

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

**DEPARTMENT OF HEALTH
HEALTH SERVICES REGULATION
BOARD OF PHARMACY**

vs.

ROGER N. CROTEAU (LICENSE #PH102378)

CONSENT ORDER

Pursuant to Rhode Island General Laws Section 5-19.1-21 and the Rules and Regulations promulgated thereunder, the Department of Health, Board of Pharmacy (hereinafter "Department") has investigated a complaint charging Roger N. Croteau (hereinafter "Respondent"), with violations of RIGL § 5-19.1-21 and Section 27 of the *Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors*. After consideration by the Department, the following constitutes the Findings of Fact with respect to the professional performance of the Respondent:

1. Respondent is a pharmacy technician I in the State of Rhode Island and holds license number PH102378.
2. Respondent is employed as a pharmacy technician I at Millennium Pharmacy located at 33B Appian Way, Smithfield, RI.
3. Subsequent to an on-site inspection conducted by the Department on September 6, 2012 it was determined that Respondent managed pharmacy technicians I and II and directed those employees to perform various activities, in a protocol set forth by Millennium Pharmacy, in violation of Rhode Island regulations governing the practice of pharmacy. Respondent performed duties outside the scope of practice of a pharmacy technician I in violation of R5-19.1-PHAR-24.14.
4. On October 5, 2012, Respondent's license as a pharmacy technician I was summarily suspended by the Department.
5. On or about December 13, 2012 Millennium Pharmacy located at 33B Appian Way, Smithfield, RI surrendered its license to the Department and ceased operations as a retail pharmacy.

Pursuant to Section 5-19.1-21, this conduct constitutes unprofessional conduct in the State of Rhode Island.

The parties agree as follows:

1. Respondent is a pharmacy technician I who is licensed and able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order and understands that it is a proposal of the Department and is subject to the final ratification by the Department. This Consent Order and the contents thereof are not binding on Respondent until final ratification by the Department.
4. Respondent hereby acknowledges and waives:
 - a) The right to appear personally or by counsel or both before the Department;
 - b) The right to produce witnesses and evidence in his behalf at a hearing;
 - c) The right to cross-examine witnesses;
 - d) The right to have subpoenas issued by the Department;
 - e) The right to further procedural steps except for those specifically contained herein;
 - f) Any and all rights of appeal of this Consent Order;
 - g) Any objection to the fact that this Consent Order will be presented to the Department for consideration and review;
 - h) Any objection to the fact that it will be necessary for the Department to become acquainted with all evidence pertaining to this matter in order to adequately review this Consent Order;
 - i) Any objection to the fact that the Department reviewing this Consent Order may be the same as the hearing committee presiding over this matter should it later be brought to an administrative hearing.
 - j) Any objection to the fact that potential bias against the Respondent may occur as a result of the presentation of this Consent Order to the Department.

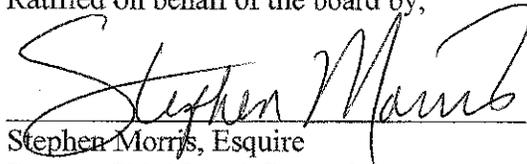
5. This Consent Order shall become part of the public record of this proceeding once it is accepted by all parties and accepted by the Department.
6. Acceptance by the Respondent and approval by the Department of this Consent Order do not constitute an admission of the facts asserted or recited herein.
7. Pursuant to R5-19.1-PHAR-24.11.1, the pharmacy technician I license is employer specific. As a result of Millennium Pharmacy ceasing operations as a retail pharmacy, Respondent's license as a pharmacy technician I is hereby null and void.
8. Accordingly, the summary suspension invoked by the Department on October 5, 2012 against Respondent is also null and void.
9. In the event Respondent re-applies to the Department for licensure as a pharmacy technician I or II in this State, if granted, said license may be subject to appropriate restrictions as determined by the board based on the facts contained herein.
10. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

2/5/13
Date


Roger N. Croteau
License # PH102378

Approved on this 5th day of February 2013

Ratified on behalf of the board by,


Stephen Morris, Esquire
Deputy Chief Legal Counsel
Rhode Island Department of Health