

**VIRGINIA BOARD OF PHARMACY
MINUTES OF A PANEL OF THE BOARD**

Monday, September 29, 2008
Second Floor
Board Room 1

Department of Health Professions
Perimeter Center
9960 Mayland Drive
Richmond, Virginia 23233

Orders/Consent Orders referred to in these minutes are available upon request

CALL TO ORDER: A meeting of a panel of the Board of Pharmacy ("Board") was called to order at 10:45 a.m.

PRESIDING: Michael E. Stredler, Vice Chairman

MEMBERS PRESENT: John O. Beckner
Willie Brown
Leo H. Ross
Brandon K. Yi

STAFF PRESENT: Elizabeth Scott Russell, Executive Director
Cathy M. Reiniers-Day, Deputy Executive Director
Elizabeth M. Revere, Disciplinary Program Specialist
Howard Casway, Senior Assistant Attorney General

QUORUM: With five members of the Board present, a panel was established.

KEVIN O. RIVERA
Registration # 0230-009415

A formal hearing was held in the matter of Kevin O. Rivera to discuss allegations that he may have violated certain laws and regulations governing the practice of pharmacy in Virginia.

Mr. Rivera was not present at the hearing. The Panel proceeded in Mr. Rivera's absence as the Notice of Formal Hearing dated August 29, 2008, was mailed to Mr. Rivera's legal address of record, both regular and certified mail. Mr. Stredler ruled that adequate notice was provided to Mr. Rivera and the hearing proceeded in his absence.

James Schliessmann, Assistant Attorney General, prosecuted the case with the assistance of Mykl D. Egan, DHP Adjudication Specialist.

Decision: Mr. Beckner moved, and the Panel voted 5-0, to adopt the Findings of Fact and Conclusions of Law as proposed by Mr. Schliessmann and amended by the Panel. (Attachment 1).

Attachment 1
Board of Pharmacy
Formal Hearings – Panel
September 29, 2008

Kevin O. Rivera

Findings of Fact:

- Kevin O. Rivera holds registration number 0230-009415 issued by the Board to practice as a pharmacy technician in the Commonwealth of Virginia that was summarily suspended on August 29, 2008.
- Based upon representations of James E. Schliessmann, Assistant Attorney General, and Commonwealth's Exhibits Nos. 1-3; i.e., the notice of formal hearing and statement of particulars, the order of summary suspension and the affidavit of mailing, the presiding officer ruled there was adequate notice and the panel of the Board proceeded with the hearing in Mr. Rivera's absence.
- During the course of Mr. Rivera's employment as a pharmacy technician at CVS/Pharmacy #1832, Dale City, Virginia, between July 2007, and June 12, 2008, by his own admission, he diverted approximately 11,310 tablets of Schedule III and IV controlled substances including hydrocodone/APAP 10/500, hydrocodone/APAP 10/325, alprazolam 0.5mg, alprazolam 1mg, diazepam 5mg, and lorazepam 1mg, reportedly for the use of another person.

Conclusions of Law:

- The Board finds that Finding of Fact No. # 3 constitutes a violation of § 54.1-3316(1), (5), (9) and (13) of the Code.

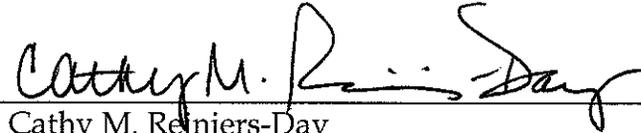
Sanction:

- It is hereby ORDERED that the registration of Kevin O. Rivera be, and hereby is, REVOKED.

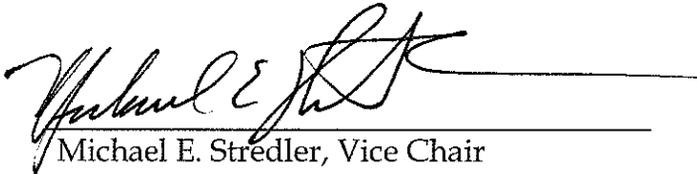
Mr. Yi moved, and the Panel voted 5-0, that Mr. Rivera's registration be revoked.

ADJOURN:

With all business concluded, the meeting adjourned at 10:55 a.m.



Cathy M. Reiners-Day
Deputy Executive Director



Michael E. Stredler, Vice Chair

10 December 2008

Date