

STATE OF RHODE ISLAND  
AND PROVIDENCE PLANTATIONS

DEPARTMENT OF HEALTH  
HEALTH SERVICES REGULATION  
BOARD OF PHARMACY

vs.

LEO BLAIS, RPH

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 Leo Blais, (hereinafter "Respondent"), with violations of RIGL § 5-19.1 et seq and the *Rules and Regulations Pertaining to Pharmacists, Pharmacies and Manufacturers, Wholesalers and Distributors*.

FINDINGS OF FACT

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 licensed to practice pharmacy in the State of Rhode Island.
2. During a period of historic flooding affecting the entire state, Respondent removed drugs, including controlled substances, to an unauthorized, unlicensed site for compounding and dispensing in violation of RIGL 5-19.1-8. The above violations took place on or about April 6, 2010.
3. During the same period of flooding, Respondent compounded drugs in an environment not consistent with USP 795 standards.
4. Respondent was the Pharmacist in Charge (PIC) at Apothecare in March 2012 when a dispensing error was made for prescriptions dispensed from the same batch of Omeprazole 2mg/mL suspension to an eleven month old infant and a two year old child.
5. The compounded prescriptions in question were labeled as "Omeprazole 2mg/mL", which upon testing confirmed it also contained MORPHINE,

a potent narcotic pain-killer and schedule II controlled substance pursuant to *R.I. Gen Laws 21-28-2.08*.

6. Respondent was the PIC and the verifying pharmacist regarding both prescriptions.
7. Respondent was responsible for over one-hundred (100) articles of in drug stock at Apothecare which did not have expiration dates on the label or were beyond the labeled expiration date. The items were deemed misbranded pursuant to *R.I. Gen Laws 21-31-15*.
8. Respondent was responsible for the compounding areas at Apothecare which were observed by inspectors to be disorganized and disheveled making it difficult for a pharmacist to safely and effectively prepare prescriptions.
9. On March 23, 2012 the Director of Health summarily suspended the Respondent's registered pharmacist license indefinitely pending further Order of the Department of Health.
10. Upon ratification of this Consent Order the summary suspension dated March 23, 2012 shall be lifted, subject to and in accordance with the terms and conditions set forth herein.

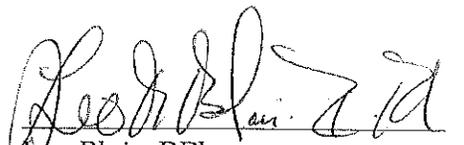
#### AGREEMENT OF THE PARTIES

1. Respondent is a Pharmacist licensed in 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 approval by the Department. This Consent Order and the contents thereof are not binding on Respondent until final approval 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 present 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 potential bias against 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.
  6. Respondent disputes the facts alleged in paragraphs 2 and 3, but admits that if proven by the Department at hearing said facts support the violations so alleged therein.
  7. Respondent, in an effort to resolve this matter and avoid protracted hearings and litigation, without admitting or denying the matters forming the basis of the allegations set forth in paragraphs 2 and 3 herein, freely enters into this Consent Order.
  8. The Respondent admits all other allegations contained herein.
  9. Respondent's registered pharmacist license shall be suspended for two years, subject to the following:
    - a. The first year of said suspension shall be an active suspension.
    - b. The second year of said suspension shall be stayed and not invoked unless the terms of this consent order are not timely or otherwise met.
    - c. Said two year suspension of Respondent's registered pharmacist license shall be retroactive to March 23, 2012.
  10. Respondent shall be on probation for a period of two years, subject to the following:

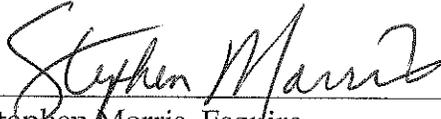
- a. Said probation shall be retroactive to March 23, 2012.
11. Respondent shall not be a Pharmacist in Charge (PIC) during the period of probation, which may be extended by written agreement of the parties.
12. Respondent shall not be a preceptor during the two year probationary period.
13. Respondent must complete 20 Continuing Education LIVE hours as defined by regulation and approved by the board, in the area of law and ethics and 20 Continuing Education LIVE hours as defined by regulation and approved by the board, in the area compounding, with a minimum of 5 hours in non-sterile or sterile compounding.
- a. Said 40 hours of LIVE continuing education requirements set forth above are in addition to the regular continuing education requirements for pharmacists.
- b. The 40 hours of LIVE continuing education requirements set forth above must be completed by January 1, 2014, except however, if Respondent presents a reasonable cause for not meeting this deadline, the probationary period may be extended to allow completion of the educational requirements set forth as conditions herein.
14. Respondent's registered pharmacist license shall be suspended retroactive to March 23, 2012 as set forth above for a period of two years, immediately effective upon the execution and ratification of this Consent Order.
15. That upon the expiration of the two year suspension and the completion of the terms of probation set forth herein, the Respondent's registered pharmacist license may be reinstated upon the Respondent's application to the Board of Pharmacy. For the purposes reinstatement the Board will evaluate Mr. Blais' conduct subsequent to the execution of this Consent Order conduct for strict compliance herewith. At no time, however, will Mr. Blais' application be treated any differently than any other applicant in the State of Rhode Island.

March 22, 2013  
Date

  
Leo Blais, RPh  
License # RPH02605

Approved on this 22<sup>nd</sup> day of March 2013

Ratified on behalf of the board by,

A handwritten signature in cursive script, appearing to read "Stephen Morris", is written over a horizontal line.

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

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