

**STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS**

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

vs.

**EDWARD J. SULLIVAN (RPH04216)**

**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 Edward J. Sullivan (hereinafter "Respondent"), with violations of Chapter 5-19.1 of the Rules and Regulations. 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 registered pharmacist who was licensed to operate in the State of Rhode Island.
2. That on or about August 14, 2009, Respondent diverted controlled substances (Hydrocodone) from the Rite Aid Pharmacy, North Providence, RI and supplied controlled substances and other prescription medication (Fioricet, Famotidine) to other pharmacy personnel.
3. Presently, Respondent seeks to reinstate his license as a registered pharmacist in the State of Rhode Island.

The parties agree as follows:

1. Respondent is a registered pharmacist who was 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 constitutes an admission of the facts contained herein.
7. Respondent's license shall be reinstated subject to the following terms:
- a. Respondent agrees to a two (2) year period of probation of his registered pharmacist license. The probationary term is to commence upon ratification of this Order by the Board and will abate for the duration of any period in which Respondent ceases to be employed as a pharmacist.
  - b. Respondent shall, in writing, request relief from probation in order to return to active unrestricted status upon completion of the two (2) year period of probation. Once Respondent's request is approved by the Department, Respondent may return to full and active status provided that he abides by all laws and regulations governing the practice of pharmacy in this State.

c. Respondent shall continue treatment and/or counseling for substance abuse with a healthcare provider approved by the Board and shall continue such treatment and/or counseling as the healthcare professional rendering care deems appropriate. Further, it shall be the responsibility of Respondent to have his treating healthcare professional and/or counselor submit monthly progress reports to the Board. Said reports shall include treatment and/or counseling reports and random weekly urine screenings.

1. Respondent waives confidentiality of his treatment and will direct the healthcare professional rendering treatment to release any progress reports to the Department including but not limited to monthly progress reports and random weekly urine and drug screening reports for the duration of the Respondent's treatment program.
2. This Consent Order will be transmitted forthwith to the healthcare professional which is hereby directed by the Respondent to notify the Department of any breach or termination by the Respondent of his treatment.

d. Respondent shall submit to the Department quarterly evaluation reports from his employer on forms provided by the Department.

e. Respondent shall remain compliant with all Continuing Education requirements at the time of reinstatement.

8. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

April 19, 2012  
Date

Edward J. Sullivan  
Edward J. Sullivan  
License # RPH04216

Approved on this 17 day of May 2012

Jonathan M. Mundy  
Jonathan M. Mundy, RPh  
Chairperson  
Rhode Island Board of Pharmacy