



# Minnesota Board of Pharmacy

## **DISCIPLINARY ACTIVITY: January through March, 2016.**

The Board took the following disciplinary actions against **pharmacists** at its March, 2016 meeting:

**Custer, Richard W., License # 113643.** While acting as pharmacist-in-charge for Best Aid Pharmacy, the pharmacy was noted to be in violation of numerous federal and state statutes and rules related to the operation of pharmacies. In addition, on September 23, 2015, Mr. Custer was indicted in the U.S. District Court for the District of Minnesota on one felony charge of conspiracy, for knowingly and willfully conspiring with other persons to execute and attempt to execute a scheme and artifice to defraud Medicare and Medicaid. Consequently, at its March 2016 meeting, the Board adopted a Stipulation and Consent Order for Voluntary Surrender of License.

**Maves, Scott J., License # 114472.** Mr. Maves admitted that when patients did not pick up filled prescriptions, he returned the drugs to stock but did not credit the insurers to whom claims had been submitted. He further admitted that he dispensed generic drugs for two patients, but billed for the brand name drug. He also dispensed a prescription for 30 Seroquel but billed the insurer for 45, so that he could offset a patient's copay. Over a period of multiple years, Mr. Maves waived copays for a close

acquaintance and for pharmacy employees and customers. He also dispensed a prescription for azithromycin for a pharmacy employee without having a valid prescription. Finally, Mr. Maves admitted that he consumed cough syrup containing codeine while on duty and without having a valid prescription for the drug. Consequently, the Board issued an order at its March 2016 meeting that reprimands Mr. Maves, imposes a civil penalty of \$2,500, requires him to take and pass the Multistate Pharmacy Jurisprudence Examination, and requires him to report to the Health Professionals Services Program (HPSP) for an evaluation to determine if monitoring by HPSP is appropriate.

The Board took the following disciplinary actions against a **pharmacy** at its March, 2016 meeting:

**Best Aid Pharmacy, License # 263262.** At its August 2015 meeting, the Board adopted a Stipulation and Consent Order which reprimanded the pharmacy, imposed a civil penalty of \$20,000, and required licensee to submit appropriate policies and procedures. That order was based on multiple violations of state and federal statutes and rules. On October 30, 2015, the owner of Best Aid Pharmacy, Boris Rabichev, pleaded guilty in U.S. District Court for the District of Minnesota to violating Title 18, United States Code, Section 371, for willfully and knowingly conspiring to commit health care fraud, violations of the Anti-Kickback Statute, and violations of the Food, Drug, and Cosmetic Act. Consequently, at its March 2016 meeting, the Board rescinded the August 2015 Order and adopted a Stipulation and Consent Order that revokes the license of the pharmacy.

The Board took the following disciplinary actions against a **pharmacist intern** at its March, 2016 meeting:

**Van Beusekom, Valerie, Registration # 808942.** On January 30, 2013, the Board adopted a Consent Order that was based on Ms. Van Beusekom's attempt to fill forged prescriptions, her guilty plea to one count of felony fifth-degree procurement/possession of a controlled substance, her unsatisfactory discharge from the Health Professionals Services Program (HPSP), and her alcohol dependence and opioid abuse issues. The 2013 Order placed several conditions on her registration as a pharmacy intern, including successful completion of her participation agreement with the HPSP. On October 19, 2015, the HPSP unsatisfactorily discharged Ms. Van Beusekom. The HPSP noted that she had recently been in detox and that she "admitted to drinking for the last few weeks" but then "eventually she admitted that she's been drinking since the last week in July." Consequently, the Board adopted a Stipulation and Consent Order at its March, 2016 meeting that suspends Ms. Van Beusekom's registration for an indefinite period of time but allows her to petition for reinstatement after twelve months.

The Board took the following disciplinary actions involving a **pharmacy technician** at its January, 2016 meeting:

**Thao, Mee, Registration # 727864.** Ms. Thao allowed her registration as a pharmacy technician to lapse after 12/31/2014 and worked for approximately the first six weeks of 2015 without an active technician registration. Consequently, the Board issued a Stipulation and Consent Order at its January 20, 2016 meeting, reprimanding Ms. Thao and assessing a \$75 civil penalty.