

September 4th, 2014
General Council
Office of Council
NYS Office of Medicaid Inspector General
800 North Pearl Street
Albany, NY 12204

Dear Sirs:

With regard to action taken on Ruben Israel Safir, provider #01519259 and AN Pharmacy, at 580 Nostrand Avenue, Brooklyn, NY, there are three corrections of fact to be made. First, this matter has been answered through the Stores lawyer, Amy Kulb and I agree with her statement. However, several aspects should be underlined and these facts need to be added .

First, you have my name spelled incorrectly and you are using an address which is not mine, nor to my knowledge, for which I've ever been affiliated. I have never lived on Church Avenue. My name is Ruben Israel Safir. I only work 1 day a week at County Pharmacy (AN Pharmacy) at 580 Nostrand Avenue. I've worked there on and off. It is my only employment at the moment and had been since before the inspection. My address is 1580 East 19th Street, Brooklyn, NY 11230 Apt 1-E. I never received notification from you of my exclusion, so the thirty days to answer should be extended accordingly. I had no idea of it until I reviewed the exclusion list on the states website and then was surprised that you excluded me along with the store. Please correct the contact information. It is the same information that is registered with the Board of Pharmacy. Furthermore, I am not a supervising pharmacist at AN Pharmacy or anywhere else. Can that point of fact also be corrected.

Of the complaints that were filed against the pharmacy. As a relief pharmacist who works only one day a week, I have no control of this situation, and it is beyond my responsibility. This fact became even more painful clear when during the followup inspection yesterday on Wednesday September 3, 2014, even the most fundamental oversight within the pharmacy proves to be blunted because of my limited authority and limited time in the pharmacy. You have an owner and he has hired a supervising pharmacist and they control the circumstances for which the store is being sited. The Inspector, Mr Baldwin, yesterday admitted this to me in the store while he was inspecting . He commented to me that this must be a big inconvenience to me for which I answered to him with a question, "How So?. I just work one day a week and this just affirms that I don't wish to work more. Which of the finding do you think I can

change?”. He then said, “You can't change any of them. You haven't the authority” Mr Baldwin is an astute observer and seems to be mostly fair minded. His assessment is correct. I have no control of any of the complaints made. Without the ability to affect requested changes, how can I remove myself from the exclusion. Please inform me of the action I can specifically take to correct the accusations made at the pharmacy, and/or to remove myself from the exclusion list and I will make them.

Secondly, I would like to say that I have no knowledge of any of the details involved with the garbage collection or the destruction of expired and unusable drugs, and I never made any claims otherwise. This is true about every facility of the store. I have no idea of the garbage collection agency, water, heat, who destroys the expired medication, how things are returned, which banks the store use, or even who the landlord is. I know of nothing that is not germane to safe filling of prescriptions when I'm on duty. Drugs are stored at reasonable temperature in clean sealed bottles, most often prtected in small tight draws. I have sterile water from sealed bottles. Counters and counting machines are cleaned with alcohol at the beginning of every shift. Vials and containers come from fresh boxes and bags. I've never had a customer complaint about any sanitary condition. I check every drug bottle for expiration dates prior to filling. I toss any drug that I come across that doesn't meet these standards into the “expired medications” box. The refrigerators are clean and well maintained. I have hot and cold water. To my understanding, that is all I can do. Any further action that you need on my part, please let me know.

Therefor I request that you remove my individual exclusion from the medicaid exclusion list under 15 NYCRR 515.7(d)

Sincerely

Ruben Safir RPh