

BEFORE THE GEORGIA STATE BOARD OF PHARMACY

STATE OF GEORGIA

PROFESSIONAL LICENSING BOARDS
MAR 06 2008
DOCKET NUMBER 2008-0453

IN THE MATTER OF)
)
SANTA FE PHARMACY,)
License No. PHRE009404)
)
Respondent.)

DOCKET NO.

ORDER OF SUMMARY SUSPENSION

1.

WHEREAS, Santa Fe Pharmacy was licensed as a retail pharmacy in the State of Georgia on October 10, 2007, and is currently licensed as a retail pharmacy.

2.

WHEREAS, Manuel Lozano is listed as the owner of Respondent Santa Fe Pharmacy on the retail pharmacy application.

3.

WHEREAS, on the Santa Fe Pharmacy licensure application, Mr. Lozano answered "No" to the question regarding criminal arrests, and whereas the Board received reliable evidence that Mr. Lozano has had criminal arrests that he failed to disclose.

4.

WHEREAS, the Board has received reliable information that in or about January and February 2008, a significant percentage of prescriptions for dangerous drugs and controlled substances filled at Respondent pharmacy were fraudulent prescriptions.

5.

WHEREAS, on or about February 27, 2008, Manuel Lozano was arrested and charged with the unlicensed practice of medicine.

6.

WHEREAS, the Board has received reliable information that the Respondent Santa Fe Pharmacy fired the pharmacist in charge on or about February 29, 2008, and that Respondent does not employ a licensed pharmacist or have a pharmacist in charge in violation of law.

7.

WHEREAS, the Board has received reliable information that the Santa Fe Pharmacy still has an inventory of prescription drugs and devices and pharmacy records.

8.

NOW THEREFORE, the Board finds that the falsification of application for a retail pharmacy, that the practices of filling fraudulent prescriptions, that the arrest of the owner of Respondent for the practice of medicine without a license, and that the continued operation of a pharmacy without a licensed pharmacist-in-charge, and containing dangerous drugs, controlled substances, prescriptions and prescription records poses a threat to the community and the public health, safety and welfare and imperatively requires emergency action. It is hereby ORDERED that the license of Santa Fe Pharmacy to operate as a retail pharmacy in the State of Georgia is hereby SUSPENDED, pursuant to O.C.G.A. §§ 50-13-18, 43-1-19, 26-4-113 and 16-13-38 pending proceedings for further Board action.

9.

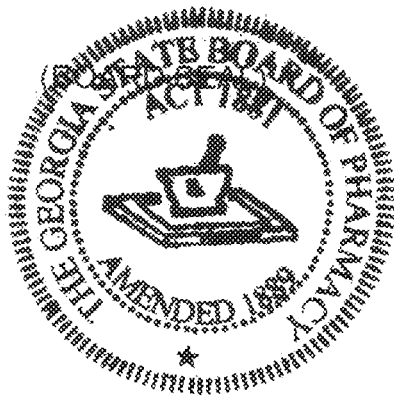
The Board hereby further directs the Georgia Drug and Narcotics Agency to inspect the premises of Santa Fe Pharmacy and to inventory, seize and seal any contraband, drugs and devices, and adulterated or misbranded drugs and cosmetics

pursuant to O.C.G.A. § 26-3-4, 26-4-28(a) and (c), 26-4-29 and 16-13-37, and to cooperate with local law enforcement in fulfilling the intent of this directive.

If the Respondent wishes to have an expedited hearing, Respondent shall execute and file with the Office of State Administrative Hearings the original and one copy of the attached REQUEST FOR EXPEDITED HEARING no later than fourteen (14) days from the day of service or receipt of this Order. Respondent also shall serve a copy of such REQUEST upon counsel for the Board as identified in the REQUEST.

This Order is signed and attested by the Division Director of the Professional Licensing Boards Division of the Secretary of State on behalf of the Georgia State Board of Pharmacy.

This 6th day of March, 2008.



GEORGIA STATE BOARD OF PHARMACY

PAT R. McPHERSON
President


RANDALL D. VAUGHN
Division Director
Professional Licensing Boards Division

PLEASE DIRECT ALL CORRESPONDENCE TO:

JANET B. WRAY
Senior Assistant Attorney General
40 Capitol Square, S.W.
Atlanta, Georgia 30334
Telephone: (404) 656-3345
Facsimile: (404) 651-6341

BEFORE THE OFFICE OF STATE ADMINISTRATIVE HEARINGS

STATE OF GEORGIA

IN THE MATTER OF)
)
SANTA FE PHARMACY,) DOCKET NO. _____
License No. PHRE009404)
)
Respondent.)

REQUEST FOR EXPEDITED HEARING

I, _____, owner, operator or agent of Santa Fe Pharmacy, having been served with the Order of Summary Suspension by the Georgia State Board of Pharmacy ("Board"), do hereby request an expedited hearing. I reserve the right to file a response to a Notice of Hearing in this matter.

This _____ day of _____, 20_____.

On Behalf of SANTA FE PHARMACY
Respondent

() I am/will be represented by counsel

Name of counsel if known at this time: _____

THIS REQUEST MUST BE FILED WITH THE GEORGIA BOARD OF PHARMACY AT 237 COLISEUM DRIVE, MACON, GEORGIA 31217.

A COPY OF THIS REQUEST MUST BE SERVED ON THE OFFICE OF THE ATTORNEY GENERAL OF GEORGIA, ATTN: JANET BOLT WRAY, 40 CAPITOL SQUARE, ATLANTA, GEORGIA 30334.