

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

In the Matter of

ALL AMERICAN PHARMACY LLC  
License No. 53-15-052641,

File No. 53-16-144736

Respondent.

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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: 08/08, 2017

  
By: Kim Gaedeke, Director  
Bureau of Professional Licensing

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ADMINISTRATIVE COMPLAINT

The Michigan Department of Licensing and Regulatory Affairs by Kim Gaedeke, Director, Bureau of Professional Licensing, complains against Respondent All American Pharmacy LLC 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 Flint, Michigan. Respondent also has a controlled substance license. On information and belief, Respondent's current pharmacist-in-charge (PIC) is John Stephen Lind, R.Ph.<sup>1</sup>

5. After consultation with the Board Chairperson, the Department found that there is an imminent danger to the public health or safety that requires emergency action. Therefore, pursuant to MCL 333.7314(2), the Department summarily suspended Respondent's State of Michigan controlled substance license, effective on the date the accompanying Order of Summary Suspension was served.

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

7. 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.

8. Codeine preparations (e.g., codeine/promethazine syrup) are highly abused and diverted schedule 5 controlled substances.

9. Hydrocodone and oxycodone are commonly abused and diverted opioid schedule 2 controlled substances.

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<sup>1</sup>The Department has also filed an Administrative Complaint against Lind for the conduct alleged here. *John Stephen Lind, R.Ph.*, No. 53-17-145891.

10. Respondent was established as a limited liability company on June 23, 2011. The Department issued Respondent's pharmacy license on September 23, 2011.

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 ranked among the highest-volume dispensers of commonly abused and diverted controlled substances in 2015, 2016, and the first quarter of 2017:

<i>Drug</i>	<i>Respondent's 2015 Rank</i>	<i>Respondent's 2016 Rank</i>	<i>Respondent's 2017 Q1 Rank</i>
(a) Alprazolam 2 mg	21	14	3
(b) Carisoprodol	9	10	4
(c) Codeine/Promethazine Syrup	5	2	2

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

<i>Drug</i>	<i>2015</i>	<i>2016</i>	<i>2017 thru May 29</i>
(a) Oxycodone 30 mg	8 (0.17%)	0	0
(b) Hydrocodone/Apap, All Strengths	1407 (29.54%)	1243 (25.63%)	325 (17.33%)
(c) Alprazolam 1 mg	345 (7.24%)	386 (7.96%)	115 (6.13%)
(d) Alprazolam 2 mg	461 (9.68%)	432 (8.91%)	191 (10.19%)
(e) Carisoprodol 350 mg	634 (13.31%)	489 (10.08%)	245 (13.07%)
(f) Codeine with Promethazine	1061 (22.28%)	1373 (28.31%)	553 (29.49%)
(g) Total, (a) - (f) (percentage of all CS prescriptions dispensed)	3916 (82.22%)	3923 (80.89%)	1429 (76.21%)
(h) Total CS Prescriptions	4763	4850	1875

The Department compared Respondent's dispensing of commonly abused and diverted controlled substances with four other nearby pharmacies. None of the other four pharmacies dispensed more than 53% of its total controlled substances in the categories identified in (a) - (f) above.

13. Patients paid cash for more than thirty percent (30%) of the prescriptions Respondent filled in 2015, for more than thirty-two percent (32%) of the prescriptions Respondent filled in 2016, and for more than thirty-six percent (36%) of the prescriptions Respondent filled in 2017 through May 29. These rates triple the state average for cash payment and are indicative of prescriptions filled for the purpose of drug diversion.

14. Despite its location in Flint, more than 30% of the prescriptions Respondent filled in 2015 and 2016 were issued by home visiting physicians with Detroit metropolitan area addresses. MAPS data showed these home visiting physicians frequently prescribed the same commonly abused and diverted controlled substances, including potentially dangerous combinations of opioids and benzodiazepines, in the same quantities to every patient. When interviewed by a Department investigator, Respondent's pharmacist-in-charge admitted that he did not question the prescriptions being prescribed and dispensed the prescriptions without questioning the legitimate medical purpose for the prescriptions.

15. Nearly 19% of all prescriptions Respondent filled from January 1, 2015 to May 29, 2017, were written by a single prescriber, who was later summarily suspended by the Department for overprescribing commonly abused and diverted controlled substances. Over 10% of the prescriptions Respondent filled during that period

were from this one prescriber, for one controlled substance -- commonly abused and diverted Codeine with Promethazine syrup.

16. MAPS data from 2017 showed that Respondent dispensed both a benzodiazepine and an opioid drug to multiple patients despite CDC Guidelines warning clinicians of the increased risk of respiratory depression caused by combining those drugs. Of the patients who received both a benzodiazepine and an opioid, patients L.D., R.D., M.J., H.J., and C.W. also received controlled substance prescriptions from five or more providers during 2017.

17. The Department audited Respondent's inventory of commonly abused and diverted drugs and found a significant loss of inventory, as shown in the table below:

<i>Drug</i>	<i>Initial Inventory May 3, 2017</i>	<i>Interim receipts</i>	<i>Total Accountability</i>	<i>Closing Inventory May 31, 2017</i>	<i>Sales During Period</i>	<i>Reported Theft</i>	<i>Total Accounted For</i>	<i>Difference</i>	<i>% Difference</i>
(a) Hydrocodone/Apap 10 mg	1,105	3,500	4,605	880	3,535	0	4,415	-190	-4%
(b) Oxycodone 30 mg	150	0	150	150	0	0	150	0	0%
(c) Alprazolam 1 mg	1,150	1,000	2,150	465	1,500	0	1,965	-185	-9%
(d) Alprazolam 2 mg	1,400	1,000	2,400	399	1,890	0	2,289	-111	-5%
(e) Carisoprodol 350 mg	3,124	2,000	5,124	1,756	2,315	0	4,071	-1,053	-21%
(f) Codeine with Promethazine	4,500	15,609	20,109	5,200	14,858	0	20,058	-51	0%

18. The Department inspected Respondent's business premises on May 31, 2017. The Department noted violations of several regulations governing pharmacies, including possession of expired medications, un-dated and un-initialed controlled substance invoices, incorrectly branded prescription drugs, and incomplete DEA forms.

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 333.7311(1)(h).

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.

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