BE AWARE & TAKE CARE:
Talk to your pharmacist!

The Script

CALIFORNIA BOARD OF PHARMACY APRIL 2001

Board of Pharmacy celebrates its 110th year!

The California State Board of Pharmacy is 110 years old! The Board was established in 1891, and the oldest existing records date back to 1898.

In the first six years of its existence, the Board registered a total of 1,063 pharmacists and 369 "pharmacist assistants."

The records show that the first recorded registration, license #1, was issued to a pharmacist assistant, J.G. Vance of Los Angeles. The first pharmacist to be registered, license #2, was issued to H.G. Fasig, also of Los Angeles. Unfortunately, no dates of issuance were recorded for these first licenses. The earliest dated license was for B.F. Catlett, a pharmacist from Wilmington, California, who was registered October 11, 1893.

The Board's office was originally located in San Francisco and during that early period, the Board met daily to conduct business. In minutes summarizing a meeting held on April 17, 1906, the Board moved to set the "re-registration fee" for pharmacists at $2 and for assistants at $1. The next day's business was canceled, and the following excerpt from the May 17, 1906, minutes indicates the reason for the cancellation:

> *When the Board adjourned on Tuesday, April 17th, it adjourned to meet on Wednesday, April 18th at 10 A.M.*
>
> *Owing to the terrible earthquake at 5:17 A.M. on the morning of April 18th, and the great fire which followed it, the members of the Board became scattered; the offices were inaccessible and untenable, and no quorum being present, the Board remained adjourned until, by request of Messers Sutherland, Molony, Leber and Oakford, President Off authorized the calling of a special meeting of the Board to be held on Monday, May 7th at 10 A.M., for the purpose of locating a temporary office—for obtaining new records, books, office furniture, supplies and other paraphernalia for the continuation of the business of the Board, all of the above having been destroyed by earthquake and fire on April 18th, 1906.*

On June 14, 1906, an act was passed to "appropriate $2,500 to enable the Board to restore certain property and records destroyed by fire which said property and records are necessary for the business of the California State Board of Pharmacy."

Early pharmacists often functioned in a dual role, acting as both doctor and pharmacist, and many times were called upon to fill orders prescribed by the patients themselves. Among state archives was a wonderful collection of actual notes delivered by patients to their local pharmacists. The notes were written on torn scraps of writing paper and brown paper bags. Some of these notes were so interesting, we'd like to share them:

> "1 Botle of Joys Sasparela & 5ct of Liquish Sherut"
>
> "54 Sarks Bird Seed for washing the head"
>
> "5 ct Licorice Powder, 5 ct Potash to goggle throat"
>
> "Ucuptulus Oil 10 ct for cold"
>
> "Mr. Wulzer, Please give this little girl 10 cts Carbolic Acid as my daughter stepped on a nail."
>
> "5 cts of carboli gascid for external uses"
>
> "Please give boy 15 cts worth of Proxs-dye of highrogine hair bleaching"
>
> "Harlam Oil for Kitneys"
>
> "10 cts Pennyroyal oil I want to dip string in and put around dog's neck to kill fleas"
>
> "Please give 10 cts quinine pills to break up heavy cold"
>
> "Please give enough paragoric to throw up a baby"

The Board has come a long way since those handwritten requests from consumers. Today, everything is computerized to an extent never envisioned in those early

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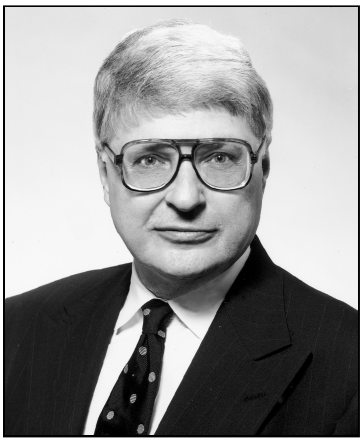

President's Message

By Robert H. Elsner
President, Board of Pharmacy

For the past year, I have been privileged to serve as President of the Board of Pharmacy. The Board truly fulfills a vital role in serving the citizens of California, as well as the increasingly demanding and challenging pharmacy profession. I consider it a great honor to have been elected Board President, particularly as a public (non-pharmacist) member and to have worked with some extremely dedicated fellow board members, as well as a highly professional and committed staff.

Thanks to these board members and the initiative and innovative efforts of our staff—under the leadership of Executive Officer Patty Harris and Assistant Executive Officer Giny Herold—great progress has been made in achieving the Board's goals and its consumer protection mandate. Achievements during that leadership include:

- Reorganization and updating of the pharmacy lawbook, requiring multiple, complex legislative bills. The Board published revised lawbooks in 2000 and 2001 and each year mailed every California pharmacy a copy with an accompanying CD;
- Securing funding for the Board's public education program and winning two prestigious national awards for the program;
- Implementation of the Board's committee structure to oversee the Board's five goal areas and strategic plan;
- Implementation of a Communications Team within the Board and quarterly staff meetings to facilitate and improve communication among staff;
- Implementation of the Controlled Utilization Review and Evaluation System (CURES) program and sponsorship of additional legislation to extend the program and make it permanent. (Efforts to eliminate triplicate prescription requirements were rejected by the Legislature last year, although legislation was adopted to permit some relaxation of rigid triplicate rules.)
- Implementation of the pharmacy self-assessment program so that pharmacies can evaluate their own compliance with diverse law and regulation requirements;
- Establishment (without additional resources) of an interactive website (www.pharmacy.ca.gov) that includes online licensure verification;
- Implementation of regulations related to the temporary absence of a pharmacist from the pharmacy and to central refill pharmacies—two major changes to pharmacy practice;
- Implementation of inspector teams and expansion of the Board's complaint unit;
- Reduction of the complaint backlog by 50% and in the number of inspector vacancies. (Since July 1, 2000, eight new inspectors have been hired and a new supervising inspector appointed.)
- Despite staff vacancies, continuation of aggressive case enforcement, which was reflected in the number of cases referred to the Attorney General for prosecution;
- Sponsorship of legislation requiring pharmacies to implement an internal quality assurance program to prevent and reduce prescription errors;
- Expansion of the Board's cite and fine authority for all violations of law, patient privacy and confidentiality of patient records;
- Secured legislation amendments to expand cite and fine authority to include Internet pharmacies and to authorize electronic prescribing; and
- Aggressive pursuit of additional resources through budget proposals.

The Board has an ambitious strategic plan with a number of activities aimed at fulfilling it's consumer protection mandate and at strengthening the quality of pharmacists' care that is provided to patients. Many of these completed activities are listed above. However, the Board has been unable to achieve other essential milestones, in part because of its inability to obtain support and funding for program elements and enhancements that would improve board operations and increase our outreach activities to consumers.

The Board is funded entirely by its licensing fees, which were reduced in 1999 to the lowest level provided by law. Currently, the Board has a healthy reserve in operating expenses. However, this reserve is like a savings account that cannot be spent unless it is authorized in the annual budget process. And the Board's fees are low—$110 for a pharmacist to renew his or her permit for two years, or $155 to take the pharmacist licensing exam (NABP's is $250).

For the last several years, the Board has repeatedly requested additional staff positions so that it can resolve consumer complaints more rapidly, process applications and license modifications more timely, and provide consumer education materials and activities. Unfortunately, these requests were not approved, and the continuing lack of additional staff prevents the providing of timely and quality service that the public and licensees

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President's Message

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expect. And this is frustrating to the Board's members and employees as well as to the public, when complaints or applications are not handled timely.

The number of Californians continues to increase, the number of licensees we regulate continues to increase, and in coming years, the number of prescriptions to be filled will skyrocket. The Board vitally needs additional staff and resources to properly meet its mandate and to continue to meet increasing workload and increasing services to applicants, licensees and the public. Moreover, the creation of the additional positions at the Board would not require additional taxes or a growth in the state's budget because the Board's fees would cover these costs.

As Board president, I have been astounded at the positive efforts that board employees have undertaken and achieved to benefit the public or licensees despite a very heavy workload. I have also been frustrated and disappointed at the lack of support from other state agencies in recognizing the work of the Board and the need for the Board to establish a strong consumer presence and efficient licensing system. In the coming months, the Board will continue its efforts to attain increased staffing to better serve the public and our licensees.

Our strategic plan, which will undergo its annual revision in April 2001, will undoubtedly include a number of activities aimed at improving board operations and public information. We also anticipate again seeking additional staff resources to better serve the public and our licensees. Our role as board members requires no less.

Pharmacy Manpower Task Force takes off

On January 23, 2001, Board of Pharmacy President Bob Elsner welcomed the 15 members of the Pharmacy Manpower Task Force to their first meeting. Also present were nearly 70 other individuals in the audience who, during the course of the meeting, were given the opportunity for comment.

The purpose of this task force is to identify solutions to the pharmacy manpower shortage. The Board's goal in this is to ensure patient access to pharmacists' care and prescription services in the future.

The members of the task force represent a diverse group of pharmacy employers, employee representatives, schools of pharmacy, and the public (see *The Script* January 2001 for a list). Led by a facilitator, the task force and interested audience members identified possible solutions to the manpower shortage. Solutions were identified in the areas of:

- Technology/Automation,
- Technician Training,
- Use of Ancillary Support,
- California Pharmacist Licensure Examination,
- Reciprocity,
- Third Party Payers,
- Workload/Working Conditions,
- Pharmacies,
- Miscellaneous.

For each of these categories, multiple solutions were offered.

One of the task force's ground rules is that for a proposed solution to remain a solution, written documentation providing empirical data must be submitted. Solutions without such documentation, or with only anecdotal justification, will be removed from the task force's solutions before the next meeting.

At future meetings, the task force will examine each solution and the underlying supportive data. The task force will ultimately prepare a list of solutions that will include components addressing support and opposition arguments, cost estimates to implement, and measures required for implementation. These final solutions will be provided to the Board and to any interested parties, perhaps as early as the July 25, 2001, Board Meeting. The Board will then identify which solutions it wishes to pursue.

Updates about the task force's activities will be available at the Board's website, *www.pharmacy.ca.gov.*

The next meeting is scheduled for April 27 at 9:30 a.m. in Sacramento at 400 R Street.

Pharmacy Self-Assessment Update

Section 1715 of the California Code of Regulations requires pharmacists-in-charge (PIC) to perform a self-assessment of their pharmacy before March 31 of each odd-numbered year. In addition, completion of a self-assessment is required within 30 days of a pharmacy permit being issued or whenever there is a change of PIC. However, recent changes to pharmacy law necessitate appropriate modification to the self-assessment forms, and includes moving the biennial self-assessment completion date to July 1 of each odd-numbered year.

Such modifications require regulatory action, and because that process is time-consuming, the modified regulation will not be in effect for months (possibly not even by July 1). Once the regulation is adopted, the Board will publish the new forms on its website and mail the new form to each pharmacy.

So the question is—**what are pharmacies supposed to do about the self-assessment requirement in the interim?**

The answer is: Retain on file the completed 1998 self-assessment form, signed by the current PIC. If there is a change in PIC, the new PIC must complete a self-assessment form (the 1998 version) and have it on file in the pharmacy. If you need a copy of the form, it is available on the Board's website (www.pharmacy.ca.gov), or you may request it from the Board.

And remember, DO NOT MAIL THE COMPLETED FORM TO THE BOARD. It must be retained in the pharmacy.

Flex your POWER

California's Energy Challenge

California is facing a major energy challenge.

We can all help reduce consumption and improve energy efficiency. While California continues to experience electrical shortages and rolling blackouts, Governor Davis and leaders of the California Legislature are working with utilities, energy generators, and consumer groups to forge a long-term solution to this problem. In the short run, California's consumers and businesses can work to reduce electricity usage and use energy more efficiently.

In the Board of Pharmacy, and in all State of California agencies, we've implemented a plan to reduce consumption by a minimum of 8 percent. During critical power shortages, State agencies will conserve 20 percent. The Governor also has asked all Californians to reduce their electricity use by at least 8 percent.

California has the power of nearly 35 million people and the sixth largest economy in the world. By implementing a few simple energy-saving measures, we can avoid shortages, lower energy bills, and have a **major impact** on the availability of power.

We're asking you to flex your power. Each of us has an important role to play **right now**.

- Reduce usage during peak demand hours (5 a.m. to 9 a.m. and 4 p.m. to 7 p.m.).
- Turn off all non-essential lights and equipment. When you're not using it, turn it off. Unplug equipment not in regular use, such as VCRs and phone chargers. Putting computers in "sleep" mode can save up to 40 percent in energy consumption.
- Turn thermostats to 68° or lower during the day. At home, turn the temperature down to 55° before going to sleep or when gone for the day. For every one degree you lower your thermostat, you'll save up to 5 percent on your heating bill.
- At night, close shades and blinds to reduce heat lost through windows.
- Buy Energy Start appliances, products, and lights, which are more energy efficient than older models.
- Seal off unused or storage areas from heating.

Kids also can save energy through their schools by turning off lights, computers, and other electrical equipment during recess and after school. Tell your kids: "Save a little, save a watt."

Taken together, each of these small steps adds up. Whether at work or at home, we can make a **dramatic difference** in the energy crunch.

Rx for Good Practice

In day-to-day pharmacy practice, unusual situations sometime occur, generating questions. So to help our licensees with questions whose answers may or may not be found in the pharmacy law book, "Rx for Good Practice" will be featured in each issue of *The Script*. If you have a question you would like to see answered in this column, please fax your question to *The Script* at (916) 327-6308 or e-mail it to the editor at *hope_tamraz@dca.ca.gov*.

Q Can physicians buy controlled substances for use on patients in the office, and if so, what documentation should the pharmacy have?

A Yes, physicians may purchase controlled substances for office use. As with any sale of controlled substances, the pharmacy must maintain all invoices and acquisition and disposition records of the transaction for three years. Please refer to the "Recordkeeping Requirements" section in your pharmacy's self-assessment form for more in-depth information.

Q Is it a violation of pharmacy law for a pharmacist or a pharmacy technician to fill his or her own prescriptions?

A If the prescription is for a controlled substance, it is a violation. Section 11170 of the Health & Safety Code prohibits the prescribing, administering, or furnishing of a controlled substance to one's self. However, for non-controlled substance prescriptions, pharmacists should use their professional judgement about filling their own prescriptions. While there is no law prohibiting this, a pharmacist might want to have his or her prescription reviewed or filled by another pharmacist, if possible, to avoid the appearance of doing something questionable. Pharmacy technicians must never fill their own nor a patient's prescription without review by the supervising pharmacist.

Q Although physician assistants (PAs) now have their own DEA numbers for prescribing Schedule II drugs, the insurance providers' computer software does not recognize or accept PA's DEA numbers for billing. What do can we do?

A This is not addressed in pharmacy law; it is a pharmacy operations problem. The insurance providers should be made aware that this billing problem exists so that their software can be upgraded to accommodate the DEA number of a PA as well as that of a physician.

Q In the pharmacy where I work, the pharmacy technician will sometimes provide several pills to a consumer to tide the individual over the weekend while we wait for authorization for refilling the prescription. The technician puts the pills into a new unlabeled container and dispenses them to the consumer, all without the pharmacist's input or supervision. Is this legal?

A The answer is NO! Only the pharmacist can make the determination whether to give the patient enough medication to last until refill authorization is obtained. If the pharmacist decides to provide a limited amount of the prescribed drug, he or she may then have the technician prepare the drugs for dispensing in a properly labeled container. A pharmacist is responsible to ensure that all activities of a pharmacy technician are performed completely, safely, and without risk of harm to patients. That means the pharmacist must decide whether to provide refill medication without authorization and check the label and the drugs before they are dispensed to the patient.

Q Present provisions allow pharmacy technicians to dispense (during the pharmacist's lunch break when the pharmacist is not in the pharmacy) prescriptions that have been previously reviewed by the pharmacist. Does this provision also allow pharmacies to be open in the morning before the pharmacist arrives—with pharmacy technicians dispensing previously reviewed prescriptions?

A No. Only the pharmacist can open or close the pharmacy for business. The California Code or Regulations (CCR) section 1714(d) stipulates that only the pharmacist shall have a key to the pharmacy where dangerous drugs and controlled substances are stored. Subset (e) of that same section allows the pharmacy owner, building owner or manager, or a family member of the owner pharmacist (only one of these) to have a key for delivering to the pharmacist or for providing access during an emergency such as fire, flood or earthquake.

Section 1714.1(a) (CCR) defines a pharmacist's temporary absence from the pharmacy as "breaks or lunch periods". This does not include holding the pharmacy open for business before the pharmacist arrives for work or after the pharmacist has gone home for the day. Additionally, subset (b) of this section states that only refill medications that the pharmacist has checked and released for furnishing to the patient and not requiring consultation by the pharmacist can be dispensed to a patient during the pharmacist's temporary absence.

Section 4115(h) of the Business & Professions Code allows, if the pharmacy remains open during a temporary absence of the pharmacist, a pharmacy technician may, at the discretion of the pharmacist, remain in the pharmacy but may only perform nondiscretionary tasks. The pharmacist shall be responsible for and shall review any tasks performed by the pharmacy technician during the pharmacist's absence.

New Law For Treating Chlamydia

Senate Bill 648 (Chapter 835, Statutes of 2000), took effect on January 1, 2001. This law permits physicians, nurse practitioners, certified nurse-midwives, and physician assistants to prescribe antibiotic therapy for the partners of a patient infected with chlamydia without first performing a physical examination.

This bill was introduced to address the growing incidence of chlamydia. Most frequently women are infected by asymptomatic male partners. While a physical examination, evaluation and treatment of the woman's partners is the best possible option, there will be cases where the partners are unable or unwilling to submit to an examination. In these cases this new law permits physicians to prescribe antibiotic therapy (most commonly a single dose of azithromyacin) for the partners without a physical examination. The prescriber should counsel the patient about the treatment being prescribed for the patient's partners and provide the patient with educational material explaining the condition and the course of treatment. The patient should be encouraged to provide the educational material to their partners along with the medication.

The text of the new law is provided below for your reference. Additional material regarding chlamydia and partner delivered therapy can be obtained at *http://www.ucsf.edu/castd* or from the Department of Health Services STD Control Branch at (510) 540-2657.

Health and Safety Code

120582. (a) Notwithstanding any other provision of law, a physician and surgeon who diagnoses a sexually transmitted chlamydia infection in an individual patient may prescribe, dispense, furnish, or otherwise provide prescription antibiotic drugs to that patient's sexual partner or partners without examination of that patient's partner or partners. The department may adopt regulations to implement this section.

(b) Notwithstanding any other provision of law, a nurse practitioner pursuant to Section 2836.1 of the Business and Professions Code, a certified nurse-midwife pursuant to Section 2746.51 of the Business and Professions Code, and a physician assistant pursuant to Section 3502.1 of the Business and Professions Code may dispense, furnish, or otherwise provide prescription antibiotic drugs to the sexual partner or partners of a patient with a diagnosed sexually transmitted chlamydia infection without examination of the patient's sexual partner or partners.

Do not fax applications for offsite storage of records to the Board

In January 2001, *The Script* included an "Application to Storage Pharmacy Records Offsite." Since then, the Board has received numerous faxed applications. However, because original signatures are required, completed applications may not be faxed.

If the application for offsite storage of records is approved, a Board-signed copy of the form will be returned to you within 30 days. For easy retrieval, the Board encourages you to store the approved waiver with your pharmacy's self-assessment form.

If your offsite storage location changes, you must submit another offsite storage application to the Board.

Where do I go for answers?

Every day, the Board receives from 20-30 queries regarding pharmacy law. Frequently, callers with questions ask for a pharmacy inspector or are referred to an inspector for help. However, given the number of individuals licensed by the Board (approximately 63,000) and the fact that there is only one inspector available each day for inquiries, pharmacists need to know where and how to find their own answers when possible. So, before calling the Board for an inspector, take a moment to look for the answers in one or all of the educational tools provided by the Board for your convenience. If you are unable to locate the desired information, an inspector can then provide the specific statute or regulation section numbers so that you can find the exact language of the codes in your pharmacy's lawbook.

Sources of information:

Pharmacy Law 2001. A new complimentary pharmacy law book was mailed to each California pharmacy in January of this year. Also included with each law book was a CD-ROM, with which to may query the law and obtain a printout.

The Script. New laws and/or changes to pharmacy practice are published in the Board's quarterly newsletter, The Script. It is provided to all pharmacies, pharmacists, pharmacy interns, wholesalers, medical device retailers, and others. The newsletters are three-hole punched to permit saving them in a binder for future reference. And for added convenience, an index of articles is located on Page 8 of this issue. This index will soon be available and regularly updated on the Board's website.

Pharmacy Self-Assessments. Another excellent source of information is the pharmacy self-assessment form. These forms categorize each facet of pharmacy practice and provide answers to many day-to-day questions.

www.pharmacy.ca.gov. The Board's website contains licensure verification information, copies of *The Script*, Health Notes, applications, brochures, pharmacy self-assessment forms, other valuable information and links to other information sites, including California laws and regulations.

Other Internet sources for Pharmacy Law can be found at the following sites:

- **Business & Professions and Health & Safety Codes**: *www.leginfo.ca.gov/calaw.html*
- **Title 21 Code of Federal Regulations**: *www.access.gpo.gov/nara/cfr/cfr-table-search.html*
- **California Code of Regulations**: *www.calregs.com*
- **U.S. Food & Drug Administration**: *www.fda.gov/ora/compliance_ref/cpg/cpgdrg*
- **FDA Compliance Policy Guidelines (Chapter 4)**: *www.fda.gov/ora/compliance_ref/cpg/cpgdrg/default.htm*
- To verify licensure of **Board of Pharmacy licensees**: *www.dca.ca.gov*
- To verify licensure of **Medical Board licensees**: *www.medbd.ca.gov*
- **For import/export questions**: *www.customs.gov*

Good pharmacy practice follows when all licensees know where to find answers to their questions.

Pharmacy Board meetings are open to the public...

... and the Board encourages all interested parties to attend. The remaining meeting dates and sites for 2001 are:

April 25–26, 2001
Department of Consumer Affairs
400 R Street, 1st Floor Hearing Room
Sacramento CA 95814
Contact: Candy Place
(916) 445-5014 Ext. 4006

July 25–26, 2001
Westgate Hotel
1055 Second Ave.
San Diego CA 92101
(619) 238-1818

October 17–18, 2001
San Francisco CA
To be determined

Agendas with meeting times, locations and other information may be obtained by contacting the Board at (916) 445-5014.

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Triplicate Forms (No Limit When Ordering) Jan 2001
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Board is seeking Competency Committee membership applications

Periodically, there are membership vacancies on the Board's Competency Committee. The Competency Committee develops and scores the Board's pharmacist licensing examination and is comprised of representatives from a cross section of professional practice and each of California's schools of pharmacy. In the event of future vacancies, the Board wishes to develop a list of pharmacists interested in serving on this committee.

Those who are interested should be aware that membership in this committee is professionally challenging, as well as time-consuming. The committee meets six times annually in two-day meetings. There is also a two-day annual goal-setting session and occasional (one to two days) subcommittee work. Attendance is a critical component of committee membership.

The Board president appoints members, and membership is for a maximum of eight years.

Practitioners who have been licensed within the last five years are especially encouraged to apply. Applications must include your curriculum vitae, a cover letter describing your area of pharmacy experience or practice, and three letters of reference from pharmacists who are familiar with your work. Please submit applications to:

Competency Committee Appointments
Board of Pharmacy
400 R Street, Suite 4070
Sacramento CA 95814

SEROSTIM® Fraud Alert!

Multi-million Dollar Scheme

State Medi-Cal Fraud Investigators urge all pharmacists to contact them whenever a suspicious prescription request is submitted for Serostim.

Current information indicates that an organized group is working statewide, using false identities, stolen Medi-Cal cards and forged prescriptions to obtain Serostim for diversion. In the past two years, this activity has resulted in approximately $60 million loss in fraudulent Medi-Cal reimbursement.

If you have information regarding this matter, please contact Jim Mayfield or Bill Powers, State Fraud Investigators, California Department of Health Services, at (619) 645-2826, Fax: (619) 645-3007.

Board of Pharmacy

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days, and as of March 4, 2001, the number of licensees and registrants has grown to 70,648, including but not limited to the following:

Pharmacists(Active)	27,780
(Inactive)	2,164
Pharmacy Interns	3,497
Pharmacy Technicians	27,498
Pharmacies (Community)	5,210
(Hospital)	420
(Correctional Facilities)	42
Wholesalers	442
Medical Device Retailers	554

Through its licensing, regulatory and education activities, the Board of Pharmacy has served the people of California for 110 years by protecting their health and safety, helping them attain health education and wellness, and ensuring high quality pharmacists' care. The Board will continue this service in the future by adapting to the dramatic changes taking place in the practice of pharmacy. These changes include the growing use of pharmacists' clinical skills, the revolution in prescribing and pharmacy operations being created by computer technology, the advent of internet pharmacy, the extraordinary growth in the power and numbers of prescription drugs wrought by advances in biotechnology, and the service demand created by an aging population. Much work remains.

Disciplinary Actions by the Board

Explanation of Disciplinary Language

1. ***Revoked*** means the license is canceled, voided, annulled, rescinded. The right to practice or operate a Board of Pharmacy-licensed business is ended.

2. ***Revoked, stayed; 60 days' suspension; three years' probation***—"Stayed" means the revocation is postponed or put off. Professional practice or operation may continue so long as the licensee complies with specified probationary terms and conditions, which in this example includes 60 days' actual suspension from practice or operation. Violation of probation may result in the lifting of the stay and the implementation of the stayed revocation.

3. ***Stipulation*** indicates a form of negotiation where the case is settled prior to hearing (similar to an "out-of-court settlement" in civil court).

4. ***Voluntary Surrender of License***—The licensee returns his or her license to the Board, subject to specific conditions of surrender and acceptance by the Board.

5. ***Effective*** indicates the date the disciplinary decision goes into operation.

6. ***Statement of Issues*** refers to the initial or accusatory pleading (filed by the Board) which initiates the administrative procedure for denial of licensure to an applicant.

7. ***Letter of Reprimand (or Reproval)*** is a public document reproving a licensee for violations of Pharmacy Law.

8. ***Writ of Mandate*** indicates that the respondent has requested review of the Board's decision by the superior court.

CAUTION: The California Board of Pharmacy has approximately 63,000 registered individuals: pharmacists, pharmacy interns, pharmacy technicians and exemptees—many of whom share the same names. All disciplinary action information is taken from court documents and may not include middle initials, etc., so when reviewing the Board's disciplinary actions, please read carefully for names, cities and license/registration numbers.

PHARMACISTS/PHARMACIES

PAUL EUGENE MILLER, RPH 20151, Aptos, CA, and ECONOMY DRUG STORE, PHY 32637, Santa Cruz, CA

Violation: For purposes of settlement only, the respondent did not admit to the factual allegations, and stipulated that cause exists for discipline action against his license.
Action: RPH—Revoked, stayed; three years' probation; payment of $1,500 in costs. **PHY**—Filed a Discontinuance of Business on December 31, 1999.
Effective: July 21, 2000

KIRK JAMES LYNCH, RPH 51650, Darien, IL

Violation: For purposes of settlement only, respondent admitted to being on probation (his pharmacist license) in another state and while an intern in California; diverting controlled substances for self-use; and entering two prescriptions (subsequently unfilled) into his own patient profile.
Action: Passed licensing examination; RPH license issued; revoked, stayed; three years' probation.
Effective: August 18, 2000

ROLLAND G. HAMMERNESS, RPH 23962, San Diego, CA, and PARK BOULEVARD PHARMACY, LTD., PHY 40641, San Diego, CA

Violation: For purposes of settlement only, respondent RPH (who was the pharmacist-in-charge [PIC]) admitted to failing to reduce telephonic prescriptions to writing and allowing a non-licensed individual to do so; allowing a non-licensed individual to perform duties that only a licensed pharmacist can lawfully perform.
Action: RPH—90 days' suspension, stayed; one year's probation; share with PHY payment of $4,724 in costs. **PHY**—90 days' suspension, stayed; one year's probation; share with RPH payment of $4,724 in costs.
Effective: August 19, 2000

THANHHA THI NGUYEN, RPH 47003, San Diego, CA

Violation: For purposes of settlement only, respondent admitted to allowing a non-licensed individual to reduce telephonic prescriptions to writing and respondent initialing them as her own.
Action: 90 days' suspension, stayed; one year's probation; must pass law exam.
Effective: August 19, 2000

JAMES CHARLES ANTARAMIAN, RPH 27849, Fresno, CA

Violation: For purposes of settlement only, respondent admitted to delivering Codeine derivative drugs (Schedule III) to a patient on at least four occasions without physician-authorized prescriptions.
Action: Revoked, stayed; three years' probation; payment of $2,500 in costs.
Effective: August 30, 2000

RIADH M. BABAN, RPH 27926, Fountain Valley, CA, and NORTH PARK PLAZA PHARMACY, PHY 40320, Santa Ana, CA

Violation: Being convicted of a crime substantially related to the practice of pharmacy.
Action: RPH—Revoked; share with PHY payment of $37,750 in costs. **PHY**—Revoked; share with RPH payment of $37,750 in costs.
Effective: August 30, 2000

BABAK OFOGH, RPH 42479, Danville, CA

Violation: For purposes of settlement only, respondent admitted to being

*See **Disciplinary Actions,** Page 11*

Disciplinary Actions

Continued from Page 10

convicted of a crime substantially related to the practice of pharmacy-taking dangerous drugs for his own use from the pharmacy where he was employed.
Action: Revoked, stayed; six months' suspension; three years' probation; payment of $3,932.25 in costs.
Effective: September 1, 2000

JEROME LUDGIN, RPH 23278, Tarzana, CA, and SUPER RITE DRUGS, PHY 17671, Van Nuys, CA
Violation: For purposes of settlement only, respondents admitted to being convicted of a crime substantially related to the practice of pharmacy and delivering misbranded drugs into interstate commerce.
Action: RPH—Revoked, stayed; three years' probation; pass law exam; share with PHY payment of $5,127.76 in costs. **PHY**-Revoked, stayed; three years' probation; share with RPH payment of $5,127.76 in costs.
Effective: September 2, 2000

KIAN MOINI, RPH 42545, Bakersfield, CA
Violation: For purposes of settlement only, respondent admitted to being convicted of two crimes substantially related to the qualifications, functions and duties of a pharmacist and obtaining and possessing controlled substances without a valid prescription.
Action: Revoked, stayed; three years' probation; payment of $5,142 in costs.
Effective: September 2, 2000

KEVIN T. CRIKELAIR, RPH 46622, San Diego, CA
Violation: For purposes of settlement only, respondent admitted to failing to maintain a complete, accurate and current inventory of all dangerous drugs and failing to preserve copies of order forms for three years as required by law.
Action: Revoked, stayed; 30 days' suspension; three years' probation; pass law examination; payment of $3,000 in costs.
Effective: September 2, 2000

RYAN CHINN, RPH 32065, Westlake, CA, and LONGS DRUG STORE #61, PHY 16104, Tarzana, CA
Violation: For purposes of settlement only, respondents admitted to failing to maintain complete and accurate records and inventories for all controlled substances and dangerous drugs.
Action: RPH and PHY—Public reproval; share payment of $6,000 in costs.
Effective: September 2, 2000

ROBERT GAVLIK, RPH 33183, Los Angeles, CA
Violation: For purposes of settlement only, respondent admitted to repeatedly furnishing to himself and possessing controlled substances and dangerous drugs without having received them pursuant to a valid prescription, and altering the expiration date on his expired pharmacist license.
Action: Revoked, stayed; six month's suspension; five years' probation; payment of $500 in costs.
Effective: September 2, 2000

DAVID BARBER, RPH 23840, Grass Valley, CA
Violation: For purposes of settlement only, respondent admitted to obtaining and possessing controlled substance tablets without authorization and taking other merchandise from the store without payment.
Action: Revoked, stayed; three years' probation; payment of $2,300 in costs.
Effective: September 6, 2000

DICK S. LIEM, RPH 41484, Fullerton, CA, and LYNWOOD PHARMACY, PHY 44002, Lynwood, CA
Violation: For purposes of settlement only, respondent RPH (owner and PIC) admitted to failing to maintain prescription records or duplicates and make them available for inspection on the premises.
Action: RPH-Revoked, stayed; three years' probation; pass law examination. **PHY**—Revoked
Effective: September 21, 2000

ANNE TADINI, RPH 18843, Malibu, CA
Violation: For purposes of settlement only, respondent admitted to offering for sale and selling sample and failing to maintain records of acquisition and disposition of dangerous drugs.
Action: Revoked, stayed; 20 days' suspension, three years' probation; pass law examination.
Effective: September 21, 2000

THOMAS KEMP, RPH 20121, Brawley, CA, and NORTH END DRUG, PHY 33197, Calipatria, CA
Violation: For purposes of settlement only, RPH admitted to delivering or causing to be delivered prescriptions for patients in a clinic when patients were not present; allowing an unauthorized person to write oral prescriptions for dangerous drugs and controlled substances; and permitting entry of prescriptions into a computer located outside the pharmacy area. (The PHY was subject to discipline because the RPH held more than 10% of the pharmacy stock.)
Action: RPH—Revoked, stayed; 15 days' suspension; three years' probation; payment of $2,800 in costs. **PHY**—Revoked
Effective: September 29, 2000

ANDREW CHACON, RPH 19360, Bakersfield, CA, and THE MEDICINE SHOPPE, PHY 40537, Lamont, CA
Violation: For purposes of settlement only, RPH respondent admitted to failing to provide oral consultation (a violation of previously imposed probation on RPH and PHY).
Action: RPH—Revoked, stayed; six months' suspension; three years' probation; payment of $3,000 in costs, plus probation monitoring costs. **PHY**—Revoked.
Effective: September 29, 2000

DUNG MY THI NGUYEN, San Diego, CA, non-licensed owner of EAST SAN DIEGO DRUG STORE, INC., PHY 40290, San Diego, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy owner.
Action: OWNER—Prohibited from association with any entity licensed by the Board. **PHY**—Revoked
Effective: September 29, 2000

DUNG MY THI NGUYEN (AKA: ROSE NGUYEN), San Diego, CA, non-licensed owner of EAST SAN

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Disciplinary Actions

Continued from Page 11

DIEGO DRUG STORE, INC., PHY 40290, San Diego, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy owner.
Action: OWNER—Prohibited from association with any entity licensed by the Board. **PHY**—Revoked.
Effective: September 29, 2000

DANH THE NGUYEN, RPH 41379, San Diego, CA, owner of DAN RX PHARMACY, PHY 36791, San Diego, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacist.
Action: RPH—Revoked; prohibited from association with any entity licensed by the Board. **PHY**—Revoked
Effective: September 29, 2000

CLAYTON TOM, RPH 21763, Blue Lake, CA
Violation: Purchasing and reselling dangerous drugs acquired at preferentially low prices; obtaining controlled substances and dangerous drugs by fraud and deceit and wholesaled said drugs without a license; impersonating a physician and telephonically transmitting a prescription to another pharmacist; and allowing unauthorized entry of a non-pharmacist into the pharmacy area when no pharmacist was present.
Action: Revoked
Effective: September 29, 2000

BENJAMIN S. KASTER, RPH 37801, Los Angeles, CA
Violation: Failing to maintain pharmacy records and a current, accurate inventory of drugs; failing to produce all pharmacy records; and dispensing medications that varied from original prescriptions.
Action: Revoked, stayed; one year's probation; payment of $3,075 in costs.
Effective: October 22, 2000

SCOTT E. DUNHAM, RPH 38690, San Clemente, CA
Violation: For purposes of settlement only, respondent admitted to being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacist; dispensing and refilling prescriptions for controlled substances without prescriber authorization; excessive furnishing of controlled substances; and allowing an unauthorized individual into the pharmacy.
Action: Revoked, stayed; 180 days' suspension; five years' probation; payment of $6,000 in costs.
Effective: October 22, 2000

KENNETH O. WEDUL, RPH 22042, Seal Beach, CA, and THE DRUGGIST #2, PHY 14363, Huntington Beach, CA
Violation: For purposes of settlement only, respondents admitted to failing to maintain the a legally required drug inventory, resulting in drug shortages.
Action: RPH and **PHY**—90 days' suspension; one year's probation; share payment of $3,000 in costs.
Effective: October 22, 2000

NALINEE L. AREEPONG, RPH 38357, Los Angeles, CA
Violation: Failing to maintain all pharmacy records and a current, accurate inventory.
Action: Revoked, stayed; one year's probation; payment of $3,075 in costs.
Effective: October 22, 2000

SORIN KAZANGIAN, RPH 38076, Los Angeles, CA
Violation: For purposes of settlement only, respondent admitted to dispensing to a patient irrational controlled substance drug combinations.
Action: Revoked, stayed; three years' probation; payment of $6,000 in costs.
Effective: November 30, 2000

RICHARD KEEHN, RPH 37476, San Luis Obispo, CA
Violation: For purposes of settlement only, respondent admitted to diverting from the pharmacy where he was employed a controlled substance for his own use.
Action: Revoked, stayed; 90 days' suspension; three years' probation; payment of $1,000 in costs.
Effective: November 30, 2000

ROBERT W. ATKINSON, RPH 19686, Brea, CA, and LESSI'S MONTE VISTA PHARMACY, PHY 11178, Montebello, CA
Violation: Being convicted of a crime substantially related to qualifications, duties and functions of a pharmacist; falsely billing Medi-Cal for pharmaceuticals; failing to maintain or produce records of disposition of dangerous drugs; failing to notify the Board when PHY discontinued business.
Action: RPH and **PHY**—Revoked
Effective: November 30, 2000

CLARIFICATION
Gerald Tanaka, RPH 28954, of Northridge, CA, was recently disciplined for violation of Pharmacy Law. He should not be confused with Gerald Y. Tanaka, RPH 23752, of Huntington Beach, who is a registered pharmacist in good standing with no record of discipline.

TECHNICIANS

RAUL A. GUTIERREZ, TCH 14159, Perris, CA
Violation: Being convicted of a crime substantially related to the qualifications, functions and duties of a pharmacy technician.
Action: Revoked, stayed; suspended until certified by the Pharmacy Technician Certification Board (PTCB); two years' probation; payment of $4,947.75 in costs, plus probation monitoring costs.
Effective: August 16, 2000

GINETTE MUSCARELLA WIRTZ, TCH 34380, Hesperia, CA
Violation: For purposes of settlement only, respondent admitted to being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician.
Action: Revoked, stayed; two years' probation; payment of probation monitoring costs.
Effective: August 18, 2000

KEOKUK KATRINA CRAWFORD, TCH 34379, Pomona, CA
Violation: Being convicted of crimes

*See **Disciplinary Actions,** Page 13*

Disciplinary Actions

Continued from Page 12

substantially related to the qualifications, duties and functions of a pharmacy technician.
Action: Three years' probation
Effective: August 18, 2000

MICHELLE ANN ERGAS, TCH 7087, Pacifica, CA
Violation: Possessing drug paraphernalia and, through self-administration, under the influence of a controlled substance.
Action: Revoked
Effective: September 6, 2000

HUSSEIN A. DARWISH, TCH 24271, Playa Del Rey, CA, and LA BOTICA PHARMACY, PHY 42084, Huntington Park, CA
Violation: For purposes of settlement only, TCH respondent admitted submitting an application for a pharmacy permit in which the true beneficial owner was not indicated.
Action: TCH—Revoked, stayed; three years' probation; pass the PTCB examination; payment of $2,484 in costs, plus probation monitoring costs. **PHY**—License surrendered.
Effective: September 21, 2000

SANDRA M. CHRISTOPHER, TCH 17830, Beverly Hills, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician and forging and/or altering prescriptions.
Action: Revoked; cannot petition for reinstatement for three years and petition must include PTCB certification; payment of $3,371.25 in costs.
Effective: September 23, 2000

LILA GAYE DUNCAN, TCH 526, Calipatria, CA
Violation: For the purposes of settlement only, respondent admitted to receiving telephonic prescriptions for dangerous drugs and controlled substances (Schedule III-V), reducing said prescriptions to writing and entering them into computer to produce prescription labels.
Action: Revoked
Effective: September 29, 2000

NORMAN CALEB RHOADS, TCH 4858, San Francisco, CA
Violation: Self-administering and furnishing controlled substances to himself without a prescription and obtaining said substances by fraud, deceit or misrepresentation.
Action: Revoke
Effective: September 29, 2000

DAN NGOC NGUYEN, TCH 13629, San Diego, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician.
Action: Revoked; prohibited from association with any entity licensed by the Board.
Effective: September 29, 2000

HOANG MAU NGUYEN (AKA: HARRY NGUYEN), TCH 9544, San Diego, CA
Violation: For purposes of settlement only, respondent admitted being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician.
Action: Pharmacy technician registration surrendered; cannot re-apply for registration for three years; any future application to the Board must contain proof that costs of $2,500 have been paid.
Effective: September 29, 2000

AMBER S. SAWSON, TCH 18631, Oakland, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician.
Action: Revoked, stayed; suspended until PTCB certified; three years' probation; payment of $2,302.50 in costs.
Effective: October 22, 2000

SANDRA LEE SMITH, TCH 13671, Salinas, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician; and being in possession of and under the influence of controlled substances.
Action: Revoked; payment of $2,646.50 in costs.
Effective: October 22, 2000

VERONICA MELENDREZ, TCH 20908, Watsonville, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician; stealing from the pharmacy where she was employed and selling the items for financial gain.
Action: Revoked.
Effective: November 30, 2000

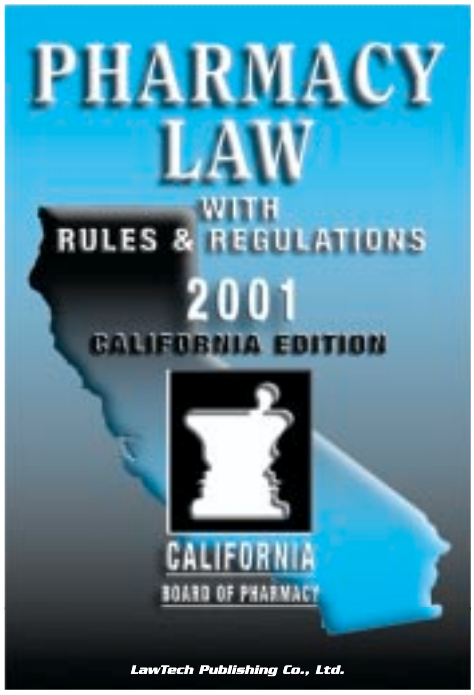
STATEMENT OF ISSUES

EDITH LETICIA RODRIGUEZ, pharmacy technician registration applicant, Van Nuys, CA
Violation: Being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician and failing to reveal said conviction on her application for pharmacy technician registration.
Action: Pharmacy technician registration denied.
Effective: August 18, 2000

VOLUNTARY SURRENDER OF LICENSES

EMILY B. BRINTON, TCH 17080, San Diego, CA
Violation: For purposes of settlement only, respondent admitted to being convicted of a crime substantially related to the qualifications, duties and functions of a pharmacy technician.
Action: Voluntary surrender of registration; cannot reapply for three years.
Effective: October 22, 2000

THOMAS EDWARD SMITH, RPH 39038, Austin, TX
Violation: For purposes of settlement only, respondent admitted to having his pharmacist license disciplined in Texas for failing to maintain complete and accurate records of acquisition and disposition of controlled substances and failing to establish and maintain effective controls against diversion or loss of controlled substances.
Action: Voluntary surrender of license.
Effective: November 30, 2000



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Social Security Number: (for purposes of identification only)	Telephone number:
Signature of licensee:	Date:

17M-11 (6/00)

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