

**STATE OF RHODE ISLAND
AND PROVIDENCE PLANTATIONS**

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

**In the Matter of:
STEVEN R. LEMAY, RPH (RPH02384)**

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 Steven R. Lemay, RPh (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 licensed to practice in the State of Rhode Island. Respondent has been licensed by the Board for 34 years. The Board has taken no previous disciplinary action on Respondent.
2. Respondent served as the Pharmacist-In-Charge of Wal-Mart Pharmacy #10-2747 located at 650 Bald Hill Road, Warwick, RI at all relevant times outlined below.
3. Respondent routinely dispensed over a three year period prescriptions for a schedule III controlled substance significantly earlier than the expected due date based on quantity, directions, and day supply (hereinafter "early fills"). Respondent's repeated early fills allowed the patient to obtain over time substantially more of the medication than that called for by the prescriptions.
4. Respondent did not contact the prescribing physician on the early fills and Respondent's documentation regarding justification for the early fills fails to meet the minimum standards of acceptable documentation.

5. Respondent failed to maintain effective controls to prevent the diversion of controlled substances into channels other than legitimate medical, scientific, or industrial channels.

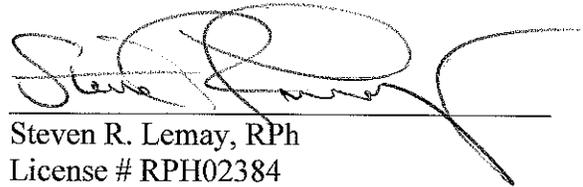
Pursuant to Section 5-19.1-21, this conduct constitutes unprofessional conduct in the State of Rhode Island.

The parties agree as follows:

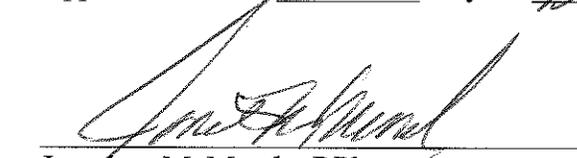
1. Respondent is a registered pharmacist and is able to conduct business under and by virtue of the laws of the State of Rhode Island.
2. Respondent admits to the jurisdiction of the Department and hereby agrees to remain under the jurisdiction of the Department.
3. Respondent has read this Consent Order 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 its 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 agrees to a Formal Reprimand of his registered pharmacist license.
 8. That should Respondent violate the terms of this Consent Order, Respondent shall be subject to further disciplinary sanctions.

Dec. 5, 2012
Date


Steven R. Lemay, RPh
License # RPH02384

Approved on this 20 day of December 2012


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