



California State Board of Pharmacy

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STATE AND CONSUMERS AFFAIRS AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
ARNOLD SCHWARZENEGGER, GOVERNOR

June 15, 2007

To: Enforcement Committee

Subject: Meeting Materials for the June 20, 2007 Enforcement Meeting

1. Workgroup on E-Pedigree

During the meeting, several presentations are planned, and additional comments are encouraged during the meeting. At this time, I have no presentation materials to share.

In Attachment 1, I am enclosing various articles about electronic pedigrees I have encountered in the media.

2. Enforcement Committee

- a. Ethics Course: an update at the meeting will be provided. No materials on this item are included in this packet.
- b. Proposed Modified Disciplinary Guidelines

The bulk of the material in this packet is the modified Disciplinary Guidelines (Attachment 2).

The board's staff has been in the process of updating the guidelines for two years, and we are nearing the end of process. If the committee believes the guidelines are ready to be provided to the board, they will be included in the July board packet. When the board is ready, the board will need to adopt these guidelines as an amendment to section 1760:

§1760. Disciplinary Guidelines.

In reaching a decision on a disciplinary action under the Administrative Procedure Act (Government Code section 11400 et seq.) the board shall consider the disciplinary guidelines entitled "Disciplinary Guidelines" (Rev. ~~4/2004~~ 10/2007), which are hereby incorporated by reference.

Deviation from these guidelines and orders, including the standard terms of probation, is appropriate where the board, in its sole discretion, determines that the facts of the particular case warrant such a deviation--the presence of mitigating factors; the age of the case; evidentiary problems.

c. Disposal of Drugs from Assisted Living Facilities

At the last Enforcement Meeting, an inquiry was made about how an assisted care living facility can dispose of unwanted medicine. One option mentioned was to seek a legislative solution as there was a related bill pending in the California legislature. At this meeting, the committee will be updated.

d. Self-Assessment Forms for Community and Hospital Pharmacies Updated

The board has modified its two pharmacy self assessment forms to reflect current law. There is one form for community pharmacies and one for inpatient pharmacies. These self assessment forms are now available online.

The board will modify section 1715 (which actually requires the self assessment of a pharmacy by the PIC whenever the PIC changes or in July of each odd-numbered year) via a "section 100 " change in the next few weeks to specify completion of the 2007 revised forms. However, until the regulation is finalized, the board cannot require the 2007 version of the self-assessment to be completed; we can only require the 2005 version (which is required in the regulation). Since compliance with the 2005 requirements will in some cases still mean the pharmacy is in violation of new laws, it makes no sense to require that only the 2005 form be used.

As such, the board will print the following notice in our next newsletter and online to educate licensees about which self-assessment form to use:

California Code of Regulations section 1715 requires each pharmacy to complete a self-assessment before July 1 of every odd numbered year, or within 30 days of a change in pharmacist in charge or the opening of a new pharmacy. This section currently requires completion of the 2005 version of the form.

The board has recently updated the pharmacy self assessment forms incorporate changes made to Pharmacy Law since 2005 and has added these forms onto the board's Web site.

However, regulation section 1715 has not yet been amended to require completion of the 2007 form.

To remain compliant with section 1715, each community and hospital pharmacy must complete the 2005 version as stated in the regulation.

While the board cannot mandate the completion of the 2007 form, the board encourages that the pharmacist-in-charge use the 2007 version of the form when completing the self assessment to make the self assessment process more meaningful.

When the board inspects a pharmacy, an inspector will ask to see the self-assessment form. If there is no self assessment form on file, this is a violation of pharmacy law.

The board will accept the pharmacy as being in compliance if there is either a 2007 or 2005 version of the self assessment, signed by the current PIC.

Meanwhile, the board is pursuing the formal process to officially require the 2007 form in regulation, which should be completed in the near future.

e. Enforcement Statistics

Citation and fine statistics for the fiscal year (as of June 1, 2007) are provided in Attachment 3.

Attachment 1



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For Immediate Release

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CARDINAL HEALTH ANNOUNCES PLAN TO DEPLOY RFID TECHNOLOGY IN CALIFORNIA

Following Cardinal Health's industry-first, end-to-end RFID pilot, company leverages RFID technology to prepare for California pedigree legislation

DUBLIN, Ohio, May 3, 2007 — Cardinal Health announced today that it will integrate radio frequency identification (RFID) technology into the operations of its Sacramento, Calif. pharmaceutical distribution center by Fall 2007, to prepare for California's pedigree legislation that will require all drugs distributed within the state to be tracked and traced as they move throughout the supply chain.

The announcement, which was made at the RFID Journal Live! conference, hosted this week in Orlando, Fla., is part of Cardinal Health's ongoing efforts to protect the safety and efficiency of the nation's drug supply.

The announcement comes just months after Cardinal Health shared the results of its RFID pilot program, which was the health-care industry's first end-to-end test of RFID in a real-world setting. Data collected from the pilot confirmed that RFID technology using UHF as a single frequency is a feasible solution to track and trace the possession of pharmaceuticals at the unit, case and pallet levels. The pilot also confirmed that RFID technology offers significant promise to provide an added layer of safety within the pharmaceutical supply chain, by enabling item-level pedigrees to be tracked and traced as they pass from manufacturer to wholesaler to pharmacy.

The recently passed state legislation in California requires pharmaceutical manufacturers to originate item-level pedigrees for drugs distributed within the state's borders. This legislation also requires companies within the pharmaceutical supply chain (including companies that distribute drugs, like Cardinal Health) to update item-level drug pedigrees upon each change of ownership.

Cardinal Health operates dozens of pharmaceutical distribution centers nationwide. The company will start implementing RFID technology in its Sacramento, Calif. distribution center, as a means to receive and produce the electronic drug pedigrees needed to meet the requirements of the California legislation.

"While the Sacramento project is designed to support the pedigree legislation in California, it's also an extension of the end-to-end RFID pilot that we completed last year," said Steve Inacker, executive vice president of Global Supplier Services for Cardinal Health. "We look forward to leveraging this work to further validate the effectiveness and viability of RFID technology in real-world settings, should it be adopted as an industry standard."

As part of this effort, Cardinal Health will also leverage the new data, made available by RFID technology, to identify efficiency opportunities in key areas including returns and order accuracy, which can deliver value to the entire pharmaceutical supply chain.

Cardinal Health identifies next steps needed to facilitate industry-wide RFID adoption

As Cardinal Health integrates RFID technology into its California operations, the company also said that industry standards and technology issues need to be addressed by the health-care industry as a whole, before RFID technology can be adopted industry-wide.

First, according to California law, product serialization must be initiated by the manufacturer, at the unit level, to allow tracking from the beginning to the end of the supply chain. For this to occur, Cardinal Health said the pharmaceutical supply chain industry must first agree on a standards-based approach and a single RFID protocol and technology. This will avoid the significant process and cost inefficiencies that would be created without such standards.

The company also said that technology and process improvements are needed to consistently achieve acceptable read rates at all packaging levels, and that industry acceptance is also needed for standard practices like accepting barcode technology as a complementary and redundant technology to RFID, and accepting unit-level "inference" when unit-level read rates are not possible.

About Cardinal Health

Headquartered in Dublin, Ohio, Cardinal Health, Inc. (NYSE: CAH) is an \$80 billion, global company serving the health-care industry with products and services that help hospitals, physician offices and pharmacies reduce costs, improve safety, productivity and profitability, and deliver better care to patients. With a focus on making supply chains more efficient, reducing hospital-acquired infections and breaking the cycle of harmful medication errors, Cardinal Health develops market-leading technologies, including Alaris® IV pumps, Pyxis® automated dispensing systems, MedMined® data mining software and the CareFusion® patient identification system. The company also manufactures medical and surgical products and is one of the largest distributors of pharmaceuticals and medical supplies worldwide. Ranked No. 19 on the Fortune 500 and No. 1 in its sector on Fortune's ranking of Most Admired firms, Cardinal Health employs more than 40,000 people on five continents. More information about the company may be found at www.cardinalhealth.com.

Except for historical information, all other information in this news release consists of forward-looking statements within the meaning of the Private Securities Litigation Reform Act of 1995, as amended. These forward-looking statements are subject to risks and uncertainties that could cause actual results to differ materially from those projected, anticipated or implied. The most significant of these uncertainties are described in Cardinal Health's Form 10-K, Form 10-Q and Form 8-K reports (including all amendments to those reports) and exhibits to those reports, and include (but are not limited to) the following: competitive pressures in its various lines of business; the loss of one or more key customer or supplier relationships or changes to the terms of those relationships; changes in the distribution patterns or reimbursement rates for health-care products and/or services; the results, consequences, effects or timing of any inquiry or investigation by any regulatory authority or any legal and administrative proceedings; difficulties, delays or additional costs in implementing the company's global restructuring program; and general economic and market conditions. Except to the extent required by applicable law, Cardinal Health undertakes no obligation to update or revise any forward-looking statement.

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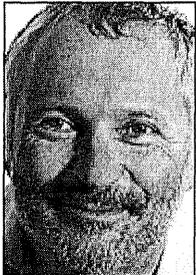
Jena University Hospital Prescribes RFID to Reduce Medication Errors

The German hospital is beginning a pilot designed to track individual antibiotic prescriptions from the pharmacy to the patient.

By Rhea Wessel

June 1, 2007—After more than a year of preparation, Germany's [Jena University Hospital](#) will launch a pilot this month to track medication for patients in the intensive care unit (ICU). The pilot will use high-frequency (HF) RFID tags to track antibiotics from the point of dispensing in the hospital's pharmacy until administration to patients. About 150 tags per day will be used on medication for 25 patients.

Jena designed the system together with SAP and [Intel Solution Services](#), based on SAP's NetWeaver software and its Auto-ID Infrastructure platform. The hospital, which has more than 1,000 beds, is implementing the tracking system to improve the efficiency of its treatment process and enhance drug-handling safety—that is, to ensure patients get the correct doses of the right drugs (see [German Hospital Expects RFID to Eradicate Drug Errors](#)).



Martin J. Specht

In mid-2006, the hospital's RFID project team began selecting hardware vendors and integrating the RFID system with its patient information database and other back-end software. The implementation was initially slated for completion in October 2006, but the hospital has since made several changes to the project.

For example, says Martin Specht, formerly a head doctor in the hospital's anesthesiology and intensive care clinics and now the head of the electronic data processing division, Jena had intended to use UHF tags so it could perform bulk tag reads on medications. However, since many medications are liquids—which can interfere with RF signals—read rates were not as high as the hospital had hoped for. The project team then tested tags operating at high frequency and decided to employ HF tags instead of UHF. Using HF tags from [UPM Raflatag](#), Specht says, the hospital has now achieved accurate reads on individual items 98 percent of the time.

The hospital had designed the RFID system to work in conjunction with its in-house transport system, a network of conveyor belts linking various medical units. That, however, would have required RFID portals to be positioned over the conveyor belts, which Specht says would have been too costly to permit expansion of the RFID system throughout the hospital. "Using portal readers," he explains, "would have meant we had to, in the end, equip three doors—i.e., the three possible entrances to the intensive-care ward."

Instead, the hospital opted to utilize handheld and fixed RFID interrogators, relying on robots that push supplies around the hospital in trolleys to transport the drugs from the pharmacy to the ICU.

Jena's doctors submit patient prescriptions into the hospital's electronic prescriptions system, implemented nine years ago in an effort to reduce medication errors. The in-house pharmacists access the prescriptions via computer, then prepare each patient's correct medication dosage. With the new system, pharmacists will affix RFID tags, encoded using a [Zebra](#) printer, to each sealed packet of an individual dose of medication or bottle of medicine. The packets and bottles will then be put into plastic containers, which will also be tagged.

Once a container is full, all the tags (both on individual prescriptions and on the container) will be read by a fixed interrogator provided by [Deister Electronic](#). The reader will document the prescriptions, exact pill counts, intended patients and other details in the patient information database. The containers will be loaded into a trolley (also tagged), and a pharmaceutical assistant will use a handheld interrogator made by [Datalogic](#) to read the tags applied on the containers and the trolley. The patient information database will then be updated with the time of departure for all medications.

RELATED ARTICLES

- >[Mercy Medical Tracks Cardiovascular Consumables](#)
- >[DHL, AeroScout, Microlise Team to Track Temperature for Pharma Maker](#)
- >[Alzheimer's Care Center to Carry Out VeriChip Pilot](#)
- >[RFID Journal LIVE! 2007 Report](#) ☆

When the antibiotics arrive at the ICU, nurses will use handheld readers to scan the trolleys once more, documenting the medications' arrival. The nurses will then unload the containers and bring the appropriate medications to the patients' beds. At bedside, nurses will use the handheld scanners to read the RFID tags on their employee ID badges, as well as the tag on each dose of medication and the patient's RFID-enabled wristband. All the tags' unique identification numbers will be cross-checked in the hospital's patient information system to ensure the nurses administer the correct medicine to the right patient at the proper time. The system will then be updated to show that the antibiotics have been administered.

As the pilot gets underway, Jena University Hospital hopes it will better understand how well RFID technology can work within the hospital's workflow. "We are curious to see how the new system will be accepted by nurses," Specht says, "but we are very optimistic after the positive pretests with our head nurse."

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Mercy Medical Tracks Cardiovascular Consumables

The Des Moines, Iowa, hospital is employing passive HF tags to inventory its supply of stents, balloons and other devices used in its catheterization lab—and, eventually, to bill patients.

By Beth Bachelder

June 5, 2007—Mercy Medical Center, a 917-bed hospital in Des Moines, Iowa, is using an RFID system to help track its inventory of cardiovascular stents, balloons, filter wires, thrombectomy devices and many other medical consumables in its six-room catheterization laboratory.

The RFID system, provided by WaveMark, leverages passive 13.56 MHz tags; intelligent cabinets with built-in RFID that read items on the shelves every 12 minutes; point-of-service (POS) fixed RFID readers that companies can install in places where items are used in order to track actual usage; and Web-based software to monitor, analyze and manage inventory. Based in Boxborough, Mass., WaveMark manages the system as a hosted service in a secure data center in Dallas. Edwards Lifesciences, an Irvine, Calif., maker of heart valves and other health-care products, introduced Mercy to WaveMark and participated in the initial testing of the system by supplying pre-tagged items.

Mercy is a member of Catholic Health Initiatives and Mercy Health Network. The hospital is employing the system to track 1,600 items ranging in value from about \$100 to \$2,500 in 16 intelligent cabinets, according to Lynda Wilson, Mercy's administrative project analyst. Six of the cabinets are in the hospital's peripheral vascular storeroom, with five in the cardiac storeroom and one apiece in its four catheterization procedure rooms. Wilson says the hospital also plans to install a cabinet in each of its two electrophysiology procedure rooms. POS interrogators have been placed in two control rooms, where hospital personnel document each patient's case.

Hospital employees affix two RFID tags to the sides of each device's outer box. Tags are not reused. "We suggest using two tags per box because we insist on 100 percent read rates," explains Carola Endicott, WaveMark's VP of hospital services. Each tag contains its own unique ID number. The ID numbers are associated with a bar-code number applied by the device's manufacturer before shipment; hospital employees scan the bar code with a bar-code reader, and that data is correlated with the RFID tag numbers. The cabinet readers and the POS devices are connected to the Internet, and both update the status of all tagged products in the WaveMark system, three times per hour.

Because the cabinets automatically read all the tags numerous times daily, the system has a near-real-time count of inventory levels, which continually change whenever an item is removed or put into the intelligent cabinets. This enables the hospital to track which stents are pulled out for patients, which are ultimately used and which are put back. Typically, more than one stent is pulled for a patient because physicians don't know the exact type and/or size of stent that will be used until the implantation begins.

Once the procedure is completed, employees return the unused stents to the cabinets. Sometimes, however, unused stents aren't returned to the cabinets and turn up missing. By checking the WaveMark Web-based application, inventory personnel can determine approximately when the stents were removed, making it easier to track them down.

The RFID system replaces labor-intensive, manual inventory processes requiring hospital personnel to hand-count and restock items—a time-consuming task prone to errors. The manual inventory counts used to reconcile financial records, for example, took approximately three days.

The hospital has been using an inventory management system from enterprise application provider [Lawson Software](#), but that system is imprecise because it depends on inventory data collected manually. "Although it is an okay system, it is very manually intensive," says Wilson. "If the computer says you have five of something on the shelf, it's not telling you what you really have. It's just telling you what it thinks you have."

Now, the intelligent cabinets automatically count inventory. With that information easily accessible, the hospital knows what is going on with its inventory at all times, and can compare that data with the par level—a set quantity of a product determined to be the proper amount to keep on hand. Using the WaveMark software, the hospital can analyze product usage and cut back on, or get rid of, products it doesn't use. It can also keep better track of lot numbers and expiration dates, removing items that are expired or are about to expire, and in some cases returning them to the vendors at no cost (many of the medical devices are on consignment, so Mercy Medical Center pays only for those it uses).

Drug-eluting stents, for example—which contain pharmaceuticals that are released over time—typically have a shelf life of only three months, Endicott explains. Keeping track of expiration dates also ensures that the hospital stays in compliance with the [Joint Commission on the Accreditation of Healthcare Organizations](#), which makes regular, unscheduled visits to check quality and expiration dates, among other things. The WaveMark software enables the hospital to identify items that have expired, or are expected to expire within 30 days. The inventory analysis has also enabled the hospital to establish more accurate par levels.

"We use the reporting a lot," Wilson says. During a recent audit using the system, for instance, the hospital analyzed four months of data collected from the cabinet and POS RFID readers, as well as the patient billing system and WaveMark inventory software. In doing so, it discovered several items that had been scanned for particular patients but never charged for. "We found out, after the fact, that the items couldn't be used for those patients, and while they were supposed to be returned to inventory, they weren't," Wilson says. "We might have been able to return those items to the vendor, but didn't. And now, those are lost dollars."

RELATED ARTICLES

- >[Search Teams Put RFID to the Rescue to Help Find the Missing](#)
- >[Jena University Hospital Prescribes RFID to Reduce Medication Errors](#)
- >[Bangalore Heart Center Uses Passive RFID Cards to Track Outpatients](#)
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To prevent such a problem from happening again, the hospital plans to integrate the RFID system with its materials and patient billing systems within the next few months. Thus, whenever a product is pulled from a cabinet and actually used, it will automatically be charged to a patient bill. "Right now," Wilson says, "there is no direct connection between inventory and charges." Though plans are still being formulated, the likely scenario will enable nurses and physicians to input the patient's ID number into a procedure room computer, then utilize a POS reader to scan the RFID tag on the medical device actually used for that patient.

While the process will still require the manual inputting of the patient ID number, it will replace the current practice of literally peeling off the bar code from the box of the device used, then sticking it onto the patient's chart so personnel can later scan the bar codes while reconciling patient charts and bills. Once that new process is instituted, there will be an electronic record of the exact item used on a particular patient, which can be compared with actual inventory at any given time. That would make it easier for the hospital to track items pulled from the shelves but ultimately not used or returned to inventory.

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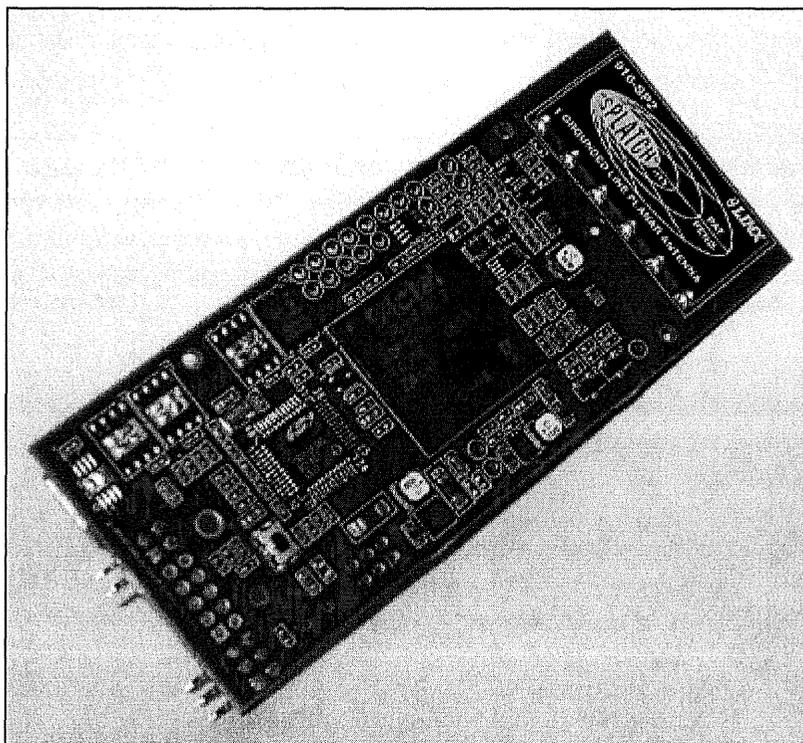
SecureRF Announces Temperature-Logging EPC Tag with Data Protection

The semi-passive tag uses the company's Algebraic Eraser and public and private keys to encrypt temperature history or other data an end user might want to secure.

By Mary Catherine O'Connor

April 6, 2007—In late 2005, SecureRF, a data security startup in Westport, Conn., says it created a breakthrough design that will provide strong data security for EPC tags. To bring such a tag to market, the company is now developing a silicon chip with the additional memory required to support its data security engine, the Algebraic Eraser. The company has just unveiled its first product: a semi-passive Lightweight Multistream Encryption (LIME) EPC tag with an integrated temperature sensor. The tag's sensor measures the temperature periodically, then logs those readings in onboard memory.

SecureRF says the LIME tag is well suited for pharmaceutical supply chain applications, or others in which end users require or benefit from data security in addition to temperature tracking. The company is currently offering the LIME tag as a collection of discrete components, combined onto an 8-by-3-centimeter circuit board. This includes an off-the-shelf EPC Gen 2 inlay, a temperature sensor, a field-programmable gate array (a device containing programmable logic components and programmable interconnects), a microprocessor (on which the Algebraic Eraser software resides) and a battery. SecureRF claims the Algebraic Eraser is faster, requires less computing power and consumes less energy than existing methods of encrypting data (see SecureRF Creates New Encryption Method).



The LIME tag is a collection of discrete components, combined onto an 8-by-3-centimeter circuit board.

While data saved to standard Gen 2 tags can be locked, it cannot be encrypted because the EPC protocol requires that the EPC be available for singulating tags. For a SecureRF tag—either the LIME tag or any future tag the company might develop—to be used in an EPC network, it must be readable just like any other Gen 2 tag. Thus, explains Mike McGregor, SecureRF's vice president of engineering, the LIME tag does not encrypt its EPC data. The additional data saved to the tag, however—primarily its temperature history, or other data an end user might want to protect, such as a drug identification or other identification codes—can be encrypted using SecureRF's asymmetric encryption.

This requires a public key, stored in the EPC tag's user memory and presented to the reader, and a private key, encoded into the Algebraic Eraser software running on the tag's microprocessor. It also calls for both public and private keys stored in SecureRF software called the secure reader host. This software can be deployed either on a reader's user memory (assuming the interrogator has enough processing power to support it), or on the server, running middleware linking the tag data to back-end systems. Alternatively, the secure reader host can run on a separate piece of hardware, on a network appliance situated between the reader and the middleware.

The tag and secure reader host each use their private keys to read the public key and the data it protects.

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- >[RFID Journal LIVE! Europe 2006 Report](#) ☆

According to Louis Parks, SecureRF's president and CEO, his company plans to work with pharmaceutical companies and other end users over the next six months to perform pilot tests using the tag. It will then create its final specifications for the tag, based on user feedback, and begin manufacturing an integrated version in which the separate chips and other components will be built into a single IC. Parks says the fully integrated version of the LIME tag should measure 3 cm square. Once the pilot tests are complete and SecureRF has a final design ready, he estimates it will be roughly a year before the integrated version of the tag will be available.

In addition to space savings, Parks notes, the integrated chip will also offer performance improvements over the current discrete-component version. While the discrete-component LIME tag can be read from up to 15 meters away, the integrated version should be readable from up to 50 meters. The cost savings will also be significant once the tag is fully integrated, he adds, from the tag's current price of \$50 apiece to possibly as low as \$2.50 each.

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Eliminating the Static

Electrostatic discharges can destroy RFID tags during their conversion to labels, but label makers are finding ways to short-circuit the problem.

Nov. 14, 2005—Six months ago, printing-equipment manufacturer Mark Andy hosted an educational technical program for new and prospective RFID label converters. At one of the presentations, Bill Arnold of RFID inlay maker Omron Electronics told the attentive group, "Congratulations! You are now in the electronics component manufacturing business."

After that short and simple exclamation, we all took a moment to think about what it meant and how it would affect us. RFID is truly a new world, not only for end users of RFID labels, but also for the people who produce them. Label converters must now work with RFID inlays costing 20 to 40 times the price of the label materials. Despite their high cost—and quite unlike the high quality of label materials used by converters—some reels of RFID inlays have failure rates (nonfunctioning RFID chips) of 25 percent. And with new inlays rapidly coming onto the market, converters run a risk of getting stuck with expensive, obsolete inventory. Even more important, being involved in RFID labeling requires converters to adopt new ways of controlling and monitoring product quality.



Prior to the arrival of RFID, label converters had learned to understand some esoteric concepts: web guiding, tension and registration control, release characteristics, peel tests, anilox cell characteristics and UV photo initiation, to name a few. These concepts all apply to production and performance results we can ultimately evaluate with our physical senses. With RFID, however, label converters now have far greater responsibilities for things they cannot so easily detect. They need to rely on RFID interrogators (readers) with near- and far-field antennas to detect RFID label functions. Converters further need to determine reader parameter settings that allow correlation between what the RFID label converter says are 'good' and 'bad' labels and what the inlay manufacturer says are 'good' and 'bad' inlays. In addition, label converters need to detect and identify bad product accurately

at press speeds.

Static electricity, always present in press operations, can destroy RFID tags, either outright, or with latent damage that kills the microchip at some unpredictable point in the future. Surprisingly, inlay providers do not have clear specifications for limiting static buildup, or for prevention of static discharge. Even the packaging in which inlays are shipped often has no printed warning about electrostatic discharge (ESD) risks. As such, it's largely down to the converter to learn enough about static electricity and ESD, and to implement the necessary procedures and countermeasures.

Label converters have probably seen instances where unwinding and rewinding operations produce enough static electricity to throw a strong spark several inches through the air. In such cases, tens of thousands of volts are discharged. That kind of static charge can be dissipated by dragging conductive strands of foil, known as 'tinsel,' over the web of label stock—a crude, but known practice within the industry. Many converters may not realize passing a web over an idler roller can generate 1,000 or more volts, or that a gripper and pacing roller nip used to drive the web can generate well over 5,000 volts. In contrast, some inlay suppliers advise keeping static levels below about 500 volts. Tinsel is effective at dissipating static electricity down to about 5,000 volts, but it is simply not effective in controlling static to the relatively low levels required by inlays.

Fortunately, help is close at hand. Static neutralization equipment has improved substantially over recent years. Modern static neutralization systems include antistatic bars that emit electric charges to air molecules. Positively and negatively charged air molecules, known as ions, surround an antistatic bar. These ions are attracted by opposite charges carried

on webs of inlays and label stock, neutralizing the static charge. Modern antistatic bar designs allow emitted ions to travel substantially farther from the bar, so antistatic bars no longer need to be mounted as close to a web. Even better, a single antistatic bar provides static neutralization for a much larger area.

Modern bars now neutralize both positive and negative charges approximately equally, without the need for bulky air blowers used in earlier designs to propel ions out to increase neutralizing range. Antistatic bars typically attract dust and debris around the ion-emitting electrodes. This dust allows some electrical energy to short to ground, diminishing the number and range of the neutralizing ions. This dust needs to be cleaned off the bars periodically to maintain neutralizing performance. Some power supplies now include monitoring circuitry that indicates system performance and notifies the converter when the bars need to be cleaned. Advanced static control systems may also include a PC interface allowing RFID label converters to monitor system performance over time as part of a wider process control and quality initiative.

The white paper, "[Mastering RFID Label Converting](#)," by Mark Blitshteyn of electrostatics management products and services provider [Ion Industrial](#), can give you further understanding of the issues involved in manufacturing RFID labels and controlling potentially harmful static electricity.

David Steidinger is president of [Tamarack Products](#), a provider of applying equipment for several industries, including equipment for inserting RFID inlays into label stock in-line with flexopress operations.



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Enfacem



Pilot project confirms the value of EPCglobal Standards

EPCglobal concludes first phase of RFID pilot project to enable sea container visibility between Hong Kong and Japan

BRUSSELS, Belgium – 30 April, 2007 – GS1 EPCglobal today announced the completion of the first phase of their Transportation and Logistics Industry Action Group RFID pilot programme. The pilot tracked in real time the location of cargo containers shipped from Hong Kong to Japan.

Phase One of the pilot, which was extensively supported by The Ministry of Economics, Trade and Industry (METI) in Japan, assessed the use of both passive and active EPC tags for sea-shipment of cartons and containers. The pilot addressed specific business needs of the partners, such as matching tagged products with purchase orders.

This multi-industry, multi-stakeholder initiative extensively tested EPCglobal standards developed in response to specific user requirements. Through the use of the EPC Information Services (EPCIS) standard in particular, true visibility at critical junctions throughout the global supply chain was achieved

“Phase One of the pilot has demonstrated the value of the EPCIS standard which was used to track the progress of cartons and containers across the supply chain between multiple trading partners” said Chris Adcock, President, EPCglobal Inc.

“We strongly recommend EPCglobal as a reliable RFID standard to secure and facilitate global trade,” said Tetsuya Hamabe, Director of Distribution and Logistics Policy Division of METI.

Based on this phase of the pilot, ran in collaboration with the consignee, a footwear manufacturer, we can already anticipate that EPCglobal standards users will gain advanced cargo visibility, enabling them to control lead time, inventory and cash flow.

Cont.

A second phase, scheduled for completion in February 2008, is set to reinforce the EPCIS dimension. Information will be exchanged between potential end users, such as customs administrations for automatic customs clearance. The trade lane to be used in this phase is Shanghai to Long Beach, California.

Pilot participants include several hardware and software companies, government bodies, and global supply chain providers including METI, Maersk Logistics, Schneider National, Inc, APL, DHL, NYK Logistics, GS1 Hong Kong, IBM, BEA Systems, WhereNet, Symbol, Toppan Printing, Toppan Forms, Savi, Allumis, NRI, Oracle, IIJ, NTT COMWARE, Monohakobi Technology Institute, VeriSign and Schenker.

Notes to the Editor:

About EPCglobal Inc

EPCglobal Inc is a not-for-profit standards organisation dedicated to driving global adoption of the Electronic Product Code as a global standard to enable accurate information and visibility about products in the supply chain. More information about EPCglobal Inc can be found at <http://www.epcglobalinc.org>

About EPCglobal Standards

EPCglobal provides the globally accepted standard that ensures universal applicability and optimal functionality across the globe for all industry sectors. Without such horizontal standards, industries and/or geographic regions would be left to develop their own standards, which would create diverse, incompatible systems that inhibit collaboration across industries, commercial sectors and geography.

About EPCIS

EPCIS is used to track the progress of objects as they move through the supply chain. The data shared at each read point in the supply chain provides the WHAT, WHEN, WHERE and WHY of each EPC event. The EPCIS Standard provides the foundation necessary for the capture, communication and discovery of EPC event data. It enables standard event capture and query interfaces for obtaining and sharing data about unique objects in the supply chain within and across organisations.

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EPCglobal Ratifies Low-Level RFID Reader Protocol

*New protocol provides standard control & communication interface for
wired and wireless network-connected RFID readers*

Brussels, Belgium – 24 April 2007 – GS1 EPCglobal Inc today announced the ratification of the Low-Level Reader Protocol (LLRP) standard. Use of LLRP allows readers to be operated to deliver optimal performance resulting in rich, accurate, actionable data and events. The LLRP standard will further foster reader interoperability and create the foundation for technology providers to extend basic capabilities in satisfaction of industry-specific requirements.

This new standard, produced by the EPCglobal Reader Operations Working Group, defines a high-performance, flexible and extensible interface for operating network-connected RFID readers. The protocol is the result of collaboration between over 90 companies including end users, RFID infrastructure vendors, middleware vendors, industry experts, and networking professionals

“The LLRP effort brought together industry leaders with a broad perspective and advanced the state of the RFID industry,” said David Husak, Co-chairman of the EPCglobal Reader Operations Working Group, and Chief Technical Officer of Reva Systems Corporation. “In particular, the participation of prominent RFID end users helped to ensure that LLRP will meet the broadest possible range of industry requirements, worldwide.”

LLRP supplies the functionality around reader operations in compliance with the EPCglobal Architecture Framework. It is the first interface specification that provides comprehensive support for all control and data features of the EPCglobal Class1 Generation 2 UHF Air Interface Protocol.

“Gen2 was the first big step toward broader adoption of passive RFID and EPC technology, it changed the marketplace by standardizing the tag-to-reader air interface,” said Chris Adcock, president of EPCglobal Inc. “By standardizing the next critical architecture layer, the LLRP reader-to-network interface is expected to move the industry another step along the path to wide-scale enterprise adoption.”

Notes to the Editor:

About EPCglobal:

EPCglobal Inc is a subsidiary of the global not-for-profit standards organisation GS1, and supports the global adoption of the Electronic Product Code as a global standard to enable accurate information and visibility about products in the supply chain. More information about EPCglobal Inc. can be found at <http://www.epcglobalinc.org>.

--END--



PRESS RELEASE

EPCglobal Ratifies Global Standard for Secure, Real-Time Data Sharing

EPCIS Standard Provides Greater Visibility for the Benefit of Business and Consumers Across Industries and the Globe.

Brussels, 16 April 2007: EPCglobal Inc announced a groundbreaking industry standard providing the capability for unprecedented visibility into the movement, location and disposition of assets, goods and services throughout the world. EPCIS (Electronic Product Code Information Services) allows for the seamless, secure exchange of data at every point in the lifecycle of goods and services

EPCIS, by providing a standard set of interfaces for EPC data, enables a single way to capture and share information, while still allowing the flexibility for industry and organization-specific implementations. The specification supports powerful business cases and consumer benefits such as container tracking, product authentication, promotions management, baggage tracking, electronic proof of delivery, chain of custody, returns management, and operations management.

"With the EPCIS industry standard, the technology supporting visibility into the movement and whereabouts of goods and services is coming of age" said Chris Adcock, president of EPCglobal Inc. "In terms of industry significance, I believe that the EPCIS standard may have much more of a transformational impact on the industry than the [2004] release of the UHF Gen2 Passive RFID standard. Capturing EPC data has proven, well-defined advantages for businesses and consumers, but the technology's true potential will be realized when enterprises begin to share that data about products using the EPCIS standard to improve efficiencies in a controlled setting throughout the supply chain."

Cont.

In October 2006, EPCglobal successfully completed interoperability testing of the platform along with 12 other large and small solution providers from Japan, Korea, and North America, including Auto-ID Labs, Avicon, BEA Systems, Bent Systems, IBM, Globe Ranger, IJ, NEC, Oracle, Polaris Systems, Samsung, and T3Ci. The interoperability test marked a significant milestone in the development of EPCIS, which is the result of years of effort by more than 150 companies and organizations participating in the EPCIS working group. The positive results of this test and solution provider support have led to the ratification of this standard.

"The EPCIS standard is a major step in the greater adoption of RFID and sensors that can help protect us from counterfeit drugs, secure our ports and provide food traceability," said Craig Asher, IBM WebSphere Product Manager and EPCglobal EPCIS Software Action Group Co-Chair. "This standard has already been deployed in real business scenarios around the world and will facilitate revenue-enhancing and cost-saving collaboration among supply chain trading partners."

EPCIS is the foundational specification for capturing very granular event information across and within organizations. It is anticipated that EPCIS will be built upon, with additional end user and community use cases serving as the driver for enhanced data sharing models.

Notes to the Editor:

About EPCIS:

EPCIS is used to track the progress of objects as they move through the supply chain. The data shared at each read point in the supply chain provides the WHO, WHAT, WHEN, WHERE and WHY of each EPC event. The EPCIS Standard provides the foundation necessary for the capture, communication and discovery of EPC event data. It enables standard event capture and query interfaces for obtaining and sharing data about unique objects in the supply chain within and across organisations.

About EPCglobal:

EPCglobal Inc. is a subsidiary of the global not-for-profit standards organisation GS1, and supports the global adoption of the Electronic Product Code as a global standard to enable accurate information and visibility about products in the supply chain. More information about EPCglobal Inc. can be found at <http://www.epcglobalinc.org>.

For more information, please contact Eric Decroix I at eric.decroix@gs1.org or on 00 32 2 788 7820.

--END--



IMMEDIATE RELEASE

Commission Communication on RFID sets the stage for the EU to realise benefits of applications based on EPCglobal standards

*EU should continue to embrace a balanced, enabling approach
Industry's responsibilities in informing consumers about RFID are clear*

Brussels, 15 March 2007 – The approach outlined today at CeBIT by European Commissioner Viviane Reding paves the way for the EU to enable businesses, consumers, citizens, governments and the whole EU economy to reap the benefits of RFID technology, according to EPCglobal.

EPCglobal Inc, the international not-for-profit user-driven standards organisation, supports the adoption of RFID based on the Electronic Product Code (EPC™).

In welcoming the Commission's new Communication, Chris Adcock, President of EPCglobal commented:

"The European Commission clearly recognises the value that global standards will bring to the economy and society in general. EPCglobal standards enable accurate information and visibility about products in the supply chain, and as such their deployment can play a critical role in increasing competitiveness levels in the EU.

"Although there are some issues that still require further debate and perhaps clarification, the approach presented today sets the right framework for the discussions to progress and we look forward to playing our part in them"

"The benefits to European consumers of better information about enhanced food safety, product authenticity, stock availability and take-back possibilities, are now only beginning to be known and understood first-hand. Ensuring a clear and responsible approach to managing privacy and security concerns is important – hence our long-standing efforts in this regard".

EPCglobal has developed [Guidelines](#) for its members on EPC for Consumer Products, designed to complement all relevant EU data protection legislation. This ensures that consumers have awareness, education, information and choice. In addition, EPCglobal is actively exploring how to further ensure that consumers have confidence in the application of these guidelines. EPCglobal strongly believes that this approach will enable it and EU decision-makers to adequately respond to any reasonable concerns over privacy voiced by its citizens.

EPCglobal therefore urges the other EU institutions, notably the European Parliament and the Council of Ministers, to bear such activities in mind as they start the process in developing their further thoughts and to endorse an enabling, positive approach as the best way for the EU to realise benefits for all stakeholders involved.



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Note to Editors

1. Some RFID Facts and Figures

- In 2007, the total RFID market size is \$4.96 bn.
(*IDTechEx, RFID Trends and Forecasts*)
- By 2017, the total RFID market size is estimated to grow to \$26.88 bn (*IDTechEx, RFID Trends and Forecasts*)
- US still has the largest number of RFID projects followed by the UK where the RFID market size is 1/3 of the US market size
(*IDTechEx, RFID Trends and Forecasts*)
- In 2017, the most important sectors by value of tags will roughly equal \$2 billion each and will be
 - Smart cards
 - Consumer goods item level
 - Pallet/caseThe second most important sectors will equal at around \$1 billion each and will be
 - Military
 - Animals(*IDTechEx, RFID Trends and Forecasts*)
- Efficiency
 - Around 1/3 of retail turnover is tied up in inventory and becomes wasted capital
 - In the cosmetics, household & personal care industry, at any given time, 1 in 12 items is out of stock. This results to a 2.6% of annual sales.
(*Lehman Brothers, Equity Research, 15 September 2006*)
- Counterfeiting
 - The European Commission has estimated that counterfeiting costs the EU € 1.5 billion and is responsible for 200.000 lost jobs per year in Europe (or never created) due to lost sales
(*European Commission, Taxation and Customs Union website:*
http://europa.eu.int/comm/taxation_customs/customs/customs_controls/counterfeit_piracy/combating/index_en.htm)
 - The World Customs Organisation estimates that counterfeiting accounts for 5% to 7% of global merchandise trade.
 - \$39 billion or 11% of global pharmaceutical commerce were counterfeit in 2005
(*Center for Medicines in the Public Interest (CMPI) report released 13 September 2005*)



2. About EPCglobal

- EPCglobal Inc is an international not-for-profit organisation and a subsidiary of GS1 and GS1 US™
- EPCglobal aims at taking a global leadership role in developing and promoting multi-industry, user-driven standards for utilising the Electronic Product Code (EPC) to enable accurate information and visibility about products in the supply chain.
- EPCglobal currently has 1.100 organisations – 193 European companies – that represent many sectors (consumer goods, healthcare, transport and logistics, apparel, aerospace, automotive and many providers of services).
- EPCglobal members participate at all levels of the supply chain from manufacturer, to retail and logistic provider.

For further information about EPCglobal you can visit <http://www.epcglobalinc.org>

3. Facts about EPC Technology

What is the Electronic Product Code (EPC™)?

The Electronic Product Code (EPC) is a unique number that is used to identify a specific item in the supply chain. The EPC is stored on a radio frequency identification (RFID) tag, which combines a silicon chip and an antenna. Once the EPC is retrieved from the tag, it can be associated with dynamic data held in a secured database such as where an item originated or the date of its production. Much like a Global Trade Item Number (GTIN) or Vehicle Identification Number (VIN), the EPC is the key that unlocks the power of the information systems that are part of the EPCglobal Network™.

What is the EPCglobal Network?

The EPCglobal Network is a set of technologies that enables immediate, automatic identification of items in the supply chain, anywhere in the world. Importantly, the Network allows trading partners to exchange such information about the goods they ship among themselves. In that way, the EPCglobal Network makes organisations more effective by uncovering inefficiencies or reducing such eternal issues as counterfeiting, internal theft, and other drains on productivity and profitability.

What are the components of the EPCglobal Network?

The EPCglobal Network consists of several components that are designed to work together to give maximum visibility to a supply chain. The components are made up of the Electronic Product Code (EPC), tags, readers, and software that helps all of the pieces communicate in a common “language.”

The EPC sits on a tag comprised of a silicon chip connected to an antenna, which is physically attached to an item, a case of items, or a pallet of cases of items. The tag



"communicates" its unique number to a reader through radio frequency. The reader then passes the number to a computer that accesses the Object Name Service (ONS). The ONS tells the computer systems where to locate information on the secure network about the object carrying an EPC, including, for example, when the item was produced, and where.

EPC Information Services provide a common set of data elements, a common language for communication, and a set of defined messages for trading partners to use for storing, accessing, and communicating data on objects moving in the supply chain. The key to these information services is the EPC held in the RFID tag on each object. EPC-IS Middleware is a software technology that acts as the central nervous system of the EPCglobal Network. The EPC-IS Middleware manages and moves information in a way that does not overload existing corporate and public networks.

How does the EPCglobal Network deliver value?

The technology helps businesses minimise extra costs from their internal operations, from such issues as internal theft, out-of-stocks, counterfeiting, and other issues that plague them. This in turn drives down the cost of doing business, which helps businesses succeed while applying downward pressure on consumer prices.

For further information, visit <http://www.epcglobalinc.org>

#

Attachment 2

Memorandum

To: ENFORCEMENT COMMITTEE

Date: June 15, 2007

From: SUSAN CAPPELLO
Enforcement Coordinator
Board of Pharmacy

Subject: Proposed Revisions to the Disciplinary Guidelines

Enclosed with your enforcement committee packet is the suggested revision to the Disciplinary Guidelines for your review.

These guidelines are being revised to clarify language, ensure that terms and conditions are consistent for all license types (where appropriate), to define consequences for non-compliances and to include new terms of probation. Strikeouts indicate deleted language and underlines indicate new language.

Below are summaries of some of the more significant changes made for each license type.

Pharmacist/Intern Conditions; pages 34-56

Significant changes made to standard conditions include:

- No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC) or Designated Representative-in-Charge (DRC), or Serving as a Consultant (pg 36) – better defines the language for this provision. Restricts the pharmacist from serving as DRC in a wholesaler or veterinary food-animal drug retailer. *(NOTE: This term has not yet been updated to reflect the DRC language but will be incorporated in advance of the July 2007 board meeting)*
- Tolling of Probation (38) – These changes were made to require the probationer to work a portion of their probationary period in a traditional dispensing position.

Significant changes made to optional conditions include:

- Pharmacist Examination (pg 40) – These changes were made to reflect the new exam structure (CPJE & NAPLEX).
- Mental Health Examination (pg 41) – The language makes changes to broaden the definition of the licensed health practitioners who can complete the mental health exam. Additionally, this term now better defines the conditions under which the ongoing therapy must occur, if recommended.
- Psychotherapy (pg 43) – These changes were made to broaden the definition of the licensed health practitioners who can complete the mental health exam. Additionally, this term now better defines the conditions under which the ongoing therapy must occur as recommended.

- Medical Evaluation (pg 44) – Details more specifically the procedures to carry out this provision.
- Pharmacists Recovery Program (pg 47) – This term now includes language that requires the automatic suspension of practice for any confirmed positive test for drugs or alcohol under certain conditions and details the suspension provisions.
- Random Drug Screening (pg 49) - Details more specifically the procedures to carry out this provision.
- Abstain from Drugs and Alcohol Use (pg 49) – Expands the definition of this term to include the prohibition of physical proximity to persons using illicit substances.
- Tolling of Suspension (pg 55) – Details more specifically the procedures to carry out this provision.

New optional conditions of probation are:

- Prescription Coordination and Monitoring of Prescription Use (pg 50) – This term will be recommended for individuals whose violations indicate chemical dependencies or psychiatric disorders. Designates a single health care practitioner to coordinate and monitor prescriptions. This term also defines the procedures to carry out this provision.
- Pharmacy Self-Assessment Mechanism (PSAM) (pg 52) – This term will be recommended to provide a self-assessment mechanism to aide the pharmacist in identifying deficient areas of practice.
- Surrender of DEA Permit (pg 56) – This term will be recommended for pharmacists to prevent him or her from prescribing.

Pharmacy Technician Conditions; pages 63-72

Significant changes made to standard conditions include:

- Obey All Laws (pg 63) – This term will be recommended to make consistent with other license types.
- License Surrender While on Probation/Suspension (pg 66) - This term was relocated within the standard terms to be consistent with the other license types.
- Tolling of Probation (67) – These changes were made to require the probationer to work a portion of their probationary period in a traditional dispensing position.

Significant changes made to optional conditions include:

- Random Drug Screening (pg 69) - Details more specifically the procedures to carry out this provision.
- Abstain from Drugs and Alcohol Use (pg 70) – Expands the definition of this term to include the prohibition of physical proximity to persons using illicit substances.
- Tolling of Suspension (pg 72) – Details more specifically the procedures to carry out this provision.

New optional condition of probation is:

- Restitution (pg 72) – This term will be recommended for those cases where drug diversion, theft fraudulent billing or patient harm resulting from negligence or incompetence occurred.

Designated Representative Conditions; pages 80-91

Significant changes made to standard conditions include:

- Reexamination Prior to Resuming Work – This term was deleted because an exam is no longer a requirement for licensure.
- Obey All Laws (pg 80) – This term will be recommended to make consistent with other license types.
- No Being Designated Representative-in-Charge (pg 83) – This term is similar to the No Being PIC and will be recommended to prohibit a designated representative from serving as a DRC in a wholesaler or veterinary food-animal drug retailer.
- License Surrender While on Probation/Suspension (pg 84) - This term was relocated within the standard terms to be consistent with the other license types.
- Tolling of Probation (85) – These changes were made to require the probationer to work a portion of their probationary period in a traditional dispensing position.

Significant changes made to optional conditions include:

- Random Drug Screening (pg 89) - Details more specifically the procedures to carry out this provision.
- Abstain from Drugs and Alcohol Use (pg 90) – Expands the definition of this term to include the prohibition of physical proximity to persons using illicit substances.
- Tolling of Suspension (pg 91) – Details more specifically the procedures to carry out this provision.

New optional condition of probation is:

- Restitution (pg 91) – This term will be recommended for those cases where drug diversion, theft fraudulent billing or patient harm resulting from negligence or incompetence occurred.

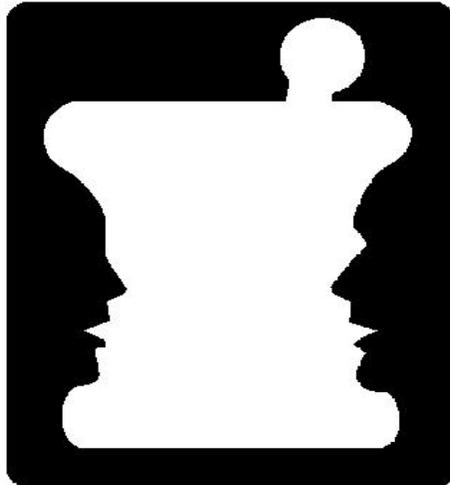
Premises Conditions; pages 115-120

New standard condition of probation is:

- Posted Notice of Probation (pg 118) – This term will be recommended for all premises to post to alert the consumer of the discipline imposed by the board.

DISCIPLINARY GUIDELINES

A Manual of Disciplinary Guidelines
and Model Disciplinary Orders



*BE AWARE & TAKE CARE:
Talk to your pharmacist!*

**California State Board of Pharmacy
Department of Consumer Affairs**
(Rev. [1/20016/2007](#))

STATE BOARD OF PHARMACY
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Additional copies of these disciplinary guidelines
may be ~~ordered from the~~ [downloaded from the board's website](#)
~~address above~~

BOARD OF PHARMACY
DISCIPLINARY GUIDELINES
TABLE OF CONTENTS

Introduction	1
Factors to be Considered in Determining Penalties	3
Mitigating Evidence	4
Pharmacist/Intern Pharmacist	5
Terms of Probation – Pharmacist/Intern Pharmacist	5
Categories of Violation and Recommended Penalties	5
Category I – Penalty	56
Category II – Penalty	11
Category III – Penalty	15
Category IV – Penalty	17
Model Disciplinary Language – Pharmacist/Intern Pharmacist	1819
Standard Conditions	2223
Optional Conditions	2527
Pharmacy Technician	3442
Terms of Probation – Pharmacy Technician	3442
Category III – Penalty	3543
Model Disciplinary Language – Pharmacy Technician	3543
Standard Conditions	3947
Optional Conditions	4251
Exemptee Designated Representative	4554
Terms of Probation – Exemptee Designated Representative	4554
Category III – Penalty	4554
Model Disciplinary Language – Exemptee Designated Representative	4655
Standard Conditions	4959
Optional Conditions	5263
Premises	5566
Terms of Probation – Premises	5566
Category I – Penalty	5567
Category II – Penalty	6172
Category III – Penalty	6676
Category IV – Penalty	6878
Model Disciplinary Language – Premises	6979
Standard Conditions	7282
Optional Conditions	7485

DEPARTMENT OF CONSUMER AFFAIRS STATE BOARD OF PHARMACY

DISCIPLINARY GUIDELINES (Rev. ~~1/2004~~6/2007)

INTRODUCTION

The Board of Pharmacy ([board](#)) is responsible for the enforcement of statutes and regulations related to the practice of pharmacy ([the Pharmacy Law](#)) and to the regulation of controlled substances ([the Uniform Controlled Substances Act](#)). The board serves the public by:

- ❑ protecting the health, safety, and welfare of the people of California with integrity and honesty;
- ❑ advocating the highest quality of affordable pharmaceutical care;
- ❑ providing the best available information on pharmaceutical care; and
- ❑ promoting education, wellness and quality of life.

Pharmacists are patient advocates who provide pharmaceutical care [and exercise clinical judgment](#) for the citizens of California, enlightening them about their drug therapy through effective communicating and listening, assessing, collaborating, understanding and intervening. ~~In addition, enforcement officials are provided the resources to~~ act quickly, consistently and efficiently in the public's interest [to ensure the safe, effective delivery of these services](#).

The board recognizes the importance of ensuring the [safe and effective](#) delivery of dangerous drugs and controlled substances for therapeutic purposes. At the same time, and given the historical and current abuse and diversion of drugs, particularly controlled substances, the board believes there should be no tolerance for licensees who traffic in drugs or who, in the absence of appropriate evidence of rehabilitation, personally abuse drugs [or alcohol](#).

In accordance with ~~section~~ [Section](#) 1760 of the California Code of Regulations, the board has produced this booklet for those involved in and affected by the disciplinary process: the general public, attorneys from the Office of the Attorney General, administrative law judges from the Office of Administrative Hearings, defense attorneys, board licensees, the courts, board staff and board members who review and vote on proposed decisions and stipulations.

These guidelines are to be followed in Board of Pharmacy disciplinary actions. [Subject to judicial review, the](#) ~~The~~ board has the final authority over the disposition of its cases, and, to complete its work, it uses the services of the Office of the Attorney General and the Office of Administrative Hearings. The board recognizes that individual cases may necessitate a departure from these guidelines. In such cases, the mitigating [or aggravating](#) circumstances shall be detailed in any proposed decision or any transmittal memorandum accompanying a proposed stipulation, especially where Category III violations are involved.

~~The board has found that accusations are rarely filed except in serious cases.~~ In general, the position of the board is that revocation should always be an option whenever grounds for

discipline are found to exist. Board policy is that revocation is generally an appropriate order where a respondent is in default, such as when he or she fails to file a notice of defense or fails to appear at a disciplinary hearing.

Board policy is that a suspension, where imposed, should be at least 30 days for an individual and at least 14 days for a licensed premises.

The board seeks recovery of all investigative and prosecution costs up to the hearing in all disciplinary cases. This includes all charges of the Office of the Attorney General, including, but not limited to, those for legal services, and includes charges by expert consultants. The board believes that the burden of paying for disciplinary cases should fall on those whose conduct requires investigation and prosecution, not upon the profession as a whole.

The board recognizes there may be situations where an individual licensee deserves a stronger penalty than the pharmacy for which he or she works, but the board also believes in holding a pharmacy owner, [manager, and/or pharmacist-in-charge](#) responsible for the acts of ~~their~~ employees who operate the pharmacy. Similarly, the board recognizes that in some cases a licensed premises may well be more culpable than any individual licensed by or registered with the board.

For purposes of these guidelines “board” includes the board and/or its designees.

FACTORS TO BE CONSIDERED IN DETERMINING PENALTIES

Section 4300 of the Business and Professions Code provides that the board may discipline the holder of, and suspend or revoke, any certificate, license or permit issued by the board.

In determining whether the minimum, maximum, or an intermediate penalty is to be imposed in a given case, factors such as the following should be considered:

1. actual or potential harm to the public
2. actual or potential harm to any consumer
3. prior disciplinary record, including level of compliance with disciplinary order(s)
4. prior warning(s) ~~of record(s)~~, including but not limited to citation(s) and fine(s), letter(s) of admonishment, and/or correction notice(s)
5. number and/or variety of current violations
6. nature and severity of the act(s), offense(s) or crime(s) under consideration
7. aggravating evidence
- ~~7.8.~~ mitigating evidence
- ~~8.9.~~ rehabilitation evidence
- ~~9.10.~~ compliance with terms of any criminal sentence, parole, or probation
- ~~10.11.~~ overall criminal record
- ~~11.12.~~ if applicable, evidence of proceedings for case being set aside and dismissed pursuant to section Section 1203.4 of the Penal Code
- ~~12.13.~~ time passed since the act(s) or offense(s)
- ~~13.14.~~ whether the conduct was intentional or negligent, demonstrated incompetence, or, if the respondent is being held to account for conduct committed by another, the respondent had knowledge of or knowingly participated in such conduct
- ~~14.15.~~ financial benefit to the respondent from the misconduct.

No single one or combination of the above factors is required to justify the minimum and/or maximum penalty in a given case, as opposed to an intermediate one.

MITIGATING EVIDENCE

A respondent is permitted to present mitigating circumstances at a hearing or in the settlement process and has the burden of demonstrating any rehabilitative or corrective measures he or she has taken. The board does not intend, by the following references to written statements, letters, and reports, to waive any evidentiary objections to the form [or admissibility](#) of such evidence. The respondent must produce admissible evidence in the form required by law in the absence of a stipulation [to admissibility](#) by the complainant.

The following are examples of appropriate evidence a respondent may submit to demonstrate his or her rehabilitative efforts and competency:

- a. Recent, dated written statements and/or performance evaluations from persons in positions of authority who have on-the-job knowledge of the respondent's current competence in the practice of pharmacy including the period of time and capacity in which the person worked with the respondent. Such reports must be signed under penalty of perjury and will be subject to verification by board staff.
- b. Recent, dated letters from counselors regarding the respondent's participation in a rehabilitation or recovery program, [which](#) should include at least a description and requirements of the program, a psychologist's diagnosis of the condition and current state of recovery, and the psychologist's basis for determining rehabilitation. [Such letters and reports will be subject to verification by board staff.](#)
- c. Recent, dated letters describing the respondent's participation in support groups, (e.g., Alcoholics Anonymous, Narcotics Anonymous, professional support groups, etc.). [Such letters and reports will be subject to verification by board staff.](#)
- d. Recent, dated laboratory analyses or drug screen reports, confirming abstention from drugs and alcohol. [Such analyses and reports will be subject to verification by board staff.](#)
- e. Recent, dated physical examination or assessment report by a licensed physician, confirming the absence of any physical impairment that would prohibit the respondent from practicing safely. [Such assessments and reports will be subject to verification by board staff.](#)
- f. [Recent, dated letters from probation or parole officers regarding the respondent's participation in and/or compliance with terms and conditions of probation or parole, which should include at least a description of the terms and conditions, and the officer's basis for determining compliance. Such letters and reports will be subject to verification by board staff.](#)

TERMS OF PROBATION – PHARMACIST/INTERN PHARMACIST

A minimum three-year probation period has been established by the board as appropriate in most cases where probation is imposed. A minimum five-year probation period has been established by the board as appropriate where self-administration or diversion of controlled substances is involved. Terms and conditions are imposed to provide consumer protection and to allow the probationer to demonstrate rehabilitation. A suspension period may also be required as part of the probation order. The board prefers that any stayed order be for revocation rather than for some period of suspension.

Probation conditions are divided into two categories: (1) standard conditions that shall appear in all probation cases, and (2) optional conditions that depend on the nature and circumstances of a particular case. These conditions may vary depending on the nature of the offense(s).

The board may also impose any other condition appropriate to the case where the condition is not contrary to public policy.

CATEGORIES OF VIOLATIONS AND RECOMMENDED PENALTIES

The California Pharmacy Law ~~specifies the~~ identifies offenses for which the board may take disciplinary action against the license. ~~The following are categories of violations used by the board in determining appropriate disciplinary penalties. Included among grounds for discipline are violations of the Pharmacy Law itself, violations of regulations promulgated by the board, and violations of other state or federal statutes or regulations.~~

The following are categories of possible violations used by the board to determine appropriate disciplinary penalties. These categories represent the judgment of the board as to the perceived seriousness of particular offenses.

Under each category, the board has grouped statutes and regulations where violations would typically merit the recommended range of minimum to maximum penalties for that category. These lists are representative, and are not intended to be comprehensive or exclusive. Where a violation not included in these lists is a basis for disciplinary action, the appropriate penalty for that violation may be best derived by comparison to any analogous violation(s) that are included. Where no such analogous violation is listed, the category descriptions may be consulted.

These categories assume a single violation of each listed statute or regulation. For multiple violations, the appropriate penalty shall increase accordingly. Moreover, if an individual has committed violations in more than one category, the minimum and maximum penalties shall be those recommended in the highest category.

The board also has the authority, pursuant to Business and Professions Code section 4301(n), to impose discipline based on disciplinary action taken by another jurisdiction. The discipline imposed by the board will depend on the discipline imposed by the other jurisdiction, the extent of the respondent's compliance with the terms of that discipline, the nature of the conduct for which the discipline was imposed, and other factors set forth in these guidelines.

CATEGORY I

Minimum: Revocation; Revocation stayed; one year probation. All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Category I discipline is recommended for:

- violations which are relatively minor but are potentially harmful
- repeated violations of a relatively minor nature:

| Violations of the following codes are ~~as follows~~ representative of this category:

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BUSINESS AND PROFESSIONS CODE

Article 3. Scope of Practice and Exemptions

- [4052.1 Skin Puncture by Pharmacist; Conditions Permitting](#)
- [4052.5 Pharmacist May Select Different Form of Medication with Same Active Chemical Ingredients; Exceptions](#)
- [4052.7 Repackage Previously Dispensed Drugs; Requirements](#)
- [4053 Exempt Supervisor of Manufacturers, Wholesalers, and Licensed Laboratories; Veterinary Food-Animal Drug Retailers etc.: Requirements](#)
- [4054 Supplying Dialysis Drugs Supply by Manufacturer, etc. of Certain Dialysis Drugs and Devices](#)
- [4055 Sale of Devices to Licensed Clinics, etc.](#)
- [4056 Exempt Hospitals Purchase of Drugs at Wholesale – Hospital Containing 100 Beds or Less](#)
- [4057 Exempt Articles Exceptions to Application of this Chapter](#)
- [4058 License to be Displayed Display of Original License](#)
- [4062 Furnishing Drugs during Emergency Furnishing Dangerous Drugs During Emergency](#)
- [4064 Emergency Refills of Prescription Without Prescription Authorization](#)
- [4065 Administration through Injection Card System Injection Card System; Requirements of Administration](#)
- [4066 Furnishing to Ocean Vessel Furnishing Dangerous Drugs to Master or First Officer of Vessel](#)
- [4068 Dispense Dangerous Drug or Controlled Substance to Emergency Room Patient; Requirements](#)

Article 4. Requirements for Prescription

- [4070 Reduction of Oral or Electronic Prescription to Writing](#)
- [4071 Prescriber's Agent Transmitting Prescriptions Prescriber May Authorize Agent to Transmit Prescription; Schedule II Excluded](#)
- [4072 Transmitting Prescriptions from a Health Care Facility Oral or Electronic Transmission of Prescription – Health Care Facility](#)
- [4073 Drug Product Selection Substitution of Generic Drug – Requirements and Exceptions](#)
- [4074 Drug Warnings Drug Risk: Informing Patient; Providing Consultation for Discharge Medications](#)
- [4076 Prescription Label Requirements Prescription Container – Requirements for Labeling](#)
- [4077 Labeling Dispensing Dangerous Drug in Incorrectly Labeled Container](#)

Article 5. Authority of Inspectors

- [4082 Information about Personnel Names of Owners, Managers and Employees Open for Inspection](#)

Article 6. General Requirements

- 4100 Change of ~~Name or~~ Address or Name – Notification to Board
- ~~4102 Skin Puncture for Patient Training~~
- 4103 Blood Pressure ~~Measurement~~ Taking by Pharmacist

Article 7. Pharmacies

- 4114 Intern Pharmacist ~~Activities;~~ Activities Permitted
- 4119 ~~Emergency Kit for Licensed Health Care Facilities~~ Furnish Prescription Drug to Licensed Health Care Facility – Secured
- ~~4119.1 Pharmacy May Provide Services to Health Facility~~
- 4119.5 ~~Transferring or Repacking Drugs~~ Transfer or Repackaging Dangerous Drugs by Pharmacy
- 4121 ~~Prescription Price Advertising~~ Advertisement for Prescription Drug: Requirements; Restrictions
- 4122 ~~Requests for Prescription Price Information~~ Required Notice at Availability of Prescription Price Information, General Product Availability, Pharmacy Services; Providing Drug Price Information; Limitations on Price Information Requests
- 4123 ~~Pharmacy contracts for Compounding of Parenteral Drugs~~ Compounding Drug for Other Pharmacy for Parenteral Therapy; Notice to Board
- 4124 ~~Contact Lens Dispensing~~ Dispensing Replacement Contact Lenses: Requirements; Patient Warnings; Registration with Medical Board; Application of Section to Nonresident Pharmacies

Article 9. Hypodermic Needles and Syringes

- 4141 ~~License Required~~ Furnishing Without License
- 4142 Prescription Required
- 4143 Exemption: ~~Wholesale Sales~~ Sale to Other Entity, Physician, etc.
- 4144 ~~Exemption: Industrial Uses~~ Industrial Use Exception
- 4145 ~~Exemption: Human (Insulin; Adrenaline) or Animal Use~~ Exception: Furnishing for Administration of Insulin, Adrenaline, or Specified Animal Uses; Conditions
- ~~4146 Hypodermic Register~~
- 4148 Confiscation if Found Outside Licensed Premises
- 4149 ~~Nonresident Sale by~~ Distributor

Article 10. Pharmacy Corporations

- 4151 ~~Licensure~~ Requirements for Shareholders, Directors, and Officers
- 4152 Corporate Name Requirements
- 4153 Shareholder Income While Disqualified
- 4156 Unprofessional Conduct by Corporation

Article 11. Wholesalers and Manufacturers

- 4161 ~~Out-of-State Manufacturer or Nonresident~~ Wholesaler: When License Required; Application
- 4162 ~~Registration -- Agent~~ Issuance or Renewal of Wholesaler License; Surety Bond
- 4163 ~~Sales to~~ Unauthorized Persons Furnishing by Manufacturer or Wholesaler

- 4165 [Sale or Transfer of Dangerous Drug or Device Into State: Furnishing Records to Authorized Officer on Demand; Citation for Non-compliance](#)
- 4166 [Responsibility Until Delivery Shipping of Dangerous Drugs or Devices – Wholesaler or Distributor](#)
- 4167 [Bar on Obtaining More Than Can Be Stored on Licensed Premises Wholesaler: Bar on Obtaining Dangerous Drugs or Devices It Cannot Maintain on Licensed Premises](#)

Article 13. Non-Profit or Free Clinics

- 4180 [License Required \(Non-Profit, etc Clinics\)](#)[Purchase of Drugs at Wholesale Only with License: Eligible Clinics](#)
- 4181 [License Requirements; Policies and Procedures; Who May Dispense](#)
- 4182 [Application; Consulting Pharmacist](#)[Duties of Professional Director; Consulting Pharmacist Required](#)
- 4183 [No Medi-Cal Professional](#) Dispensing Fee
- 4184 [No Schedule II](#) Dispensing [Schedule II Substance Prohibited](#)
- 4186 [Professional Director](#)[Automated Drug Delivery Systems](#)

Article 14. Surgical Clinics

- 4190 [Purchase of Drugs at Wholesale: Permitted Uses of Drugs; Required Records and Policies; License Required \(Surgical Clinic\)](#)
- 4191 [License Requirements](#)[Compliance with Department of Health Services Requirements; Who May Dispense Drugs](#)
- 4192 [Duties of Professional Director; Providing Information to Board](#)
- 4193 [Clinic Not Eligible for Professional](#) [No Medi-Cal](#) Dispensing Fee; [Ban on Offering Drugs for Sale](#)
- 4194 [No Schedule II](#) Dispensing [of Schedule II Substance by Clinic Prohibited; Physician May Dispense; Administration Authorized in Clinic](#)

Article 15. Veterinary Food-Animal Drug Retailers

- 4196 [License Required;](#) [Temporary License;](#) [Security on Transfer of Ownership; Persons Authorized in Storage Area](#)
- 4197 [Minimum Standards; Waiver; Security; Sanitation; Board Regulations; Waivers](#)
- 4198 [Written Policies and Procedures Required;](#) [Contents; Training of Personnel;](#) [Quality Assurance; Consulting Pharmacist](#)

Article 17. Continuing Education

- 4231 [Renewal](#) Requirements [for Renewal of Pharmacist License: Clock Hours; Exemption for New Licensee](#)
- 4232 [Course](#) Content [of Course](#)

Article 18. Poisons

- 4240 Application of Act

Article 20. Prohibitions and Offenses

- 4341 [Advertising in Compliance with Sections 651.3](#)[Advertisement of Prescription Drugs or Devices](#)
- 4343 [Use of Sign with "Pharmacy" or Similar Terms](#)[Buildings: Prohibition Against Use of Certain Signs Unless Licensed Pharmacy Within](#)

CALIFORNIA CODE OF REGULATIONS, TITLE 16

- 1704 Change of ~~Address~~address—~~reporting a change of address~~
- 1705 Notification of Bankruptcy, Receivership or Liquidation—~~reporting the sale, inventory and location of records of dangerous drugs by a pharmacy, wholesaler or manufacturer in bankruptcy~~
- 1708.2 Discontinuance of ~~Business~~business—~~notification to board of a discontinuance of business and submission of appropriate forms~~
- 1708.4 Pharmacist ~~h~~Handling ~~r~~Radioactive ~~d~~Drugs—~~training of a nuclear pharmacist~~
- 1708.5 Pharmacy Furnishing Radioactive Drugs—~~nuclear pharmacy requirements~~
- 1709 Names of Owners and ~~Pharmacist in Charge~~pharmacist in charge—~~required information on a pharmacy permit, reporting PIC and owners on initial and renewal applications, and reporting of corporate officer changes~~
- 1712 Use of Pharmacist Identifiers
- 1714 Operational Standards and Security
- 1715.6 Reporting ~~d~~Drug ~~l~~Loss—~~reporting loss of controlled substances to the Board within thirty (30) day~~
- 1716 Variation ~~f~~From ~~p~~Prescriptions—~~prescription errors, deviation from prescription without consent of prescriber~~
- 1717 Pharmaceutical ~~p~~Practice—~~dispensing in new containers, pharmacist maintain on prescription record: date and initial of pharmacist, brand name of drug or device and indication if generic and manufacturer name, refill information, orally transmitted prescription requirements, depot of a prescription or a medication, prescription transfers, identification of pharmacist responsible for filling a prescription~~
- 1717.1 Common Electronic Files—~~establishing a common electronic file to maintain required dispensing information~~
- 1717.4 Electronic Transmission of Prescriptions—~~transmitting prescriptions by electronic means from prescriber to the pharmacy~~
- 1718.1 Manufacturer's Expiration Date—~~handling of prescription drugs not bearing a manufacturer's expiration date pursuant to federal law~~
- 1726 ~~Preceptor~~Supervision of Intern Pharmacists
- ~~1727~~ Intern Pharmacist
- 1728 ~~Intern Experience~~—Requirements for ~~Licensure~~Examination
- 1732.1 Requirements for ~~Recognized Accredited~~ Providers—~~requirements to provide continuing education courses as a recognized provider for California pharmacists~~
- 1732.3 ~~Coursework Approval for Providers~~Requirements for Continuing Education Courses
- 1732.4 Provider Audit Requirements
- 1732.5 Renewal Requirements for Pharmacist
- 1744 Drug ~~w~~Warnings—~~oral or written warnings when a drug should not be taken with alcohol or when a person should not drive~~
- 1746 Emergency Contraception
- ~~1751 to~~
- ~~1751.09 and~~
- ~~1751.11 to~~
- ~~1751.12~~ Compounding Area for Parenteral Solutions—~~parenteral therapy requirements for pharmacists and pharmacies~~
- 1751 Sterile Injectable Compounding Area
- 1751.01 Facility and Equipment Standards for Sterile Injectable Compounding from Non-Sterile Ingredients
- 1751.02 Policies and Procedures
- 1751.1 Laminar Flow Biological Safety Cabinet

- [1751.2 Labeling Requirements](#)
- [1751.3 Recordkeeping Requirements](#)
- [1751.4 Attire](#)
- [1751.5 Training of Staff, Patient, and Caregiver](#)
- [1751.6 Disposal of Waste Material](#)
- [1751.7 Quality Assurance and Process Evaluation](#)
- [1751.9 Reference Materials](#)
- [1751.11 Furnishing to Home Health Agencies and Licensed Hospices](#)
- [1751.12 Obligations of a Pharmacy Furnishing Portable Containers](#)
- 1771 ~~Posting nNotice of sSuspension—suspended pharmacy must post a notice of suspension~~
- 1772 ~~Disciplinary eConditions of sSuspension—suspended pharmacist shall not enter a pharmacy prescription area or perform pharmacy related duties~~
- 1780 ~~Minimum sStandards for wWholesalers~~
- 1780.1 ~~Minimum Standards for Veterinary Food-Animal Drug Retailers~~
- 1781 ~~Exemption eCertificate—exemptee must be present in a manufacturer's or wholesaler's licensed premises~~
- 1786 ~~Exemptions—return of exemption certificate to board upon termination of employment~~
- 1787 ~~Authorization to Distribute Hemodialysis Drugs and Devices~~
- 1790 ~~Assembling and Packaging~~
- 1791 ~~Labeling~~
- 1792 ~~Receipt of for Shipment~~

HEALTH AND SAFETY CODE, ~~TITLE 22~~

- 11100 ~~Report of Certain Chemical: Chemicals Included; Exclusions; Penaltiesecontrolled substance transaction—reporting sales of restricted chemicals to Department of Justice~~
- 11100.1 ~~Report of Chemicals Received econtrolled substances received from eOutside sState; Penalties—reporting Purchases of restricted chemicals from outside California~~
- ~~11124 Inventory of Controlled Substances~~
- 11151 ~~Limitation on Filling Prescriptions From Medical Students Issued By Unlicensed Person Lawfully Practicing Medicine~~
- 11158 ~~Prescription rRequired for Schedule I, II, III, or IV, or V eControlled sSubstance; Exception for Limited Dispensing, Administrations—prescriptions for controlled substances must comply with requirements prior to dispensing~~
- 11159 ~~Chart Order Exemption for pPatient in eCounty or lLicensed hHospital; Maintaining Record for Seven Years—controlled substance orders in hospitals~~
- 11159.1 ~~Chart Order Exemption for Clinic RecordsPatient; Maintaining Record for Seven Years~~
- 11159.2 ~~Exception to Triplicate Prescription RequirementTerminally III Exception~~
- 11167 ~~Emergency dDispensing of Schedule II sSubstance; Circumstances and Requirements—emergency oral Schedule II prescriptions; must receive a triplicate within seventy-two (72) hours~~
- 11167.5 ~~Emergency eOral or eElectronic pPrescriptions for Scheduled II Controlled Substances for Specified in-patients, Residents, and Home Hospice Patients; Requirements—oral orders for Schedule II drugs in a skilled nursing facility, intermediate care facility, or a home health care agency providing hospice care; pharmacy to obtain special triplicates from Dept. of Justice; facility must forward all~~

- [signed order to the pharmacy](#)
- 11171 Prescribing, ~~etc. administering, or furnishing~~ ~~e~~Controlled ~~s~~Substance Only as Authorized—~~furnishing controlled substances must be consistent with law~~
- 11172 Antedating or ~~p~~Postdating ~~p~~Prescription Prohibited
- 11175 Prohibition on Obtaining ~~and or~~ ~~p~~Possession ~~ng~~ ~~n~~Nonconforming ~~p~~Prescription; Prohibition on ~~e~~Obtaining ~~e~~Controlled ~~s~~Substance by ~~n~~Nonconforming ~~p~~Prescription
- 11180 Prohibition on Controlled ~~s~~Substance ~~e~~Obtained or ~~p~~Possessed by ~~n~~Nonconforming ~~p~~Prescription ~~—possession of a controlled substance obtained from noncomplying prescriptions~~
- 11200 Restrictions on ~~e~~Dispensing or ~~r~~Refilling; Refill of Schedule II Prescription Barred—refill restrictions of controlled substances
- 11201 Emergency Refill by Pharmacist of Schedule III, IV, or V Prescription; Circumstances; Requirements
- 11205 Maintenance and ~~r~~Retention of Records in Separate fFile—~~separate prescription file for Schedule II prescriptions~~
- 11206 Required ~~information~~information on Prescription—~~information required on a prescription for controlled substances~~
- 11209 Delivery and Receiving Requirements for Schedule II, III, and IV of Controlled Substances; Violation
- 11210 Issuing Prescription: By Whom; For What Purpose; Quantity to Be Prescribed—~~under authorized project— a prescriber may not prescribe controlled substances to treat addiction~~
- 11250 Authorized Retail Sale by Pharmacists to Physicians, etc.; Required Order Form
- 11251 Authorized Wholesale Sale by Pharmacists
- 11252 Preservation of ~~f~~Federally ~~r~~Required ~~f~~Forms—~~a wholesaler or manufacturer must maintain records of sales~~
- 11253 Duration of ~~r~~Retention
- 11255 Actions ~~e~~Constituting ~~s~~Sale—~~orders for future delivery constitutes a sale of a controlled substance~~
- 11256 Required Report of Order bBy or Sale to Out-of-State Wholesaler or Manufacturer
- [1111225 to 111655 Adulterated or Misbranded Drugs or Devices](#)

CODE OF FEDERAL REGULATIONS, TITLE 21

- 1301.11 Persons Rrequired to Rregister.
- 1301.12 Separate Rregistrations for Sseparate Locations.
- 1301.71 Security requirements, generally.
- 1301.72 Physical security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs; storage areas.
- 1301.73 Physical security controls for non-practitioners; compounders for narcotic treatment programs; manufacturing and compounding areas.
- 1301.74 Other security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs.
- 1301.75 Physical security controls for practitioners.
- 1301.76 Other Ssecurity Controls for Practitioners.
- 1301.90 Employee screening procedures.
- 1301.91 Employee responsibility to report drug diversion.
- 1301.92 Illicit activities by employees.
- 1302.03 Symbol required; exceptions.

- 1302.04 Location and size of symbol on label and labeling.
- 1302.05 Effective Dates of Labeling Rrequirements.
- 1302.06 Sealing of controlled substances.
- 1302.07 Labeling and packaging requirements for imported and exported substances.
- ~~1302.07 Labeling and packaging requirements for imported and exported substances~~
- ~~1304.18 Inventories of importers and exporters~~
- ~~1304.31 Reports from manufacturers importing opium~~
- ~~1304.32 Reports of manufacturers importing medicinal coca leaves~~
- ~~1304.33 Reports to ARCOS~~
- ~~1305.03 to~~
- ~~1305.06 and~~
- ~~1305.08 to~~
- ~~1305.12 and~~
- ~~1305.14 to~~
- ~~1305.16 Distributions requiring order forms; persons entitled to obtain and execute order forms; procedure for obtaining order forms; procedure for executing order forms; persons entitled to fill order forms; procedure for filling order forms; procedure for endorsing order forms; unaccepted and defective order forms; lost and stolen order forms; return of unused order forms~~
- 1304.11 Inventory requirements.
- 1304.31 Reports from manufacturers importing narcotic raw materials.
- 1304.32 Reports of manufacturers importing coca leaves.
- 1304.33 Reports to ARCOS.
- 1305.03 Distributions requiring a Form 222 or a digitally signed electronic order.
- 1305.04 Persons entitled to order Schedule I and II controlled substances.
- 1305.05 Power of attorney.
- 1305.06 Persons entitled to fill orders for Schedule I and II controlled substances.
- 1305.11 Procedure for obtaining DEA Forms 222.
- 1305.12 Procedure for executing DEA Forms 222.
- 1305.14 Procedure for endorsing DEA Forms 222.
- 1305.15 Unaccepted and defective DEA Forms 222.
- 1305.16 Lost and stolen DEA Forms 222.
- 1306.03 Persons entitled to issue prescriptions.
- 1306.05 Manner of issuance of prescriptions.
- 1306.14 Labeling of substances and filling of prescriptions.— Schedule II.
- 1306.24 Labeling of substances and filing of prescriptions.— Schedule III and IV
- 1306.25 Transfer between pharmacies of prescription information for ~~of~~ Schedules III, IV, and V controlled substances for refill purposes.Prescriptions
- 1306.26 Dispensing Without a Prescription.
- 1307.11 Distribution by dispenser to another practitioner or reverse distributor.—
- 1307.12 Distribution to supplier or Manufacture and distribution of narcotic solutions and compounds by a pharmacist
- 1307.13 Incidental manufacture of controlled substances.Distribution to supplier
- 1307.21 Procedure for disposaling of controlled substances.
- 1700.1 to
- 1707.15 Child-resistant containers.

MISCELLANEOUS - HEALTH AND SAFETY CODE, TITLE 22

411225 to

~~111655 — Adulterated or misbranded drugs or devices~~

~~MISCELLANEOUS - FEDERAL REGULATIONS~~

~~16 CFR 1700.1 to~~

~~1707.15 — Child-resistant containers~~

CATEGORY II

Minimum: Revocation; Revocation stayed, three years probation (five years probation where self-administration or diversion of controlled substances is involved). All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Category II discipline is recommended for:

- violations with a serious potential for harm
- violations which involve greater disregard for pharmacy law and public safety
- violations which reflect on ethics, care exercised or competence or a criminal conviction not involving dangerous drugs or controlled substances or involving possession or use of dangerous drugs or controlled substances.

Violations of the following codes are as follows representative of this category:

BUSINESS AND PROFESSIONS CODE

- [650](#) [Rebates or Discounts for Referral Prohibited](#)
- [650.1](#) [Lease Prohibition – Hospitals or Prescribers](#)
- [651](#) [Professional Advertising Requirements](#)

Article 3. Scope of Practice and Exemptions

- 4051(b) [Conduct Authorized by Pharmacist ~~from Outside Pharmacy~~](#)
- 4052 [conduct Authorized by Pharmacist ~~Furnishing to Prescriber; Permissible Procedures by Pharmacist in Health Care Facility or Clinic or for Other Health Care Provider~~](#)
- 4060 [Possession of ~~Controlled Substance – Prescription Required; Exceptions~~](#)
- 4061 [Distribution of ~~Drug as Sample; Written Request Required~~ ~~Drugs~~](#)
- 4063 [Refills of ~~Prescription for Dangerous Drug or Device; Prescriber Authorization~~](#)
- 4067 [Prescription ~~Dispensing over the Internet; Dispensing Dangerous Drugs or Devices without Prescription~~](#)
- 4075 [Proof of Identity ~~Required – Oral or Electronic Prescription of Recipient for Controlled Substance Prescriptions~~](#)
- 4078 [False or Misleading Labeling ~~on Prescription~~](#)

Article 6. General Requirements

- 4101 [Termination as ~~Pharmacist in Charge; Notice to Board, Exemptee: Termination of Employment; Notification to Board~~](#)
- 4104 [Licensed Employee; ~~Theft or Impairment: Pharmacy Procedures~~](#)
- 4105 [Retaining Records ~~on Premises of Dangerous Drugs and Devices on Licensed Premises; Temporary Removal; Waivers; Access to Electronically Maintained Records~~](#)

Article 7. Pharmacies

- 4112 [Non-Resident Pharmacy: ~~Registration; Provision of Information to Board; Maintaining Records; Patient Consultation~~](#)
- 4113 [Pharmacist in Charge: ~~Notification to Board; Responsibilities~~](#)
- 4115 [Pharmacy Technician: ~~Activities Permitted; Required Supervision; Activities Limited to Pharmacist; Registration; Requirements for Registration; Ratios~~](#)
- 4115.5 [Pharmacy Technician Trainee: ~~Placement; Supervisions; Requirements~~](#)
- 4116 [Security ~~of Dangerous Drugs and Devices in Pharmacy: Pharmacist Responsibility for Individuals on Premises; Regulations – Pharmacy~~](#)
- 4117 [Security – ~~Hospital Pharmacy Admission to Area Where Narcotics are Stored, etc. – Who May Enter~~](#)
- 4120 [Non-Resident Pharmacy: ~~Registration Required~~](#)
- 4125 [Pharmacy Quality Assurance Program Required; Records Considered Peer Review Documents](#)

Article 9. Hypodermic Needle and Syringes

- 4140 [Unlawful Possession](#)
- 4147 [Disposal ~~of Needle or Syringe~~](#)

Article 11. Wholesalers and Manufacturers

4160 [Wholesaler:](#) License Required

4163 ~~Sales to Unauthorized Persons~~ [Furnishing by Manufacturer or Wholesaler](#)

4164 ~~Reporting by Manufacturer and Wholesalers~~ [Reports Required](#)

[4169\(a\)\(1\) Prohibited Acts](#)

Article 13. Non-Profit of Free Clinics

4185 Inspections [Permitted](#)

Article 14. Surgical Clinics

4195 Inspections [Permitted](#)

Article 19. Disciplinary Proceedings

4301 ~~General Unprofessional eConduct and~~ subsections (a)-(h), (j), and (l) through (q)
4302 ~~Pharmacy Corporation~~ [Discipline of Corporate Licensee for Conduct of Officer, Director, Shareholder](#)
4303 Nonresident Pharmacy: [Grounds for Discipline](#)
4304 Out-of-~~S~~state Distributors: [Authority to Discipline](#)
4305 [Disciplinary Grounds: Failure of Pharmacy, Pharmacist to Notify Board of Termination of Pharmacist in Charge; Continuing to Operate Operation of Pharmacy wWithout a Pharmacist](#)
4305.5 [Disciplinary Grounds: Failure of Other Entity Licensed by Board, of Pharmacist or Exemptee to Notify Board of Termination of Pharmacist in Charge or Exemptee; Continuing to Operate Without Pharmacist or Exemptee to Keep Pharmacist in Charge or Exemptee in Charge; Failure to Notify Board of Termination of Same](#)
4306 Violation of ~~Mescene-Knox~~ Professional Corporation Act [as Unprofessional Conduct](#)
4306.5 ~~Pharmacist~~ Misuse of Education, etc. [by Pharmacist Outside Course of Practice of Pharmacy as Unprofessional Conduct](#)

Article 20. Prohibitions and Offenses

4326 ~~Hypodermics: Obtaining Falsely; Misuse~~ [Misdemeanor: Obtaining Needle or Syringe by Fraud, etc.; Unlawful Use of Needle or Syringe Obtained from Another](#)
4328 ~~Allowing Compounding by Non-pharmacist~~ [Misdemeanor: Permitting Compounding, Dispensing, or Furnishing by Non-pharmacist](#)
4330 ~~Pharmacy; Failure to Place Pharmacist in Charge-, Subverting Compliance with Law by Pharmacist in Charge~~ [Misdemeanor: Non-pharmacist Owner Failing to Place Pharmacist in Charge, Dispensing or Compounding Except by Pharmacist, Interfering with Pharmacist in Charge](#)
4331 ~~Veterinary Food-Animal Drug Retailer; Dispensing by Other than Pharmacist or Exemptee; Failure to Place Pharmacist or Exemptee in Charge~~ [Misdemeanor: Medical Device Retailer, Wholesaler, Veterinary Food-Animal Drug Retailer Failing to Place Pharmacist or Exemptee in Charge, Permitting Dispensing or Compounding Except by Pharmacist or Exemptee](#)
4333 ~~Failure to Maintain Prescription Files~~ [Maintaining Prescriptions, Other Drug Records on Premises, Open to Inspection; Waiver; Willful Failure to Keep or Permit Inspection of Records of Prescriptions, Other Records as Misdemeanor](#)
4340 ~~Advertisement of Pharmacy Services by Unregistered Non-Resident Pharmacy~~ [Unlawful Advertising by Nonresident Pharmacy Not Registered with Board](#)

Article 22. Unfair Trade Practices

4380 Resale of Preferentially Priced Drugs; ~~Emergency Exception: Prohibition; Exceptions~~

4381 — ~~Violation of Section 4380 as Unfair Competition; Right of Private Action to Enforce~~
4382 ~~Authority of Board to Audit for Compliance~~ Board May Audit Sales to Walk-in
Customers

CALIFORNIA CODE OF REGULATIONS, TITLE 16

- 1707.1 Duty to ~~m~~Maintain ~~m~~Medication ~~p~~Profiles (~~p~~Patient ~~m~~Medication ~~r~~Records)–
~~requirements for maintenance of patient medication profiles~~
- 1707.2 Notice to ~~e~~Consumers and ~~d~~Duty to ~~e~~Consult–~~requirements of pharmacist to consult; posting of notice to consumers~~
- 1707.3 ~~Reviewing the patient profile prior to consultation~~Duty to Review Drug Therapy and Patient Medication Record Prior to Delivery
- 1709.1 Designation of ~~p~~Pharmacist in ~~e~~Charge
- 1714.1 Pharmacy Operations ~~d~~During the Temporary Absence of ~~a~~ Pharmacist
- 1715 Self-Assessment of a Pharmacy by the Pharmacist-in-Charge
- 1715.5 ~~Transmitting Schedule II Prescription Information to CURES~~Implementation of Electronic Monitoring of Schedule II Prescriptions
- 1716.1 Compounding ~~U~~napproved ~~d~~Drugs for ~~p~~Prescriber ~~e~~Office ~~u~~Use
- 1716.2 Record ~~r~~Requirements ~~when e~~Compounding for ~~f~~uture ~~f~~urnishing
- ~~1717.2~~ ~~Notice of Electronic Prescription Files~~
- 1717.3 Preprinted, ~~m~~Multiple ~~e~~Check-off ~~p~~Prescription ~~b~~Blanks
- 1723.1 Confidentiality of Examination Questions
- 1745 Partial ~~f~~Filling of Schedule II ~~p~~Prescriptions
- 1751.10 Furnishing to ~~p~~Parenteral ~~p~~Patient at ~~h~~Home–~~carrying and furnishing dangerous drugs to parenteral patients~~
- 1761(a) Erroneous or Uncertain Prescriptions–
- 1764 Unauthorized ~~d~~Disclosure of ~~p~~Prescriptions–~~revealing the contents of a prescription to unauthorized persons~~
- 1765 Commissions, ~~g~~Gratuities, and ~~r~~Rebates–~~commission, gratuity or rebate to a health care facility~~
- 1766 False or ~~m~~Misleading ~~a~~Advertising
- 1775.3 Compliance with Orders of Abatement
- 1782 Reporting Sales of Drugs Subject to Abuse
- 1783 Manufacturer or Wholesaler Furnishing Drugs or Devices
- ~~1793.1 to~~
- ~~1793.7~~ ~~Ancillary personnel–pharmacy technician requirements and tasks~~
- ~~1793.1~~ ~~Duties of a Pharmacist~~
- ~~1793.2~~ ~~Duties of a Pharmacy Technician~~
- ~~1793.3~~ ~~Other Non-Licensed Pharmacy Personnel~~
- ~~1793.7~~ ~~Requirements for Pharmacies Employing Pharmacy Technicians~~
- ~~1793.8~~ ~~Technicians in Hospitals with Clinical Pharmacy Programs~~

HEALTH AND SAFETY CODE, ~~TITLE 22~~

- 11103 Report of ~~t~~Theft, ~~l~~Loss, or ~~s~~Shipping ~~d~~Discrepancy–~~reporting losses of restricted chemicals to Department of Justice~~
- ~~11123~~ ~~Warehouseman License~~
- ~~11124~~ ~~Warehouse Inventory~~
- ~~11125~~ ~~Warehouseman Bond~~
- ~~11128~~ ~~Nontransferability of Warehouse License~~
- ~~11129~~ ~~Discipline or Denial of Warehouse License~~
- ~~11130~~ ~~Disciplinary Grounds for Warehouse License~~
- ~~11131~~ ~~Disciplinary Grounds for Warehouse License~~
- 11150 ~~Issuing Controlled Substance~~ Persons Authorized to Write or Issue a Prescription

- 11152 Nonconforming ~~p~~Prescriptions ~~Prohibited~~—filling a prescription that does not conform to the requirements of the code
- 11154 ~~Prescription, etc, Must Be for Treatment; Knowingly Issuing Prescriptions; Solicitation of Unlawful Prescription, etc.~~
- 11156 ~~Prescribing, etc. Administering or dispensing eControlled sSubstances to aAddict Only as Authorized~~—prohibition on administering or dispensing a controlled substance to an addict or a habitual user
- 11164 ~~Completion of pPrescriptions for Schedule II, III, IV and V eControlled sSubstances: Form and Content; Record of Practitioner Dispensing Schedule II Controlled Substances~~—prescription requirements for controlled substances
- 11166 Time ~~Limit F~~For Filling Schedule II Prescriptions; ~~Knowingly Filling Mutilated, Forged, or Altered Prescriptions Prohibited~~
- 11170 Prohibition on ~~Prescribing, etc. eControlled sSubstance for sSelf use~~—prohibition on prescribing, administering or furnishing controlled substance to self
- 11179 Retention of Controlled Substance Prescription ~~period~~—prescription file to be maintained for three (3) years
- 11207 ~~Filling prescription eOnly by pPharmacist or iIntern Authorized to Fill Prescription pharmacist~~—dispensing, compounding, filling by pharmacist or intern pharmacist only
- 11209 Delivery and Receiving Requirements for Schedule II, III, & IV Substances; ~~Violation~~
- 11350 Possession of ~~sSpecified eControlled sSubstance~~—illegal possession of a narcotic
- 11377 Unlawful ~~p~~Possession of ~~sSpecified sSubstance~~—illegal possession of a non-narcotic controlled substance
- 11165(d) CURES Transmission
- 150204 Surplus Medication Collection and Distribution Program

CODE OF FEDERAL REGULATIONS, TITLE 21

- 1304.03 Persons required to keep records and file reports.
- 1304.04 Maintenance of records and inventories.
- 1304.11 ~~General Inventory~~ requirements ~~for inventories.~~
- 1304.21 General requirements for continuing records.
- 1304.22 Records for manufacturers.
- 1305.07 ~~Power of attorney~~Special procedure for filling certain orders.
- 1305.13 ~~Preservation of order forms~~Procedure for filling DEA Forms 222.
- 1306.04 Purpose of issue of prescription.
- 1306.06 Persons entitled to fill prescriptions.
- 1306.07 Administering or dispensing of narcotic drugs.
- 1306.11 Requirement of ~~Schedule II P~~prescriptions.
- 1306.12 Refilling prescriptions—~~Schedule II.~~
- 1306.13 Partial filling of prescriptions—~~Schedule II.~~
- 1306.21 Requirement of prescription—~~Schedule III and IV.~~
- 1306.22 Refilling of prescriptions—~~Schedule III and IV.~~
- 1306.23 Partial filling of prescriptions—~~Schedule III and IV.~~

CATEGORY III

Minimum: Revocation; Revocation stayed, 90 days actual suspension, three to five years

probation (five years probation where self-administration or diversion of controlled substances is involved). All standard terms and conditions and optional terms and conditions as appropriate.

Maximum: Revocation

Category III discipline is recommended for:

- most criminal convictions involving dangerous drugs or controlled substances
- knowing or willfully violating laws or regulations pertaining to dispensing or distributing dangerous drugs or controlled substances
- fraudulent acts committed in connection with the licensee's practice
- drug shortages
- violation of a licensee's corresponding responsibility.

Violations of the following codes are ~~as follows~~ representative of this category:

BUSINESS AND PROFESSIONS CODE

Article 3. Scope of Practice and Exemptions

- [4034 Pedigree](#)
- 4051(a) Conduct Limited To Pharmacist
- 4059 Furnishing [Dangerous Drugs or Devices Prohibited Without Prescription: Exceptions](#)
- 4059.5 [Who May Ordering Dangerous Drugs or Devices: Exceptions](#)

Article 5. Authority of Inspectors

- 4080 Stock [of Dangerous Drugs and Devices Kept Open for Inspection](#)
- 4081 Records of [Acquisition and Dispensing; Inspection Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory](#)
- [4085\(a\) Unlawful to Remove, Sell, Dispose of Embargoed Dangerous Drug or Dangerous Device](#)

[Article 6. General Requirements](#)

- [4105 Retaining Records of Dangerous Drugs and Devices on Licensed Premises; Temporary Removal; Waivers; Access to Electronically Maintained Records](#)

Article 7. Pharmacies

- 4110 [Requirement of License; Temporary Licenses Licensed Required; Temporary Permit Upon Transfer of Ownership](#)
- 4111 [Ownership by Prescribers Prohibited Restrictions on Prescriber Ownership](#)

[Article 11. Wholesalers and Manufacturers](#)

- [4169\(a\)\(2\) to 4169\(a\)\(5\) Prohibited Acts](#)

Article 15. Veterinary Food-Animal Retailers

- 4199 Labeling, [Recordkeeping Requirements; Maintaining Prescription Records](#)

Article 19. Disciplinary Proceedings

- 4301 [Unprofessional Conduct - Ssubsections \(i\) and \(k\) and \(o\)](#)
- 4307 Prohibition [Against Association with a Licensee of Association of Individual with Entity License by Board: Length of Prohibition; Individuals Covered; Imposition of Prohibition Through Administrative Act Proceeding](#)
- 4308 [Notification of Licensee Person is Prohibited from Association; Replacement Prohibited Association: Notification of Affected Licensees Known to Board](#)

Article 20. Prohibitions and Offenses

- 4322 ~~False Representation to Obtain Licensure~~ Misdemeanor or Infraction: False Representations to Secure License for Self or Others; False Representation of Licensure; Penalties
- 4323 ~~False Representation by Telephone or Electronic Transmission to Obtain a Drug~~ Misdemeanor: False Representation of Self as Physician, Agent of Physician, etc. to Obtain Drug
- 4324 ~~Forgery or Alteration~~ Felony or Misdemeanor: Forgery of Prescription; Possession of Drugs Obtained Through Forged Prescription
- 4325 ~~Producing Prescription Blanks Without Authorization~~ Misdemeanor: Manufacture, Possession, etc. of False Prescription Blank
- 4327 ~~Use of Alcohol or Drugs while on Duty~~ Misdemeanor: Sale, Dispensing, or Compounding While Under the Influence of Drugs or Alcoholic Beverages
- 4329 ~~Nonpharmacist Taking Charge~~ Misdemeanor: Non-pharmacist Acting as Manager, Compounding, Dispensing or Furnishing Drugs
- 4332 ~~Failure or Refusal to Produce or Provide Records~~ Misdemeanor: Failure or Refusal to Maintain or Produce Required Drug or Device Records; Willful Production of False Records
- ~~4335~~4335 ~~Failure to Arrange for Transfer of Stock after Closure~~ Voided License: Knowing Failure to Arrange for Disposition of Stock as Misdemeanor
- ~~4336~~4336 ~~Use of Minor as Agent to Violate Pharmacy Law~~ Felony: Knowing or Willful Use of Minor to Violate Specified Sections of Pharmacy Law: Exception for Pharmacist Furnishing Pursuant to a Prescription

Article 22. Unfair Trade Practices

- 4380 Resale of Preferentially Priced Drugs: Prohibition; Exceptions

CALIFORNIA CODE OF REGULATIONS, TITLE 16

- ~~1707~~ Waiver Requirements for Off-Site Storage of Records
- ~~1718~~ Current Inventory ~~e~~Defined ~~—audit accountability of dangerous drugs~~
- ~~1761(b)~~ Controlled substance prescription—professional judgment Erroneous or Uncertain Prescriptions
- ~~1771 to~~
- ~~1774~~ Disciplinary conditions of suspension and probation
- ~~1771~~ Posting of Notice of Suspension
- ~~1772~~ Disciplinary Condition of Suspension
- ~~1773~~ Disciplinary Conditions of Probation of Pharmacist
- ~~1774~~ Disciplinary Conditions of Probation of Permit

HEALTH AND SAFETY CODE, TITLE 22

- 11104 Providing Chemical for Illicit Manufacturing; Evasion of Reporting Requirements; Penalties ~~controlled substances for manufacturing~~
- 11105 False sStatement in rReport
- ~~11122~~ Storage of controlled substances
- 11150 Persons aAuthorized to wWrite or issue a pPrescription
- 11153 Responsibility for Legitimacy of ~~controlled substance~~ pPrescription; ~~—~~ eCorresponding rResponsibility of a pPharmacist; Knowing Violation
- 11153.5 Wholesaler or Manufacturer Furnishing a cControlled sSubstance ~~for~~ eOther than

	for a Legitimate Medical Purpose; Knowing Violation; Factors in Assessing Legitimacy—corresponding responsibility of a wholesaler or manufacturer
11157	No False or Fictitious Prescriptions—issuing a false or fictitious prescription
11162.5	Counterfeiting or Possession of Counterfeit Triplicate Prescription Blank; Penalty
11173	Fraud, Deceit, Misrepresentation or False Statement; False Representation; False Label—obtaining controlled Substances by fraud or deceit
11174	Prohibition on Providing False Name or Address in Connection with Prescription, etc.—false name or address on prescription
11351	Possession or Purchase for Sale of Specified Controlled Substance—illegal possession for sale of a narcotic
11368	Forged or Altered Prescriptions—forging a narcotic prescription
11375	Possession for Sale or Selling Specified Substance
11378	Possession for Sale—illegal possession for sale of a nonnarcotic
11550	Using or Being Under the Influence of Controlled Substance
11167.5	Pharmacy Generated Prescription for Schedule II Controlled Substances in a Skilled Nursing Facility
111295	Manufacturing, Selling, or Offering for Sale an Adulterated Drug or Device
111300	Unlawful to Adulterate a Drug
111305	Unlawful to Receive in Commerce an Adulterated Drug
111440	Unlawful Manufacturer, Selling a Misbranded Drug
111445	Unlawful for a Person to Misbrand
111450	Unlawful to Receive into Commerce a Drug that is Misbranded

CATEGORY IV

Penalty: Revocation

Revocation is recommended for violations of the Uniform Controlled Substance Act (Heath and Safety Code 11000 et seq.) [when involving](#):

- possession for sale
- transportation
- importation
- sale
- use of a minor for the unlawful sale of controlled substances

Revocation is also recommended when:

- a respondent fails to file a notice of defense or to appear at a disciplinary hearing where the board has requested revocation in the accusation
- a respondent violates the terms and conditions of probation from a previous disciplinary order
- prior discipline has been imposed, as progressive discipline unless the respondent can demonstrate satisfactory evidence of rehabilitation.

Violations [of the following](#) codes are [as follows](#) representative of this category:

HEALTH AND SAFETY CODE, ~~TITLE 22~~

- 11352 Importing, ~~s~~Selling, ~~f~~Furnishing ~~e~~Controlled ~~s~~Substance—~~illegal sale of a narcotic~~
11353 Adult ~~i~~nducing ~~m~~Minor to ~~v~~iolate ~~controlled substances p~~rovisions
11379 Transporting, ~~i~~mporting, ~~s~~Selling ~~e~~Controlled ~~s~~Substances—~~illegal sale of a non-~~
~~narcotic~~
11380 Adult ~~u~~Using, ~~s~~Soliciting or ~~i~~ntimidating ~~m~~Minor for ~~v~~iolation—~~violation of non-~~
~~narcotic provisions or the use of a minor~~

MODEL DISCIPLINARY LANGUAGE – PHARMACIST/INTERN PHARMACIST

The following standardized language shall be used in every decision where the order or condition is imposed.

Revocation – Single Cause

License number _____, issued to respondent _____, is revoked.

Respondent shall relinquish his or her wall license and pocket renewal license to the board within 10 days of the effective date of this decision. Respondent may not reapply or petition the board for reinstatement of his or her revoked license for three years from the effective date of this decision.

Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$ _____ within fifteen (15) days of the effective date of this decision.

Option: ~~Upon~~ As a condition precedent to reinstatement of his or her revoked license, respondent shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reapplication or reinstatement of his or her license unless otherwise ordered by the board. ~~If respondent fails to pay the amount specified, his or her license shall remain revoked.~~

Revocation – Multiple Causes

License number _____, issue to respondent _____ is revoked pursuant to Determination of Issues _____, separately and together.

~~Respondent shall relinquish his or her wall license and pocket renewal license to the board within 10 days of the effective date of this decision. Respondent may not petition the board for reinstatement of his or her revoked license for three years from the effective date of this decision. Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$ _____ within 15 days of the effective date of this decision.~~

Option: ~~Upon~~ reinstatement of his or her revoked license, respondent shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____. Said amount shall be paid in full prior to the reinstatement of his or her license. ~~If respondent fails to pay the amount specified, his or her license shall remain revoked.~~

Suspension – Single Cause

License number _____, issued to respondent _____ is suspended for a period of _____.
As part of probation, respondent is suspended from the practice of pharmacy for _____ beginning the effective date of this decision. Respondent shall not resume the practice of pharmacy until notified by the board.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

Suspension - Multiple Causes

License number _____, issued to respondent is suspended for a period of _____ pursuant to Determination of Issues _____, separately and together. All suspensions shall run concurrently.

Respondent is suspended from the practice of pharmacy for _____ beginning the effective date of this decision.

Standard Stay/Probation Order

License number _____, issued to respondent is revoked _____; however, the revocation _____ is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Issuance of Probationary License (In cases where a Statement of Issues has been filed.)

~~The application for licensure of respondent is hereby granted, on the following terms and conditions:~~

- ~~1. That, respondent first meet all statutory and regulatory requirements for the issuance of a license to _____.~~
- ~~2. That, following the satisfaction of #1, respondent's license be issued and immediately revoked, the order of revocation being stayed and respondent placed on probation for a period of _____ years on the following terms and conditions:~~

Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Surrender

Respondent surrenders license number _____ as of the effective date of this decision. Respondent shall relinquish his or her wall license and pocket renewal license to the board within ten (10) days of the effective date of this decision.

The surrender of respondent's license and the acceptance of the surrendered license by the board shall constitute the imposition of discipline against respondent. This decision constitutes a record of discipline and shall become a part of respondent's license history with the board.

Respondent understands and agrees that if he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent may not ~~re~~apply for any license, permit, or registration from the board for three years from the effective date of this decision. Respondent stipulates that should he or she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application.

Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including, but not limited to taking and passing the California Pharmacist Licensure Examination prior to the issuance of a new license. Respondent is obligated-required to report this surrender as disciplinary action.

Respondent further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____ within _____ days of the effective date of this decision.

Option: Respondent stipulates that should he or she apply for any license from the board on or after the effective date of this decision the investigation and prosecution costs in the amount of \$ _____ shall be paid to the board prior to issuance of the new license.

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Public Reprimand

It is hereby ordered that a public reprimand be issued against licensee, _____.
[Respondent is required to report this reprimand as a disciplinary action.](#)

Adoption of Stipulation

It is understood by respondent that, in deciding whether to adopt this stipulation, the board may receive oral and written communication from its staff and the ~~Attorney General's Office~~ [of the Attorney General](#). Communications pursuant to this paragraph shall not disqualify the board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the board, the stipulation will not become effective and may not be used for any purpose, except this paragraph, which shall remain in effect.

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I

STANDARD CONDITIONS - To be included in all probation decisions/orders.

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

1. Obey ~~a~~All Laws
2. Reporting to the Board
3. Interview with the Board
4. Cooperation with Board Staff
5. Continuing Education
6. Notice to Employers
7. No ~~Preceptorships~~, Supervision of Interns, ~~Being~~Serving as Pharmacist-In-Charge (PIC), or Serving as a Consultant
8. Reimbursement of Board Costs
9. Probation Monitoring Costs
10. Status of License
11. License Surrender While on Probation/Suspension
12. Notification of ~~a Change in Name, Residence Address, Employment/Mailing Address or Employment Change~~
13. Tolling of Probation
14. Violation of Probation
15. Completion of Probation

OPTIONAL CONDITIONS

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

- ~~1.~~Actual Suspension
- ~~2.~~16. Restricted Practice
- ~~3.~~17. Pharmacist Examination
- ~~4.~~18. Mental Health Examination
- ~~5.~~19. Psychotherapy
- ~~6.~~20. Medical Evaluation
- ~~7.~~21. Rehabilitation ProgramPharmacists Recovery Program (PRP)
- ~~8.~~22. Random Drug Screening
- ~~9.~~23. Abstain from Drugs and Alcohol Use
24. Prescription Coordination and Monitoring of Prescription Use
- ~~10.~~25. Community Service Program
- ~~11.~~26. Restitution
- ~~12.~~27. Remedial Education
28. Pharmacy Self-Assessment Mechanism (PSAM)
- ~~13.~~29. ~~Pharmacy~~Intern Pharmacist Experience
- ~~14.~~30. Supervised Practice
- ~~15.~~31. No Supervision of Ancillary Personnel
- ~~16.~~32. No Ownership of Licensed Premises
- ~~17.~~33. Separate File of Records
- ~~18.~~34. Report of Controlled Substances
- ~~19.~~35. No Access to Controlled Substances
- ~~20.~~36. Criminal Probation/Parole Reports
- ~~21.~~37. Consultant for Owner or Pharmacist-In-Charge

22.38. Tolling of Suspension

39. Surrender of DEA Permit

STANDARD CONDITIONS: TO BE INCLUDED IN ALL PROBATIONS

4.1. Obey All Laws

Respondent shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy.~~

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state and or federal agency which involves respondent's _____ license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, ~~or distribution distributing, or~~ billing, or charging for ~~of~~ any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

2.2. Reporting to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Rrespondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report ~~is not~~ is not made as directed, probation shall be automatically extended ~~automatically~~ until such time as the final report is made and accepted by the board.

3.3. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such upon request at various intervals and at a locations as are to be determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

4.4. Cooperatione with Board Staff

Respondent shall cooperate with the board's inspectional program and in-with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply-cooperate shall be considered a violation of probation.

5.5. Continuing Education

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board [or its designee](#).

6. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number _____ and the terms, conditions and restrictions imposed on respondent by the decision, as follows:-

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his or her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and/or owner to report to the board in writing acknowledging that the listed individual(s) has/have employer has read the decision in case number _____, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the his or her direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy entity licensed by the board of the and terms and conditions of the decision in case number _____ in advance of the respondent commencing work at each pharmacy licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his or her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in case number _____ and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgments to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist or any position for which a pharmacist license is a requirement or criterion for employment, whether the respondent is considered an employee, or independent contractor or volunteer.

7.7. No Preceptorships, Supervision of Interns, Being Serving as Pharmacist-in-Charge (PIC), or Serving as a Consultant

During the period of probation, Respondent shall not supervise any intern pharmacist, or perform any of the duties of a preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the board nor serve as a consultant unless otherwise specified in this order. Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

8.8. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$ _____. Respondent shall

make said payments as follows: _____.

There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

Option: If respondent fails to make any payment by the directed deadline(s), the stay shall terminate and the license shall be revoked without further notice or opportunity to be heard.

9.9. Probation Monitoring Costs

Respondent shall pay ~~the any~~ costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board ~~at the end of each year of probation on a schedule as directed by the board or its designee.~~ Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

10.10. Status of License

Respondent shall, at all times while on probation, maintain an active, current license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

11. License Surrender ~~w~~While on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his or her pocket and wall license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

12. Notification of a Change in Name, Residence Address, Employment/Mailing

Address or Employment Change

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, and/or the address of the new employer, the name of the supervisor or-and owner, and the work schedule if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address, mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

13-13. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacist in California for a minimum of _____ hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease practicing pharmacy as a pharmacist for a minimum of _____ hours per calendar month in California, respondent must notify the board in writing within ten (10) days of the cessation of the practice of pharmacy or, and must further notify the board in writing within ten (10) days of the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding three years thirty-six (36) months.

"Cessation of practice" means any period of time exceeding 30 days calendar month in during which respondent is not practicing as a pharmacist for at least _____ hours, as defined by Business and Professions Code section 4000 et seq engaged in the practice of pharmacy as defined in Section 4052 of the Business and Professions Code. "Resumption of practice" means any calendar month during which respondent is practicing as a pharmacist for at least _____ hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

Respondent is required to practice as a pharmacist in a licensed pharmacy setting that dispenses medication. After the first year of probation, the board or its designee may consider a modification of this requirement. If respondent fails to comply with this requirement or a subsequent modification thereto, such failure shall be considered a violation of probation.

Option: Respondent shall work at least 40 hours in each calendar month as a pharmacist and at least an average of 80 hours per month in any six consecutive months. Failure to do so will be a violation of probation. If respondent has not complied with this condition during the probationary term, and respondent has presented sufficient documentation of his or her good faith efforts to comply with this condition, and if no other conditions have been violated, the board, in its discretion, may grant an extension of respondent's probation period up to one year without further hearing in order to comply with this condition.

14.14. Violation of Probation

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order ~~which that~~ was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be automatically extended, until the petition to revoke probation or accusation is heard and decided.

~~If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.~~

15.15. Completion of Probation

Upon written notice by the board or its designee indicating successful completion of probation, respondent's license will be fully restored.

OPTIONAL CONDITIONS OF PROBATION

1. Actual Suspension

~~As part of probation, respondent is suspended from the practice of pharmacy for _____ beginning the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.~~

~~Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity licensed by the board. Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy in which he or she holds an interest at the time this decision~~

~~becomes effective unless otherwise specified in this order.~~

2.16. Restricted Practice ~~(Where this condition is imposed, optional condition #7 should also be imposed)~~

Respondent's practice of pharmacy shall be restricted to [specify setting or type of practice] for the first _____ years of probation. Respondent shall submit proof satisfactory to the board of compliance with this term of probation.

Option: Respondent shall not prepare, oversee or participate in the preparation of injectable sterile products during the first _____ year(s) of probation. Respondent shall submit proof satisfactory to the board of compliance with this term of probation. Failure to abide by this restriction or to timely submit proof to the board of compliance therewith shall be considered a violation of probation.

3.17. Pharmacist Examination

Respondent shall take and pass the _____ ~~section(s) of the pharmacist licensure examination as scheduled by the Board after the effective date of this decision at respondent's own expense~~ California Pharmacist Jurisprudence Examination (CPJE) and/or the North American Pharmacist Licensure Examination (NAPLEX)] within six (6) months of the effective date of this decision. If respondent fails to take and pass the examination(s) within six (6) months after the effective of this decision, respondent shall be automatically suspended from practice ~~upon written notice~~. Respondent shall not resume the practice of pharmacy until he or she takes and passes the ~~same section(s) at a subsequent examination [CPJE and/or NAPLEX]~~ and is notified, in writing, that he or she has passed the examination(s) and may resume practice. Respondent shall bear all costs of the examination(s) required by the board.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, ~~or~~ be a consultant to any licensee of the ~~B~~board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or ~~an exemptee a designated representative~~ for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy-licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.
Failure to comply with this suspension shall be considered a violation of probation.

If respondent fails to take and pass the [CPJE and/or NAPLEX] after four attempts, respondent shall successfully complete, at a minimum, sixteen (16) additional semester units of pharmacy education as approved by the board. Failure to complete coursework as required shall be

considered a violation of probation. Failure to take ~~and pass~~ the examination(s) within one (1) year of the effective date of this decision shall be considered a violation of probation. ~~Suspension and probation shall be extended until respondent passes the examination and is notified in writing.~~

4.18. Mental Health Examination (Appropriate for those cases where evidence demonstrates that mental illness or disability was a contributing cause of the violations.)

Within thirty (30) days of the effective date of this decision, and on a periodic basis as may be required by the board or its designee, respondent shall undergo, at his or her own expense, psychiatric evaluation(s) by a board-appointed or board-approved ~~psychiatrist or psychologist~~ licensed mental health practitioner. The approved evaluator shall be provided with a copy of the board's [accusation or petition to revoke probation] and decision. Respondent shall sign a release authorizing the evaluator to furnish the board with a current diagnosis and a written report regarding the respondent's judgment and ability to function independently as a pharmacist with safety to the public. Respondent shall comply with all the recommendations of the evaluator if directed by the board or its designee.

If the ~~psychiatrist or psychotherapist evaluator~~ recommends, and the board or its designee directs, respondent shall undergo psychotherapy. ~~Respondent shall, within 30 days of written notice of the need for psychotherapy, submit to the board for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at respondent's own expense, until further notice from the board. Respondent shall have the treating psychotherapist or psychiatrist submit written quarterly reports to the board as directed. Within thirty (30) days of notification by the board that a recommendation for psychotherapy has been accepted, respondent shall submit to the board or its designee, for prior approval, the name and qualification of a licensed mental health practitioner of respondent's choice. Within thirty (30) days of approval thereof by the board, respondent shall submit documentation to the board demonstrating the commencement of psychotherapy with the approved licensed mental health practitioner. Should respondent, for any reason, cease treatment with the approved licensed mental health practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment therewith, submit the name of a replacement licensed mental health practitioner of respondent's choice to the board for its prior approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of psychotherapy with the approved replacement. Failure to comply with any requirement or deadline stated by this paragraph shall be considered a violation of probation.~~

Upon approval of the initial or any subsequent licensed mental health practitioner, respondent shall undergo and continue treatment with that therapist, at respondent's own expense, until the therapist recommends in writing to the board, and the board or its designee agrees by way of a written notification to respondent, that no further psychotherapy is necessary. Upon receipt of such recommendation from the treating therapist, and before determining whether to accept or reject said recommendation, the board or its designee may require respondent to undergo, at respondent's expense, a mental health evaluation by a separate board-appointed or board-approved evaluator. If the approved evaluator recommends that respondent continue psychotherapy, the board or its designee may require respondent to continue psychotherapy.

Psychotherapy shall be at least once a week unless otherwise approved by the board. Respondent shall provide the therapist with a copy of the board's [accusation or petition to revoke probation] and decision no later than the first therapy session. Respondent shall take all

necessary steps to ensure that the treating therapist submits written quarterly reports to the board concerning respondent's fitness to practice, progress in treatment, and other such information as may be required by the board or its designee.

If at any time the approved evaluator or therapist determines that respondent is ~~determined to be~~ unable to practice safely or independently as a pharmacist, the licensed mental health practitioner shall notify the board immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the board or its designee of this determination, ~~upon notification,~~ respondent shall ~~immediately cease practice~~ be automatically suspended and shall not resume practice until notified by the board that practice may be resumed.

Option: Commencing on the effective date of this decision, respondent shall not engage in the practice of pharmacy until notified in writing by the board that respondent is has been deemed psychologically fit to practice pharmacy safely, and the board or its designee approves said recommendation.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, ~~or~~ or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, Rrespondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or ~~an exemptee~~ a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any ~~pharmacy licensed premises~~ in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

(Option language to be used in addition to standard language)

Option: If recommended by the evaluating psychiatrist or psychotherapist licensed mental health practitioner and approved by the board, respondent shall be suspended from practicing pharmacy until ~~the respondent's~~ treating ~~psycho~~therapist recommends, in writing, stating the basis therefor, that respondent can safely practice pharmacy, and the board or its designee approves said recommendation.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, ~~or~~ or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous

drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or ~~an exemptee a designated representative~~ for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy-licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

5.19. Psychotherapy (Appropriate for those cases where the evidence demonstrates mental illness or alcohol or drug abuse was involved in the violations.)

Within thirty (30) days of the effective date of this decision, respondent shall submit to the board or its designee, for ~~its~~ prior approval, the name and qualifications of a licensed mental health practitioner of respondent's choice. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of psychotherapy with the approved licensed mental health practitioner. Should respondent, for any reason, cease treatment with the approved licensed mental health practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement psychotherapist or licensed mental health practitioner of respondent's choice to the board for its prior approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of psychotherapy with the approved replacement. Failure to comply with any requirement or deadline stated by this paragraph shall be considered a violation of probation.

Upon approval of the initial or any subsequent licensed mental health practitioner, respondent shall undergo and continue treatment with that therapist, at respondent's own expense, until the therapist recommends in writing to the board, and the board or its designee agrees by way of a written notification to respondent, that no further psychotherapy is necessary. Upon receipt of such recommendation from the treating therapist, and before determining whether to accept or reject said recommendation, the board or its designee may require respondent to undergo, at respondent's own expense, a mental health evaluation by a board-appointed or board-approved psychiatrist or psychologist. If the approved evaluator recommends that respondent continue psychotherapy, the board or its designee may require respondent to continue psychotherapy.

Therapy Psychotherapy shall be at least once a week unless otherwise ~~determined~~ approved by the board. Respondent shall provide the therapist with a copy of the board's accusation and decision no later than the first therapy session. Respondent shall take all necessary steps to ensure that the treating therapist submits written quarterly reports to the board concerning respondent's fitness to practice, progress in treatment, and ~~to provide~~ such other information as may be required by the board or its designee.

If at any time the treating therapist ~~finds~~ determines that respondent cannot practice safely or independently, the therapist shall notify the board immediately by telephone and followed up by written letter within three (3) working days. Upon notification from the board or its designee of this determination, respondent shall be automatically suspended and shall not resume practice

until notified by the board that practice may be resumed.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

~~Upon approval of the licensed mental health practitioner, respondent shall undergo and continue treatment with that therapist and at respondent's own expense, until the board deems that no further psychotherapy is necessary. The board may require respondent to undergo a mental health evaluation(s) by a board-appointed or board-approved licensed mental health practitioner.~~

6:20. Medical Evaluation (Appropriate for those cases where the evidence demonstrates that the respondent has had a physical problem/disability which was a contributing cause of the violations and which may affect the respondent's ability to practice.)

Within thirty (30) days of the effective date of this decision, and on a periodic basis thereafter as may be required by the board or its designee, respondent shall undergo a medical evaluation, at respondent's own expense, by a board-appointed or board-approved physician who shall furnish a medical report to the board. The approved physician shall be provided with a copy of the board's [accusation or petition to revoke probation] and decision. A record of this notification must be provided to the board upon request. Respondent shall sign a release authorizing the physician to furnish the board with a current diagnosis and a written report regarding the respondent's ability to function independently as a pharmacist with safety to the public. Respondent shall comply with all the recommendations of the physician if directed by the board or its designee.

~~If respondent is required by the board the physician recommends, and the board or its designee directs, that respondent to undergo medical treatment, respondent shall, within thirty (30) days of written notice from the board, submit to the board or its designee, for prior approval, the name and qualifications of a licensed physician of respondent's choice. for its prior approval, the name and qualifications of a physician of respondent's choice. Upon board approval of the treating physician, respondent shall undergo and continue medical treatment, with that physician and at respondent's own expense, until further notice from the board. Respondent shall have the treating physician submit written quarterly reports to the board. Should respondent, for any reason, cease treatment with the approved physician, respondent shall notify the board~~

immediately and, within 30 days of ceasing treatment, submit the name of a replacement physician of respondent's choice to the board for its prior approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of treatment with the approved physician. Should respondent, for any reason, cease treatment with the approved physician, respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement physician of respondent's choice to the board or its designee for prior approval. Within thirty (30) days of approval thereof, respondent shall submit documentation to the board demonstrating the commencement of treatment with the approved replacement. Failure to comply with any deadline stated by this paragraph shall be considered a violation of probation.

Upon approval of the initial or any subsequent physician, respondent shall undergo and continue treatment with that physician, at respondent's own expense, until the treating physician recommends in writing to the board, and the board or its designee agrees by way of a written notification to respondent, that no further treatment is necessary. Upon receipt of such recommendation from the treating physician, and before determining whether to accept or reject said recommendation, the board or its designee may require respondent to undergo, at respondent's own expense, a medical evaluation by a separate board-appointed or board-approved physician. If the approved evaluating physician recommends that respondent continue treatment, the board or its designee may require respondent to continue treatment.

Respondent shall take all necessary steps to ensure that any treating physician submits written quarterly reports to the board concerning respondent's fitness to practice, progress in treatment, and other such information as may be required by the board or its designee.

If at any time an approved evaluating physician or respondent's approved treating physician determines that respondent is unable to practice safely or independently as a pharmacist, the evaluating or treating physician shall notify the board immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the board or its designee of this determination, respondent shall be automatically suspended and shall not resume practice until notified by the board that practice may be resumed.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

(Option language to be used in addition to standard language)

Option: ~~Upon Commencing on~~ the effective date of this decision, respondent shall not engage in the practice of pharmacy until notified in writing by the board ~~of its determination~~ that respondent ~~has been deemed is~~ medically fit to practice safely and independently, and the board or its designee approves said recommendation.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, ~~or~~ be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs or controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or ~~an exemptee~~ designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any ~~pharmacy-licensed premises~~ in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

(Option language to be used in addition to standard language)

Option: If recommended by the evaluating physician and approved by the board, respondent shall be suspended from practicing pharmacy until the treating physician recommends, in writing, stating the basis therefor, that respondent can safely and independently resume the practice of a pharmacist, and the board or its designee approves said recommendation. Respondent shall not resume practice until notified by the board that practice may be resumed.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, ~~or~~ be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or ~~an exemptee~~ designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy-licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

7.21. Rehabilitation Program—Pharmacists Recovery Program (PRP) (Appropriate for chemical dependency (alcohol, drugs), or psychiatric disorders (mental illness, emotional disturbance, gambling))

Within thirty (30) days of the effective date of this decision, respondent shall contact the Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll, successfully participate in, and complete the treatment contract and any subsequent addendums as recommended and provided by the PRP and as approved by the board or its designee. The costs for PRP participation shall be borne by the respondent.

If respondent is currently enrolled in the PRP, said participation is now mandatory and as of the effective date of this decision is no longer considered a self-referral under Business and Professions Code section ~~43634362(c)(2), as of the effective date of this decision~~. Respondent shall successfully participate in and complete his or her current contract and any subsequent addendums with the PRP.

Failure to timely contact or enroll in the PRP, or successfully participate in and complete the treatment contract and/or any addendums, shall be considered a violation of probation.

Probation shall be automatically extended until respondent successfully completes ~~his or her treatment contract~~ the PRP. Any person terminated from the PRP program shall be automatically suspended ~~upon notice~~ by the board. Respondent may not resume the practice of pharmacy until notified by the board in writing.

Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall result in the automatic suspension of practice by respondent and shall be considered a violation of probation. Respondent may not resume the practice of pharmacy until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

(Option language to be used in addition to standard language)

Option: Respondent shall work in a pharmacy setting with access to controlled substances for six (6) consecutive months before successfully completing probation. If respondent fails to do so, probation shall be automatically extended until this condition has been met. Failure to satisfy this condition within six (6) months beyond the original date of expiration of the term of probation shall be considered a violation of probation.

~~The board shall retain jurisdiction to institute action to terminate probation for any violation of this term.~~

8.22. Random Drug Screening (If PRP provision is required, this term is also to be included to allow for continued fluid monitoring by the Board in cases where a respondent successfully completes the PRP before completion of the probation period; terms is also appropriate for those cases where the evidence demonstrates that the respondent may have a problem with chemical dependency (drugs, alcohol) but where the PRP is not required.)

Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or a other drug screening program approved as directed by the board or its designee. ~~The length of time shall be for the Respondent may be required to participate in testing for the~~ entire probation period and the frequency of testing will be determined by the board or its designee. At all times, respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall ~~constitute be considered~~ a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and drug test shall result in the ~~immediate automatic~~ suspension of practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

9.23. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed

practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. ~~Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs.~~ Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

24. Prescription Coordination and Monitoring of Prescription Use (Appropriate for chemical dependency (alcohol, drugs), or psychiatric disorders (mental illness, emotional disturbance, gambling))

Within thirty (30) days of the effective date of this decision, respondent shall submit to the board, for its prior approval, the name and qualifications of a single physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's history [with the use of alcohol, controlled substances, and/or dangerous drugs, and/or of mental illness, and/or of gambling addiction] and who will coordinate and monitor any prescriptions for respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved practitioner shall be provided with a copy of the board's [accusation or petition to revoke probation] and decision. A record of this notification must be provided to the board upon request. Respondent shall sign a release authorizing the practitioner to communicate with the board about respondent's treatment(s). The coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of probation regarding respondent's compliance with this condition. If any substances considered addictive have been prescribed, the report shall identify a program for the time limited use of any such substances. The board may require that the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent, for any reason, cease supervision by the approved practitioner, respondent shall notify the board immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the board or its designee for its prior approval. Failure to timely submit the selected practitioner or replacement practitioner to the board for approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered a violation of probation.

If at any time an approved practitioner determines that respondent is unable to practice safely or independently as a pharmacist, the practitioner shall notify the board immediately by telephone and follow up by written letter within three (3) working days. Upon notification from the board or its designee of this determination, respondent shall be automatically suspended and shall not resume practice until notified by the board that practice may be resumed.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the

board.

During suspension, respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

40.25. Community Services Program

Within sixty (60) days of the effective date of this decision, respondent shall submit to the board or its designee, for ~~its~~ prior approval, a community service program in which respondent shall provide free health-care related services on a regular basis to a community or charitable facility or agency for at least _____ hours per _____ for the first _____ of probation. Within thirty (30) days of board approval thereof, respondent shall submit documentation to the board demonstrating commencement of the community service program. A record of this notification must be provided to the board upon request. Respondent shall report on progress with the community service program in the quarterly reports. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

41.26. Restitution (For Pharmacist and Premises)— (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent shall pay restitution to _____ in the amount of \$ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

42.27. Remedial Education

Within [thirty (30), sixty (60), ninety (90)] days of the effective date of this decision, respondent shall submit to the board or its designee, for ~~its~~ prior approval, an appropriate program of remedial education related to [the grounds for discipline]. The program of remedial education shall consist of at least _____ hours, which shall be completed within _____ months/year at respondent's own expense. ~~The period of probation shall be extended until such remedial education is successfully completed and written proof, in a form acceptable to the board, is provided to the board.~~ All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes.

Failure to timely submit or complete the approved remedial education ~~as set forth hereinabove is grounds for the filing of a petition to revoke probation~~ shall be considered a violation of probation. The period of probation will be automatically extended until such remedial education is successfully completed and written proof, in a form acceptable to the board, is provided to the board or its designee.

Following the completion of each course, the board ~~may administer or its designee may require~~

the respondent, at his or her own expense, to take an approved an examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination, this failure shall be considered a violation of probation. Any such examination failure shall require respondent to take another course approved by the board in the same subject area.

Option: Respondent shall be restricted from the practice of [areas where a serious deficiency has been identified] until the remedial education program has been successfully completed.

28. Pharmacy Self-Assessment Mechanism

Within the first year of probation, respondent shall complete the Pharmacist Self-Assessment Mechanism (PSAM) examination provided by the National Association of Boards of Pharmacy (NABP). Respondent shall submit a record of completion to the board demonstrating he/she has completed this examination. Respondent shall bear all costs for the examination. Failure to timely complete the PSAM or submit documentation thereof shall be considered a violation of probation.

13.29. Pharmacy Intern Pharmacist Experience (For Intern Pharmacist)

Within ninety (90) days of the effective date of this decision, respondent shall submit to the board or its designee, for its prior approval, a pharmacy intern training program consisting of _____ hours to be served as an intern pharmacist in a community -and/or institutional pharmacy as directed. Respondent shall successfully complete the intern hours within the first year of probation and shall, by no later than one (1) year from the effective date of this decision, submit a "Pharmacy Intern Experience Affidavit" and "Pharmacy Intern Hours Affidavit" signed by a currently licensed pharmacist not on probation with the board proof satisfactory to the board of completion of this experience signed under penalty of perjury by both the respondent and supervising pharmacist. Failure to timely complete or document the required intern experience shall be considered a violation of probation.

14.30. Supervised Practice

During the period of probation, rRespondent shall practice only under the supervision of a licensed pharmacist not on probation with the board. Upon and after the effective date of this decision, rRespondent shall not practice pharmacy and his or her license shall be automatically suspended until the a supervisor is approved by the board or its designee. The supervision shall be, as required by the board or its designee, either:

- Continuous ~~-- At least 75% to 100%~~ of a work week
- Substantial - At least 50% of a work week
- Partial - At least 25% of a work week
- Daily Review - Supervisor's review of probationer's daily activities within 24 hours

Within thirty (30) days of the effective date of this decision, respondent shall have his or her supervisor submit notification to the board in writing stating that the supervisor has read the decision in case number _____ and is familiar with the required level of supervision as determined by the board or its designee. It shall be the respondent's responsibility to ensure that his or her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Failure to cause the direct supervisor and the pharmacist-in-

charge to submit timely acknowledgements to the board shall be considered a violation of probation.

If respondent changes employment, it shall be the respondent's responsibility to ensure that his or her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the board. Respondent shall have his or her new supervisor, within fifteen (15) days after employment commences, submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge have read the decision in case number _____ and is familiar with the level of supervision as determined by the board. Respondent shall not practice pharmacy and his or her license shall be automatically suspended until the board or its designee approves a new supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely acknowledgements to the board shall be considered a violation of probation.

Within ten (10) days of leaving employment, respondent shall notify the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

During suspension, respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a designated representative for any entity licensed by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

15-31. No Supervision of Ancillary Personnel

During the period of probation, Respondent shall not supervise any ancillary personnel, including, but not limited to, ~~registered~~ pharmacy technicians or ~~exemptees~~ designated representatives, ~~of~~in any entity licensed by the board.

Failure to comply with this provision shall be considered a violation of probation.

16-32. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

Option: Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

17-33. Separate File of Records (For pharmacist owners and pharmacists-in-charge)

Respondent shall maintain and make available for inspection a separate file of all records pertaining to the acquisition or disposition of all controlled substances. Failure to maintain such file or make it available for inspection shall be considered a violation of probation.

18-34. Report of Controlled Substances (For pharmacist owners and pharmacists-in-charge)

Respondent shall submit quarterly reports to the board detailing the total acquisition and disposition of such controlled substances as the board may direct. Respondent shall specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such controlled substances. Respondent shall report on a quarterly basis or as directed by the board. The report shall be delivered or mailed to the board no later than ten (10) days following the end of the reporting period. Failure to timely prepare or submit such reports shall be considered a violation of probation.

19-35. No Access to Controlled Substances

During the period of probation and as directed by the board or its designee, Respondent shall not order, possess, dispense or otherwise have access to any controlled substance(s) in Schedule II, III, IV or V (Health and Safety Code sections 11055-11058 inclusive). Respondent shall not order, receive or retain any triplicate-security prescription forms. Failure to comply with this restriction shall be considered a violation of probation.

20-36. Criminal Probation/Parole Reports

Respondent shall provide a copy of the conditions of any criminal probation/parole to the board, in writing, within ten (10) days of the issuance or modification of those conditions. Respondent shall provide the name of his or her probation/parole officer to the board, in writing, within ten (10)

days after that officer is designated or a replacement for that officer is designated. Respondent shall provide a copy of all criminal probation/parole reports to the board within ten (10) days after respondent receives a copy of such a report. Failure to timely make any of the submissions required hereby shall be considered a violation of probation.

21.37. Consultant for Owner or Pharmacist-in-Charge

(Option #1 for pharmacist owners - primarily intended for appropriate cases where the respondent is the sole owner and pharmacist-in-charge of his or her own pharmacy, the standard language should be used in most cases.)

During the period of probation, Respondent shall not supervise any intern pharmacist, ~~perform any of the duties of a preceptor~~ or serve as a consultant to any entity licensed by the board. Respondent may be a pharmacist-in-charge. However, if during the period of probation respondent serves as a pharmacist-in-charge, respondent shall retain an independent consultant at his or her own expense who shall be responsible for reviewing pharmacy operations on a [monthly/quarterly] basis for compliance by respondent with state and federal laws and regulations governing the practice of pharmacy and for compliance by respondent with the obligations of a pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not on probation with the board and whose name shall be submitted to the board or its designee, for ~~its~~ prior approval, within thirty (30) days of the effective date of this decision. Respondent shall not be a pharmacist-in-charge at more than one pharmacy or at any pharmacy of which he or she is not the sole owner. Failure to timely retain, seek approval of, or ensure timely reporting by the consultant shall be considered a violation of probation.

(Option #2 - appropriate for pharmacists who are not pharmacy owners, but who wish, because of their current employment, to remain as the pharmacist-in-charge, and have provided documentation documented mitigating evidence to warrant this option.)

During the period of probation, Respondent shall not supervise any intern pharmacist, ~~perform the duties of a preceptor~~ or serve as a consultant to any entity licensed by the board. In the event that the respondent is currently the pharmacist-in-charge of a pharmacy, the pharmacy shall retain an independent consultant at its own expense who shall be responsible for reviewing pharmacy operations on a [monthly/quarterly] basis for compliance by respondent with state and federal laws and regulations governing the practice of pharmacy and for compliance by respondent with the obligations of a pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not on probation with the board and whose name shall be submitted to the board or its designee, for ~~its~~ prior approval. ~~Within~~ thirty (30) days of the effective date of this decision. Respondent shall not be a pharmacist-in-charge at more than one pharmacy or at any pharmacy of which he or she is not the current PIC. The board may, in case of an employment change by respondent or for other reasons as deemed appropriate by the board or its designee, preclude the respondent from acting as a pharmacist-in-charge. Failure to timely retain, seek approval of, or ensure timely reporting by the consultant shall be considered a violation of probation.

22.38. Tolling of Suspension

During the period of suspension, respondent shall not leave California for any period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess of the (10) days during suspension shall be considered a violation of probation. Moreover, any

absence from California during the period of suspension exceeding ten (10) days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days respondent is absent from California. During any such period of tolling of suspension, respondent must nonetheless comply with all terms and conditions of probation.

Respondent must notify the board in writing within ten (10) days of departure, and must further notify the board in writing within ten (10) days of return. The failure to provide such notification(s) shall constitute a violation of probation. Upon such departure and return, respondent shall not resume the practice of pharmacy until notified by the board that the period of suspension has been satisfactorily completed.

~~If respondent leaves California to reside or practice outside this state, for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state – or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period.~~

~~Respondent shall not practice pharmacy upon returning to this state until notified by the board that the period of suspension has been completed.~~

39. Surrender of DEA Permit

Within thirty (30) days of the effective date of this decision, respondent shall surrender his or her federal Drug Enforcement Administration (DEA) permit to the DEA, for cancellation. Respondent shall provide documentary proof of such cancellation to the board or its designee. Respondent is prohibited from prescribing until the board has received satisfactory proof of cancellation. Thereafter, respondent shall not apply/reapply for a DEA registration number without the prior written consent of the board or its designee.

Option: Respondent may obtain a DEA permit restricted to Schedule(s) _____ controlled substance(s).

Option: Respondent shall not order, receive, or retain any federal order forms, including 222 forms, for controlled substances.

PHARMACY TECHNICIAN

The board files cases against pharmacy technicians where the violation(s) involve significant misconduct on the part of the licensee. The board believes that revocation is [typically](#) the appropriate penalty when grounds for discipline are found to exist. Grounds for discipline include, but are not limited to the following violation(s) of law(s) involving:

- Possession of dangerous drugs and/or controlled substances
- Use of dangerous drugs and/or controlled substances
- Possession for sale of dangerous drugs and/or controlled substances
- Personal misuse of drugs or alcohol

If revocation is not imposed, the board recommends a minimum ~~of a~~ Category III level of discipline be imposed on the pharmacy technician. This would include suspension and probation.

In addition, a pharmacy technician would be required to obtain certification ~~from the Pharmacy Technician Certification Board (PTCB)~~ [as defined by Business and Professions Code section 4202\(a\)\(4\)](#) prior to resuming work as a pharmacy technician. The board believes that certification prior to resuming work is always warranted in cases where a pharmacy technician [registration license](#) is disciplined but not revoked.

Pharmacy technicians are issued a [registration license](#) based on minimal education, ~~or~~ training requirements [or certification](#). No examination is required for issuance of the registration. Pharmacy technicians are not independent practitioners and must work under the supervision of a pharmacist. To place a pharmacy technician on probation places an additional burden on the pharmacist (who may or may not be on probation) to ensure that the respondent pharmacy technician complies with the terms and conditions of his or her probation.

TERMS OF PROBATION – PHARMACY TECHNICIAN

A minimum three-year probation period has been established by the board as appropriate in most cases where probation is imposed. A minimum five-year probation period has been established by the board as appropriate where self-administration or diversion of controlled substances is involved. Terms and conditions are imposed to provide consumer protection and to allow the probationer to demonstrate rehabilitation. ~~A~~ suspension period may also be required as part of the probation order. The board prefers that any stayed order be for revocation rather than for some period of suspension.

Probation conditions are divided into two categories: (1) standard conditions that shall appear in ~~all~~ [all](#) probation cases, and (2) optional conditions that depend on the nature and circumstances of a particular case. These conditions may vary depending on the nature of the offense(s).

The board may also impose any other condition appropriate to the case where the condition is not contrary to public policy.

CATEGORY OF VIOLATIONS AND RECOMMENDED PENALTIES

CATEGORY III - Penalty

Minimum: Revocation; Revocation stayed, 90 days actual suspension, three years probation. All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Applies to all applicable statutes and regulations

MODEL DISCIPLINARY LANGUAGE – PHARMACY TECHNICIAN

The following standardized language shall be used in every decision where the order of condition is imposed.

Revocation-- Single Cause

Pharmacy Technician ~~registration~~ license number _____, issued to respondent _____ is revoked. Respondent shall relinquish his or her ~~poCKET~~ technician registration license to the board within ten (10) days of the effective date of this decision. Respondent may not reapply or petition the board for reinstatement of his or her revoked technician registration license for three (3) years from the effective date of this decision.

A condition of reinstatement shall be that the respondent is certified as defined in Business and Professions Code section 4202(a)(4) by the Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification to the board.

Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$_____ within fifteen (15) days of the effective date of this decision.

Option: As a condition precedent to ~~Upon~~ reinstatement of his or her revoked technician registration license respondent shall reimburse the board for its costs of investigation and prosecution in the amount of \$_____, ~~and s~~ said amount shall be paid in full prior to the reapplication or reinstatement of his or her revoked technician license, unless otherwise ordered by the board of his or her technician registration. If the respondent fails to pay the amount specified, his or her technician registration shall remain revoked.

Revocation-- Multiple Causes

Technician registration number _____, issued to respondent _____ is revoked pursuant to Determination of Issues _____, separately and together. Respondent shall relinquish his or her ~~poCKET~~ technician registration to the board within 10 days of the effective date of this decision. Respondent may not petition the board for reinstatement of his or her revoked technician registration for three years from the effective date of this decision. A condition of reinstatement shall be that the respondent is certified by the Pharmacy Technician Certification Board (PTCB) and provides satisfactory proof of certification to the board.

~~Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$ _____ within 15 days of the effective date of this decision.~~

~~**Option:** Upon reinstatement of his or her technician registration respondent shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____, and said amount shall be paid in full prior to the reinstatement of his or her technician registration. If the respondent fails to pay the amount specified, his or her technician registration shall remain revoked.~~

~~Suspension – Single Cause~~

~~As part of probation, Technician registration number _____, issued to respondent _____ is suspended from working as a pharmacy technician for a period of _____ beginning the effective date of this decision. Respondent shall not resume work until notified by the board.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.~~

~~Respondent shall not direct, control or perform any aspect of the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

~~Failure to comply with this suspension shall be considered a violation of probation.~~

~~Suspension – Multiple Causes~~

~~Technician registration number _____, issued to respondent is suspended for a period of _____ pursuant to Determination of Issues _____, separately and together. All suspensions shall run concurrently. Respondent is suspended from the duties of a pharmacy technician for _____ beginning the effective date of this decision.~~

~~Standard Stay/Probation Order~~

~~Pharmacy Technician registration license number _____ issued to _____ is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:~~

~~Issuance of Probationary License (In cases where a Statement of Issues has been filed.)~~

~~Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:~~

Surrender

Respondent surrenders pharmacy technician ~~registration~~-license number _____ as of the effective date of this decision. Respondent shall relinquish his or her ~~poeket-pharmacy~~ technician ~~registration~~-license to the board within ten (10) days of the effective date of this decision.

The surrender of respondent's license and the acceptance of the surrendered license by the board shall constitute the imposition of discipline against respondent. This decision constitutes a record of discipline and shall become a part of respondent's license history with the board.

Respondent understands and agrees that if he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent may not ~~re~~apply for any license, permit, or technician-registration ~~of from~~ the board for three (3) years from the effective date of this decision. Respondent stipulates that should ~~respondent he or she~~ apply for any ~~technician registration~~-license from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new license. Respondent is required to report this surrender as disciplinary action. Should respondent apply for any new license, respondent will be subject to all terms and conditions not previously satisfied.

~~Respondent shall meet all requirements applicable to that technician registration as of the date the application is submitted to the board, including, but not limited to certification by a nationally recognized body prior to the issuance of a new registration.~~

Respondent further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution in the amount of \$_____ within _____ days of the effective date of this decision.

Option: Respondent stipulates that should he or she apply for any technician registration license from the board on or after the effective date of this decision, ~~that~~ investigation and prosecution costs in the amount of \$_____ shall be paid to the board prior to issuance of the technician registration license.

Public Reprimand

It is hereby ordered that a public reprimand be issued against pharmacy technician license, _____ . Respondent is required to report this reprimand as a disciplinary action.

Adoption of Stipulation

It is understood by respondent that, in deciding whether to adopt this stipulation, the board may receive oral and written communication from its staff and the ~~Attorney General's Office~~ of the Attorney General. Communications pursuant to this paragraph shall not disqualify the board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the board, the stipulation will not become effective and may not be used for any purpose, except this paragraph, which shall remain in effect.

STANDARD CONDITIONS – To be included in all probation decisions/orders.

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

1. Certification Prior to Resuming Work
2. Obey ~~a~~All Laws
3. Reporting to the Board
4. Interview with the Board
5. Cooperation with Board Staff
6. Notice to Employers
7. Reimbursement of Board Costs
8. Probation Monitoring Costs
9. Status of License
10. License Surrender While on Probation/Suspension
- ~~10.11.~~ Notification of a Change in Name, Residence Address, Employment/Mailing Address or Employment Change
- ~~11.12.~~ Tolling of Probation
- ~~12.13.~~ Violation of Probation
- ~~13.14.~~ Completion of Probation
- ~~14.~~ License Surrender While on Probation/Suspension

OPTIONAL CONDITIONS

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

- ~~1.~~ Actual Suspension
- ~~2.15.~~ No Ownership of Licensed Premises
- ~~3.16.~~ Attend Substance Abuse Recovery Relapse Prevention and Support Groups
- ~~4.17.~~ Random Drug Screening
- ~~5.18.~~ Work Site Monitor
- ~~6.19.~~ Notification of Departure
- ~~7.20.~~ Abstain from Drugs and Alcohol Use
- ~~8.21.~~ Tolling of Suspension
- ~~22.~~ Restitution

STANDARD CONDITIONS: TO BE INCLUDED IN ALL PROBATIONS

1.1. Certification Prior to Resuming Work

Respondent shall be automatically suspended from working as a pharmacy technician until he or she is certified by the Pharmacy Technician Certification Board (PTCB) as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the board. Failure to achieve certification within one (1) year shall be considered a violation of probation.

During suspension, respondent shall not enter any pharmacy area or any portion of any other board the licensed premises of a (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) which is licensed by the board, or any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or be a consultant to or assist any licensee of the board. Respondent shall not ~~er~~ have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any ~~entity~~ licensed premises by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

2.2. Obey All Laws

Respondent shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy.~~

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's _____ license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

3.3. Reporting to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other

requirements. Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended automatically until such time as the final report is made and accepted by the board.

4.4. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, upon request at various such intervals and at a locations as are to be determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear at two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

5.5. Cooperatione with Board Staff

Respondent shall cooperate with the board's inspectional program and in-with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply-cooperate shall be considered a violation of probation.

6.6. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number _____ and the terms, conditions and restrictions imposed on respondent by the decision, as follows:-

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his or her direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner employer to report to the board in writing acknowledging that the listed individual(s) has/have employer has read the decision in case number _____ and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the his or her direct supervisor, pharmacist-in-charge and/or owner at every pharmacy of the terms and conditions of the decision in case number _____ in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his or her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in case number _____ and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician or in any position for which a pharmacy technician license is a requirement or criterion for employment, whether the respondent is considered an employee, or independent contractor or volunteer.

7.7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$_____. Respondent shall make said payments as follows: _____. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

Option: If respondent fails to make any payment by the directed deadline(s), the stay shall

terminate and the license shall be revoked without further notice or opportunity to be heard.

8.8. Probation Monitoring Costs

Respondent shall pay ~~the any~~ costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board ~~at the end of each year of probation on a schedule as directed by the board or its designee.~~ Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

9.9. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician registration/certification license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's pharmacy technician registration/certification license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her pharmacy technician license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his or her pharmacy technician license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

10.11. Notification of a Change in Name, Residence Address, Employment/Mailing Address or Employment Change

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving, ~~and/or~~ the address of the new employer, the name of the supervisor or owner, and the work schedule, if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

11.12. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacy technician in California for a minimum of _____ hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

It is a violation of probation for respondent to work less than _____ hours per month as a pharmacy technician/exemptee. Should respondent, regardless of residency, for any reason (including vacation) cease practicing-working as a pharmacy technician or an exemptee for a minimum of _____ hours per calendar month in California, respondent must notify the board in writing within ten (10) days of cessation of practice-work and must further notify the board in writing within ten (10) days of or the resumption of the practice work. Such periods of time shall not apply to the reduction of the probation period. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding three consecutive years thirty-six (36) months.

"Cessation of practicework" means any period of time exceeding 30 days calendar month during in which respondent is not engaged in the practice of working for at least _____ hours as a pharmacy technician, as defined in section _____ of the Business and Professions Code section 4115. "Resumption of work" means any calendar month during which respondent is working as a pharmacy technician for at least _____ hours as a pharmacy technician as defined by Business and Professions Code section 4115.

12.13. Violation of Probation

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended, until the petition to revoke probation or accusation is heard and decided.

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to

impose the penalty which was stayed.

13.14. Completion of Probation

Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician registration license will be fully restored.

14. License Surrender While on Probation/Suspension

~~Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.~~

~~Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.~~

OPTIONAL CONDITIONS OF PROBATION

1. Actual Suspension

~~As part of probation, respondent is suspended from the duties of a pharmacy technician for _____ beginning the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.~~

~~Subject to the above restrictions, respondent may continue to own or hold an interest in any entity licensed by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

~~During suspension, respondent shall not perform any of the duties of a pharmacy technician as provided by Section 1793.2 of the California Code of Regulations.~~

2.15. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,

administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

Option: Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective of this decision. Violation of this restriction shall be considered a violation of probation.

3.16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a ~~board-approved~~ recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, ~~Cocaine-Narcotics~~ Anonymous, etc.;) which has been approved by the board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

4.17. Random Drug Screening (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or ~~a other~~ drug screening program ~~approved as directed~~ by the board or its designee. ~~The length of time shall be for the Respondent may be required to participate in testing for the~~ entire probation period and the frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall ~~constitute be considered~~ a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive ~~drug-test~~ for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the ~~immediate-automatic~~ suspension of ~~practice-work~~ by respondent. Respondent may not resume ~~the practice of pharmacy-work as a pharmacy technician~~ until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor

of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect of the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

5.18. Work Site Monitor (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within ten (10) days of the effective date of this decision, respondent shall identify a work site monitor, for prior approval by the board, who shall be responsible for supervising respondent during working hours. The Respondent shall be responsible for ensuring that the work site monitor shall report reports in writing to the board quarterly. Should the designated work site monitor determine at any time during the probationary period that respondent has not maintained sobriety, he or she shall notify the board immediately, either orally or in writing as directed. Should respondent change employment, a new work site monitor must be designated, for prior approval by the board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be considered a violation of probation.

6.19. Notification of Departure (Appropriate for those cases with chemical dependency (alcohol, drugs))

~~If respondent leaves~~ Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return, ~~prior to leaving.~~ Failure to comply with this provision shall be considered a violation of probation.

7.20. Abstain from Drugs and Alcohol Use (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. ~~Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Additionally, respondent shall cause the prescribing practitioner to notify the board in writing, indicating their awareness of the chemical dependency.~~ Additionally, respondent shall cause the prescribing physician to notify the board in writing, indicating their awareness of the chemical dependency. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if

respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

8.21. Tolling of Suspension

During the period of suspension, respondent shall not leave California for any period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess of ten (10) days during suspension shall be considered a violation of probation. Moreover, any absence from California during the period of suspension exceeding ten (10) days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days respondent is absent from California. During any such period of tolling of suspension, respondent must nonetheless comply with all terms and conditions of probation.

Respondent must notify the board in writing within ten (10) days of departure, and must further notify the board in writing within ten (10) days of return. The failure to provide such notification(s) shall constitute a violation of probation. Upon such departure and return, respondent shall not return to work until notified by the board that the period of suspension has been satisfactorily completed.

If respondent leaves California to reside or practice outside this state, or for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period.

Respondent shall not act as a pharmacy technician upon returning to this state until notified by the board that the period of suspension has been completed.

22. Restitution (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent shall pay restitution to _____ in the amount of \$ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

EXEMPTEE DESIGNATED REPRESENTATIVE

The board files cases against exemptees designated representatives where the violation(s) involve significant misconduct on the part of the licensee. The board believes that revocation is typically the appropriate penalty when grounds for discipline are found to exist. Grounds for discipline include, but are not limited to, the following violation(s) of law(s) involving:

- Possession of dangerous drugs and/or controlled substances
- Use of dangerous drugs and/or controlled substances
- Possession for sale of dangerous drugs and/or controlled substances
- Personal misuse of drugs or alcohol

If revocation is not imposed, the board recommends a minimum ~~of a~~ Category III level of discipline be imposed on the exemptee designated representative. This would include suspension and probation.

~~An exemptee would be required to be reexamined by the board prior to resuming work as an exemptee.~~

TERMS OF PROBATION -- EXEMPTEE DESIGNATED REPRESENTATIVE

A minimum three-year probation period has been established by the board as appropriate in most cases where probation is imposed. A minimum five-year probation period has been established by the board as appropriate where self-administration or diversion of controlled substances is involved. Terms and conditions are imposed to provide consumer protection and to allow the probationer to demonstrate rehabilitation. A suspension period may also be required as part of the probation order. The board prefers that any stayed order be for revocation rather than for some period of suspension.

Probation conditions are divided into two categories: (1) standard conditions that shall appear in all probation cases, and (2) optional conditions that depend on the nature and circumstances of a particular case. These conditions may vary depending on the nature of the offense(s).

The board may also impose any other condition appropriate to the case where the condition is not contrary to public policy.

CATEGORY OF VIOLATIONS AND RECOMMENDED PENALTIES

CATEGORY III - Penalty

Minimum: Revocation; Revocation stayed, 90 days actual suspension, three years probation. All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Applies to all applicable statutes and regulations

MODEL DISCIPLINARY LANGUAGE -- EXEMPTEE DESIGNATED REPRESENTATIVE

The following standardized language shall be used in every decision where the order of condition is imposed.

Revocation -- Single Cause

~~Designated Representative license Certification~~ number _____, issued to respondent _____ is revoked. Respondent shall relinquish his or her ~~designated representative pocket certification license~~ to the board within ten (10) days of the effective date of this decision. Respondent may not petition the board for reinstatement of his or her revoked ~~certification~~ designated representative license for three (3) years from the effective date of this decision.

~~A condition of reinstatement shall be that the respondent retake the exemption certification examination.~~

Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$ _____ within fifteen (15) days of the effective date of this decision.

Option: ~~As a condition precedent to Upon~~ reinstatement of his or her revoked designated representative license certification respondent shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____, ~~and s~~ said amount shall be paid in full prior to the reinstatement of his or her certification revoked designated representative license, unless otherwise ordered by the board. ~~If the respondent fails to pay the amount specified, his or her certification shall remain revoked.~~

Revocation -- Multiple Causes

~~Certification number _____, issued to respondent _____ is revoked pursuant to Determination of Issues _____, separately and together. Respondent shall relinquish his or her pocket certification to the board within 10 days of the effective date of this decision. Respondent may not petition the board for reinstatement of his or her revoked certification for three years from the effective date of this decision. A condition of reinstatement shall be that the respondent retake the exemption certification examination.~~

~~Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$ _____ within 15 days of the effective date of this decision.~~

Option: ~~Upon reinstatement of his or her certification respondent shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____, and said amount shall be paid in full prior to the reinstatement of his or her certification. If the respondent fails to pay the amount specified, his or her certification shall remain revoked.~~

Suspension -- Single Cause

As part of probation, Certification number _____, issued to respondent _____ is suspended from working as a designated representative for _____ beginning the effective date of this decision a period of _____. Respondent shall not resume work until notified by

the board.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs licensed by the board, or any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not perform any of the duties of a designated representative, nor do any act involving drug selection, selection of stock, manufacturing, dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices and controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect involving the distribution of dangerous drugs and devices and controlled substances. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed entity in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

Suspension – Multiple Causes

Certification number _____, issued to respondent is suspended for a period of _____ pursuant to Determination of Issues _____, separately and together. All suspensions shall run concurrently. Respondent is suspended from the duties of an exemptee for _____ beginning the effective date of this decision.

Standard Stay/Probation Order

Designated representative license Certification number _____ issued to _____ is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Issuance of Probationary License (In cases where a Statement of Issues has been filed.)

Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Surrender

Respondent surrenders ~~certification-designated representative license~~ number _____ as of the effective date of this decision. Respondent shall relinquish his or her ~~certification-designated representative license~~ to the board within ten (10) days of the effective date of this decision.

The surrender of respondent's license and the acceptance of the surrendered license by the board shall constitute the imposition of discipline against respondent. This decision constitutes a record of discipline and shall become a part of respondent's license history with the board.

Respondent understands and agrees that if he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent may not ~~re~~apply for any ~~certification-of-license, permit or registration from~~ the board for three (3) years from the effective date of this decision. Respondent stipulates that should ~~he or she respondent~~ apply for any ~~certification-license~~ from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, ~~correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board prior to issuance of a new license. Respondent is required to report this surrender as disciplinary action. Should respondent apply for any new license, respondent will be subject to all terms and conditions not previously satisfied.~~

~~Respondent shall meet all requirements applicable to that certification as of the date the application is submitted to the board, including, but not limited to exemptee reexamination prior to the issuance of a new registration or certification.~~

Respondent further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution in the amount of \$_____ within _____ days of the effective date of this decision.

Option: Respondent stipulates that should he or she apply for any certification license from the board on or after the effective date of this decision, ~~that~~ investigation and prosecution costs in the amount of \$_____ shall be paid to the board prior to issuance of the ~~certification new~~ license.

Public Reprimand

It is hereby ordered that a public reprimand be issued against designated representative license, _____ . Respondent is required to report this reprimand as a disciplinary action.

Adoption of Stipulation

It is understood by respondent that, in deciding whether to adopt this stipulation, the board may receive oral and written communication from its staff and the ~~Attorney General's Office~~ of the Attorney General. Communications pursuant to this paragraph shall not disqualify the board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the board, the stipulation will not become effective and may not be used for any purpose, except this paragraph, which shall remain in effect.

STANDARD CONDITIONS – To be included in all probation decisions/orders.

Term Number: (~~Numbers reflect actual term and condition numbers as listed beginning with page _____~~)

- ~~1.~~ Certification Prior to Resuming Work
- ~~5.1.~~ Obey aAll Laws
- ~~6.2.~~ Reporting to the Board
- ~~7.3.~~ Interview with the Board
- ~~5.~~ 4. Cooperatione with Board Staff
- ~~6.~~ 5. Notice to Employers
- ~~6.~~ No Being Designated Representative-in-Charge
- ~~9.7.~~ Reimbursement of Board Costs
- ~~10.8.~~ Probation Monitoring Costs
- ~~15.9.~~ Status of License
- ~~10.~~ License Surrender While on Probation/Suspension
- ~~16.11.~~ Notification of a Change in Name, Residence Address, Employment/Mailing Address or Employment-Change
- ~~17.12.~~ Tolling of Probation
- ~~18.13.~~ Violation of Probation
- ~~19.14.~~ Completion of Probation
- ~~20.~~ License Surrender While on Probation/Suspension

OPTIONAL CONDITIONS

Term Number: (~~Numbers reflect actual term and condition numbers as listed beginning with page _____~~)

- ~~1.~~ Actual Suspension
- ~~2.15.~~ No Ownership of Licensed Premises
- ~~3.16.~~ Attend Substance Abuse Recovery Relapse Prevention and Support Groups
- ~~4.17.~~ Random Drug Screening
- ~~5.18.~~ Work Site Monitor
- ~~6.19.~~ Notification of Departure
- ~~7.20.~~ Abstain from Drugs and Alcohol Use
- ~~8.21.~~ Tolling of Suspension
- ~~22.~~ Restitution

STANDARD CONDITIONS - TO BE INCLUDED IN ALL PROBATIONS

1. ~~Reexamination Prior to Resuming Work~~

~~Respondent shall be suspended from working as an exemptee until he or she takes and passes the exemption examination as scheduled by the board after the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving wholesaling, or repackaging or manufacturing, nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not direct or control any aspect of the practice of pharmacy.~~

~~Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy or wholesaler in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

2.1. Obey All Laws

Respondent shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy.~~

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- an arrest or issuance of a criminal complaint for violation of any state or federal law
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's _____ license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for of any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

3.2. Reporting to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended

~~automatically~~ until such time as the final report is made and accepted by the board.

4.3. Interview with the Board

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, upon request at ~~various~~such intervals ~~at and~~ locations ~~to be as are~~ determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

5.4. Cooperation with Board Staff

Respondent shall cooperate with the board's inspection~~al~~ program and ~~in~~with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply cooperate shall be considered a violation of probation.

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6.5. Notice to Employers

During the period of probation, Respondent shall notify all present and prospective employers of the decision in case number _____ and the terms, conditions and restrictions imposed on respondent by the decision, as follows:-

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause his or her direct supervisor, designated representative-in-charge (including each new designated representative-in-charge employed during respondent's tenure of employment) and owner employer to report to the board in writing acknowledging that the listed individual(s) has/have employer has read the decision in case number _____ and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgement(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the pharmacist-in-charge his or her direct supervisor, designated representative-in-charge and/or owner at every pharmacy each entity licensed by the board of the terms and conditions of the decision in case number _____ in advance of the respondent commencing work at each pharmacy licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause his or her direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that he or she has read the decision in case number _____ and the terms and conditions imposed thereby. It shall be the respondent's responsibility to ensure that his or her employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgements to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a pharmacy technician designated representative or in any position for which a designated representative license is a requirement or criterion for employment, whether the respondent is considered an employee or independent contractor or volunteer.

6. No Being Designated Representative-in-Charge

During the period of probation, respondent shall not be the designated representative-in-charge of any entity licensed by the board unless otherwise specified in this order. Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$_____. Respondent shall make said payments as follows: _____. There shall be no deviation from this schedule

absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

Option: If respondent fails to make any payment by the directed deadline(s), the stay shall terminate and the license shall be revoked without further notice or opportunity to be heard.

8. –Probation Monitoring Costs

Respondent shall pay ~~the any~~ costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board ~~at the end of each year of probation on a schedule as directed by the board or its designee.~~ Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

9. –Status of License

Respondent shall, at all times while on probation, maintain an active, current certification designated representative license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's certification designated representative license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

10. License Surrender While on Probation/Suspension

Following the effective date of this decision, should respondent cease work due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her designated representative license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish his or her designated representative license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

10.11. Notification of a Change in Name, Residence Address, Employment/Mailing Address or Employment Change

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving and ~~or~~ the address of the new employer, supervisor ~~or and~~ owner and work schedule, if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

41.12. Tolling of Probation

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a designated representative in California for a minimum of _____ hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

It is a violation of probation for respondent to work less than _____ hours per month as an exemptee. Should respondent, regardless of residency, for any reason (including vacation) cease practicing working as an exemptee designated representative for a minimum of _____ hours in California, respondent must notify the board in writing within ten (10) days of cessation of practice work and must further notify the board in writing within ten (10) days of or the resumption of the practice work. Any failure to provide such notification(s) shall be considered a violation of probation. Such periods of time shall not apply to the reduction of the probation period.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding three consecutive years thirty-six (36) months.

"Cessation of practicework" means any period of time exceeding 30 days calendar month during in which respondent is not engaged in the practice of a pharmacy technician working as a designated representative for at least _____ hours as a designated representative as defined in section _____ of the by Business and Professions Code section 4053 or as an exemptee as defined in section _____ of the Business and Professions Code. "Resumption of work" means any calendar month during which respondent is working as a designated representative for at least _____ hours as a designated representative as defined by Business and Professions Code section 4053.

42.13. Violation of Probation

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended, until the petition to revoke probation or accusation is heard and decided.

~~If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.~~

13-14. Completion of Probation

Upon written notice by the board indicating successful completion of probation, respondent's certificate-designated representative license will be fully restored.

14. License Surrender while on Probation/Suspension

~~Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.~~

~~Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.~~

I

OPTIONAL CONDITIONS OF PROBATION

1. Actual Suspension

~~As part of probation, respondent is suspended from the duties of a pharmacy technician for _____ beginning the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.~~

~~Subject to the above restrictions, respondent may continue to own or hold an interest in any entity licensed by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

~~During suspension, respondent shall not perform any of the duties of a pharmacy technician as provided by Section 1793.2 of the California Code of Regulations.~~

2.15. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

Option: Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

3.16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a ~~board-approved~~ recognized and established substance abuse recovery support group in California, (e.g., Alcoholic Anonymous, ~~Cocaine-Narcotics Anonymous~~, etc.;) which has been approved by the board or its designee. Respondent must attend at least one group

meeting per week unless otherwise directed by the board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

4.17. Random Drug Screening (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or ~~a other~~ drug screening program ~~approved as directed~~ by the board or its designee. ~~The length of time shall be for the~~ Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall ~~constitute be considered~~ a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive ~~drug~~-test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the ~~immediate-automatic~~ suspension of practice work by respondent. Respondent may not resume ~~the practice of pharmacy work as a designated representative~~ until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs licensed by the board, or any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not perform any of the duties of a designated representative, nor do any act involving drug selection, selection of stock, manufacturing, dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices and controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect involving the distribution of dangerous drugs and devices and controlled substances. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed entity in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

Failure to comply with this suspension shall be considered a violation of probation.

5.18. Work Site Monitor (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within ten (10) days of the effective date of this decision, respondent shall identify a work site monitor, for prior approval by the board, who shall be responsible for supervising respondent during working hours. Respondent shall be responsible for ensuring that ~~the~~ work site monitor shall report reports in writing to the board quarterly. Should the designated work site monitor determine at any time during the probationary period that respondent has not maintained sobriety, he or she shall notify the board immediately, either orally or in writing as directed.

Should respondent change employment, a new work site monitor must be designated, for prior approval by the board, within ten (10) days of commencing new employment. ~~Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be considered a violation of probation.~~

6.19. Notification of Departure (Appropriate for those cases with chemical dependency (alcohol, drugs))

~~If respondent leaves~~ Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return, ~~prior to leaving.~~ Failure to comply with this provision shall be considered a violation of probation.

7.20. Abstain from Drugs and Alcohol Use (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. ~~Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Additionally, respondent shall cause the prescribing practitioner to notify the board in writing, indicating their awareness of the chemical dependency. Additionally, respondent shall cause the prescribing physician to notify the board in writing, indicating their awareness of the chemical dependency.~~ Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

8.21. Tolling of Suspension

During the period of suspension, respondent shall not leave California for any period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess of ten (10) days during suspension shall be considered a violation of probation. Moreover, any absence from California during the period of suspension exceeding ten (10) days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days respondent is absent from California. During any such period of tolling of suspension, respondent must nonetheless comply with all terms and conditions of probation.

Respondent must notify the board in writing within ten (10) days of departure, and must further notify the board in writing within ten (10) days of return. The failure to provide such notification(s) shall constitute a violation of probation. Upon such departure and return, respondent shall not resume work until notified by the board that the period of suspension has been satisfactorily completed.

~~If respondent leaves California to reside or practice outside this state, or for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period.~~

~~Respondent shall not act as a pharmacy technician upon returning to this state until notified by the board that the period of suspension has been completed.~~

22. Restitution (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent shall pay restitution to _____ in the amount of \$ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

TERMS OF PROBATION – PREMISES

A minimum three-year probation period has been established by the board as appropriate in most cases where probation is imposed. A minimum five-year probation period has been established by the board as appropriate where self-administration or diversion of controlled substances ~~is involved~~ has occurred at a licensed premises. Terms and conditions are imposed to provide consumer protection ~~and to allow the probationer to demonstrate rehabilitation~~. A suspension period may also be required as part of the probation order. The board prefers that any stayed order be for revocation rather than for some period of suspension.

Probation conditions are divided into two categories: (1) standard conditions that shall appear in ~~all~~ all probation cases, and (2) optional conditions that depend on the nature and circumstances of a particular case. These conditions may vary depending on the nature of the offense(s).

The board may also impose any other condition appropriate to the case where the condition is not contrary to public policy.

CATEGORIES OF VIOLATIONS AND RECOMMENDED PENALTIES

The California Pharmacy Law ~~specifies the~~ identifies offenses for which the board may take disciplinary action against a license. ~~The following are categories of violations used by the board in determining appropriate disciplinary penalties. Included among grounds for discipline are violations of the Pharmacy Law itself, violations of regulations promulgated by the board, and violations of other state or federal statutes or regulations.~~

The following are categories of possible violations used by the board to determine appropriate disciplinary penalties. These categories represent the judgment of the board as to the perceived seriousness of particular offenses.

Under each category, the board has grouped statutes and regulations where violations would typically merit the recommended range of minimum to maximum penalties for that category. These lists are representative, and are not intended to be comprehensive or exclusive. Where a violation not included in these lists is a basis for disciplinary action, the appropriate penalty for that violation may be best derived by comparison to any analogous violation(s) that are included. Where no such analogous violation is listed, the category descriptions may be consulted.

These categories assume a single violation of each listed statute or regulation. For multiple violations, the appropriate penalty shall increase accordingly. Moreover, if an individual has committed violations in more than one category, the minimum and maximum penalties shall be those recommended in the highest category.

The board also has the authority, pursuant to Business and Professions Code section 4301(n), to impose discipline based on disciplinary action taken by another jurisdiction. The discipline imposed by the board will depend on the discipline imposed by the other jurisdiction, the extent of the respondent's compliance with the terms of that discipline, the nature of the conduct for which the discipline was imposed, and other factors set forth in these guidelines.

CATEGORY I

Minimum: Revocation; Revocation stayed; one-year probation. All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Category I discipline is recommended for:

- violations which are relatively minor but are potentially harmful
- repeated violations of a relatively minor nature:

Violations of the following codes are as follows representative of this category:

BUSINESS AND PROFESSIONS CODE

Article 3. Scope of Practice and Exemptions

4053	<u>Exemptee Supervisor</u> ion <u>of Manufacturers, etc.: Requirements</u> Wholesalers, and Licensed Laboratories; Veterinary Food-Animal Drug Retailers
4054	<u>Supplying Dialysis Drugs</u> Supply by Manufacturer, etc. of Certain Dialysis Drugs and Devices
4056	<u>Exempt Hospitals</u> <u>Purchase of Drugs at Wholesale – Hospital Containing 100 Beds or Less</u>
4057	<u>Exempt Articles</u> <u>Exceptions to Application of this Chapter</u>
4058	<u>License to be Displayed</u> <u>Display of Original License</u>
4062	<u>Furnishing Drugs during Emergency</u> <u>Furnishing Dangerous Drugs During Emergency</u>
4064	<u>Emergency Refills</u> <u>of Prescription Without Prescriber Authorization</u>
4065	<u>Administration through Injection Card System</u> <u>Injection Card System; Requirements for Administration</u>
4066	<u>Furnishing</u> to Ocean <u>Dangerous Drugs to Master or First Officer of Vessel</u>

Article 4. Requirements for Prescription

4070	<u>Reduction of Oral or Electronic Prescription to Writing</u>
4071	<u>Prescriber's</u> <u>May Authorize Agent to Transmitting Prescriptions; Schedule II Excluded</u>
4072	<u>Oral or Electronic Transmitting Transmission of Prescriptions from a</u> <u>Health Care Facility</u>
4073	<u>Substitution of Generic Drug</u> <u>Product Selection- Requirements and Exceptions</u>
4074	<u>Drug Warnings</u> <u>Risk: Informing Patient; Providing Consultation for Discharge Medications</u>
4076	<u>Prescription Container - Label</u> <u>Requirements for Labeling</u>
4077	<u>Labeling</u> <u>Dispensing Dangerous Drug in Incorrectly Labeled Container</u>

Article 5. Authority of Inspectors

4082	<u>Information about Personnel</u> <u>Names of Owners, Managers and Employees Open for Inspection</u>
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Article 6. General Requirements

- 4100 Change of ~~Name or~~ Address ~~or Name~~ – Notification to Board
- ~~4102~~ ~~Skin Puncture for Patient Training~~
- 4103 Blood Pressure ~~Measurement-~~ Taking by Pharmacist

Article 7. Pharmacies

- 4114 Intern Pharmacist: Activities Permitted
- ~~4120~~ ~~Emergency Kit for Licensed Health Care Facilities~~
- 4119.5 Transferring or Repackaging Dangerous Drugs by Pharmacy
- ~~4120~~ ~~Nonresident Pharmacy: Registration Required~~
- 4121 Advertisement for Prescription Price Advertising Drug: Requirements; Restrictions
- 4122 Requests for Required Notice at Availability of Prescription Price Information, General Product Availability, Pharmacy Services; Providing Drug Price Information; Limitations on Price Information Requests
- 4123 Pharmacy contracts for Compounding of Parenteral Drugs Compounding Drug for Other Pharmacy for Parenteral Therapy; Notice to Board
- 4124 Contact Lens Dispensing Replacement Contact Lenses: Requirements; Patient Warnings; Registration with Medical Board; Application of Section to Nonresident Pharmacies

Article 9. Hypodermic Needles and Syringes

- 4141 Furnishing Without License Required
- 4142 Prescription Required
- 4143 Exemption: Wholesale Sales to Other Entity, Physician, etc.
- 4144 ~~Exemption: Industrial Uses~~ Exception
- 4145 ~~Exemption: Human (Insulin; Adrenaline) or Animal Use~~ Exception: Furnishing for Administration of Insulin, Adrenaline, or Specified Animal Uses; Conditions
- ~~4146~~ ~~Hypodermic Register~~
- 4148 Confiscation if Found Outside Licensed Premises
- 4149 ~~Nonresident Sale by~~ Distributor

Article 10. Pharmacy Corporations

- 4151 Licensure Requirements for Shareholders, Directors, and Officers
- 4152 Corporate Name Requirements
- 4153 Shareholder Income ~~w~~ While Disqualified
- 4156 Unprofessional Conduct by Corporation

Article 11. Wholesalers and Manufacturers

- 4161 ~~Out-of-State Manufacturer or Nonresident~~ Wholesaler: When License Required; Application
- 4162 ~~Registration -- Agent~~ Issuance or Renewal of Wholesaler License; Surety Bond
- 4164 ~~Sales to Unauthorized Persons~~ Reports Required
- 4165 Sale or Transfer of Dangerous Drug or Device Into State: Furnishing Records to Authorized Officer on Demand; Citation for Non-compliance
- 4166 ~~Responsibility until Delivery~~ Shipping of Dangerous Drugs or Devices – Wholesaler

- 4167 [or Distributor](#)
[Wholesaler: Bar on Obtaining Dangerous Drugs or Devices It More Than Cannot](#)
[Maintain Be Stored](#) on Licensed Premises

Article 13. Non-Profit or Free Clinics

- ~~4182 License Required (Non-Profit, etc Clinics)~~
~~4183 License Requirements~~
4180 [Purchase of Drugs at Wholesale Only with License: Eligible Clinics](#)
4181 [License Requirements; Policies and Procedures; Who May Dispense](#)
4182 ~~Application~~ [Duties of Professional Director; Consulting Pharmacist Required](#)
4183 ~~No Medi-Cal~~ [Professional Dispensing Fee](#)
4184 ~~No Schedule II~~ [Dispensing Schedule II Substance Prohibited](#)
4186 ~~Professional Director~~ [Automated Drug Delivery Systems](#)

Article 14. Surgical Clinics

- 4190 [Purchase of Drugs at Wholesale: Permitted Uses of Drugs; Required Records and Policies; License Required \(Surgical Clinic\)](#)
4191 [License Compliance with Department of Health Services Requirements; Who May Dispense Drugs](#)
4192 [Duties of Professional Director; Providing Information to Board](#)
4193 ~~No Medi-Cal~~ [Clinic Not Eligible for Professional Dispensing Fee; Ban on Offering Drugs for Sale](#)
4194 ~~No Schedule II~~ [Dispensing of Schedule II Substance by Clinic Prohibited; Physician May Dispense; Administration Authorized in Clinic](#)

Article 15. Veterinary Food-Animal Drug Retailers

- 4196 [License Required; Temporary License on Transfer of Ownership; Persons Authorized in Storage Area; Security](#)
4197 [Minimum Standards; Security; Sanitation; Board Regulations; Waivers](#)
4198 [Written Policies and Procedures Required; Contents; Training of Personnel; Quality Assurance; Consulting Pharmacist](#)

Article 17. Continuing Education

- ~~4233 Renewal Requirements~~
~~4234 Course Content~~
4231 [Requirements for Renewal of Pharmacist License: Clock Hours; Exemption for New Licensee](#)
4232 [Content of Courses](#)

Article 18. Poisons

- 4240 [Application of Act](#)

Article 20. Prohibitions and Offenses

- 4341 ~~Advertising in Compliance with Sections 651.3~~ Advertisement of Prescription Drugs or Devices
- 4343 ~~Use of Sign with "Pharmacy" or Similar Terms~~ Buildings: Prohibition Against Use of Certain Signs Unless Licensed Pharmacy Within

CALIFORNIA CODE OF REGULATIONS, TITLE 16

- 1704 Change of ~~a~~A ~~address--reporting a change of address~~
- 1705 Notification of Bankruptcy, Receivership or Liquidation ~~--reporting the sale, inventory and location of records of dangerous drugs by a pharmacy, wholesaler or manufacturer in bankruptcy~~
- 1708.2 Discontinuance of ~~b~~B ~~Business--notification to board of a discontinuance of business and submission of appropriate forms~~
- 1708.4 Pharmacist ~~h~~H ~~Handling~~ ~~r~~R ~~Radioactive~~ ~~d~~D ~~Drugs--training of a nuclear pharmacist~~
- 1708.5 Pharmacy Furnishing Radioactive Drugs ~~--nuclear pharmacy requirements~~
- 1709 Names of Owners and ~~p~~P ~~Pharmacist in~~ ~~c~~C ~~Charge--required information on a pharmacy permit, reporting PIC and owners on initial and renewal applications, and reporting of corporate officer changes~~
- 1714 ~~Building~~ ~~Operational~~ Standards and Security
- 1715.6 Reporting ~~d~~D ~~Drug~~ ~~l~~L ~~Loss--reporting loss of controlled substances to the Board within thirty (30) day~~
- 1716 Variation from ~~p~~P ~~Prescriptions--prescription errors, deviation from prescription without consent of prescriber~~
- 1717 ~~Pharmaceutical~~ ~~Pharmaceutical~~ ~~p~~P ~~Practice--dispensing in new containers, pharmacist maintain on prescription record: date and initial of pharmacist, brand name of drug or device and indication if generic and manufacturer name, refill information, orally transmitted prescription requirements, depot of a prescription or a medication, prescription transfers, identification of pharmacist responsible for filling a prescription~~
- 1717.1 Common Electronic Files ~~--establishing a common electronic file to maintain required dispensing information~~
- 1717.4 Electronic Transmission of Prescriptions ~~--transmitting prescriptions by electronic means from prescriber to the pharmacy~~
- 1718.1 Manufacturer's Expiration Date ~~--handling of prescription drugs not bearing a manufacturer's expiration date pursuant to federal law~~
- 1726 ~~Preceptor~~ Supervision of Intern Pharmacists
- ~~1727~~ Intern Pharmacist
- 1728 ~~Intern Experience--Requirements for~~ Licensure Examination
- 1732.1 Requirements for Recognized Accredited Providers ~~--requirements to provide continuing education courses as a recognized provider for California pharmacists~~
- 1732.3 Coursework Approval for Providers Requirements for Continuing Education Courses
- 1732.4 Provider Audit Requirements

- 1732.5 Renewal Requirements for Pharmacist
- 1744 Drug ~~w~~arnings—~~oral or written warnings when a drug should not be taken with alcohol or when a person should not drive~~
- ~~1751 to~~
~~1751.09 and~~
~~1751.11 to~~
~~1751.12~~—~~Compounding Area for Parenteral Solutions—parenteral therapy requirements for pharmacists and pharmacies~~
~~1751~~ Sterile Injectable Compounding Area
~~1751.01~~ Facility and Equipment Standards for Sterile Injectable Compounding from Non-Sterile Ingredients
~~1751.02~~ Policies and Procedures
~~1751.11~~ Furnishing to Home Health Agencies and Licensed Hospices
~~1751.12~~ Obligations of a Pharmacy Furnishing Portable Containers
- 1771 Posting of ~~n~~Notice of ~~s~~Suspension—~~suspended pharmacy must post a notice of suspension~~
- 1772 Disciplinary ~~e~~Conditions of ~~s~~Suspension—~~suspended pharmacist shall not enter a pharmacy prescription area or perform pharmacy related duties~~
- 1780 Minimum ~~s~~Standards for ~~w~~Wholesalers
- 1780.1 Minimum Standards for Veterinary Food-Animal Drug Retailers
- 1781 Exemption ~~e~~Certificate—~~exemptee must be present in a manufacturer's or wholesaler's licensed premises~~
- 1786 Exemptions—~~return of exemption certificate to board upon termination of employment~~
- 1787 Authorization to Distribute Hemodialysis Drugs and Devices
- 1790 Assembling and Packaging
- 1791 Labeling
- 1792 Receipt ~~of for~~ Shipment

HEALTH AND SAFETY CODE, ~~TITLE 22~~

- 11100 Report of ~~Certain Chemical: Chemicals Included; Exclusions; Penalties~~ ~~controlled substance transaction—reporting sales of restricted chemicals to Department of Justice~~
- 11100.1 Report of ~~Chemicals controlled substances r~~Received from ~~e~~Outside ~~s~~State; ~~Penalties—reporting Purchases of restricted chemicals from outside California~~
- ~~11124~~—~~Inventory of Controlled Substances~~
- 11151 ~~Limitation on Filling Prescriptions From Medical Students Issued By Unlicensed Person Lawfully Practicing Medicine~~
- 11158 Prescription ~~r~~Required for Schedule I, II, III, ~~or IV, or V~~ ~~e~~Controlled ~~s~~Substances—~~prescriptions for controlled substances must comply with requirements prior to dispensing; Exception for Limited Dispensing, Administration~~
- 11159 ~~Chart Order Exemption for p~~Patient in ~~e~~County or ~~l~~Licensed ~~h~~Hospital; ~~Maintaining Record for Seven Years—controlled substance orders in hospitals~~
- 11159.1 ~~Chart Order Exemption for~~ Clinic ~~Records~~Patient; ~~Maintaining Record for Seven Years~~
- 11159.2 ~~Exception to Triplicate Prescription Requirement~~Terminally III-Exception
- 11167 Emergency ~~d~~Dispensing of Schedule II ~~s~~Substance: ~~Circumstances and Requirements—emergency oral Schedule II prescriptions; must receive a triplicate within seventy-two (72) hours~~
- 11167.5 Emergency ~~e~~Oral or Electronic ~~p~~Prescriptions for ~~Schedule II Controlled Substance~~

- for Specified in-patients, Residents, and Home Hospice Patients; Requirements—oral orders for Schedule II drugs in a skilled nursing facility, intermediate care facility, or a home health care agency providing hospice care; pharmacy to obtain special triplicates from Dept. of Justice; facility must forward all signed order to the pharmacy
- 11171 Prescribing, etc. Controlled Substance Only as Authorized administering, or furnishing controlled substance—furnishing controlled substances must be consistent with law
- 11172 Antedating or pPostdating pPrescription Prohibited
- 11175 Prohibition on Obtaining and or pPossession g nNonconforming pPrescription
- 11180 Prohibition on eObtaining eControlled sSubstance by nNonconforming pPrescription
- 11180 Prohibition on Controlled sSubstance eObtained or pPossessed by nNonconforming pPrescription —possession of a controlled substance obtained from noncomplying prescriptions
- 11200 Restrictions on eDispensing or rRefilling; Refill of Schedule II Prescription Barred—refill restrictions of controlled substances
- 11201 Emergency Refill by Pharmacist of Schedule III, IV, or V Prescription; Circumstances; Requirements
- 11205 Maintenance and rRetention of Records in Separate fFile—separate prescription file for Schedule II prescriptions
- 11206 Required iInformation on Prescription—information required on a prescription for controlled substances
- 11209 Delivery of Controlled and Receiving Requirements for Schedule II, III, and IV Substances; Violation
- 11210 Issuing Prescription: By Whom; For What Purpose; Quantity to Be Prescribed under authorized project—a prescriber may not prescribe controlled substances to treat addiction
- 11250 Authorized Retail Sale by Pharmacists to Physicians, etc.; Required Order Form
- 11251 Authorized Wholesale Sale by Pharmacists
- 11252 Preservation of fFederally rRequired fForms—a wholesaler or manufacturer must maintain records of sales
- 11253 Duration of rRetention
- 11255 Actions eConstituting sSale—orders for future delivery constitutes a sale of a controlled substance
- 11256 Required Report of Order bBy or Sale to Out-of-State Wholesaler or Manufacturer
- 111225 to 111655 Adulterated or Misbranded Drugs or Devices

CODE OF FEDERAL REGULATIONS, TITLE 21

- 1301.13 Persons Required to Register Application for registration; time for application; expiration date; registration for independent activities; application forms, fees, contents and signature; coincident activities.
- 1301.14 Separate Registration for Separate Locations Filing of application; acceptance for filing; defective applications.
- 1301.71 Security requirements, generally.
- 1301.72 Physical security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs; storage areas.
- 1301.73 Physical security controls for non-practitioners; compounders for narcotic treatment programs; manufacturing and compounding areas.

- 1301.74 Other security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs.
- 1301.77 ~~Physical s~~Security controls for ~~practitioners~~freight forwarding facilities.
- ~~1301.78 Other Security Controls for Practitioners~~
- 1301.90 Employee screening procedures.
- 1301.91 Employee responsibility to report drug diversion.
- 1301.92 Illicit activities by employees.
- 1302.03 Symbol required; exceptions.
- 1302.04 Location and size of symbol on label and labeling.
- 1302.05 Effective ~~D~~ates of ~~L~~abeling ~~R~~requirements.
- 1302.06 Sealing of controlled substances.
- 1302.07 Labeling and packaging requirements for imported and exported substances.
- ~~1304.18 Inventories of importers and exporters~~
- ~~1304.11 Inventory requirements.~~
- 1304.31 Reports from manufacturers importing ~~opium~~narcotic raw material.
- 1304.32 Reports of manufacturers importing ~~medicinal~~-coca leaves.
- 1304.33 Reports to ARCOS.
- ~~1305.03 to~~
- ~~1305.06 and~~
- ~~1305.08 to~~
- ~~1305.12 and~~
- ~~1305.14 to~~
- ~~1305.16 Distributions requiring order forms; persons entitled to obtain and execute order forms; procedure for obtaining order forms; procedure for executing order forms; persons entitled to fill order forms; procedure for filling order forms; procedure for endorsing order forms; unaccepted and defective order forms; lost and stolen order forms; return of unused order forms~~
- ~~1305.03 Distributions requiring a Form 222 or a digitally signed electronic order.~~
- ~~1305.04 Persons entitled to order Schedule I and II controlled substances.~~
- ~~1305.05 Power of attorney.~~
- ~~1305.06 Persons entitled to fill orders for Schedule I and II controlled substances.~~
- ~~1305.11 Procedure for obtaining DEA Forms 222.~~
- ~~1305.12 Procedure for executing DEA Forms 222.~~
- ~~1305.14 Procedure for endorsing DEA Forms 222.~~
- ~~1305.15 Unaccepted and defective DEA Forms 222.~~
- ~~1305.16 Lost and stolen DEA Forms 222.~~
- 1306.03 Persons entitled to issue prescriptions.
- 1306.05 Manner of issuance of prescriptions.
- 1306.14 Labeling of substances and filling of prescriptions. ~~— Schedule II.~~
- 1306.24 Labeling of substances and filing of prescriptions. ~~— Schedule III and IV~~
- ~~1306.26 Transfer of Schedule III, IV, and V Prescriptions~~
- ~~1306.25 Transfer between pharmacies of prescription information for Schedules III, IV, and V controlled substances for refill purposes.~~
- 1306.26 Dispensing ~~W~~without a ~~P~~rescription.
- 1307.11 Distribution by dispenser to another practitioner or reverse distributor. ~~—~~
- 1307.12 ~~Manufacture and d~~Distribution ~~of narcotic solutions and compounds by a pharmacist~~to supplier or manufacturer.
- 1307.13 ~~Distribution to supplier~~Incidental manufacture of controlled substances.
- 1307.21 Procedure for disposaling of controlled substances.
- ~~1700.1 to~~
- ~~1707.15 Child-resistant containers.~~

~~MISCELLANEOUS - HEALTH AND SAFETY CODE, TITLE 22~~

~~111225 to
111655 — Adulterated or misbranded drugs or devices~~

~~MISCELLANEOUS-FEDERAL REGULATIONS~~

~~16 CFR 1700.1 to
1707.15 — Child-resistant containers~~

CATEGORY II

Minimum: Revocation; Revocation stayed, three years probation (five years probation where self-administration or diversion of controlled substances is involved occurred at the licensed premises). All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Category II discipline is recommended for:

- violations with a serious potential for harm
- violations which involve greater disregard for pharmacy law and public safety
- violations which reflect on ethics, care exercised or competence or a criminal conviction not involving dangerous drugs or controlled substances or involving possession or use of dangerous drugs or controlled substances.

Violations of the following codes are as follows representative of this category:

BUSINESS AND PROFESSIONS CODE

- 650 Rebates or Discounts for Referral Prohibited
- 650.1 Lease Prohibition – Hospitals or Prescribers
- 651 Professional Advertising Requirements

Article 3. Scope of Practice and Exemptions

- 4051(b) Conduct Authorized by Pharmacist ~~from Outside Pharmacy~~
- 4052 ~~conduct Authorized by Pharmacist~~ Furnishing to Prescriber; Permissible Procedures by Pharmacist in Health Care Facility or Clinic or for Other Health Care Provider
- 4060 ~~Possession of~~ Controlled Substance – Prescription Required; Exceptions
- 4061 Distribution of ~~Sample~~ Drugs as Sample; Written Request Required
- 4064 Emergency Refills of Prescription Without Prescriber Authorization
- 4067 ~~Internet; Prescription~~ Dispensing over the Internet Dangerous Drugs or Devices without Prescription
- 4076 ~~Proof of Identity of Recipient for Controlled Substance Prescriptions~~
- 4079 ~~False or Misleading Labeling~~
- 4075 Proof of Identity Required – Oral or Electronic Prescription
- 4078 False or Misleading Label on Prescription

Article 6. General Requirements

- 4101 ~~Termination as~~ Pharmacist in Charge, Exemptee: Termination of Employment; ; Notice Notification to Board
- 4106 ~~Licensed Employee: Theft or Impairment~~
- 4107 ~~Retaining Records on Premises~~
- 4104 Licensed Employee, Theft or Impairment: Pharmacy Procedures
- 4105 Retaining Records of Dangerous Drugs and Devices on Licensed Premises; Temporary Removal; Waivers; Access to Electronically Maintained Records

Article 7. Pharmacies

- 4113 ~~Non-Resident Pharmacy Registration~~
- 4112 Nonresident Pharmacy: Registration; Provision of Information to Board; Maintaining Records; Patient Consultation
- 4113 Pharmacist in Charge: Notification to Board; Responsibilities
- 4115 Pharmacy Technician: Activities Permitted; Required Supervision; Activities Limited to Pharmacist; Registration; Requirements for Registration; Ratios
- 4116 ~~Pharmacy Technician Activities~~
- 4115.5 Pharmacy Technician Trainee; Placement; Supervision; Requirements
- 4116 Security of Dangerous Drugs and Devices in — Pharmacy; Pharmacist Responsibility for Individuals on Premises; Regulations
- 4117 Security — Hospital Pharmacy Admission to Area Where Narcotics are Stored, etc. — Who May Enter
- 4120 Non-Resident Pharmacy: Registration Required
- 4125 Pharmacy Quality Assurance Program Required; Records Considered Peer Review

Documents

Article 9. Hypodermic Needle and Syringes

- 4140 Unlawful Possession
- 4147 Disposal of Needle or Syringe

Article 11. Wholesalers and Manufacturers

- 4161 Nonresident Wholesaler: When License Required; Application
- 4163 Sales to Unauthorized Persons Furnishing by Manufacturer or Wholesale
- 4164 Reporting by Manufacturer and Wholesalers Reports Required
- 4169(a)(1) Prohibited Acts

Article 13. Non-Profit of Free Clinics

- 4185 Inspections Permitted

Article 14. Surgical Clinics

- 4195 Inspections Permitted

Article 19. Disciplinary Proceedings

- 4301 General Unprofessional Conduct and - subsections (a)-(h), (j), and (l) through - (q)
- 4302 Pharmacy Corporation Discipline of Corporate Licensee for Conduct of Officer, Director, Shareholder
- 4303 Nonresident Pharmacy: Grounds for Discipline
- 4304 Out-of-State Distributor: s Authority to Discipline
- 4307 Failure to Notify Board of Termination of Pharmacist in Charge; Operation of Pharmacy without a Pharmacist
- 4305 Disciplinary Grounds: Failure of Pharmacy, Pharmacist to Notify Board of Termination of Pharmacist in Charge; Continuing to Operate Without Pharmacist
- 4305.5 Disciplinary Grounds: Failure of Other Entity Licensed by Board, of to Keep Pharmacist in Charge or Exemptee in Charge; Failure to Notify Board of Termination of Same Pharmacist in Charge or Exemptee; Continuing to Operate Without Pharmacist or Exemptee
- 4308 Violation of Moscone-Knox Professional Corporation Act
- 4306 Violation of Professional Corporation Act as Unprofessional Conduct
- 4306.5 Pharmacist-Misuse of Education, etc. by Pharmacist Outside Course of Practice of Pharmacy as Unprofessional Conduct

Article 20. Prohibitions and Offenses

- 4326 Hypodermics: Obtaining Falsely; Misuse Misdemeanor: Obtaining Needle or Syringe by Fraud, etc.; Unlawful Use of Needle or Syringe Obtained from Another
- 4328 Allowing Compounding by Non-pharmacist Misdemeanor: Permitting Compounding, Dispensing, or Furnishing by Non-pharmacist
- 4330 Pharmacy; Failure to Place Pharmacist in Charge-, Subverting Compliance with Law by Pharmacist in Charge Misdemeanor: Non-pharmacist Owner Failing to Place

- 4331 Pharmacist in Charge, Dispensing or Compounding Except by Pharmacist, Interfering with Pharmacist in Charge
~~Veterinary Food-Animal Drug Retailer; Dispensing by Other than Pharmacist or Exemptee; Failure to Place Pharmacist or Exemptee in Charge~~Misdemeanor: Medical Device Retailer, Wholesaler, Veterinary Food-Animal Drug Retailer Failing to Place Pharmacist or Exemptee in Charge, Permitting Dispensing or Compounding Except by Pharmacist or Exemptee
- 4333 Failure to Maintain Prescription FilesMaintaining Prescriptions, Other Drug Records on Premises, Open to Inspection; Waiver; Willful Failure to Keep or Permit Inspection of Records of Prescriptions, Other Records as Misdemeanor
- 4340 Advertisement of Pharmacy Services by Unregistered Non-Resident PharmacyUnlawful Advertising by Nonresident Pharmacy Not Registered with Board

Article 22. Unfair Trade Practices

- 4380 Resale of Preferentially Priced Drugs; ~~Emergency Prohibition; Exceptions~~
- ~~4381 Violation of Section 4380 as Unfair Competition; Right of Private Action to Enforce~~
- 4382 ~~Authority of Board to May Audit for Compliance~~Sales to Walk-in Customers

CALIFORNIA CODE OF REGULATIONS, TITLE 16

- 1707.1 Duty to mMaintain mMedication pProfiles (pPatient mMedication rRecords) ~~requirements for maintenance of patient medication profiles~~
- 1707.2 Notice to eConsumers and dDuty to eConsult ~~requirements of pharmacist to consult; posting of notice to consumers~~
- 1707.3 Reviewing the patient profile prior to consultationDuty to Review Drug Therapy and Patient Medication Record Prior to Deliver
- 1709.1 Designation of pPharmacist in eCharge
- 1714.1 Pharmacy Operation dDuring Temporary Absence of a Pharmacist
- ~~1716 Self-Assessment of a Pharmacy by the Pharmacist-in-Charge~~
- 1715 Self-Assessment of a Pharmacy by the Pharmacist-in-Charge
- 1715.5 Transmitting Schedule II Prescription Information to CURESImplementation of Electronic Monitoring of Schedule II Prescriptions
- 1716.1 Compounding Unapproved dDrugs for pPrescriber eOffice uUse
- 1716.2 Record rRequirements -when eCompounding for fFuture fFurnishing
- 1717.2 Notice of Electronic Prescription Files
- 1717.3 Preprinted, mMultiple eCheck-off pPrescription bBlanks
- 1723.1 Confidentiality of Examination Questions
- 1745 Partial fFilling of Schedule II pPrescriptions
- 1751.10 Furnishing to pParenteral pPatient at hHome ~~carrying and furnishing dangerous drugs to parenteral patients~~
- 1761(a) Erroneous or Uncertain Prescriptions ~~revealing the contents of a prescription to unauthorized persons~~
- 1764 Unauthorized dDisclosure of pPrescriptions ~~revealing the contents of a prescription to unauthorized persons~~
- 1765 Commissions, gGratuities, and rRebates ~~commission, gratuity or rebate to a health care facility~~
- 1766 False or mMisleading aAdvertising
- 1775.3 Compliance with Orders of Abatement
- 1782 Reporting Sales of Drugs Subject to Abuse
- 1783 Manufacturer or Wholesaler Furnishing Drugs or Devices

~~1775.4 Compliance with Orders of Abatement~~
~~1784 Reporting Sales of Drugs Subject to Abuse~~
~~1785 Manufacturer or Wholesaler Furnishing~~
~~1793.1 to~~
~~1793.7 Ancillary personnel – pharmacy technician requirements and tasks~~
~~1793.1 Duties of a Pharmacist~~
~~1793.2 Duties of a Pharmacy Technician~~
~~1793.3 Other Non-Licensed Pharmacy Personnel~~
~~1793.4 Qualifications for Registration as a Pharmacy Technician~~
~~1793.7 Requirements for Pharmacies Employing Pharmacy Technicians~~
~~1793.8 Technicians in Hospitals with Clinical Pharmacy Programs~~

HEALTH AND SAFETY CODE, ~~TITLE 22~~

- 11103 Report of ~~t~~Theft, ~~l~~Loss, or ~~s~~Shipping ~~e~~Discrepancy—~~reporting losses of restricted chemicals to Department of Justice~~
- ~~11123 Warehouseman License~~
- ~~11124 Warehouse Inventory~~
- ~~11125 Warehouseman Bond~~
- ~~11128 Nontransferability of Warehouse License~~
- ~~11129 Discipline or Denial of Warehouse License~~
- ~~11130 Disciplinary Grounds for Warehouse License~~
- ~~11131 Disciplinary Grounds for Warehouse License~~
- 11150 ~~Issuing Controlled Substance Prescription~~ Persons Authorized to Write or Issue a Prescription
- 11152 Nonconforming ~~p~~Prescriptions Prohibited—~~filling a prescription that does not conform to the requirements of the code~~
- 11154 ~~Issuing Prescriptions, etc. Must Be for Treatment; Knowing Soliciting of Unlawful Prescription, etc.~~
- 11156 Prescribing, etc. Administering or dispensing eControlled sSubstances to aAddict Only as Authorized—~~prohibition on administering or dispensing a controlled substance to an addict or a habitual user~~
- 11164 Completion of pPrescriptions for Schedule II, III, IV and V eControlled sSubstance; Form and Content; Record of Practitioner Dispensing Schedule II Controlled Substance—~~prescription requirements for controlled substances~~
- 11165(d) CURES Transmission
- 11166 Time Limit For Filling Schedule II Prescriptions; Knowingly Filling Mutilated, Forged, or Altered Prescriptions Prohibited
- 11170 Prohibition on Prescribing, etc. eControlled sSubstance for sSelf-use—~~prohibition on prescribing, administering or furnishing controlled substance to self~~
- 11179 Retention of Controlled Substance Prescription period—~~prescription file to be maintained' for three (3) years~~
- 11207 Filling prescription eOnly by pPharmacist or iIntern Authorized to Fill Prescription pharmacist—~~dispensing, compounding, filling by pharmacist or intern pharmacist only~~
- 11209 Delivery and Receiving Requirements for Schedule II, III, and IV Substances; Violation
- 11350 Possession of ~~s~~Specified ~~e~~Controlled ~~s~~Substance—~~illegal possession of a narcotic~~
- 11377 Unlawful ~~p~~Possession of ~~s~~Specified ~~s~~Substance—~~illegal possession of a non-narcotic controlled substance~~

CODE OF FEDERAL REGULATIONS, TITLE 21

- 1304.03 Persons required to keep records and file reports.
- 1304.04 Maintenance of records and inventories.
- 1304.11 General Inventory requirements for inventories
- 1304.21 General requirements for continuing records.
- 1304.22 Records for manufacturers, distributors, dispensers, researchers, importers and exporters.
- 1305.07 Power of attorney Special procedures for filling certain orders.
- 1305.13 Preservation of order forms Procedure for filling DEA Forms 222.
- 1306.04 Purpose of issue of prescription.

- 1306.06 Persons entitled to fill prescriptions.
- ~~1306.08 Administering or dispensing of narcotic drugs~~
- 1306.11 ~~_____~~—Requirement ~~of Schedule II P~~prescriptions.
- 1306.12 Refilling prescriptions. ~~—Schedule II~~
- 1306.13 Partial filling of prescriptions. ~~—Schedule II~~
- 1306.21 Requirement of prescription. ~~—Schedule III and IV~~
- 1306.22 Refilling of prescriptions. ~~—Schedule III and IV~~
- 1306.23 Partial filling of prescriptions. ~~—Schedule III and IV~~

CATEGORY III

Minimum: Revocation; Revocation stayed, 90 days actual suspension, three to five years probation (five years probation where self-administration or diversion of controlled substances is involved occurred at the licensed premises). All standard terms and conditions and optional terms and conditions as appropriate.

For a licensed premises, a minimum 14-28 days actual suspension.

Maximum: Revocation

Category III discipline is recommended for:

- most criminal convictions involving dangerous drugs or controlled substances
- knowing or willfully violating laws or regulations pertaining to dispensing or distributing dangerous drugs or controlled substances
- fraudulent acts committed in connection with the licensee's practice
- drug shortages
- violation of a licensee's corresponding responsibility.

Violations of the following codes are as follows representative of this category:

BUSINESS AND PROFESSIONS CODE

Article 3. Scope of Practice and Exemptions

4051(a) Conduct Limited ~~To~~ Pharmacist

~~4060~~ Furnishing without prescription

4059 Furnishing Dangerous Drugs or Devices Prohibited Without Prescription: Exceptions

~~4059.5~~ Ordering-Who May Order Dangerous Drugs or Devices: Exceptions

Article 5. Authority of Inspectors

4080 Stock of Dangerous Drugs and Devices Kept Open for Inspection

4081 Records of ~~Acquisition and Dispensing;~~ Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory

4085(a) Unlawful to Remove, Sell, Dispose of Embargoed Dangerous Drug or Dangerous Device

Article 7. Pharmacies

4110 ~~Requirement of~~ License Required; Temporary ~~Licenses~~ Permit Upon Transfer of Ownership

4111 Restrictions on Prescriber Ownership ~~by Prescribers Prohibited~~

Article 11. Wholesalers and Manufacturers

4169(a)(2) to

4169(a)(5) Prohibited Acts

Article 15. Veterinary Food-Animal Retailers

4199 [Labeling, Recordkeeping Requirements; Maintaining Prescription Records](#)

Article 19. Disciplinary Proceedings

4301 [Unprofessional Conduct - Subsections \(i\) and \(k\) and \(o\)](#)
4307 [Prohibition against Association with Individual with Entity License by Board: Length of Prohibition; Individuals Covered; Imposition of Prohibition Through Administrative Act Proceeding](#)
4308 [Notification of Licensee Person is Prohibited from Association; Replacement Notification of Affected Licensees Known to Board](#)

Article 20. Prohibitions and Offenses

4322 [Misdemeanor or Infraction: False Representations to Obtain Secure License for Self or Others; False Representation of Licensure; Penalties](#)
4323 [Misdemeanor: False Representation of Self as Physician, Agent of Physician, etc. by Telephone or Electronic Transmission to Obtain a Drug](#)
4324 [Felony or Misdemeanor: Forgery of Prescription; Possession of Drugs Obtained Through Forged Prescription Alteration](#)
4325 [Misdemeanor: Manufacture, Possession, etc. of False Producing Prescription Blanks Without Authorization](#)
4327 [Misdemeanor: Sale, Dispensing, or Compounding While Under the Influence Use of Alcohol or Drugs while on Duty or Alcoholic Beverages](#)
4329 [Misdemeanor: Non-pharmacist Taking Charge Acting as Manager, Compounding, Dispensing or Furnishing Drugs](#)
4332 [Misdemeanor: Failure or Refusal to Maintain or Produce or Provide Required Drug or Device Records; Willful Production of False Records](#)
4335 [Voided License: Knowing Failure to Arrange for Disposition of Stock as Misdemeanor](#)
4336 [Felony: Knowing or Willful Use of Minor to Violate Specified Sections of Pharmacy Law: Exception for Pharmacist Furnishing Pursuant to a Prescription](#)
4337 [Failure to Arrange for Transfer of Stock after Closure](#)
4338 [Use of Minor as Agent to Violate Pharmacy Law](#)

Article 22. Unfair Trade Practices

4380 [Resale of Preferentially Priced Drugs: Prohibition; Exceptions](#)

CALIFORNIA CODE OF REGULATIONS, TITLE 16

1718 [Current Inventory Defined - audit accountability of dangerous drugs](#)
1761(b) [Controlled substance prescription - professional judgment Erroneous or Uncertain Prescriptions](#)
1771 to
1774 [Disciplinary conditions of suspension and probation](#)
1771 [Posting of Notice of Suspension](#)
1772 [Disciplinary Condition of Suspension](#)
1773 [Disciplinary Conditions of Probation of Pharmacist](#)

HEALTH AND SAFETY CODE, TITLE 22

- 11104 Providing Chemical for Illicit Manufacturing; Evasion of Reporting Requirements; Penalties~~controlled substances for manufacturing~~
- 11105 False Statement in Report
- ~~11122 Storage of Controlled Substances~~
- 11150 Persons ~~a~~Authorized to ~~w~~Write or ~~i~~Issue a ~~p~~Prescription
- 11153 Responsibility for Legitimacy of~~controlled substance~~ ~~p~~Prescription; Corresponding Responsibility of Pharmacist~~—corresponding responsibility of a pharmacist~~
- 11153.5 Wholesaler or Manufacturer ~~Furnishing a~~ ~~c~~Controlled ~~s~~Substance ~~for e~~Other ~~t~~Than ~~for a~~ ~~H~~Legitimate ~~m~~Medical ~~p~~Purpose; Knowing Violation; Factors in Assessing Legitimacy~~—corresponding responsibility of a wholesaler or manufacturer~~
- 11157 No False or ~~f~~Fictitious ~~p~~Prescriptions~~—issuing a false or fictitious prescription~~
- 11162.5 Counterfeiting or ~~p~~Possession of ~~e~~Counterfeit TriPLICATE ~~p~~Prescription ~~b~~Blank; Penalty
- 11167.5 Pharmacy Generated Prescription for Schedule II Controlled Substance in a Skilled Nursing Facility
- 11173 Fraud, ~~d~~Deceit, ~~m~~Misrepresentation or ~~f~~False ~~s~~Statement; False Representation; False Label~~—obtaining controlled substances by fraud or deceit~~
- 11174 Prohibition on Providing False ~~n~~Name or ~~a~~Address in Connection with Prescription, etc.~~—false name or address on prescription~~
- 11351 Possession or ~~p~~Purchase for ~~s~~Sale of ~~s~~Specified ~~e~~Controlled ~~s~~Substance~~—illegal possession for sale of a narcotic~~
- 11368 Forged or ~~a~~Altered ~~p~~Prescriptions~~—forging a narcotic prescription~~
- 11375 Possession for ~~s~~Sale or ~~s~~Selling ~~s~~Specified ~~s~~Substance
- 11378 Possession for ~~s~~Sale~~—illegal possession for sale of a nonnarcotic~~
- 11550 Useing or ~~b~~Being ~~u~~Under ~~the i~~Influence of ~~e~~Controlled ~~s~~Substance
- 111295 Manufacturing, Selling or Offering for Sale an Adulterated Drug or Device
- 111300 Unlawful to Adulterate a Drug
- 111305 Unlawful to Receive in Commerce an Adulterated Drug
- 111440 Unlawful Manufacturer, selling a misbranded Drug
- 111445 Unlawful for a Person to Misbrand
- 111450 Unlawful to Receive into Commerce a Drug that is Misbranded

CATEGORY IV

Penalty: Revocation

Revocation is recommended for violations of the Uniform Controlled Substance Act (Health and Safety Code 11000 et seq.) involving:

- possession for sale
- transportation
- importation
- sale
- use of a minor for the unlawful sale of controlled substances

Revocation is also recommended when:

- a respondent fails to file a notice of defense or to appear at a disciplinary hearing

- where the board has requested revocation in the accusation
- a respondent violates the terms and conditions of probation from a previous disciplinary order
- prior discipline has been imposed, as progressive discipline unless the respondent can demonstrate satisfactory evidence of rehabilitation.

Violations of the following codes are ~~as follows~~ representative of this category:

HEALTH AND SAFETY CODE, ~~TITLE 22~~

- | | |
|-------|---|
| 11352 | Importing, s <u>S</u> elling, f <u>F</u> urnishing e <u>C</u> ontrolled s <u>S</u> ubstance —illegal sale of a narcotic |
| 11353 | Adult i <u>I</u> nducing m <u>M</u> inor to v <u>V</u> iolate controlled substances p <u>P</u> rovisions |
| 11379 | Transporting, i <u>I</u> mporting, s <u>S</u> elling e <u>C</u> ontrolled s <u>S</u> ubstances —illegal sale of a non-narcotic |
| 11380 | Adult u <u>U</u> sing, s <u>S</u> oliciting or i <u>I</u> ntimidating m <u>M</u> inor for v <u>V</u> iolation —violation of non-narcotic provisions or the use of a minor |

MODEL DISCIPLINARY LANGUAGE - PREMISES

The following standardized language shall be used in every decision where the order or condition is imposed.

Revocation – Single Cause

License number _____, issued to respondent _____, is revoked.

For premises: Respondent owner shall, by the effective date of this decision, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled substances and dangerous drugs and devices. Respondent owner shall provide written proof of such disposition, submit a completed Discontinuance of Business form and return the wall and renewal license to the board within five days of disposition.

Revocation – Multiple Causes

License number _____, issue to respondent _____ is revoked pursuant to Determination of Issues _____, separately and together.

~~For premises: Respondent shall, by the effective date of this decision, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled substances and dangerous drugs and devices. Respondent shall provide written proof of such disposition to the board within five days of disposition.~~

Suspension – Single Cause

License number _____, issued to respondent _____ is suspended for a period of _____ days beginning the effective of this decision.

Suspension – Multiple Causes

Respondent is suspended from _____ operations for _____ beginning the effective date of this decision.

Standard Stay/Probation Order

License number _____, issued to respondent is revoked _____; however, the revocation _____ is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Issuance of Probationary License (In cases where a Statement of Issues has been filed.)

~~The application for licensure of respondent is hereby granted, on the following terms and conditions:~~

- ~~1. That, respondent first meet all statutory and regulatory requirements for the issuance of a license to _____.~~
- ~~2. That, following the satisfaction of #1, respondent's license be issued and immediately revoked, the order of revocation being stayed and respondent placed on probation for a~~

period of _____ years on the following terms and conditions:

Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Surrender

Respondent owner surrenders license number _____ as of the effective date of this decision. Respondent owner shall relinquish ~~his or her~~ the premises wall license and ~~poCKET~~ renewal license to the board within ten (10) days of the effective date of this decision.

The surrender of respondent's license and the acceptance of the surrendered license by the board shall constitute the imposition of discipline against respondent. This decision constitutes a record of discipline and shall become a part of respondent's license history with the board.

Respondent owner shall, within ten (10) days of the effective date, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled substances and dangerous drugs and devices. Respondent owner shall further provide written proof of such disposition and submit a completed Discontinuance of Business form according to board guidelines.

Respondent owner understands and agrees that if he or she ever files an application for a licensed premises or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent owner may not reapply for any license, ~~permit, or registration~~ from the board for three (3) years from the effective date of this decision. Respondent owner stipulates that should he or she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board, ~~including, but not limited to taking and passing the California Pharmacist Licensure Examination prior to the issuance of a new license.~~ Respondent is ~~obligated~~ required to report this surrender as disciplinary action.

Respondent owner further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution in the amount of \$ _____ within _____ days of the effective date of this decision.

Option: Respondent owner stipulates that should he or she apply for any license from the board on or after the effective date of this decision the investigation and prosecution costs in the amount of \$ _____ shall be paid to the board prior to issuance of the new license.

Public Reprimand

It is hereby ordered that a public reprimand be issued against licensee, _____.
Respondent owner is required to report this reprimand as a disciplinary action.

Adoption of Stipulation

| It is understood by respondent [owner](#) that, in deciding whether to adopt this stipulation, the board may receive oral and written communication from its staff and the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the board, the stipulation will not become effective and may not be used for any purpose, except this paragraph, which shall remain in effect.

STANDARD CONDITIONS - To be included in all probation decisions/orders.

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

1. Obey ~~a~~All laws
2. Reporting to the Board
3. Interview with the Board
4. Cooperation with Board Staff
5. Reimbursement of Board Costs
6. Probation Monitoring Costs
7. Status of License
8. License Surrender ~~w~~While on Probation/Suspension
9. Notice to Employees
10. Owners and Officers: Knowledge of ~~the~~ Law
11. Posted Notice of Probation
- ~~11-12.~~ Violation of Probation
- ~~12.~~ 13. Completion of Probation

OPTIONAL CONDITIONS

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

- ~~1.~~ Actual Suspension
- ~~2.~~ 14. Community Services Program
- ~~3.~~ 15. Restitution
- ~~4.~~ 16. Separate File of Records
- ~~5.~~ 17. Report of Controlled Substances
- ~~6.~~ 18. Surrender of DEA Permit
- ~~7.~~ 19. Posted Notice of Suspension

STANDARD CONDITIONS: TO BE INCLUDED IN ALL PROBATIONS

1.1. Obey All Laws

Respondent owner shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy.~~

Respondent owner shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state and or federal agency which involves respondent's _____ license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributing, ~~eng.~~ ~~or~~ billing, or charging for ~~of~~ any drug, device or controlled substance.

Failure to timely report any such occurrence shall be considered a violation of probation.

2.2. Reporting to the Board

Respondent owner shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, Rrespondent owner shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not is not made as directed, probation shall be automatically extended automatically until such time as the final report is made and accepted by the board.

3.3. Interview with the Board

Upon receipt of reasonable prior notice, respondent owner shall appear in person for interviews with the board or its designee, upon request at various such intervals at and locations to be as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

4.4. Cooperation with Board Staff

Respondent owner shall cooperate with the board's inspectional program and in with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply cooperate shall be considered a violation of probation.

5.5. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, Respondent owner shall pay to the board its costs of investigation and prosecution in the amount of \$_____. Respondent owner shall make said payments as follows: _____. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent owner shall not relieve respondent of his or her responsibility to reimburse the board its costs of investigation and prosecution.

Option: If respondent owner fails to make any payment by the directed deadline(s), the stay shall terminate and the license shall be revoked without further notice or opportunity to be heard.

6.6. Probation Monitoring Costs

Respondent owner shall pay ~~the any~~ costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board ~~at the end of each year of probation on a schedule as directed by the board or its designee.~~ Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

7.7. Status of License

Respondent owner shall, at all times while on probation, maintain ~~a~~ current licensure with the board. If respondent owner submits an application to the board, and the application is approved, for a change of location, change of permit or change of ownership, the board shall retain continuing jurisdiction over the license, and the respondent shall remain on probation as determined by the board. Failure to maintain current licensure shall be considered a violation of probation.

If respondent license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

8.8. License Surrender ~~w~~While on Probation/Suspension

Following the effective date of this decision, should respondent ~~cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation~~ owner ~~discontinue business,~~ respondent owner may tender ~~his or her the premises~~ license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent owner shall relinquish ~~his or her pocket the premises wall and renewal~~ license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent owner shall further submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer. Respondent owner may not ~~reapply for any license-new licensure~~

from the board for three (3) years from the effective date of the surrender. Respondent owner shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

Respondent owner further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution prior to the acceptance of the surrender.

9.9. Notice to Employees

Respondent owner shall, upon or before the effective date of this decision, ensure that all employees involved in permit operations are made aware of all the terms and conditions of probation, either by posting a notice of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout the probation period. Respondent owner shall ensure that any employees hired or used after the effective date of this decision are made aware of the terms and conditions of probation by posting a notice, circulating a notice, or both. Additionally, respondent owner shall submit written notification to the board, within fifteen (15) days of the effective date of this decision, that this term has been satisfied. Failure to submit such notification to the board shall be considered a violation of probation.

"Employees" as used in this provision includes all full-time, part-time, volunteer, temporary and relief employees and independent contractors employed or hired at any time during probation.

10-10. Owners and Officers: Knowledge of the Law

Respondent shall provide, within thirty (30) days after the effective date of this decision, signed and dated statements from its owners, including any owner or holder of ten percent (10%) or more of the interest in respondent or respondent's stock, and any officer, stating under penalty of perjury that said individuals have read and are familiar with state and federal laws and regulations governing the practice of pharmacy. The failure to timely provide said statements under penalty of perjury shall be considered a violation of probation.

11. Posted Notice of Probation

Respondent owner shall prominently post a probation notice provided by the board in a place conspicuous and readable to the public. The probation notice shall remain posted during the entire period of probation.

Respondent owner shall not, directly or indirectly, engage in any conduct or make any statement which is intended to mislead or is likely to have the effect of misleading any patient, customer, member of the public, or other person(s) as to the nature of and reason for the probation of the licensed entity.

Failure to post such notice shall be considered a violation of probation.

11-12. Violation of Probation

If a respondent owner has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent license, and probation shall be automatically extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty that was stayed.

If respondent owner violates probation in any respect, the board, after giving respondent owner notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be automatically extended, until the petition to revoke probation or accusation is heard and decided.

~~If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.~~

12-13. Completion of Probation

Upon written notice by the board or its designee indicating successful completion of probation, respondent's license will be fully restored.

OPTIONAL CONDITIONS OF PROBATION

1. Actual Suspension

~~As part of probation, respondent pharmacy is suspended from the operation of pharmacy for _____ days beginning the effective date of this decision.~~

~~During suspension, respondent pharmacy may not order, maintain or dispose of any dangerous drugs and devices or controlled substances. The pharmacy may not make demand or bill for any drugs or services during the period of suspension and may not process any claims for pharmacy services during the period of suspension, except as to services rendered prior to the effective date of the suspension period. The pharmacy shall not receive or transmit any prescription, new or refill, during the period of suspension. Where the pharmacy does not maintain dangerous drugs and devices or controlled substances in an area which can be closed off from the rest of the pharmacy and locked, the entire pharmacy must be closed during the period of suspension.~~

2.14. Community Services Program

Within sixty (60) days of the effective date of this decision, respondent owner shall submit to the board or its designee, for ~~its~~ prior approval, a community service program in which respondent shall provide free health-care related services on a regular basis to a community or charitable facility or agency for at least _____ hours per _____ for the first _____ of probation.

Within thirty (30) days of board approval thereof, respondent owner shall submit documentation to the board demonstrating commencement of the community service program. Respondent owner shall report on progress with the community service program in the quarterly reports.

Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

3.15. Restitution (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent owner shall pay restitution to _____ in the amount of \$ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

4.16. Separate File of Records

Respondent owner shall maintain and make available for inspection a separate file of all records pertaining to the acquisition or disposition of all controlled substances. Failure to maintain such file or make it available for inspection shall be considered a violation of probation.

5.17. Report of Controlled Substances

Respondent owner shall submit quarterly reports to the board detailing the total acquisition and

disposition of such controlled substances as the board may direct. Respondent owner shall specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such controlled substances. Respondent owner shall report on a quarterly basis or as directed by the board. The report shall be delivered or mailed to the board no later than ten (10) days following the end of the reporting period. Failure to timely prepare or submit such reports shall be considered a violation of probation.

6.18. Surrender of DEA Permit

Within thirty (30) days of the effective date of this decision, Respondent pharmacy shall surrender its federal Drug Enforcement Administration (DEA) permit to the DEA, for cancellation within 30 days of the effective date of this decision. Respondent pharmacy shall provide documentary proof of such cancellation to the board or its designee. Thereafter, respondent pharmacy shall not apply/reapply for a DEA registration number without the prior written consent of the board or its designee.

Option: Respondent pharmacy may obtain a DEA permit restricted to Schedule(s) _____ controlled substance(s).

Option: Respondent pharmacy shall not order, receive, or retain any federal order forms, including 222 forms, for controlled substances.

7.19. Posted Notice of Suspension

Respondent owner shall prominently post a suspension notice provided by the board in a place conspicuous and readable to the public. The suspension notice shall remain posted during the entire period of ~~actual~~ suspension ordered by this decision.

Respondent owner shall not, directly or indirectly, engage in any conduct or make any statement, orally, electronically or in writing, which is intended to mislead or is likely to have the effect of misleading any patient, customer, member of the public, or other person(s) as to the nature of and reason for the closure of the licensed entity.

2/27/2004/2007

Attachment 3

California State Board of Pharmacy

Citation and Fine Statistics

July 1, 2006 – June 15, 2007

765 citations have been issued so far this fiscal year

Total dollar amount of fines issued this fiscal year
\$ 126,550.00

Total dollar amount of fines collected
\$306,676.70*

*This amount also reflects payment of the citations issued before July 1, 2006.

The average number of days from date case is
opened until a citation is issued is **158**

Average number of days from date citation is
issued to date citation is closed is **45**

Citation Breakdown by license type

Total issued	RPH with fine	RPH no fine	PHY with fine	PHY no fine	PIC with fine	PIC no fine	TCH with fine	TCH no fine
765	129	39	177	104	103	26	24	5

Citation Breakdown by Miscellaneous license type

Wholesalers	Exemptee's	Clinics	Drug room	Exempt Hosp.	Hosp. pharmacy	Misc.	Unlicensed Premises	Unlicensed person
37	24	2	1	5	8	61	24	3

*Licensed Correctional Facilities, Exempt Pharmacies, Non-Resident Pharmacies, and Vet Retailers

Top Ten Violations for the fourth quarter of 2006/2007 by license type

Pharmacists	%	Pharmacies	%	Pharmacists in charge	%
1716 - Variation from prescription	45%	1716 - Variation from prescription	26%	1716 - Variation from prescription	9%
1716/1761(a) – Variation from prescription/No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...	9%	1714(b)- Operational standards and security; pharmacy responsible for pharmacy security	18%	1715 – Self-assessment of a pharmacy by the pharmacist-in-charge	9%
1714(d)- Operational standards and security; pharmacist responsible for pharmacy security	9%	1716/1761(a) – Variation from prescription/No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...	7%	1714(d)- Operational standards and security; pharmacist responsible for pharmacy security	9%
4339 - Non-pharmacist acting as manager, compounding, dispensing, or furnishing drugs	4%	4342 - Actions by board to prevent sales of preparations or drugs lacking quality or strength; Penalties for knowing or willful violation of regulations governing those sales	5%	4342 - Actions by board to prevent sales of preparations or drugs lacking quality or strength; Penalties for knowing or willful violation of regulations governing those sales	8%
4342 - Actions by board to prevent sales of preparations or drugs lacking quality or strength; Penalties for knowing or willful violation of regulations governing those sales	3%	1764/56.10et seq.- Unauthorized disclosure of prescription and medical information	4%	1716/1761(a) – Variation from prescription/No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...	6%
1707.3 – Duty to review drug therapy	3%	1714(c)- Operational standards and security; the pharmacy must be maintained in a sanitary condition	3%	4063 - Refill of prescription for dangerous drug or device; prescriber authorization	5%
4322 - Misdemeanor or infraction: false representation to secure license for self or others; false representation of licensure	3%	1716/1761 - Variation from Rx / Erroneous Rx	3%	1714(b)- Operational standards and security; pharmacy responsible for pharmacy security	5%
4059(a)- Furnishing dangerous drugs without a prescription	3%	4063 - Refill of prescription for dangerous drug or device; prescriber authorization	2%	1304.11- Inventory requirements	4%
1764/56.10et seq.- Unauthorized disclosure of prescription and medical information	2%	4081(a)- Records of dangerous drugs kept open for inspection	2%	1707.2- Duty to consult	4%
4081(a)- Records of dangerous drugs kept open for inspection	2%	4115(e) - Pharmacy technician license required	2%	1711- Quality assurance programs	3%

Contested Citations Office Conference

(These statistics also include contested Letters of Admonishment)

There were twenty office conferences held this fiscal year

Number of requests	255
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Number scheduled	255
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Number appeared	148*
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Number Postponed	64**
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*Please note on three occasions unscheduled citations were heard with a related case at office conference.

**Please note these are added back into the number of requests and scheduled case totals above.

Total number of requests withdrawn	31
Failed to appear	3

Office Conference results held between July 1, 2006 and June 12, 2007

Total number of citations affirmed	87
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Decision	Total citations	Total dollar amount reduced
Modified	30	\$10,375.00
Dismissed	30	\$4,000.00
Reduced to Letter of Admonishment	1	\$0.00

Please note due to additional investigation being required,
Seven cases are pending a decision