

**BEFORE THE ARKANSAS STATE BOARD OF PHARMACY**

**IN THE MATTER OF**

**MATTHEW PADEN,**

**P.D., No. 7904,**

**RANA RAKAB, P.D., No. 9734,**

**and**

**WALGREENS PHARMACY #5993, NO. AR-20257**

**Case No. 2003-032**

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

On October 14, 2003, the Arkansas State Board of Pharmacy (hereafter “the Board”) conducted a hearing in the above styled matter. After being duly served with notice thereof, Matthew Paden, Rana Rakab, and Walgreens Pharmacy #5993 (hereafter “Respondents”) appeared in person and by counsel Dwayne Pinon. From the testimony of witnesses and exhibits, the Board makes the following findings of fact, conclusions of law, and order.

FINDINGS OF FACT

1. Respondents Matthew Paden holds a pharmacist license, Rana Rakab currently holds a pharmacist license, but at the time relevant herein held a license as a graduate intern, No. 1056, and Walgreens holds a pharmacy permit, and each is subject to the jurisdiction of the Board.

2. On or about August 17, 2003 Lance and Melissa Bratton presented a prescription order for their daughter Alexandria to Walgreens Pharmacy #5993. The order was for a new prescription for Orapred 15/5 with dosage instructions of 3 cc BID X 3 days.

3. Pursuant to Walgreens' operating procedures a pharmacy technician entered the prescription information in the pharmacy's computer but erroneously entered the dosage instructions as "Give 33 ml by mouth twice a day for 3 days."

4. The technician then filled the prescription for the Orapred and attached the computer printed label with the dosage instructions to give 33 ml twice a day that he had entered into the pharmacy computer.

5. Rana Rakab subsequently attempted to verify the prescription as filled by the technician. Ms. Rakab calculated the volume required to supply the dosage stated on the original prescription order, entered the NDC number on the container, and confirmed that the drug was Orapred as ordered; she did not verify whether the dosage instructions on the container and on the patient information sheet prepared in the pharmacy were consistent with those on the original prescription order. Ms. Rakab caused the Orapred prescription to be placed in the pharmacy refrigerator to be delivered to the child's parents.

6. Lance Bratton returned to the pharmacy and a pharmacy technician delivered the Oraphred described above to Mr. Bratton at a drive-in window. The technician did not notify a pharmacist or Ms. Rakab to counsel Mr. Bratton.

7. Had Ms. Rakab counseled Mr. Bratton regarding the Orapred dispensed for his daughter Alexandria, she should have discovered the error in the dosage instructions, "Give 33 ml . . ." on the prescription container and patient information sheet that she delivered to Mr. Bratton. In the absence of counseling by Ms. Rakab, Mr. Bratton took the Orapred home to administer to his daughter. Mrs. Bratton noticed that

the quantity in the dosage instructions on the prescription container was 33ml rather than 3 ml that the prescribing physician had stated to her.

8. Respondents Walgreens Pharmacy #5993 and Respondent Paden as pharmacist-in-charge had implemented a procedure whereby prescriptions were prepared for patients and a clerk or other person at the cash register were to notify a pharmacist when a new prescription was to be delivered to a patient; the pharmacist was to then counsel the patient in regard to the drug being dispensed. Respondents Walgreens and Paden failed to implement any procedure to determine whether the clerks or other persons delivering prescriptions to patients were actually notifying a pharmacist when new prescriptions were being delivered to the patient and whether a pharmacist was actually counseling the patient, and failed to implement corrective action if counseling was not being performed by staff pharmacists.

#### CONCLUSIONS OF LAW

1. Respondent Rakab's conduct in failing to check and correct the erroneous prescription information that a technician had entered into the pharmacy computer with erroneous dosage instructions, as described above, violates Board Regulation 03-00-0005.

2. Respondent Paden, as pharmacist-in-charge of Respondent Walgreens Pharmacy # 5993, is directly responsible for the operation of the pharmacy. Board Regulation 04-02-0001.

3. A pharmacist is required to counsel a patient or caregiver if either is present in the pharmacy when a new prescription is dispensed for the patient. Board Regulation 09-00-0001(c).

4. Respondent Rakab failed to counsel or offer to counsel the patient's father upon delivery of the new prescription drug Orapred for his daughter as described above. Respondent's failure to counsel violated Board Regulation 09-00-0001(c).

5. Respondent Rakab's violations of Board Regulation 09-00-0001(c) and 03-00-0005 constitute unprofessional conduct pursuant to Board Regulation 02-04-0002(b) and gross unprofessional conduct pursuant to A.C.A. § 17-92-311(a)(7)(Repl. 2002).

6. Respondents Paden's and Walgreens # 5993's failure to implement a procedure to determine whether and to assure that a pharmacist counsels a patient or caregiver upon dispensing a new prescription, as set forth above, constitutes operating the pharmacy in violation of Board Regulation 09-00-0001(c).

7. Respondent Paden's conduct in permitting the operation of said pharmacy in violation of Board Regulations as described above constitutes unprofessional conduct pursuant to Board Regulation 02-04-0002(b) and gross unprofessional conduct pursuant to A.C.A. § 17-92-311(a)(7) (Repl. 2002).

8. Respondent Walgreens' conduct in operating a pharmacy not according to law or so as to endanger the public health or safety by failing to determine whether and to assure that a pharmacist counsels a patient as described above constitutes a basis for disciplinary action pursuant to A.C.A. § 17-92-407(c)(Repl. 2002).

#### ORDER

IT IS THEREFORE ORDERED that Respondents Paden and Rakab shall each pay a monetary penalty of one thousand dollars (\$1,000.00) to the Board.

IT IS FURTHER ORDERED that Respondent Walgreens Pharmacy # 5993 shall pay a monetary penalty of two thousand, five hundred dollars (\$2,500.00) to the Board, and Walgreens Pharmacy #5993 shall be on probation for one year from the date of this order. Walgreens Pharmacy #5993 shall comply with Arkansas Pharmacy Law, Ark. Code Ann. § 17-92-101 *et seq.*, Board Regulations, the Controlled Substance Act, the Food, Drug and Cosmetic Act, and all state and federal law and regulations pertaining to the practice of pharmacy and drugs.

IT IS FURTHER ORDERED that Respondents shall pay said monetary penalties to the Board on or before November 30, 2003.

IT IS SO ORDERED this 27th day of October 2003.

ARKANSAS STATE BOARD  
OF PHARMACY

---

CHARLES CAMPBELL, Pharm. D.  
Executive Director