troy.
- g) Patient JC filled 78 controlled substance prescriptions, including for alprazolam, oxycodone, oxymorphone, tramadol, zolpidem, and promethazine/codeine syrup, from 2 different prescribers.
- h) Patient GC filled 11 controlled substance prescriptions, including for codeine with acetaminophen, hydrocodone, tramadol, and promethazine/codeine syrup, from 6 different prescribers located in Lansing, Ortonville, Saginaw, Flint, and Fenton. GC also filed

⁷Patients are partially deidentified to protect confidentiality.

prescriptions at 6 different pharmacies located in Flint, Coldwater, Grand Rapids, and Saginaw.

21. On September 8, 2017, a Department investigator audited Universal's inventory of commonly abused and diverted drugs and found an unexplained 1430 ml loss of inventory for codeine/promethazine syrup, which amounted to 24% of the amount that records indicated should be on hand.

22. The Department also inspected Universal's business premises on September 8, 2017. The Department noted violations of regulations governing pharmacies, including lack of up-to-date reference materials and lack of proper quantity description on controlled substance prescriptions.

COUNT I

Respondent failed to maintain effective controls against diversion of controlled substances to other than legitimate and professionally recognized therapeutic, scientific, or industrial uses, in violation of MCL 333.7311(1)(e).

COUNT II

Respondent dispensed controlled substances for other than legitimate or professionally recognized therapeutic, scientific, or industrial purposes, or outside the Respondent's scope of practice, in violation of MCL 333.7311(1)(g).

COUNT III

Respondent dispensed controlled substances without good faith, contrary to MCL 333.7333(1) and in violation of MCL 333.7311(1)(h).

COUNT IV

Respondent filled a prescription order outside the boundaries of professional judgment, contrary to Mich Admin Code, R 338.490(2) and in violation of MCL 333.7311(h).

COUNT V

Respondent conduct constitutes failure to have current editions or revisions of the Michigan pharmacy laws, contrary to Mich Admin Code, R 338.481(2), in violation of MCL 333.7311(h).

COUNT VI

Respondent's conduct constitutes a violation of general duty, consisting of negligence or failure to exercise due care, or, a practice, condition, or conduct that impairs, or may impair, the ability to safely and skillfully engage in the practice of the health profession, in violation of MCL 333.16221(a).

COUNT VII

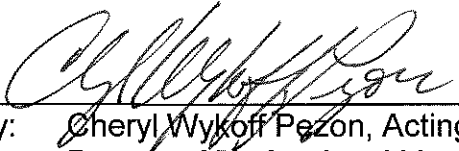
Respondent's conduct fails to conform to minimal standards of acceptable, prevailing practice for the health profession in violation of MCL 333.16221(b)(i).

RESPONDENT IS NOTIFIED that, pursuant to MCL 333.16231(8), Respondent has 30 days from the date of receipt of this complaint to answer this complaint in writing and to show compliance with all lawful requirements for retention of the license. Respondent shall submit the response to the Bureau of Professional Licensing, Department of Licensing and Regulatory Affairs, P.O. Box 30670, Lansing, MI 48909.

Respondent's failure to submit an answer within 30 days is an admission of the allegations in this complaint. If Respondent fails to answer, the Department shall transmit this complaint directly to the Board's Disciplinary Subcommittee to impose a sanction pursuant to MCL 333.16231(9).

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 11/6, 2017


By: Cheryl Wykoff Pezon, Acting Director
Bureau of Professional Licensing

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