



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
SOUTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: August 13, 2001

TIME: 1:00 p.m. – 4:30 p.m.

LOCATION: Department of Toxic Substance Control
5796 Corporate Avenue
Cypress, CA 90630

**BOARD MEMBER
PRESENT:** John Jones, Chairperson
Stanley Goldenberg, Board Member
Andrea Zinder, Board Member

**STAFF
PRESENT:** Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Linda Kapovich, Enforcement Technician

**ALSO
PRESENT:** Arthur Anthony Givens, RPH, PIC
Kirt Patel, Division Pharmacy Manager
Stella Pik Chu Liao, RPH
Thomas Ray Canfield, RPH
Hannah Palmer, RPH, PIC
Taoheed Hasan, RPH
Shailesh Swaroop, RPH
Hsin-The Lin, RPH, PIC
Chan-My Trinh, RPH
Ken Morris, Business Pharmacy Operations Specialist
Maher I. Al-Ghabra, RPH, PIC
Rameshbhai Manji Rakholia, RPH, former PIC
Alfred T. Barrack, Jr., RPH, former PIC
Roger Lee Rathjen, RPH
Marcelle S. Khalil, RPH, PIC
Richard Martland, Attorney at Law
Tammy Brookman, Pharmacy Development Manager
Joseph Glen Goins, RPH, PIC

Southern Compliance Committee

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Larry Beiele Jr. Pharmacy Development Manger
John V. Ruggiero, RPH , PIC
Robert A. Erter, Pharmacy Development Manager
Valerie Shay Fletcher, RPH , PIC

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 1:00 p.m.

A. APPEARANCES REQUIRED

1. Arthur Antony Givens CI 1999 18260
RPH 26701, PIC

Albertsons/Sav-On Pharmacy #6515
Chino Hills, CA
PHY 35668

Kirt Patel, Division Pharmacy Manager

Arthur Anthony Givens and Albertsons/Sav-On Pharmacy #6515, are requested to appear before the Northern Compliance Committee as the result of an investigation that revealed that Albertsons/Sav-On Pharmacy #6515, could not produce the original prescription or patient profile for the subject of the investigation as required by law.

On April 26, 2001, a violation notice was issued to Arthur Anthony Givens and Albertsons/Sav-On Pharmacy #6515, for violation of:

- Business and Professions Code section 4301 (q) – Unprofessional conduct.
- Business and Professions Code section 4333 - Maintaining prescriptions, other drug records on premises, open to inspection.
- California Code of Regulations section 1707.1 – Duty to maintain patient medication profiles.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Zinder/Jones

The committee accepted the appearance of Arthur Anthony Givens, and Albertsons/Sav-On Pharmacy #6515; (a) the matter will be made a part of the record of RPH Arthur Anthony Givens, RPH 26701; (b) the matter will be made a part of the

record of Albertsons/Sav-On Pharmacy #6515, PHY 35668; (c) Arthur Anthony Givens, RPH 26701, is cited and fined \$500, for failure to maintain patient medication profiles as required; (d) Sav-On to send to the board a copy of the policy for conversion of pharmacist to the Albertson's Sav-On system after purchase and the records retention requirement for conversion to new ownership. No further action will be taken at this time.

2. Arthur Anthony Givens
RPH 26701, PIC

CI 1999 18663

Stella Pik Chu Liao
RPH 29377

Thomas Ray Canfield
RPH 29114

Sav-On Pharmacy #6515
Chino Hills, CA
PHY 35668

Kirt Patel, Division Pharmacy Manager

Arthur Anthony Givens, Stella Pik Chu Liao, Thomas Ray Canfield, and Sav-On Pharmacy #6515, are requested to appear before the Northern Compliance Committee as the result of an investigation that revealed that Sav-On Pharmacy #6515 dispensed four prescriptions with the incorrect quantity, and incorrectly labeled amounts. The prescription documents were not available for inspection, and the pharmacy did not have a "self assessment" form on file. The pharmacy was un-cooperative and failed to provide requested information and documentation.

On March 27, 2001, letters of violation were issued to Arthur Anthony Givens and Sav-On Pharmacy #6515, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section – 4076 – Prescription container requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drug in incorrectly labeled container.
- Business and Professions Code section 4078 – False or misleading label on prescriptions.

- Business and Professions Code section 4332 – Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.
- Business and Professions Code section 4333 - Maintaining prescriptions, other drug records on premises, open to inspection.
- Business and Professions Code section 4301 (q) – Unprofessional conduct.
- Business and Professions Code section 4074 – Drug risk: informing patient; providing consultation for discharge medications.
- California Code of Regulations section 1716 – Variation from prescription.
- California Code of Regulations section 1715 – Self-assessment of a pharmacy by the pharmacist-in-charge.

On March 27, 2001, a letter of violation was issued to Stella Pik Chu Liao, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section – 4076 – Prescription container requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drug in incorrectly labeled container.
- California Code of Regulations section 1716 – Variation from prescription.

On March 27, 2001, a letter of violation was issued to Thomas Canfield, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section – 4076 – Prescription container requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drug in incorrectly labeled container.
- California Code of Regulations section 1716 – Variation from prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Zinder/Jones

The committee accepted the appearance of Arthur Anthony Givens, Stella Pik Chu Liao, Thomas Ray Canfield, and Sav-On Pharmacy #6515; (a) the matter will be made a part of the record of Arthur Anthony Givens, RPH 26701; (b) the matter will be made a part of the record of Stella Pik Chu Liao, RPH 29377; (c) the matter will be made a part of the record of Thomas Ray Canfield, RPH 29114; (d) the matter will be made a part of the record of Sav-On Pharmacy #6515, PHY 35668. No further action will be taken at this time.

3. Hannah Palmer
RPH 46923, PIC

CI 1999 19505

Taoheed Hasan
RPH 38785

Shailesh Swaroop
RPH 45718

Sav-On Pharmacy #6333
Palmdale, CA
PHY 40650

Kirt Patel, Division Pharmacy Manager

Hannah Mason, Taoheed Hasan, Shailesh swaroop, and Sav-On Pharmacy #6333, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Sav-On Pharmacy #6333 dispensed Claritin with incorrect dosage instructions. The label read take one tablet three time daily instead of the prescribed take one tablet once per day.

In addition during the investigation it was revealed that Taoheed Hasan disassociated as pharmacist-in-charge (PIC) on December 18, 2000, and as of February 23, 2001 Sav-On Pharmacy #6333 did not have a PIC on record due to incomplete paperwork submitted by the pharmacy.

On May 17, 2001, a letter of violation was issued to Taoheed Hasan and Sav-On Pharmacy #6333, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – variation from prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

On May 17, 2001, a letter of violation was issued to Hannah Mason and Sav-On Pharmacy #6333, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4113 - Pharmacist-in-charge: notification to the board; responsibilities.
- California Code of Regulations section 1709 (a) – Names of owners and pharmacist-in-charge.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Zinder/Jones

The committee accepted the appearance of Hannah Palmer, Taoheed Hasan, Shailesh Swaroop, and Sav-On Pharmacy #6333; (a) the matter will be made a part of the record of Hannah Palmer, RPH 46923; (b) the matter will be made a part of the record of Taoheed Hasan, RPH 38785; (c) the matter will be made a part of the record of Sav-On Pharmacy, PHY 40650. No further action will be taken at this time.

4.	Carol Eunsuk Chung RPH 47367, PIC	CI 1999 19136
	Melvin Gordon RPH 26412	
	Gaiane S. Aroush TCH 28780	
	Sav-On Express # 9638 Conoga Park, CA PHY 37781	

Carol Eunsuk Chung, Melvin Gordon, Gaine S. Aroush, and Sav-On Express # 9638, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Sav-On Express #9638 dispensed medication, (Celebrex and Oxycodone w/APAP) intended for one patient to another patient in error. When the patient reported to the pharmacy that she had received the medication in error, the pharmacy did not correct the error. Furthermore patient consultation was not provided when the new medication was dispensed.

On June 8, 2001, letters of violation were issued to Sav-On Express #9638 and Carol Eunsuk Chung, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- Business and Professions Code section 4115 (b) – This section does not authorize the performance of any tasks specified in subdivision (a) by a

pharmacy technician without a pharmacist on duty, nor does this section authorize the use of a pharmacy technician to perform tasks specified in subdivision (a) except under the direct supervision and control of a pharmacist.

- Business and Professions Code section 4113 (b) - The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1717 (b) - In addition to the requirements of section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable, date dispensed, initials of pharmacist, brand name; The date dispensed, and the name or initials of the dispensing pharmacist.

On June 8, 2001 a letter of violation was issued to Melvin Gordon, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- Business and Professions Code section 4115 (b) – This section does not authorize the performance of any tasks specified in subdivision (a) by a pharmacy technician without a pharmacist on duty, nor does this section authorize the use of a pharmacy technician to perform tasks specified in subdivision (a) except under the direct supervision and control of a pharmacist.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drugs in incorrectly labeled containers.
- California Code of Regulations section 1717 (b)(1) - The date dispensed, and the name or initials of the dispensing pharmacist. All prescriptions filled or refilled by an intern pharmacist must also be initialed by the preceptor before they are dispensed.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.

This appearance was postponed prior to this meeting of the Southern Compliance committee, and will be rescheduled for a future meeting.

5. Hsin-The Lin
RPH 41490, PIC

CI 1999 18765

Chan-My Trinh
RPH 51051

Sav-On Drug #3064
San Bernardino, CA
PHY 38234

Kirt Patel, Division Pharmacy Manager
Ken Morris, Business Pharmacy Operations Specialist

Hsin-The Lin, Chan-My Trinh, and Sav-On Drugs # 9664, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Chan-My Trinh dispensed six bottles of Theophylline 80mg/15mg, to a patient only placing a label on one of the bottles. In addition on of the bottles had previously been labeled for another patient and the name of the previous patient was not removed prior to dispensing it to the new patient.

On March 22, 2001, violation notices were issued to Hsin-The Lin, Chan-My Trinh, and Sav-On Drugs # 9664, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drugs in incorrectly labeled containers.
- Business and Professions Code section 4078 - False or misleading label on prescription.
- California Civil Code section 56-10 – Authorization: necessity: exceptions: in conjunction with:
- California Code of Regulations section 1764 – Unauthorized disclosure of prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Zinder/Goldenberg

The committee accepted the appearance of Hsin-The Lin, Chan-My Trinh, and Sav-On Drugs #3064; (a) the matter will be made a part of the record of Hsin-The Lin, RPH 41490; (b) the matter will be made a part of the record of Chan-My Trinh, RPH

51051; (c) the matter will be made a part of the record of Sav-On Drugs #3064, PHY 38234. No further action will be taken at this time.

6. Maher I. Al-Ghabra CI 1999 18612
RPH 44421, PIC

Rameshbhai Manji Rakholia
RPH 45640, former PIC

Alfred T. Barrack, Jr.
RPH 35239, former PIC

Roger Lee Rathjen
RPH 28957

Rite Aid #5626
El Cajon, CA
PHY 42322

Marcelle S. Khalil
RPH 38347, PIC

Rite Aid Pharmacy #5625
El Cajon, CA
PHY 42411

Richard Martland, Attorney at Law
Tammy Brookman, Pharmacy Development Manager

Roger Lee Rathjen, Maher I. Al-Ghabra, Rameshbhai Manji Rakholia, Alfred T. Barrack, Jr., and Rite Aid #5626, Marchelle S. Khalil, and Rite Aid Pharmacy #5625, are requested to appear before the Northern Compliance Committee as the result of an investigation that revealed that on Rite Aid #5626 dispensed Viramune 200mg on a prescription calling for Efavirenz 200mg. This error was repeated multiple times until July 7, 1999.

On June 8, 2001, a letter of violation was issued to Roger Lee Rathjen, and Rite Aid #5626, for violation of:

- Business and Professions Code section 4301 (c)(o) – Unprofessional conduct.

- California Code of Regulations section 1716 – Variation from prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Zinder

The committee accepted the appearance of Maher I. Al-Ghabra, Rameshbhai Manji Rakholia, Alfred T. Barrack Jr., Roger Lee Rathjen, Rite Aid #5626, Marcelle S. Khalil, and Rite Aid #5625; (a) the matter will be made a part of the record of Roger Lee Rathjen, RPH 28957; (b) the matter will be made a part of the record of Rite Aid #5626, PHY 42322. No further action will be taken at this time.

7.	Ramin Molai RPH 44734, PIC	CI 1999 19556
	Tammy Thanh Tam Tran RPH 51306, former PIC	
	Ellen Samy Tadros RPH 38440, former PIC	
	Ella Ching Han Cheung RPH 31522	
	Rite Aid #5681 Palm Desert, CA PHY 42403	

Ramin Molai, Tammy Thanh Tam Tran, Ella Ching Han Cheung, and Rite Aid #5681, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Ella Ching Han Cheung dispensed Morphine on a prescription written for MS Contin. Also Rite Aid failed to designate a pharmacist-in-charge (PIC), within 30days of the previous PIC terminating her position.

On April 25, 2001, letters of violation were issued to Ella Ching Han Cheung, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4077 – Dispensing dangerous drugs in incorrectly labeled containers.
- California Code of Regulations section 1716 – Variation from prescriptions.

- California Code of Regulations section 1707.2 – Duty to consult.

On April 25, 2001, letters of violation were issued to Rite Aid #5681, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4077 – Dispensing dangerous drugs in incorrectly labeled containers.
- Business and Professions Code section 4113 (a) - Every pharmacy shall designate a pharmacist-in-charge and within 30 days there of, shall notify the board in writing of the identity and license number of that pharmacist and the date he or she was designated.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.

This appearance was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled for a future meeting.

8. Joseph Glen Goins
RPH 31111, PIC

CI 1999 19511

Rite Aid #5758
Rancho Santa Margarita, CA
PHY 42677

Richard Martland, Attorney at Law
Larry Beiele Jr. Pharmacy Development Manger

Joseph Glen Goins and Rite Aid # 5758, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Joseph Glen Goins dispensed Humulin N on a prescription written for Humulin U. When the patient's agent questioned the pharmacy staff regarding the insulin, the agent was told that the correct insulin had been dispensed. Furthermore during the investigation the board on two separate occasions requested a copy of Rite Aid #5758's self-assessment form, and no copy was provided.

On June 8, 2001, letters of violation were issued to Joseph Glen Goins and Rite Aid # 5758, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.

- Business and Professions Code section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- Business and Professions Code section 4077 – Dispensing dangerous drugs in incorrectly labeled containers.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1717 – Pharmaceutical practice.
- California Code of Regulations section 1715 - Self-Assessment of a pharmacy by the pharmacist-in-charge.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Zinder

The committee accepted the appearance of Joseph Glen Goins and Rite Aid #5758; (a) the matter will be made a part of the record of Joseph Glen Goins, RPH 31111; (b) the matter will be made a part of the record of Rite Aid #5758, PHY 42677. No further action will be taken at this time.

9. Egette Ibrahim Saad
RPH 44322, PIC

CI 1999 19235

Rite Aid #5734
Costa Mesa, CA
RPH 44322

Egette Ibrahim Saad, and Rite Aid #5734, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Rite Aid #5734 dispensed the incorrect size syringe on a prescription for Dilantin for a pediatric patient. The prescribed dose was 6cc” twice per day, and the directions provided during consultation were 1.5 teaspoonfuls twice daily.

On March 14, 2001, a letter of violation was issued to Egette Ibrahim Saad, and Rite Aid #5734, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.

- Business and Professions Code section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1793.1 - Duties of a registered pharmacist.

This appearance was postponed prior to this meeting of the Southern Compliance meeting, and will be rescheduled for a future meeting.

10. John V. Ruggiero
RPH 23396, PIC

CI 1999 18763

Rite Aid #5687
Apple Valley, CA
PHY 44802

Richard Martland, Attorney at Law
Robert A. Erter, Pharmacy Development Manager

John V. Ruggiero and Rite Aid #5687, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that John V. Ruggiero dispensed Synthroid 100mcg meant for one patient to another patient. The patient should have received Terazol 7.4% vaginal cream and Cephalexin 500mg. The Terazol 7.4% vaginal cream and Cephalexin 500mg prescriptions were deleted from the patients "Customer History Report."

On April 2, 2001, letters of violation were issued to John V. Ruggiero and Rite Aid #5687, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years.....
- Business and Professions Code section 4105 (a) - All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.

- Business and Professions Code section 4333 (a) - All prescriptions filled by a pharmacy and all other records required by section 4081 shall be maintained on the premises & available for inspection by authorized officers of the law for a period of at least three years.
- Business and Professions Code section 4333 (b) - Any person who willfully fails to comply with subdivision (a) is guilty of a misdemeanor.
- California Civil Code section 56.10 – Prohibition on unauthorized disclosure of prescriptions.
- California Code of Regulations section 1764 - Unauthorized disclosure of prescriptions.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

Mr. Ruggiero indicated that the prescriptions in question were filled on September 1, 2000, and there was another pharmacist on duty at that time. The other dispensing pharmacist was Josephina Mojica.

This case will be rescheduled for a future meeting, when Ms. Mojica can be present.

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| 11. | Valerie Shay Fletcher
RPH 49804, PIC | CI 1999 18745 |
| | James Mc Fadden
RPH 44768 | |
| | Rite Aid #6195
Bakersfield, CA
PHY 43488 | |
| | CI 1999 18745 | |

Valerie Shay Fletcher, James Mc Fadden, and Rite Aid #6195, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that James Mc Fadden dispensed Prochlorperazine 25mg on a prescription written for Prochlorperazine 2.5mg for a two-year-old pediatric patient. Mr. Mc Fadden admitted that the prescription was unclear as written and he was not able to and did not clarify the prescription with the prescriber.

On April 3, 2001, letters of violation were issued to James Mc Fadden, and Rite Aid #6195, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1761 – Erroneous or uncertain prescriptions.

Ms. Fletcher appeared and explained that she was instructed to send the letter from the board requesting information to Janet Hart in the corporate office.

Mr. Mc Fadden failed to appear for this meeting of the Southern Compliance Committee. This matter will be rescheduled at a future meeting.

There being no additional discussion, the meeting was adjourned at 4:30 p.m.



California State Board of Pharmacy
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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
SOUTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: August 14, 2001

TIME: 10:00 a.m. – 3:00 p.m.

LOCATION: Department of Toxic Substance Control
5796 Corporate Avenue
Cypress, CA 90630

**BOARD MEMBER
PRESENT:** John Jones, Chairperson
Donald Gubbins, Board Member
Caleb Zia, Board Member

**STAFF
PRESENT:** Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Janice Dang, Pharmacy Inspector
Robert M. Venegas, Pharmacy Inspector
Valerie L. Knight, Pharmacy Inspector
Dennis Ming, Pharmacy Inspector
Robert Grimm, Pharmacy Inspector
Linda Kapovich, Enforcement Technician

**ALSO
PRESENT:** Mihran Migran Dermenjian, RPH, PIC, CEO
Anait Davtyan, TCH
Adrine Dermenjian, SHH
Leonora Tepper Aldrich, RPH, PIC
Dennis J. Moran, Associate Director
Yoosoon Jackson, RPH, PIC
Jagwant Singh Rai, RPH, PIC
Paul Knerr, Vice President GM/HBC/Pharmacy
Stephen E. Bottorff, RPH, PIC
Laurence Alan Wolf, RPH
Jay Lewis Lederman, RPH, District Manager
Thomas Dean Hunt, RPH, PIC
Lydia Lucille Ferraris-Reed, RPH
Richard Hayes, Attorney at Law

Prasap Reddy, Vice President
Shawki Marrogi Bachous, RPH, PIC, ILO
Carl Ray Barnett, RPH, PIC, President
Minh Ngoc Tran, RPH, PIC
Randy Kay Holmes, RPH
Orriette Quandt, Pharmacy Compliance Coordinator
Chris Gong, Pharmacy Supervisor
Jennifer Shin, RPH, Pic
Chad Thomas Signorelli, RPH, former PIC
John Paul Latour, RPH
Connie Urban, Pharmacy Area Supervisor
Layne R. Kilpatrick, RPH, PIC, ILO

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 10:00 a.m.

A. APPEARANCES REQUIRED

1. Jack Gliksberg RPH 36192, PIC CI 1999 19319

Mike Gilsberg
INO

Midway Plaza Pharmacy
Los Angeles, CA
PHY 40386

Jack Gliksberg, Mike Gliksberg, and Midway Plaza Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Jack Gliksberg dispensed generic medication in containers labeled for brand name. In addition this investigation revealed that Midway Plaza Pharmacy did not have a complete biennial controlled substance inventory as required by law. Jack Gliksberg did not complete a pharmacy self-assessment form as required by law. Also Midway Plaza pharmacy did not use child resistant containers as required by law.

On July 30, 2001, a letter of violation was issued to Jack Gliksberg, and Midway Plaza Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4073 (e) - When a substitution is made pursuant to this section, the use of the cost-saving drug product dispensed shall be communicated to the patient and the name of the dispensed drug product shall be indicated on the prescription label.
- Business and Professions Code section 4076 (a)(1) - A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following: Except where the prescriber or nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, or physician assistant who functions pursuant to Section 3502.1 orders otherwise, either the manufacturer’s trade name of the drug or the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by the manufacturer’s trade name or the commonly used name or the principal active ingredients.
- California Code of Regulations section 1716 – Variation from prescriptions.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- Business and Professions Code section 4077 - Dispensing dangerous drug in incorrectly labeled container.

Jack Gliksberg, and Mike Gliksberg failed to appear for this meeting of the Southern Compliance Meeting, this matter will be rescheduled for a future meeting.

2.	Mihran Dermenjian RPH 44461, PIC, CEO	CI 1999 19293
	Anait Davtyan TCH 29179	
	Central Drugs Glendale, CA PHY 42184	

Mihran Migran Dermenjian, Anait Davtyan, and Central Drugs, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Central Drugs committed Medi-Cal fraud by prescription splitting and violation of Code 1 restriction compliance. This investigation also revealed that Central

Drugs allowed telephonic prescriptions to be received and reduced to writing by a pharmacy technician.

On April 19, 2001, a violation notice was issued to Mihran Migran Dermenjian, and Central Drugs, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1793.1 - Duties of a registered pharmacist; receive a new prescription order orally from a prescriber or other person authorized by law.
- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.
- Health and Safety Code section 11164 (c) – Any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be reduced to writing by the pharmacist filling the prescription or by any other person expressly authorized by provision of the Business and Professions Code section....
- Title 22, California Code of Regulations section 51476.1 (b) – Prescription records must include documentation of compliance with code 1 restrictions.
- Title 22, California Code of Regulations section 51479 – Prescription requirements.
- California Code of Regulations section 1716 – Variation from a prescription.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Mihran Migran Dermenjian, Anait Davtyan, Adrine Dermenjian, and Central Drugs; (a) the matter will be made a part of the record of Mihran Migran Dermenjian, RPH 44461; (b) the matter will be made a part of the record of Central Drugs, PHY 42184; (c) monthly follow up inspections for the next three months to ensure compliance with pharmacy law. No further action will be taken at this time.

3. Leonora T, Aldrich
RPH 36144, PIC

CI 1999 18948

U.C.S.D. Medical Center Pharmacy

San Diego, CA
HPE 3481

Dennis J. Moran, Associate Director

Leonora Tepper Aldrich and UCSD Medical Center Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Due to inadequate security at UCSD Medical Center Pharmacy there was a theft of controlled substances.

On June 22, 2001, a letter of violation was issued to Leonora Tepper Aldrich and UCSD Medical Center Pharmacy, for violation of:

- Code of Federal Regulations section 1301.71 – Security requirements generally.
- California Code of Regulations section 1714 – Operational standards and security.
- California Code of Regulations section 1718 - Current inventory defined.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Leonora Tepper Aldrich and UCSD Medical Center Pharmacy; (a) the matter will be made a part of the record of Leonora Tepper Aldrich, RPH 36144; (b) the matter will be made a part of the record of UCSD Medical Center Pharmacy, HPE 3481. No further action will be taken at this time.

4. Yoosoon Jackson
RPH 29637, PIC

CI 1999 19498

Jagwant Rai
RPH 45054, former PIC

Vons Pharmacy #2119
San Diego, CA
PHY 43075

Paul Knerr, Vice President GM/HBC/Pharmacy

Yoosoon Jackson, Jagwant Rai, and Vons Pharmacy #2119, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Jagwant Rai dispensed an erroneous and uncertain prescription without clarifying with the prescriber.

On June 8, 2001, a letter of violation was issued to Jagwant Rai, and Vons Pharmacy #2119, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- Business and Professions Code section 4077 - Dispensing dangerous drug in incorrectly labeled container.
- Business and Professions Code section 4078 - False or misleading label on prescription.
- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1761 - Erroneous or uncertain prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Gubbins

The committee accepted the appearance of Yoosoon Jackson, Jagwant Singh Rai, and Vons Pharmacy #2119; (a) the matter will be made a part of the record of Jagwant Singh Rai, RPH 45054; (b) the matter will be made a part of the record of Vons Pharmacy #2119, RPH 43075; (c) Jagwant Singh Rau, RPH 45054, is cited and fined \$500, for failure to review the patient's drug therapy and medication record before each prescription drug delivery to the patient as required by law; (d) Vons Pharmacy #2119, RPH 43075, is cited and fined \$1,000, for failure to review the patient's drug therapy and medication record before each prescription drug delivery to the patient as required by law. No further action will be taken at this time.

5. Stephen E. Bottorff
RPH 28510, PIC

CI 1999 19210

Laurence Alan Wolf
RPH 28162,

Jay Lederman
RPH 25886

Vons Pharmacy #2131
Victorville, CA
PHY 43073

Paul Knerr, Vice President GM/HBC/Pharmacy

Stephen E. Bottorff, Laurence Alan Wolf, Jay Lederman, and Vons Pharmacy #2131, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Laurence Alan Wolf dispensed Methylphenidate 10mg in a container labeled Methylphenidate 5mg, on a prescription written for Ritalin 5mg. Rather than insuring that the patient received the correct medication, Jay Lederman told the patients mother that if she broke the tablets in half her son would be receiving the correct dosage.

On April 25, 2001, letters of violation were issued to Stephen E. Bottorff, Vons Pharmacy #2131, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescriptions.

On April 25, 2001, a letter of violation was issued to Jay Lederman. for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from prescriptions.

On July 30, 2001, a letter of violation was issued to Laurence Alan Wolf, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- Business and Professions Code section 4077 - Dispensing dangerous drug in incorrectly labeled container.

- Health and Safety Code section 11158 – Prescription required for schedule II, III, IV, or V controlled substance.
- California Code of Regulations section 1716 – Variation from prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Stephen E. Bottorff, Laurence Alan Wolf, Jay Lewis Lederman, and Von's Pharmacy #2131; (a) the matter will be made a part of the record of Stephen E. Bottorff, RPH 28510; (b) the matter will be made a part of the record of Laurence Alan Wolf, RPH 28162; (c) the matter will be made a part of the record of Jay Lewis Lederman, RPH 25886; (d) the matter will be made a part of the record of Vons Pharmacy #2131, PHY 43073. No further action will be taken at this time.

6. Thomas Dean Hunt
RPH 36694, PIC

CI 2000 19646

Lydia Lucille Ferraris-Reed
RPH 40227

Citrus Pharmacy
Redlands, CA
PHY 44453

Richard Hayes, Attorney at Law
Prasap Reddy, Vice President

Thomas Dean Hunt, Lydia Lucille Ferraris-Reed, and Citrus Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Citrus Pharmacy had an unlocked back door to the pharmacy, the technician/pharmacist ratio was 3:1, improper repackaging of medication, technicians not within view of pharmacists. Citrus Pharmacy was operating under several names, no policies and procedures in place for pharmacy technicians and IV room. Citrus Pharmacy did not have a DEA biennial inventory, incorrect filling of Schedule II medications on SNF blacks. In addition Citrus Pharmacy was operating as a wholesaler and shipping medications to unlicensed clinics.

On March 2, 2001, a violation notice was issued to, Thomas Dean Hunt, Officers of the Corporation, and Citrus Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 (a) - A pharmacist shall not dispense any prescription except in a container that meets the requirements of state and federal law and is correctly labeled with all of the following: (1) Except where the prescriber or nurse practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or protocol, or physician assistant who functions pursuant to Section 3502.1 orders otherwise, either the manufacturer’s trade name of the drug or the generic name and the name of the manufacturer. Commonly used abbreviations may be used. Preparations containing two or more active ingredients may be identified by the manufacturer’s trade name or the commonly used name or the principal active ingredients.
- California Code of Regulations section 1717 (a) - No medication shall be dispensed on prescription except in a new container, which conforms with standards established in the official compendia.
- Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist. The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.
- Business and Professions Code section 4160 (b) - No selling or distribution outlet, located in this state, of any out-of-state manufacturer, that has not obtained a license from the board, that sells or distributes only the dangerous drugs or the dangerous devices of that manufacturer, shall sell or distribute any dangerous drug or dangerous device in this state without obtaining a wholesaler’s license from the board.
- Business and Professions Code section 4043 - “Wholesaler” means and includes every person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, or agent, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or authorize the storage or warehousing of drugs with any person or at any location not licensed by the board.
- Business and Professions Code section 4160 (a) - No person shall act as a wholesaler of any dangerous drug or dangerous device unless he or she has obtained a license from the board. Upon approval by the board and the payment of the required fee, the board shall issue a license to the applicant.
- Business and Professions Code section 4059 (a)(b)- Furnishing dangerous drugs or devices prohibited without prescription: exceptions.
- Business and Professions Code section 4060 – No person shall possess any controlled substance, except that furnished to a person upon the prescription

- of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a physician assistant pursuant to Section 3502.1 or a nurse practitioner pursuant to Section 2836.1.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
 - California Code of Regulations section 1718 - Current inventory defined.
 - California Code of Regulations section 1717 (a) - No medication shall be dispensed on prescription except in a new container, which conforms with standards established in the official compendia.
 - Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist. The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.
 - Business and Professions Code section 4071 – Reduction of oral or electronic prescription to writing.
 - Health and Safety Code section 11167.5 – Oral or electronic prescriptions for schedule II controlled substance.

On July 30, 2001, a letter of violation was issued to Thomas Dean Hunt, and Citrus Pharmacy, for violation of:

- Business and Professions Code section 4116 (a) – No person other than a pharmacist, and intern pharmacist, an authorized officer of the law, or a person authorized to prescribe shall be permitted in that area, place or premises described in the license issued by the board wherein controlled substances or dangerous drugs or devices are stored, possessed, prepared, manufactured, derived, compounded, dispensed, or repackaged.
- Business and Professions Code section 4115 (g)(1) - The ratio of pharmacy technicians performing the tasks specified in subdivision (a) to pharmacists shall not exceed one to one, except that this ratio shall not apply to personnel performing clerical functions pursuant to Section 4116 or 4117.
- Business and Professions Code section 4037 - "Pharmacy" means an area, place, or premises licensed by the board in which the profession of pharmacy is practiced and where prescriptions are compounded.
- Business and Professions Code section 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.
- California Code of Regulations section 1714 (b) - Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

- California Code of Regulations section 1793.7 - Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.
- California Code of Regulations section 1751.8 - Written policies and procedures associated with the pharmacy's preparation and dispensing of parenteral products shall include, but not be limited to: a. Compounding and labeling of intravenous admixtures. b. Administration of intravenous therapy. c. Equipment and supplies. d. Training of staff, patient and caregiver. e. Procedures for handling cytotoxic agents. f. Quality assurance program.g. Record keeping requirements.
- Code of Federal Regulations section 1304.11 – General requirements for inventories.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Thomas Dean Hunt, Lydia Lucille Ferraris-Reed, and Citrus Pharmacy; (a) the matter will be made a part of the record of Thomas Dean Hunt, RPH 36694; (b) the matter will be made a part of the record of Citrus Pharmacy, PHY 44453; (c) A follow up inspection is ordered prior to the issuance of the wholesale license, to ensure compliance with all pharmacy laws. No further action will be taken at this time.

7.	Shawki Marrogi Bachoua RPH 26490, PIC, ILO	CI 1999 19429 CI 2000 19718
	South Bay Drugs Imperial Beach, CA PHY 43632	

Shawki Marrogi Bachoua, and South Bay Drugs, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Shawki Marrogi Bachoua failed to maintain a biennial DEA inventory, and did not complete a pharmacy self-assessment form as required by law. South Bay Drugs stored prescription records, and out dated controlled substances in a non-licensed area. South Bay Drugs repackaged and dispensed sample medications, and charged a co-payment on sample medications. In addition Shawki Marrogi Bachoua dispensed a

smaller size of an ointment without documentation to the patient, and South Bay Drugs shelves were full of out-dated medications.

On March 27, 2001, a letter of violation was issued to Shawki Marrogi Bachoua, and South Bay Drugs, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- US Code section 353 (c) – Selling sample medications.
- Business and Professions Code section 4105 (a) - All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.
- California Code of Regulations section 1715 - Self-Assessment of a pharmacy by the pharmacist-in-charge.
- California Code of Regulations section - 1718 - Current inventory defined.

The committee discussed the circumstances surrounding the violations and decided that this matter needed to be referred to the Attorney Generals Office.

8. Carl Ray Barnett
RPH 27829, PIC, President

CI 2000 19781

Shepard Place Pharmacy
Carpinteria, CA
PHY 22070

Carl Ray Barnett, and Shepard Place Pharmacy, Inc., are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Carl Ray Barnett failed to reduce electronic prescriptions for controlled substances to writing before being dispensed, and did not adequately review the patients medication profile prior to dispensing any medications.

On June 7, 2001, a letter of violation was issued to Carl Ray Barnett, and Shepard Place Pharmacy, Inc., for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Health and Safety Code section 11164 (c) – Any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be reduced to writing by the

pharmacist filling the prescription or by any other person expressly authorized by provision of the Business and Professions Code section....

- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Carl Ray Barnett and Shepard Place Pharmacy, Inc.; (a) the matter will be made a part of the record of Carl Ray Barnett, RPH 27829; (b) the matter will be made a part of the record of Shepard Place Pharmacy, Inc., PHY 22070. No further action will be taken at this time.

9. Alice Susan Marlis CI 2000 19791
RPH 29160, PIC

Arezou Noormand
RPH 48122, former PIC

Hollywood Community Hospital
Van Nuys, CA
DRM 39040

Arezou Noormad, Alice Susan Marlis, and Hollywood Community Hospital of Van Nuys, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Hollywood Community Hospital of Van Nuys had deficiencies in the accountability of controlled substances in the drug room. Former PIC Arezou Noormand failed to implement adequate security processes in the drug room to prevent diversion. Arezou Noormand initially reported the losses to the board, however she failed to report diversion of controlled substances from patient's own medication supply as required by State and Federal laws.

On June 8, 2001, letters of violation were issued to Arezou Noormad, and Hollywood Community Hospital of Van Nuys, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1714 – Operational standards and security.

- Title 21 Code of Federal Regulations section 1301.71 – Security requirements.
- California Code of Regulations section 1718 - Current inventory defined.
- California Code of Regulations section 1715.6 – Reporting drug loss.

This appearance was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled for a future meeting.

10. Minh Ngoc Tran
RPH 39234, PIC

CI 1999 19527

Randy Kay Holmes
RPH 28847

Longs Drug #283
Riverside, CA
PHY 35706

Orriette Quandt, Pharmacy Compliance Coordinator
Chris Gong, Pharmacy Supervisor

Minh Ngoc Tran, Randy Kay Holmes, and Longs Drug #283, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Randy Kay Holmes dispensed Levoxyl 200mg on a prescription written for Levoxyl 0.02mg.

On March 14, 2001, letters of violation were issued to Randy Kay Holmes, and Longs Drug #283, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4077 (a) – Dispensing dangerous drug in incorrectly labeled container.
- California Code of Regulations section 1761 – Erroneous or uncertain prescriptions.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Minh Ngoc Tran, Randy Kay Holmes, and Longs Drugs #283; (a) the matter will be made a part of the record of Randy Kay Holmes, RPH 39234; (b) the matter will be made a part of the record of Longs Drugs #283, PHY 35706. No further action will be taken at this time.

11. Jennifer Shin
RPH 50711, PIC

CI 2000 19840

Chad Thomas Signorelli
RPH 50222, former PIC

John Paul Latour
RPH 21669

Longs Drug Store #102
Santa Barbara, CA
PHY 19030

Orriette Quandt, Pharmacy Compliance Coordinator
Connie Urban, Pharmacy Supervisor

Jennifer Shin, Chad Thomas Signorelli, John Paul Latour, and Longs Drug Store #102, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that John Paul Latour dispensed Neurontin on a new prescription written for Minocin, and consultation was not provided as required by law.

On July 23, 2001, letters of violation were issued to John Paul Latour, and Longs Drug Store #102, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Gubbins/Jones

The committee accepted the appearance of Jennifer Shin, Chad Thomas Signorelli, John Paul Latour, and Longs Drug Store #102; (a) the matter will be made a part of the record of John Paul Latour, RPH 21669; (b) the matter will be made a part of the record of Longs Drug Store #102, PHY 19030. No further action will be taken at this time.

12. Zenaidi L. Capua-Currie
RPH 38418, PIC

CI 1999 19236

Michael Laurence Woo
RPH 37274, former PIC

Rodney Kevin Chin
RPH 35403, former PIC

Charles Thomas Mills
RPH 27413, former PIC

Martin M. Newman
RPH 20993, former PIC

James Kaoru Iwai
RPH 27480, revoked

Riverside General Hospital Pharmacy
Riverside, CA
HPE 3312

Zenaida L. Capua-Currie, Michael Laurence Woo, Rodney Kevin Chin, Charles Thomas Mills, Martin M. Newman, James Kaoru Iwai, and Riverside County Regional Medical Center, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that James Kaoru Iwai became a licensed pharmacist in California in 1971, he failed to renew his license and it expired on October 31, 1978. In 1985 James Kaoru Iwai went to work for Riverside County Regional Medical Center without renewing his pharmacist license. In April 2000 board inspector found James Kaoru Iwai working without a license.

On April 25, 2001, letters of violation were issued to Michael Laurence Woo, Rodney Kevin Chin, Charles Thomas Mills, Martin M. Newman, and Riverside County Regional Medical Center, for violation of :

- Business and Professions Code section 4301 – Unprofessional conduct.

- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- Business and Professions Code section 4328 - Except as otherwise provided in this chapter, any person who permits the compounding or dispensing of prescriptions, or the furnishing of dangerous drugs in his or her pharmacy, except by a pharmacist, is guilty of a misdemeanor.
- Health and Safety Code section 11207 - Only pharmacist or intern authorized to fill prescription.

This appearance was postponed prior to this meeting of the Southern Compliance committee, and will be rescheduled for a future meeting.

13. Jadine Cekina Mah
RPH 45475, PIC

CI 1999 19446

William Geo Vair
RPH 27720

Wal-Mart Pharmacy #10-1859
Calexico, CA
PHY 38299

Jadine Celina Mah, William Geo Vair, and Wal-Mart Pharmacy #10-1859, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that William Geo Vair dispensed Risperdal on a prescription written for Pediapred.

On July 23, 2001, letters of violation were issued to William Geo Vair, and Wal-Mart Pharmacy #10-1859, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1761 - Erroneous or uncertain prescriptions.

This appearance was postponed prior to this meeting of the Southern Compliance committee, and will be rescheduled for a future meeting.

14. Layne R. Kilpatrick
RPH 42675, PIC, ILO

CI 1999 19544

Olde Towne Drug
Paso Robles, CA
PHY 41082

Layne R. Kilpatrick, and Olde Towne Drug, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Olde Towne Drug dispensed prescription medication in incorrectly labeled containers, and adulterated medications.

On July 23, 2001, letters of violation were issued to Layne R. Kilpatrick, and Olde Towne Drug, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4301 (q) – Unprofessional conduct, engaging in conduct that subverts an investigation of the board.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- California Code of Regulations section 1716 – Variation from a prescription.
- Health and Safety Code section 26610 – Drug Adulteration.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Jones/Gubbins

The committee accepted the appearance of Layne R. Kilpatrick and Olde Towne Drug; (a) the matter will be made a part of the record of Layne R. Kilpatrick, RPH 42675; (b) the matter will be made a part of the record of Olde Towne Drug, PHY 41082. No further action will be taken at this time.

15. Paul Alan Cummings
RPH 44852, PIC

CI 2000 19910

Octavio Cesar Alejandres
TCH 10604

Paul Ray Goldstein
INO

Rx Unlimited

Beverly Hills, CA
PHY 40827

Paul Alan Cummings, Octavio Cesar Alejandres, and Rx Unlimited, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Mrs. Goldstein, wife of non-licensed owner Paul Goldstein used the emergency key to the pharmacy in a non-emergency. The will call medication were found unsecured and accessible to the non-licensed staff in the OTC area. In addition on the day in question the pharmacy claims that no prescriptions were furnished to patients, however Octavio Cesar Alejandres had accessed the computer and processed several refill prescriptions, Medi-Cal billing records for the day indicated Rx Unlimited submitted a claim for Serostim and the claim had been paid. Also the daily prescription log indicated 35 prescriptions had been processed.

On August 25, 2000, a violation notice was issued to Paul Alan Cummings, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.

On July 23, 2001, letters of violation were issued to Paul Ray Goldstein, and Rx Unlimited, for violation of:

- Business and Professions Code section 4301 – Unprofessional Conduct.
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- Business and Professions Code section 4328 - Except as otherwise provided in this chapter, any person who permits the compounding or dispensing of prescriptions, or the furnishing of dangerous drugs in his or her pharmacy, except by a pharmacist, is guilty of a misdemeanor.
- California Code of Regulations section 1714 (e) - The pharmacy owner, the building owner or manager, or a family member of a pharmacist owner (but not more than one of the aforementioned) may possess a key to the pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key to a pharmacist or 2) providing access in case of emergency. An emergency would include fire, flood or earthquake. The signature of the pharmacist-in- charge shall be present in such a way that the pharmacist may readily determine whether the key has been removed from the container.

On July 23, 2001, letters of violation were issued to Octavio Cesar Alejandres for violation of:

- Business and Professions Code section 4301 – Unprofessional Conduct.
- Business and Professions Code section 4329 – Any non-pharmacist who takes charge of or acts as manager of any pharmacy or who compounds or dispenses a prescription or furnishes dangerous drugs except as otherwise provided in this chapter is guilty of a misdemeanor.
- Business and Professions Code section 4328 - Except as otherwise provided in this chapter, any person who permits the compounding or dispensing of prescriptions, or the furnishing of dangerous drugs in his or her pharmacy, except by a pharmacist, is guilty of a misdemeanor.
- Business and Professions Code section 4115 - Pharmacy technician: activities permitted; required supervision; activities limited to pharmacist; registration; requirements for registration; ratios.

This case was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled for a future meeting.

There being no additional discussion, the meeting was adjourned at 3:00 p.m.