

**BEFORE THE ARKANSAS STATE BOARD OF PHARMACY**

**IN THE MATTER OF  
LESNIA DEGOOD  
P.D., No. 9220**

**2003-044**

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW, AND ORDER**

On February 10, 2004, the Arkansas State Board of Pharmacy (hereafter “the Board”) conducted a hearing in the above styled matter. After being duly served with notice thereof, Lesnia Degood (hereafter “Respondent”) appeared in person and with counsel Chet Dunlap. From the testimony of witnesses and other evidence of record, the Board makes the following findings of fact, conclusions of law, and order

FINDINGS OF FACT

1. Respondent holds a pharmacist license issued by and is subject to the jurisdiction of the Board; at all times relevant herein Respondent was pharmacist-in-charge of Price Chopper Pharmacy, Truman, Arkansas.
2. On or about November 17, 2003, Respondent received a telephone call at Price Chopper Pharmacy from her estranged husband who requested that Respondent provide documentation that he had a prescription for alprazolam, a Class IV Controlled Substance, that he had in his possession when he was arrested by law enforcement officers. Respondent’s husband stated that he was due in court in a short time and that if he did not have a prescription for the controlled substance, he would be sent to prison for unlawful possession of a controlled substance. He pressured Respondent to provide him with a prescription for the alprazolam.
3. After first telling her husband that she had no prescription for the alprazolam at her pharmacy and referring him to other pharmacies, Respondent found a

prescription for alprazolam for another patient, and created a fictitious prescription record by changing the patient's name to that of her husband, the date of the prescription, and the name of the physician who purportedly authorized the prescription. She then printed a summary of the prescription in her husband's name and faxed the document to him at his attorney's office for the purpose of her husband using the fictitious record to misrepresent that he lawfully had possession of the alprazolam to avoid prosecution and incarceration for violation of the Controlled Substance Act.

4. Later that day, a drug task force officer telephoned Respondent and requested that she provide a copy of the prescription supporting the prescription summary that she had faxed to her husband. Respondent then wrote a fictitious call-in prescription for the record she had faxed to her husband and faxed that document to the law enforcement officer.

5. Subsequently, drug task force officers came to Price Chopper Pharmacy to interview Respondent. An officer asked Respondent to locate her husband's name, and then the prescription number, for the entry on the pharmacy's daily log for her husband's alprazolam prescription identified in the above-described documents that Respondent had faxed to her husband and to the drug task force officer. Respondent examined the log and responded that she could not locate either her husband's name or the prescription number on the log. After a drug task force officer requested to examine the log and began to do so, Respondent advised the officer that she knew where the prescription number was located on the log.

6. During Respondent's tenure as pharmacist-in-charge of Price Chopper Pharmacy, she has engaged in conduct that compromised the security of the controlled

substances in the pharmacy inventory by permitting third parties to have access to the pharmacy during business hours, allowing the door into the pharmacy from the public area of the building to remain open so that someone could enter the pharmacy and have access to a portion of the controlled substance inventory without being observed by pharmacy personnel at their working stations, and giving a key to the pharmacy to a pharmacy technician to have access to the pharmacy when Respondent was not present. On December 10, 2003 Respondent's inventory of controlled substances at Price Chopper Pharmacy was short 5,114 alprazolam 0.5 mg, 19,817 alprazolam 1 mg, and 12,170 alprazolam 2mg tablets; said shortages were a result of Respondent's continued failure to provide proper security and/or accountability for controlled substances in said pharmacy.

7. Respondent conducted a DEA inventory of controlled substances on May 24, 2001 when she became pharmacist-in-charge of Price Chopper Pharmacy; she did not perform another DEA inventory until more than two years following said inventory date, specifically December 14, 2003 after being instructed to do so by Board inspectors.

#### CONCLUSIONS OF LAW

1. Respondent's conduct in creating and faxing fictitious prescription records for her husband to misrepresent that he had lawfully possessed certain controlled substances as set forth above constitutes dishonorable conduct involving fraud, dishonesty or otherwise demonstrating lack of good moral character pursuant to Board Regulation 02-04-0002(s).

2. Respondent's dishonorable conduct pursuant to Board Regulation 02-04-0002 constitutes gross dishonorable conduct pursuant to Ark. Code Ann. § 17-92-311(a)(7) (Repl. 2002) which is a basis for imposing sanctions upon Respondent.

3. Respondent's continued failure to provide proper security and accountability for controlled substances resulting in shortages of alprazolam as set forth above violates Board Regulation 04-02-0005(e).

4. Respondent's continued violation of Board Regulation 04-02-0005(e) constitutes unprofessional conduct pursuant to Board Regulation 02-04-0002(b) and gross unprofessional conduct pursuant to Ark. Code Ann. § 17-92-311(a)(7) (Repl. 2002) which is a basis for imposing sanctions upon Respondent.

5. Respondent's failure to conduct a DEA inventory on or before two years following her inventory on May 24, 2001 violates 21 CFR §1304.11.

6. Respondent's violation of 21 CFR § 1304.11 constitutes unprofessional conduct pursuant to Board Regulation 02-04-0002(e) and gross unprofessional conduct pursuant to Ark. Code Ann. § 17-92-311(a)(7) (Repl. 2002).

ORDER

IT IS THEREFORE ORDERED that Respondent Lesnia Degood's pharmacist license is hereby revoked on this date.

IT IS SO ORDERED this 13th day of February 2004.

ARKANSAS STATE BOARD  
OF PHARMACY

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CHARLES CAMPBELL, PharmD.  
EXECUTIVE DIRECTOR