

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION BEFORE
THE STATE BOARD OF PHARMACY OF SOUTH CAROLINA

IN THE MATTER OF:

CYRIL J. OKADIGWE,
License No. R.Ph. 8738

OIE #2010-70

Respondent.

FINAL ORDER

This matter came before the State Board of Pharmacy (the "Board") for a hearing on March 20, 2014, as a result of the Formal Accusation dated March 24, 2011, and Notice of Hearing dated February 7, 2014, served on the above captioned Respondent which were exhibits to the hearing. A quorum of Board members was present. The hearing was held pursuant to S.C. Code Ann. §§; 40-43-150; 40-1-80, -90, -120, and -170, (1976, as amended), and the provisions of the Administrative Procedures Act, S.C. Code Ann. § 1-23-10, *et seq.* (1976), as amended. Patrick Hanks, Assistant General Counsel, represented the State. The Respondent, though properly noticed, did not appear. Richard Warder, Esquire, appeared on behalf of Respondent.

STATE'S EXHIBITS

1. Notice of Hearing with Certificate of Service
2. Formal Accusation with Certificate of Service
3. Renewal form for 2011-12
4. Certificate of Service with Receipt Attached
5. Order of Temporary Suspension (TSO)

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SC Court of Appeals

STATE'S WITNESSES

1. Ray Trotter, RPh, Investigator, Department of Labor, Licensing, and Regulation

PRE-HEARING MOTION

At the beginning of the proceeding, Mr. Warder moved on behalf of his client for a continuance of the hearing. Mr. Warder asked for the continuance because he was unable to locate his client; Respondent's last known number was disconnected, and Mr. Warder was unable to reach Respondent at his last known address. Mr. Warder has not spoken to Respondent in 6 months.

RICHARD WARDER

APR 23 2014

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The State opposed the continuance. The Stated entered the Certificate of Service as State's Exhibit #1; the receipt of the Certificate was signed by Bertha Okadigwe.

Mr. Warder explained to the Board that there has been military duty for Respondent. The State argued there was only military duty to the State's knowledge in August 2011 for 88 days.

After hearing argument, the Chairman denied the motion for continuance.

FINDINGS OF FACT

1. Respondent was duly licensed at all times relevant to this matter. The Board has jurisdiction over Respondent.
2. On multiple occasions before March 25, 2010, while employed at CVS Pharmacy in Duncan, South Carolina, Respondent diverted non-controlled drugs from his employer, including but not limited to the following: Plavix 75 mg, Lipitor 10 mg, Lipitor 20 mg, Nexium 40 mg, and Crestor 10 mg. The approximate value of the drugs was \$14,535.54.
3. Respondent was arrested by the Duncan Police Department and charged with Grand Larceny over \$5,000.00.
4. Evidence and testimony shows Respondent represented that he transported the diverted drugs to Honduras and dispensed without proper authorization from the practitioner. Respondent did not keep a record of who received the drugs.
5. Ray Trotter, Investigator, conducted the investigation. Trotter interviewed the Respondent, and Respondent admitted the conduct inasmuch as he stole drugs from his employer, including Lipitor, Crestor, Plavix, and others. Respondent told Trotter that he removed the drugs to take on a mission trip to Honduras. Respondent also believed there were potential thefts occurring at CVS, and believed his actions could compel CVS to investigate the potential thefts.
6. Trotter testified he observed Respondent cry during the interview, and he appeared stressed out. Respondent was very straightforward as to his actions. Respondent told Trotter there was no physician involved in distributing the stolen drugs in Honduras.

CONCLUSIONS OF LAW

Based upon careful consideration of the facts in this matter, the Board finds and concludes as a matter of law the following:

1. The Board has jurisdiction in this matter and, upon finding that a licensee has violated any of the provisions of S.C. Code Ann. §§ 40-1-110 or 40-43-10 *et seq.*, has the authority to issue a public reprimand, impose a fine not to exceed \$500.00 per violation, place a licensee on probation or restrict the individual's license, suspend the license for a definite or indefinite time, prescribe conditions to be met during probation, restriction, or suspension including but not limited to completion of additional education, a supervisory period, continuing education programs, or permanently revoke the individual's license to practice pharmacy or registration as a pharmacy technician in this State.
2. Respondent violated S.C. Code Ann §§ 40-43-86(DD)(5) and 40-1-110(1)(f), in that he committed misconduct by stealing over \$14,000.00 worth of drugs.
3. The sanction imposed is designed not to punish the Respondent but to protect the life, health and welfare of the people at large.

THEREFORE, IT IS HEREBY ORDERED, ADJUGED, AND DECREED THAT the Respondent's pharmacist license is hereby **indefinitely suspended in South Carolina**.

**SOUTH CAROLINA DEPARTMENT OF
LABOR, LICENSING & REGULATION**

STATE BOARD OF PHARMACY



J. ADDISON LIVINGSTON, R.Ph., PharmD
Chairman

April 21, 2014.

South Carolina Department of Labor, Licensing & Regulation

STATE OF SOUTH CAROLINA

COUNTY OF LEXINGTON

In the Matter of:

Cyril J Okadigwe

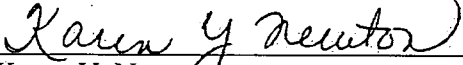
PH . 8738

CERTIFICATE OF SERVICE BY MAIL

This is to certify that the undersigned has this date, April 21, 2014, served the Final Order in the above entitled action upon all parties to this cause by depositing a copy hereof, in the United States mail, postage paid, or in the Interagency Mail Service addressed to the party(ies) or their attorney(s) to the following address:

Mr. Cyril J Okadigwe
209 Allium Way
Taylors, SC 29687

Richard Warder, Esquire
P. O. Box 26133
Greenville, SC 29616



Karen Y. Newton
Administrative Coordinator
SC Department of Labor, Licensing
and Regulation

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