

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS  
DEPARTMENT OF HEALTH  
HEALTH SERVICES REGULATION  
BOARD OF PHARMACY

IN THE MATTER OF:  
CHRISTOPHER RIZZO, RPH (LICENSE #RPH03980)

### Summary Suspension

The Rhode Island Board of Pharmacy (hereinafter "Board") has investigated a complaint regarding the professional pharmacist activities of Christopher Rizzo, RPh (hereinafter "Respondent"), the Pharmacist-in Charge of Millennium Pharmacy located at 33B Appian Way, Smithfield, Rhode Island.

The Board of Pharmacy and the Office of the Director of Health make the following:

### Findings of Fact

1. Respondent is a registered pharmacist in the State of Rhode Island and holds license number RPH03980.
2. Respondent is the Pharmacist-in-Charge of Millennium Pharmacy located at 33B Appian Way, Smithfield, RI and has served as the Pharmacist-In-Charge during all relevant times outlined below.
3. Millennium Pharmacy is licensed as a retail pharmacy and holds license number PHA00516 and has a registered location of 33B Appian Way, Smithfield, RI.
4. Pursuant to Title 5, Chapter 19.1 of the Rhode Island General Laws and the Rules and Regulations promulgated thereunder, Respondent is administratively responsible for the overall operation and conduct of Millennium pharmacy.
5. The Board conducted an inspection of Millennium Pharmacy on September 6, 2012 and determined the following:
  - **Distribution of adulterated and misbranded drugs in violation of RIGL 21-31-3 and R5-19.1-PHAR-8.3.3.** Inspection revealed the routine procedure of pharmacy staff repackaging prescription drugs into improperly labeled containers, including plastic "sandwich baggies", which did not include lot#, expiration date, or other required labeling. In addition, inspection revealed the routine procedure of pharmacy staff removing prescription drugs from multi-drug single dosing packages and re-stocking inventory with these items. Subsequent interviews with pharmacy staff revealed that the aforementioned misbranded and adulterated prescription drugs were further re-dispensed to patients at nursing facilities in Rhode Island and other States.
  - **Holding for dispensing and sale adulterated and misbranded drugs in violation of R.I. Gen Laws 21-31-3 and R5-19.1-PHAR-8.3.3.** Inspection revealed the presence of a significant and excessive quantity of misbranded and adulterated drugs in Millennium's dispensable inventory. Inspection revealed the presence of improperly labeled plastic "sandwich baggies", improperly labeled amber bottles with hand written labels, compounded prescription medications dispensed from other retail pharmacies and a significant quantity of expired stock medications.
  - **Accepting controlled substances and legend drugs for return from end users in violation of R5-19.1-PHAR-8.0.** Inspection revealed the routine procedure of pharmacy

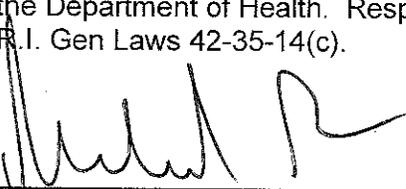
staff accepting previously dispensed legend prescription drugs and controlled substances for return from end-users at nursing facilities in Rhode Island and other States. Inspection and subsequent interviews with pharmacy staff revealed a routine procedure of re-dispensing these returned medications to patients in nursing facilities in Rhode Island and other States.

- **Permitting pharmacy technicians to perform final verification of prescription refills in violation of R5-19.1-PHAR-24.14.2 and R5-19.1-PHAR-24.17.** Inspection revealed the routine procedure of pharmacy technicians performing final verification, product verification, and dispensing process validation of refilled legend prescription drugs. Inspection and subsequent interviews with pharmacy staff revealed that pharmacy technicians are delegated authority to perform final prescription validation for refilled medications.
- **Dispensing of drugs without receiving a valid prescription fulfilling all requirements of R5-19.1-PHAR-8.4.** Inspection and subsequent interviews with pharmacy staff revealed the routine procedure of Millennium dispensing legend prescription drugs without obtaining or reviewing a valid prescription which satisfies all requirements of R5-19.1-PHAR-8.4.
- **Failure to notify the Board and U.S. Drug Enforcement Administration of a suspected or potential loss of controlled substances within 24 hours of discovery in violation of 21 CFR 1307.76(b) and R.I. Gen Laws 21-28-3.04(2).**
- **Failure to maintain a mechanism to identify on the prescription label the names of the delivery and central fill pharmacy involved with dispensing prescriptions in violation of R5-19.1-PHAR-22.2.4.**
- **Failure to maintain evidence of active licensure for all pharmacy staff in violation of R5-19.1-PHAR-9.4.**
- **Failure to provide at the time of inspection a copy of completed technician training in violation of R5-19.1-PHAR-24.19.1(3).**

6. On October 1, 2012 Board Inspectors performed a second inspection of Millennium Pharmacy where Respondent, and other pharmacy staff members, did obstruct the ability of inspectors to secure samples of potentially misbranded medication in violation of R.I. Gen Laws § 21-31-3(6) and R5-19.1PHAR-27.1(8). Eye witness testimony demonstrates Respondent hid and or conspired with staff to hide suspected misbranded medications held in the dispensable inventory, moments prior to Inspectors entering the secured area of the pharmacy.

### ORDER

Based upon the foregoing, the Director of Health has determined that the continuation of the license of Christopher Rizzo as a pharmacist constitutes an imminent threat to the health, welfare and safety of the public. Accordingly, the pharmacist license of Christopher Rizzo is hereby suspended forthwith. Said suspension shall continue indefinitely pending further Order of the Department of Health. Respondent is entitled to an administrative hearing in accordance to R.I. Gen Laws 42-35-14(c).

  
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Michael Fine, MD  
Director  
Rhode Island Department of Health

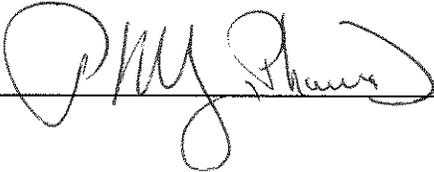
10/5/2012  
\_\_\_\_\_  
Date

CERTIFICATION

I hereby certify that a copy of this ORDER was hand-delivered to Christopher Rizzo, RPh on this 5<sup>th</sup> day of October at the following address:

*525 pm*

Christopher Rizzo, RPh  
33B Appian Way  
Smithfield, RI 02917

  
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*witness by*

*Pharm Tech #36*

*Thomas Colonna*

*witness - Eden Li, intern*

