

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

In the Matter of

LIVONIA CARE PHARMACY, INC.
License Nos. 53-01-009802 and 53-15-054245,

File No. 53-17-147125

Respondent.

ORDER OF SUMMARY SUSPENSION AND FOR
SEIZURE OF CONTROLLED SUBSTANCES

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 there is an imminent danger to the public health or safety that requires emergency action.

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

IT IS FURTHER ORDERED that, pursuant to Article 7 of the Code, MCL 333.7101 *et seq.*, all controlled substances owned or possessed by Respondent at the time the *Administrative Complaint* was filed before the Disciplinary Subcommittee shall be seized by the Department pending completion of proceedings.

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: 12/6, 2017


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

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Respondent.

ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs by Cheryl Wykoff Pezon, Acting Director, Bureau of Professional Licensing, complains against Respondent Livonia Care Pharmacy, Inc. 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. Respondent is a licensed pharmacy located in Livonia, Michigan.

Respondent's pharmacist-in-charge (PIC) is Apoorva Chandrakant Pandit, R.Ph.¹

5. Alprazolam is a benzodiazepine schedule 4 controlled substance.

Alprazolam is a commonly abused and diverted drug, particularly in its 1 mg and 2 mg dosages.

6. 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.

7. Clonazepam is a commonly abused and diverted benzodiazepine schedule 4 controlled substance.

8. 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."

¹The Department has also filed an Administrative Complaint against Pandit for the conduct alleged here. *Apoorva Chandrakant Pandit, R.Ph.*, No. 53-17-147124.

9. Hydrocodone, and combination products including hydrocodone are commonly abused and diverted opioid schedule 2 controlled substances.

10. When used in combination, opioids, muscle relaxants, and benzodiazepines can produce a feeling of euphoria. These combinations are highly desired for diversion and abuse and have the street name “Holy Trinity.”

11. 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 Respondent was the highest-ranked dispensers of the following commonly abused and diverted controlled substances among all Michigan dispensers in 2015, 2016, and early 2017:

<i>Drug</i>	<i>2015 Rank</i>	<i>2016 Rank</i>	<i>Q1 2017 Rank</i>
Carisoprodol 350 mg	20	1	1
Codeine/Promethazine Syrup	12	5	13

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

	<i>2015</i>	<i>2016</i>	<i>2017 thru 8/22/17</i>
(a) Alprazolam 2 mg	341 (7.70%)	224 (5.33%)	50 (2.72%)
(b) Carisoprodol 350 mg	912 (20.61%)	946 (22.52%)	324 (17.62%)
(c) Codeine/Promethazine Syrup	726 (16.40%)	775 (18.45%)	262 (14.25%)
(d) Hydrocodone/apap 10-325 mg	806 (18.21%)	1152 (27.43%)	454 (24.69%)
(e) Total, (a) - (d)	2785 (62.92%)	3097 (73.74%)	1090 (59.21%)
(f) Total CS prescriptions	4426	4200	1841

13. Patients paid cash for over twenty percent (20%) of the prescriptions Respondent dispensed between January 1, 2015 and August 22, 2017. That rate doubles the state average for cash payment and suggests that prescriptions were filled for illegitimate purposes.

14. More than 68% of all controlled substance prescriptions Respondent filled in between January 1, 2015 and August 22, 2017 were written by a single prescriber, 'C.'

15. A Department investigation revealed that 'C' ranked among the top 2 prescribers of carisoprodol for 2015 and the first three quarters of 2016, and among the top 6 prescribers of codeine/promethazine syrup in the same period. The Department summarily suspended Prescriber C's license to practice medicine on May 5, 2017 based on allegations of overprescribing and drug diversion, and C's license remains suspended as of the date of this complaint.

16. Nearly 87% of the controlled substance prescriptions Respondent dispensed that 'C' prescribed between January 1, 2015 and August 22, 2017 (the review period) were for the commonly abused and diverted drugs alprazolam 2 mg, carisoprodol, hydrocodone/apap 10-325 mg, and codeine/promethazine cough syrup.

17. Of those patients receiving the above combination was patient BW, who repeatedly filled prescriptions from 'C' at Respondent. BW died of a drug overdose on August 3, 2015,

18. Between January 2015 and April 2017, Respondent filled the "Holy Trinity" combination of controlled substances on 149 occasions for 24 different patients.

Five patients filled the “Holy Trinity” combination of controlled substances at least 10 times between January 2015 and April 2017.

19. During the review period, the five patients who filled the most prescriptions at Respondent were responsible for 479 prescriptions, or almost 5% of all prescriptions Respondent filled. All five patients were prescribed troubling combinations of controlled substances and/or had other indicia of diversion or abuse:

- (a) Patient JB² filled the “Holy Trinity” combination of controlled substances 12 times during the review period, either on the same day or on days in close proximity. Patient JB also filled a combination of an opioid and a benzodiazepine on five occasions during the review period. Patient JB filled 115 controlled substance prescriptions at Respondent during the review period.
- (b) Patient FM filled the “Holy Trinity” combination of controlled substances 7 times during the review period, either on the same day or on days in close proximity. Patient FM repeatedly filled prescriptions for commonly abused and diverted controlled substances, including benzodiazepines and codeine/promethazine syrup during the review period. Patient FM filled 98 controlled substance prescriptions at Respondent during the review period.
- (c) Patient MW filled the “Holy Trinity” combination of controlled substances 18 times during the review period, either on the same day or on days in close proximity. Patient MW filled prescriptions for the commonly abused and diverted controlled substance codeine/promethazine syrup 13 times during the review period. Patient FM filled 93 controlled substance prescriptions at Respondent during the review period.
- (d) Patient HT filled a combination of hydrocodone/apap and clonazepam every month between February 2015 and August 2017. Patient FM filled 89 controlled substance prescriptions at Respondent during the review period.
- (e) Patient TS filled the “Holy Trinity” combination of controlled substances 5 times during the review period, either on the same day or on days in close proximity. Patient TS filled a combination of oxycodone and benzodiazepines 28 times between January 2015 and July 2017. Patient TS also filled prescriptions for the commonly

²Patients are identified by initials to protect confidentiality of patient records.

abused and diverted controlled substance codeine/promethazine syrup 8 times during the review period. Patient FM filled 84 controlled substance prescriptions at Respondent during the review period.

20. Review of MAPS data revealed that five patients³ of Prescriber 'C' who filled prescriptions at Respondent lived in the same neighboring housing units nearly 30 miles away from Prescriber 'C's' office. The five patients filled 249 controlled substance prescriptions during the review period, including the commonly abused and diverted controlled substances codeine/promethazine syrup, hydrocodone/apap, carisoprodol, and alprazolam. From April 2015 to April 2017, the five patients filled prescriptions as follows:

	<i># Prescriptions</i>	<i>Dosage Units</i>
(a) codeine/promethazine syrup	50	14,520 ml
(b) hydrocodone/apap	82	6,465 tablets
(c) Carisoprodol	81	7,050 tablets
(d) Alprazolam	15	660 tablets

21. The Department inspected Respondent's business premises on September 14, 2017. The Department noted violations of regulations governing pharmacies, including disorganized and unsanitary conditions, lack of up-to-date reference materials, and expired and misbranded drugs in active inventory.

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).

³Patients FM (see ¶18(b)), IC, LC, GJ, and CJ.

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 333.7311(1)(h).

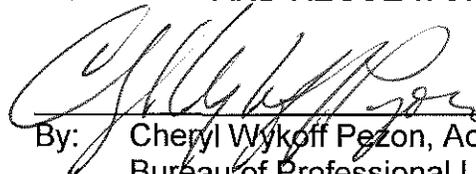
COUNT IV

Respondent failed to maintain clean, orderly, and sanitary conditions contrary to Mich Admin Code, R 338.482(1-2), in violation of MCL 333.17748(2).

RESPONDENT IS NOTIFIED that, consistent with Mich Admin Code, R 338.1615(3), 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.

MICHIGAN DEPARTMENT OF
LICENSING AND REGULATORY AFFAIRS

Dated: 12/6, 2017


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

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