



Enforcement and Compounding Committee Report

Maria Serpa, Licensee Member, Chair
 Albert Wong, Licensee Member, Vice-Chair
 Greg Lippe, Public Member
 Ricardo Sanchez, Public Member
 Debbie Veale, Licensee Member

The Board will review a summary of the committee’s work at its July 9, 2020, meeting. Draft minutes from the meeting are provided as an attachment.

a. Presentation on the Administrative Case Process

Attachment 1

Background

The Government Code establishes the formal administrative case process. In general terms the process is initiated after an investigation is conducted that reveals violations that, based on the egregiousness of the violations identified, result in referral of the Office of the Attorney General (OAG) for discipline. Upon referral to the OAG, the assigned attorney will review the investigation and evidence and independently evaluate if violations occurred. Should such a determination be made, the attorney will file an accusation. Typically, the filing of the accusation (or other pleading) is the first step in the formal process. Such matters are generally resolved in one of two manners, the disciplinary outcome is reached through a settlement agreement (stipulation) or a hearing is conducted followed by a proposed decision being rendered by an administrative law judge. In either manner, the Board is the ultimate decision maker and votes to either adopt or nonadopt a decision. Depending on the outcome of the vote, additional steps occur through the nonadoption process.

Provided below is historical information on accusations filed, disciplinary case outcomes, and nonadoptions for the past five fiscal years.

Accusations	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Accusations Filed	289	239	267	235	216
Accusations Withdrawn	11	41	26	20	13
Accusations Dismissed	4	5	1	0	2
Accusations Declined	0	0	1	2	0

Provided below is historical information on the number of disciplinary outcomes resulting from accusation matters. Consistent with the provisions of the APA, members vote on each disciplinary outcome.

Disciplinary Outcomes	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Revocation	139	146	112	140	111
Voluntary Surrender	72	101	78	82	82
Suspension	0	0	0	0	0
Probation with Suspension	20	23	12	8	0
Probation	77	95	105	97	99
Probationary License Issued	13	7	5	4	10
Other	0	2	7	1	63

Further, consistent with the APA, the Board can nonadopt a proposed decision or stipulation. Below is historical information on the number of decisions nonadopted by the Board.

Nonadoptions	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Stipulated Settlements Nonadopted	10	12	10	10	2
Proposed Decisions Nonadopted	5	1	3	0	1

Committee Discussion

During the committee meeting members received a joint presentation by Deputy Attorney General Kristina Jarvis and Michelle Angus, Assistant Chief Counsel, Department of Consumer Affairs on the administrative case process established in the Government Code. The committee recommended that all Board members and interested members of the public review the presentation.

Recent Update

Subsequent to the meeting, the webcast of the meeting was posted on the Board's website, which includes the presentation provided.

Provided in **Attachment 1** is a general flowchart of the disciplinary process described above.

b. Discussion and Consideration of Board's Citation and Fine Program.

Attachment 2

Relevant Law

Business and Professions Code (BPC) section 4314 establishes the authority for the Board to issue citations which may include fines and/or orders of abatement. As included in this BPC section, the order of abatement may include completion of continuing education courses and specifies that any such continuing education courses shall be in addition to those required for license renewal.

Title 16, California Code of Regulations Sections 1775-1775.4 provide the Board's regulations governing its citation and fine program. More specifically, Section 1775 includes the authority of the executive officer or designee to issue citations which may contain either or both an

administrative fine and an order of abatement and details the types of violation for which a citation may be issued.

Section 1775.2 establishes the factors to be considered in assessing an administrative fine. Such factors include:

1. The gravity of the violation.
2. The good or bad faith of the cited person or entity.
3. The history of previous violations.
4. Evidence that the violation was or was not willful.
5. The extent to which the cited person or entity has cooperated with the Board’s investigation.
6. The extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violations.
7. Other matters as may be appropriate.
8. The number of violations found in the investigation.

Section 1775.3 establishes the order of abatement compliance requirements.

Background

As part of the May 2018 Board Meeting, members suggested that staff consider using the abatement provisions, especially in cases where the violations involved a medication error. Since that time, Board staff have been integrating abatements. Further, as part of the Board’s October 2018 Board Meeting, the Board updated its Strategic Plan to include additional strategic goals. Related to this agenda item, Goal 2.10, Evaluation of the Board’s Citation and Fine Program, was added. Since that time, the Committee has received annual reports on the program.

Citation and Fine	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20
Citations Issued	1,975	1,936	2,168	1,144	1,426
Average Days to Complete	311	363	381	381	400
Order of Abatements Issued	20	29	30	224	415
Amount of Fines Assessed	\$2,265,150	\$2,355,150	\$2,268,600	\$1,176,450	\$1,462,300
Amount Collected	\$2,119,894	\$2,032,745	\$2,027,656	\$1,210,086	\$963,446

Committee Discussion

During the meeting, members received a presentation on the Citation and Fine program. The presentation included summary information for the fiscal year 2019/20 including the most common violations that resulted in the issuance of a citation and fine and information on the use of orders of abatements.

As part of its discussion the committee noted the increased use of the order of abatement provisions, consistent with the policy direction previously provided to staff.

Attachment 2 includes a copy of the relevant laws and the PowerPoint presentation.

c. Discussion and Consideration of Board’s Inspection Program

Attachment 3

Background

Pharmacy inspections are conducted by board inspectors and are triggered for a variety of reasons including receipt of consumer complaints, required annual inspections for specific license types or routine inspections to determine if a pharmacy complies with all state and federal laws and regulations. This process also involves an educational component, wherein licensees have an opportunity to meet and speak with board inspectors, ask questions and receive guidance, and pharmacy law updates. The Board established a policy to have all pharmacies inspected at least once every four years. Routine inspections can occur for several reasons.

Committee Discussion

During the meeting members received a presentation on inspection activities. The presentation included statistics on the number and type of inspections performed in fiscal year 2019/2020. Specifically, 1,071 routine inspections were performed, 507 of which were performed independent of any other triggering event, e.g. complaint investigation, sterile compounding inspection, probation inspection, etc. The presentation also provided information on the most frequent corrections identified during routine inspections and most frequent violations identified.

The committee was advised that, in response to the pandemic, inspections were suspended for several months. Following the presentation, members noted the number of pharmacies that have not been inspected and requested that staff prioritize inspections of those pharmacies in the coming year.

Attachment 3 includes a copy of the PowerPoint presentation.

d. Discussion and Consideration of Board's Enforcement Statistics

Attachment 4

During the last fiscal year, the board received 2,647 complaints and has closed 2,910 investigations. The board has issued 327 Letters of Admonishment, 1,428 Citations and referred 230 cases to the OAG. The board has secured 8 Interim Suspension Orders, been granted 5 Penal Code 23 suspensions, and issued 1 Cease and Desist. Further, the board has revoked 111 licenses, accepted the disciplinary surrender of 101 licenses, issued public reprovals to 52 licensees and placed 99 licenses on probation. As of the end of the fiscal year the Board had 346 licensees on probation.

In addition to annual data, a three-year comparison of data indicates a 5% decline in the number of investigations initiated and a 21% decline in the average days for investigation. The data also indicates a 28% increase in the number of Letters of Admonishment issued, and a 34% decrease in the citations issued, and a 54% decrease in fines collected. There was also a significant decrease in the number of cases referred to the OAG and a resulting decrease in accusations filed. The number of licenses revoked remained relatively flat while the number of licenses placed on probation decreased by about 9%. Surrendered licenses increased about 31%.

A review of three-year comparison data for substance use indicates about a 15% increase in participants in the Pharmacist Recovery Program and a decrease in the number of drug tests ordered. This reduction is a result of changes in the uniform standard drug testing frequency schedule. Data suggests also a reduction in relapse and cease practice orders. Alcohol continues to be alcohol.

As of June 15, 2020, the board currently has 1371 field investigations pending. Below is a breakdown providing more detail in the various investigation process:

- 42 cases under review for assignment, averaging 8 days
- 756 cases under investigation, averaging 170 days
- 266 investigations under supervisor review, averaging 41 days
- 180 investigations under second level review, averaging 42 days
- 127 investigations waiting final closure (typically issuance of a citation or letter of admonishment) averaging 26 days

Committee Discussion

As part of the committee's discussion, the committee discussed the year end statistics and the average investigation time for various steps in the process. The committee noted improvement from the January data, including a slight reduction in investigation time, from 186 average days to currently 170 days as well as significant improvement in the average days to complete supervisor review which decreased from an average of 107 days as reported at our January meeting to an average of 41 days.

The committee also expressed concern that second level review time has doubled from an average of 20 days to currently an average of 42 days.

Attachment 4 includes a copy of the enforcement statistics.



ENFORCEMENT COMMITTEE DRAFT MEETING MINUTES

DATE: July 9, 2020

LOCATION: Teleconference

COMMITTEE MEMBERS PRESENT: Maria Serpa, Licensee Member Chair
Albert Wong, Licensee Member Vice-Chair
Greg Lippe, Public Member
Ricardo Sanchez, Public Member
Debbie Veale, Licensee Member

STAFF MEMBERS PRESENT: Anne Sodergren, Executive Officer
Norine Marks, DCA Staff Counsel
Michelle Angus, DCA Assistant Chief Counsel
MaryJo Tobola, Senior Enforcement Manager
Debbie Damoth Admin. & Regulations Manager

1. Call to Order and Establishment of Quorum

Chairperson Maria Serpa called the meeting to order at 9.05 a.m. Roll call was taken. A quorum was established. Due to technical difficulties chairperson Serpa stated Board Member Lippe would be joining the meeting at a later time.

2. Public Comment on Items Not on the Agenda, Matters for Future Meetings

Chairperson Serpa invited public comment.

Members of the public requested two items be placed on the agenda for future meetings: Discussion of the Alternative Disciplinary Model and discussion of the decline of mandates of attendance to an ethics course as a condition of settlement.

Board Member Lippe joined the meeting at 9:18 a.m.

Chairperson Serpa confirmed that the Alternative Disciplinary Model has already been scheduled for discussion at a future meeting.

Committee Member Wong offered his support of both items being placed on a future agenda for discussion.

3. Presentation and Discussion on the Administrative Case Process

Chairperson Serpa introduced Kristina Jarvis, Deputy Attorney General and Michelle Angus, Assistant Chief Counsel with the Department of Consumer Affairs. Chairperson Serpa added that to supplement the presentation, the meeting materials provided included historical statistical information on disciplinary matters and Attachment 1 included a flowchart of the general process.

DAG Jarvis with ACC Angus provided the committee with a presentation of Office of the Attorney General and Their Role in the Disciplinary Process for the California State Board of Pharmacy. DAG Jarvis introduced herself and introduced Assistant Chief Counsel Michelle Angus with DCA. DAG Jarvis informed the committee she has been with the Licensing section for just over seven years now and has handled more than 80 pharmacy cases and close to 600 licensing cases. She informed the committee ACC Angus was also formally with the Office of the Attorney General (OAG) before joining the DCA.

To start, DAG Jarvis informed the committee that the OAG represents state agencies and employees in judicial and other proceedings pursuant to GC 11040, as well as the OAG Licensing Section's mission to protect the integrity in business and professions by pursuing the enforcement of licensing laws.

DAG Jarvis focused her presentation on accusations, since they make up the majority of cases. She reviewed the steps a case takes once it arrived at the OAG's office. Initially a thorough review of the case itself is conducted, which in part involves a review of the evidence as well as which parts of the law and regulations may have been violated. Next, the actual drafting of the accusation is completed. DAG Jarvis informed the committee the accusation is a public document, it sets forth the jurisdictional information, license history, relevant statutes and regulations that have been violated which are generally BPC section 4301 and charging paragraphs. DAG Jarvis explained the accusation is served on the respondent's address of record and sometimes on another address that is identified by the agency, although the only address required by law in order is the Address of Record. DAG Jarvis explained the accusation and the service of the accusation to the Address of Record which ensures due process.

DAG Jarvis continued that along with the service of the accusation, a Notice of Defense (NOD) is provided. The NOD is provided to the respondent pursuant to Government Code section 11506. This form allows the respondent to notify the AGO of respondent's desire to contest the allegations and go to hearing if they are interested in a settlement, or if they are opting to surrender their license. This also allows respondent the option to update their contact information and provide the OAG with their attorney's contact information. DAG Jarvis clarified that the Notice of Defense is a request for hearing noting that failure of the respondent to respond to the NOD would lead to a Default Decision. She added the if the licensee explains that they never received the NOD and they did not realize that the accusation existed, if they reach out within 7 days of the service of the Default Decision, they can file for a Relief for Good Cause to set aside the Default Decision.

DAG Jarvis reviewed the process for requesting a hearing with the Office of Administrative Hearings (OAH). She explained the challenging factors involved in scheduling including identification of dates that are available on the OAH Calendar, the respondent and DAG calendars and the witness availability. As a result of conflicting schedules, DAG Jarvis informed the committee that it typically takes four to eight months to schedule a hearing.

DAG Jarvis explained that Discovery is usually a DAG sending an investigative file to the respondent or to their counsel pursuant to Government Code section 11507.6. This provides them the opportunity to review the evidence. She explained that a settlement offer is almost always offered by the Agency even if that settlement is only a surrender of licensure, rather than proceeding to a hearing. DAG Jarvis provided the committee some reasons for settlement like risk avoidance, saving time and saving expense. In general DAG Jarvis encouraged stipulations; she explained settlement agreements can contain any agreement that is not contrary to any policy or law. Both parties can tailor those terms to the violations through negotiation. DAG Jarvis provided clarification that in the case of a settlement a respondent is agreeing to compliance to the terms of a stipulation versus going to a hearing then resulting in terms the respondent may completely not agree to the terms and conditions determined by the administrative law judge.

DAG Jarvis introduced the Disciplinary Guidelines (DG) California Code of Regulation, Title 16, section 1760 which provides direction to board staff, AGO, respondents, ALJ and Superior Court. She explained the DG contains the factors to be considered in determining whether the penalty in any particular case should be a minimum penalty, a maximum penalty or intermediate penalty. She reviewed the four categories of violations, in ascending seriousness with Category IV being the most serious. DAG Jarvis provided a review of each category. She also reviewed the model language provide in the DG for Probation Terms and Conditions. She stressed the importance of the use of model language to maintain consistency, while still deciding cases based on their own merits.

DAG Jarvis explained that the entire process has two fundamental guiding principles: due process of the respondent and the protection of the public. She stated these two principles can often be at odds. DAG Jarvis stated the State has the right and the responsibility to ensure the licensee is competent and trustworthy. DAG Jarvis ensured the committee that the purpose of a hearing is not to punish a respondent. Rather, the purpose is to ensure the appropriate professional and legal standards are upheld and that the respondents are compliant with laws and regulations governing pharmacy.

DAG Jarvis reviewed components of an administrative hearing including the testimonies provided, the challenges of reviewing evidence at the hearing, the fact that the DAG has the Burden of Proof as the complainant to prove the case to the Clear and Convincing standard. She defined Clear and Convincing as highly and substantially more probable to be true than not and the trier of fact (the ALJ) must have a firm belief or conviction in its factuality.

DAG Jarvis continued that post hearing a proposed decision is due to the agency from the ALJ within 30 days after the submission of the case. The board members subsequently review the ALJ's decision. Board members vote to either adopt or reject resulting in a non-adoption. If, after a hearing and the board's decision and order the respondent, does not agree they can request a reconsideration that may delay the final order as the board reconsiders their final decision. Respondent may also file a Writ of Mandate in Superior Court; the Superior court judge will exercise their independent judgement on the evidence and make a determination to whether or not the violation occurred.

DAG Jarvis answered committee questions regarding Vicarious Liability in which a PIC is held responsible for ensuring the pharmacy complies with rules and regulations. She also addressed questions regarding the severity of punishment of first time DUI offenders. DAG Jarvis explained that the issue with a DUI offense is that it is evidence of a problem of substance with a person who we are trusting to control, possess and dispense controlled substances that are ripe for abuse and we now have evidence that we have someone who has abused a substance to the point where they have received a DUI; that is evidence that we may not be able to allow them to practice for the protection of the public.

A member of the public opined that the Administrative Case Process Presentation showed an assumption of guilt which further justified the need for an Alternative Disciplinary Model. Chairperson responded, there is actually an assumption of innocence because in most cases, the licensee maintains their license for many months while the investigation is taking place and process is taking place. A member of the public asked whether the 15-day response to an NOD could be changed. In response, DAG Jarvis stated that the 15-day response is in Government Code and is for all licensees, extensions are made for special circumstances and situations.

11:00 Break

11:12 Resume

Roll Call was taken

4. Presentation and Discussion on the Board's Citation and Fine Program

Chairperson Serpa stated consistent with prior policy direction members have provided to staff as well as the Board's strategic plan, a presentation would be provided on the Citation and Fine program.

She informed the committee, reviewing the data reveals a, the significant increase in the number of Orders of Abatement issued in the last two years. This would be consistent with the

direction we provided to staff during our May 2018 Board meeting.

Executive Officer Anne Sodergren provided the committee with the Citation Presentation. EO Sodergren provided that the majority of the citations issued by the board are issued pursuant to BPC section 4314. She explained that the board uses its authority to issue citations to address important violations that are serious in nature but do not rise to the level of removal or restriction of a license through the administrative case process. She explained that staff use policy direction provided by the Board when we are making decisions on outcomes, including the levels of fines, noting that the board has indicated that the highest fines are really reserved for the most serious violations. In most cases the board is limited to a maximum of \$5000 per investigation although there are some exceptions.

EO Sodergren explained to the committee the factors considered assessing administrative fines pursuant to CCR section 1775.2; these factors serve as guiding principles.

The citation process was reviewed. Once an investigation is completed and violation(s) had been substantiated the inspector submits the investigation report to a supervising inspector for review. Upon review by the Supervising Inspector (SI), a recommended outcome is determined. Based on the recommendation, it is forwarded for second level review by the Chief of Enforcement. Then as a collective group the chiefs of enforcement and executive officer meet to review the investigation and recommendation to ensure consistency whenever possible. Cases with recommendations for the issuance of a citation are reviewed using this process. Citation can be issued with or without a fine or with or without an abatement. Once the citation is issued to the licensee they then have the opportunity to comply and pay the fine, comply with an abatement order, or appeal the matter. If they opt to appeal they can have an office conference with the board or go through the OAG in a hearing with an ALJ.

EO Sodergren provided historical data which showed that 38% of citations are issued without a fine. Further, the average fine issued is about \$1570. She noted the number of fines issued is trending down as well as the fines assessed is a significant trend down which has resulted in fines collected trending down as well.

EO Sodergren shared the boards processing times. It showed a significant increase over the past five fiscal years. She expects this number will go down as overall investigations decrease.

She reviewed orders of abatement and explained to the committee that compliance with an order of abatement typically results in either a reduction or forgiveness of the fine. EO Sodergren explained the different abatement types and how each type might be

recommended.

EO Sodergren stated licensees are always provided the opportunity to appeal. The informal office conference allows the opportunity to present additional or mitigating information to the board's executive officer or designee and a supervising inspector. In addition a licensee may submit a formal appeal to the board within 30 days of issuance of a citation for referral to the Office of the Attorney General.

EO Sodergren provided data on citation appeal outcomes for FY 19/20, noting that data suggests participation in the office conference appeal provides the licensees an opportunity to provide additional information, present mitigation, etc., which can lead to modifications of the citation, reduction to the letter of admonishment or even dismissal.

EO Sodergren provided data on top ten violations resulting in the issuance of a citation for pharmacies, pharmacists, interns and technicians for FY 19/20. Data was provided on citations issued on violations of Duty to Consult CCR section 1707.2.

Chairperson Serpa requested a comparison of the time it takes a respondent to go through the AG appeal process for citation appeals to that of the AG process for disciplinary matters.

5. Presentation and Discussion on Board's Inspection Program

Chairperson Serpa informed that committee Members, that inspections can be triggered for a variety of reasons, including consumer complaints, to perform statutorily mandated inspections as a condition of licensure or renewal, to perform probation monitoring activities, or on a routine basis, to name a few. The inspection process provides staff with the opportunity to observe the practice, evaluate for compliance with pharmacy law, as well as provide education.

Executive Officer Anne Sodergren provided the committee with the Inspection Presentation. She stated inspections provide significant opportunity for education as part of the consumer protection process. The board established a policy goal to inspect all pharmacies every four years. While the inspection provides staff with the opportunity to observe and evaluate for compliance, it also provides an opportunity to educate licensees.

EO Sodergren reviewed the inspection process with the committee which includes in large part the observation of the practice and activity in that location. Ms. Sodergren continued by sharing a list of items reviewed once an inspector informs the pharmacy of their inspection. In addition, the inspector will also ask to see information and confirm compliance with various aspect of Pharmacy Law. As the inspection progresses the inspector will proceed to inspect

general operation issues such as: the condition of the physical plant, review of security measures, overall cleanliness and orderliness and conduct an audit of expiration dates.

EO Sodergren explained that during the inspection there are opportunities for the licensee to ask questions and we use this as an opportunity to provide education especially on current laws. Current topics inspectors are covering with licensees are: Subscriber Alert email notifications; Staffing in Community Pharmacies; Pharmacy Relocation in a Declared Disaster; Compounding of Drug Preparations; HIV PrEP and Pep; Warning Labels; Inventory Reconciliation and Self-Assessments.

EO Sodergren reviewed inspection data which showed a significant decrease in the number inspections conducted in FY 19/20 in large part a bi-product of COVID-19. She stated, similar to many other regulators, the Board suspended inspections in mid-March and only recently resumed inspections. Board staff have performed desk audits between mid-March through mid-June.

A breakdown of the different of inspections was provided. The routine number represented those inspections that were not triggered by some other factor. EO Sodergren emphasized that it was important to note that in most cases, an inspection, irrespective of the triggering event, will encompass a routine assessment.

The following lists were provided to the committee: A list of the Top Ten Corrections On a Routine Pharmacy Inspections FY 19/20 and Top Ten Violation Notices on Routine Pharmacy Inspections FY 19/20.

EO Sodergren reviewed data relevant to findings during routine visits regarding violations of Duty to Consult. Data from our true routine data set indicates about 8% of all identified a problem with consultation. Further in 20% of such instances, consultation was not being provided.

As part of public comment, a member of the public stated, there are problems with pharmacies that are not pre-inspected before they are given a license in order to obtain an NPI number. In response, EO Sodergren stated we are not resourced to do inspections prior to issuing licenses.

6. Review and Discussion of Board's Enforcement Statistics

Chairperson Serpa informed the committee based on her review of the fiscal year end statistics, the Board received 2,647 complaints and closed 2,910 investigation. It also appeared that the average days for investigation was overall trending down. Chairperson Serpa provided

additional summary information noting that Board issued 327 Letters of Admonishment, issued 1,428 Citations and referred 230 investigations to the Office of the Attorney General to pursue administrative cases.

Additionally, the Board filed 248 accusations during the time period and disciplinary action was taken in a range of outcomes from revocation of a license to public reproof of a license.

The Board also secured 16 immediate protection orders including 8 interim suspension orders, 2 automatic suspension orders, 5 Penal Code 23 restrictions and 1 cease and desist for unlicensed activity.

Chairperson Serpa noted improvement in investigation times including decreases in timeframes reported at the January Meeting, from 186 average days to currently 170 days. Dr. Serpa also noted the most significant improvement with supervisor review where the decrease in time went from an average of 107 days as reported at our January meeting to an average of 41 days.

Chairperson Serpa noted that it appeared second level review time has doubled from an average of 20 days to currently an average of 42 days and indicated expected improvement in this area.

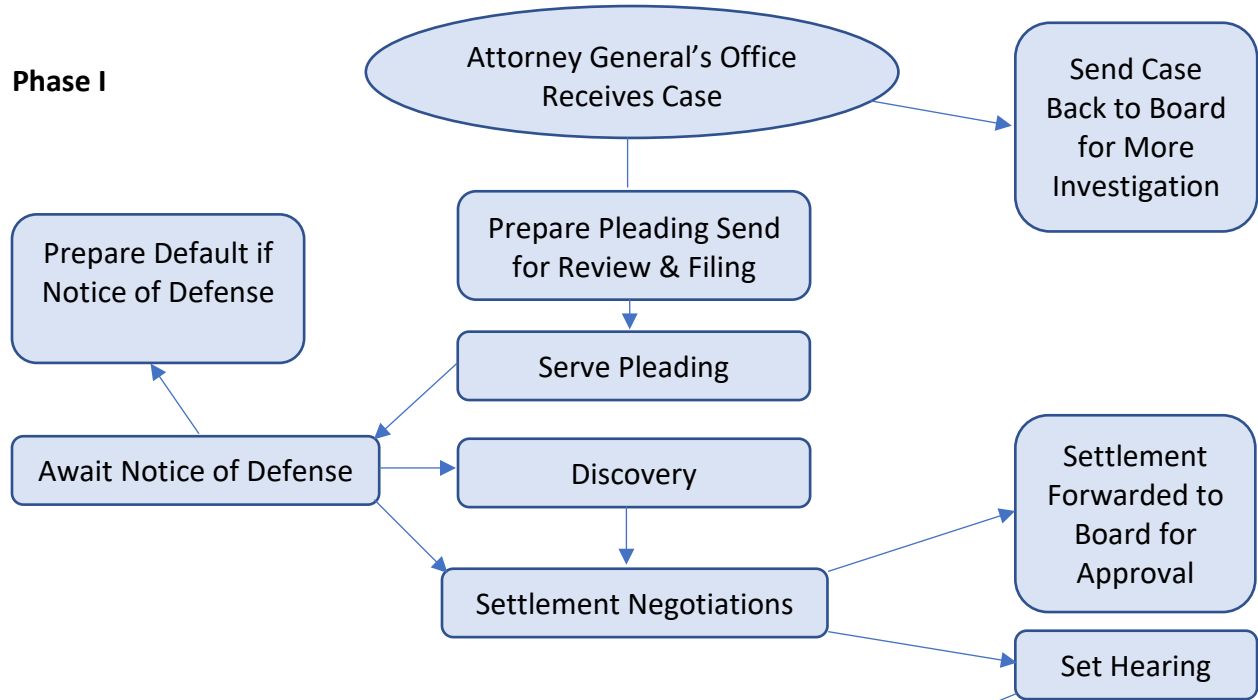
7. Future Committee Meeting Dates

Chairperson Serpa stated that the next committee meeting date is scheduled for October 27, 2020.

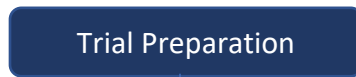
Attachment 1

GENERAL CASE PROCESS

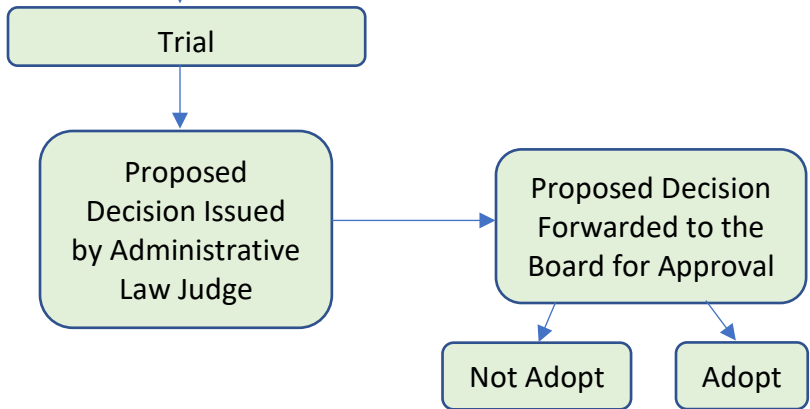
Phase I



Phase II



Phase III



Attachment 2

State of California

BUSINESS AND PROFESSIONS CODE

Section 4314

4314. (a) The board may issue citations containing fines and orders of abatement for any violation of Section 733, for any violation of this chapter or regulations adopted pursuant to this chapter, or for any violation of Division 116 (commencing with Section 150200) of the Health and Safety Code, in accordance with Sections 125.9, 148, and 4005 and the regulations adopted pursuant to those sections.

(b) Where appropriate, a citation issued by the board, as specified in this section, may subject the person or entity to whom the citation is issued to an administrative fine.

(c) Notwithstanding any other provision of law, where appropriate, a citation issued by the board may contain an order of abatement. The order of abatement shall fix a reasonable time for abatement of the violation. It may also require the person or entity to whom the citation is issued to demonstrate how future compliance with the Pharmacy Law, and the regulations adopted pursuant thereto, will be accomplished. A demonstration may include, but is not limited to, submission of a corrective action plan, and requiring completion of up to six hours of continuing education courses in the subject matter specified in the order of abatement. Any continuing education courses required by the order of abatement shall be in addition to those required for license renewal.

(d) Nothing in this section shall in any way limit the board from issuing a citation, fine, and order of abatement pursuant to Section 4067 or Section 56.36 of the Civil Code, and the regulations adopted pursuant to those sections.

(Amended by Stats. 2007, Ch. 588, Sec. 54. Effective January 1, 2008.)



§ 1775. Issuing Citations.

(a) The executive officer or his/her designee may issue a citation which may contain either or both an administrative fine and an order of abatement for:

(1) A violation of the Pharmacy Law (Business and Professions Code 4000 et seq.).

(2) A violation of a regulation adopted by the board.

(3) A violation of the Confidentiality of Medical Information Act (Civil Code 56 et seq.).

(4) Defaulting on a United States Department of Health and Human Services education loan.

(5) A violation of other statutes or regulations for which the board may issue a citation.

(b) Each citation shall be in writing and shall describe with particularity the nature and facts of the violation, including a reference to the statute or regulations alleged to have been violated. The citation shall be served upon the individual personally or by certified mail.

(c) A citation must inform the cited person or entity that if he/she or it desires a hearing to contest the finding of a violation, that hearing shall be requested by written notice to the board within 30 days of the issuance of the citation. If a hearing is not requested pursuant to this article, payment of any fine shall not constitute an admission of the violation charged.

Note: Authority cited: Sections 125.9, 148, 685 and 4005, Business and Professions Code; and Section 56.36, Civil Code. Reference: Sections 125.9, 148 and 685, Business and Professions Code; and Section 56.36, Civil Code.

§ 1775.1. Amount of Fines.

(a) The fine for violating the Pharmacy Law or regulations adopted pursuant thereto shall not exceed the amount specified in Section 125.9 of the Business and Professions Code, except for a fine issued pursuant to Section 4067 or Section 4127.4 of the Business and Professions Code.

(b) The fine for violating the Confidentiality of Medical Information Act shall not exceed the amount specified in Section 56.36 of the Civil Code.

(c) The fine for defaulting on a United States Department of Health and Human Services education loan shall not exceed \$2,500.

(d) Failure of a person or entity cited to pay a fine within 30 days of the date of assessment, unless the citation is being appealed, may result in disciplinary action by the board. When a citation is not contested and a fine is not paid, the full amount of the fine shall be added to the fee for renewal of the license and the license shall not be renewed without payment of the renewal fee and fine.

Note: Authority cited: Sections 125.9, 148, 685 and 4005, Business and Professions Code; and Section 56.36, Civil Code. Reference: Sections 125.9, 148, 685, 4067 and 4127.4, Business and Professions Code; and Section 56.36, Civil Code.

§ 1775.2. Factors Considered.

In assessing the amount of an administrative fine, except violations of the Confidentiality of Medical Information Act and when assessing a fine pursuant to Business and Professions Code section 685, the following factors shall be considered:

- (a) The gravity of the violation.
- (b) The good or bad faith of the cited person or entity.
- (c) The history of previous violations.
- (d) Evidence that the violation was or was not willful.
- (e) The extent to which the cited person or entity has cooperated with the board's investigation.
- (f) The extent to which the cited person or entity has mitigated or attempted to mitigate any damage or injury caused by the violation.
- (g) Other matters as may be appropriate.
- (h) The number of violations found in the investigation.

Note: Authority cited: Sections 125.9, 148, 685 and 4005, Business and Professions Code; and Section 56.36, Civil Code. Reference: Sections 125.9, 148 and 685, Business and Professions Code; and Section 56.36, Civil Code.

§ 1775.3. Compliance with Orders of Abatement.

(a) If a cited person or entity who has been issued an order of abatement is unable to complete the correction within the time set forth in the citation because of conditions beyond his/her or its control after the exercise of reasonable diligence, the person or entity cited may request, from the board, an extension of time in which to complete the correction. Such a request shall be in writing and shall be made within the time set forth for abatement.

(b) When an order of abatement is not contested or if the order is appealed and the person or entity cited does not prevail, failure to abate the violation charged within the time specified in the citation shall constitute a violation and failure to comply with the order of abatement. An order of abatement shall either be personally served or mailed by certified mail. Failure to comply with an order of abatement shall constitute a ground for revocation or suspension of the license, permit, or registration.

Note: Authority cited: Sections 125.9, 148 and 4005, Business and Professions Code. Reference: Sections 125.9 and 148, Business and Professions Code.

§ 1775.4. Contested Citations.

(a) Any person or entity served with a citation may contest the citation by appealing to the board in writing within 30 days of the issuance of the citation. Appeals shall be conducted pursuant to the adjudication provisions of the Administrative Procedure Act. (Government Code Section 11500 et seq.)

Title 16. Professional and Vocational Regulations
Division 17. California State Board of Pharmacy
Article 9. Citations and Fines
16 CCR § 1775 -1775.4

(b) In addition to requesting a hearing, as provided for in subdivision (a), the person or entity cited may, within 14 calendar days after service of a citation, submit a written request for an informal office conference. The person or entity cited may contest any or all aspects of the citation. The informal office conference will be conducted by the executive officer or his/her designee within 30 calendar days of receiving the request.

(c) The executive officer or his/her designee shall hold an informal office conference upon request as provided for in subdivision (b) with the person or entity cited and their legal counsel or authorized representative if they desire representation at the informal office conference. At the conclusion of the informal office conference, the executive officer or his/her designee may affirm, modify or dismiss the citation, including any administrative fine levied or order of abatement issued. The executive officer or his/her designee shall state in writing the reasons for their action and serve or send by certified mail, a copy of their findings and decision to the person or entity cited within 14 calendar days from the date of the informal office conference. This decision shall be deemed to be a final order with regard to the citation issued, including the administrative fine levied and/or an order of abatement.

(d) The person or entity cited does not waive their request for a hearing to contest a citation by requesting an informal office conference after which the citation is affirmed by the executive officer or his/her designee. If the citation is dismissed after the informal office conference, the request for a hearing on the matter of the citation shall be deemed to be withdrawn. If the citation, including any administrative fine levied or order of abatement, is modified, the citation originally issued shall be considered withdrawn and a new citation issued. If a hearing is requested for the subsequent citation, it shall be requested within 30 days of the issuance of the subsequent citation.

Note: Authority cited: Sections 125.9, 148 and 4005, Business and Professions Code.
Reference: Sections 125.9 and 148, Business and Professions Code.

BOARD OF PHARMACY

ENFORCEMENT COMMITTEE MEETING

CITATION PRESENTATION

JULY 09, 2020



CALIFORNIA STATE BOARD OF PHARMACY
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CITATION PROGRAM RELEVANT LAW

- BUSINESS AND PROFESSIONS CODE SECTION 4314 ESTABLISHES THE AUTHORITY FOR THE BOARD TO ISSUE CITATIONS, WHICH MAY INCLUDE FINES AND/OR ORDERS OF ABATEMENT.
- ORDERS OF ABATEMENT MAY INCLUDE COMPLETION OF CONTINUING EDUCATION COURSES AND SPECIFIES THAT ANY SUCH CONTINUING EDUCATION COURSES SHALL BE IN ADDITION TO THOSE REQUIRED FOR LICENSE RENEWAL.
- TITLE 16, CALIFORNIA CODE OF REGULATIONS(CCR) SECTIONS 1775-1775.4, PROVIDE THE BOARD'S REGULATIONS GOVERNING ITS CITATION AND FINE PROGRAM.
- CCR SECTION 1775 INCLUDES THE AUTHORITY OF THE EXECUTIVE OFFICER OR DESIGNEE TO ISSUE CITATIONS
- A CITATION MAY CONTAIN NO FINE, AN ADMINISTRATIVE FINE OR A FINE AND AN ORDER OF ABATEMENT



CITATION PROGRAM OVERVIEW

- THE BOARD USES ITS AUTHORITY TO ISSUE CITATIONS TO DEAL WITH IMPORTANT VIOLATIONS THAT WARRANT THE LICENSEE'S ATTENTION, THOUGHT AND CORRECTION, BUT DO NOT RISE TO THE LEVEL WHERE SANCTIONS SUCH AS PROBATION, SUSPENSION OR REVOCATION ARE APPROPRIATE.
- CONSISTENT WITH THE BOARD'S DIRECTION, THE HIGHEST FINES FOR THE MOST SERIOUS VIOLATIONS
- IN MOST CASES, THE BOARD HAS THE AUTHORITY TO ISSUE CITATIONS OF UP TO \$5,000 PER LICENSE (BPC 125.9).
- THE BOARD HAS SPECIFIC STATUTORY AUTHORITY TO ISSUE FINES OF \$25,000 PER PRESCRIPTION FOR INTERNET SALES OF DRUGS WHERE NO UNDERLYING APPROPRIATE EXAMINATION OCCURRED (BPC 4067).



FACTORS TO CONSIDER IN ASSESSING ADMINISTRATIVE FINES – CCR 1775.2

- GRAVITY OF THE VIOLATION
- GOOD OR BAD FAITH OF THE CITED PERSON OR ENTITY
- HISTORY OF PREVIOUS VIOLATIONS
- EVIDENCE THAT THE VIOLATION WAS OR WAS NOT WILLFUL
- EXTENT TO WHICH THE CITED PERSON OR ENTITY HAS COOPERATED WITH THE BOARD'S INVESTIGATION
- EXTENT TO WHICH THE CITED PERSON OR ENTITY HAS MITIGATED OR ATTEMPTED TO MITIGATE ANY DAMAGE OR INJURY CAUSED BY THE VIOLATIONS
- OTHER MATTERS AS MAY BE APPROPRIATE
- NUMBER OF VIOLATIONS FOUND IN THE INVESTIGATION



CITATION PROCESS

1. INVESTIGATION IS COMPLETED
2. SUPERVISING INSPECTOR REVIEW
3. SECOND LEVEL REVIEW
4. CITATION ISSUED W/OUT FINE & W/WO ABATEMENT
5. CITATION COMPLETED WITH FINE OR ABATEMENT ACCEPTED
6. APPEAL - - OFFICE CONFERENCE AND/OR AG'S OFFICE



CITATIONS ISSUED

	FY2015/16	FY2016/17	FY2017/18	FY2018/19	FY 2019/20*
CITATIONS ISSUED	1,975	1,936	2,168	1,134	1,349
CITATIONS ISSUED WITHOUT FINE	376	439	504	339	506
CITATIONS ISSUED WITH FINE	1,599	1,497	1,664	795	894
FINES ASSESSED	\$2,264,650	\$2,354,525	\$2,268,625	\$1,166,700	\$1,403,650
FINES COLLECTED	\$2,145,398	\$2,071,478	\$2,079,806	\$1,212,077	\$898,875



* July 1, 2019 Through June 15, 2020

CITATION PROCESSING TIMES FROM RECEIPT TO ISSUANCE

FISCAL YEAR	AVERAGE DAYS
2015/16	280
2016/17	319
2017/18	354
2018/19	333
2019/20	354

* July 1, 2019 Through June 15, 2020



CITATION ORDER OF ABATEMENTS

- THE BOARD MAY ISSUE CITATIONS WITH ORDERS OF ABATEMENT
- THE BOARD HAS BEEN USING ORDER OF ABATEMENT ROUTINELY SINCE 2018
- THE ABATEMENT ORDER MAY REQUIRE:
 - THE LICENSEE TO TAKE CONTINUING EDUCATION COURSES/ TRAINING
 - THE LICENSEE TO PROVIDE SPECIFIC DOCUMENTATION
 - THE LICENSEE TO DETAIL A PLAN TO COMPLY WITH PHARMACY LAW
- COMPLIANCE WITH THE ORDER OF ABATEMENT TYPICALLY RESULTS IN EITHER A REDUCTION OR FORGIVENESS OF THE FINE



ABATEMENT TYPES

- REQUESTED CONTINUING EDUCATION (CE) TO BE COMPLETED BY LICENSEE
(TYPICALLY 2-6 HOURS)
 - MEDICATION ERROR REDUCTION STRATEGIES
 - ROLE OF THE PHARMACIST IN CHARGE (PIC)
 - PHARMACY OPERATIONS
 - PHARMACY LAW & ETHICS
 - COMPOUNDING TRAINING
 - IMMUNIZATION TRAINING
 - ETHICS COURSE (PURSUANT TO CCR 1773.5)
 - BOARD PROVIDED RX DRUG ABUSE COURSE

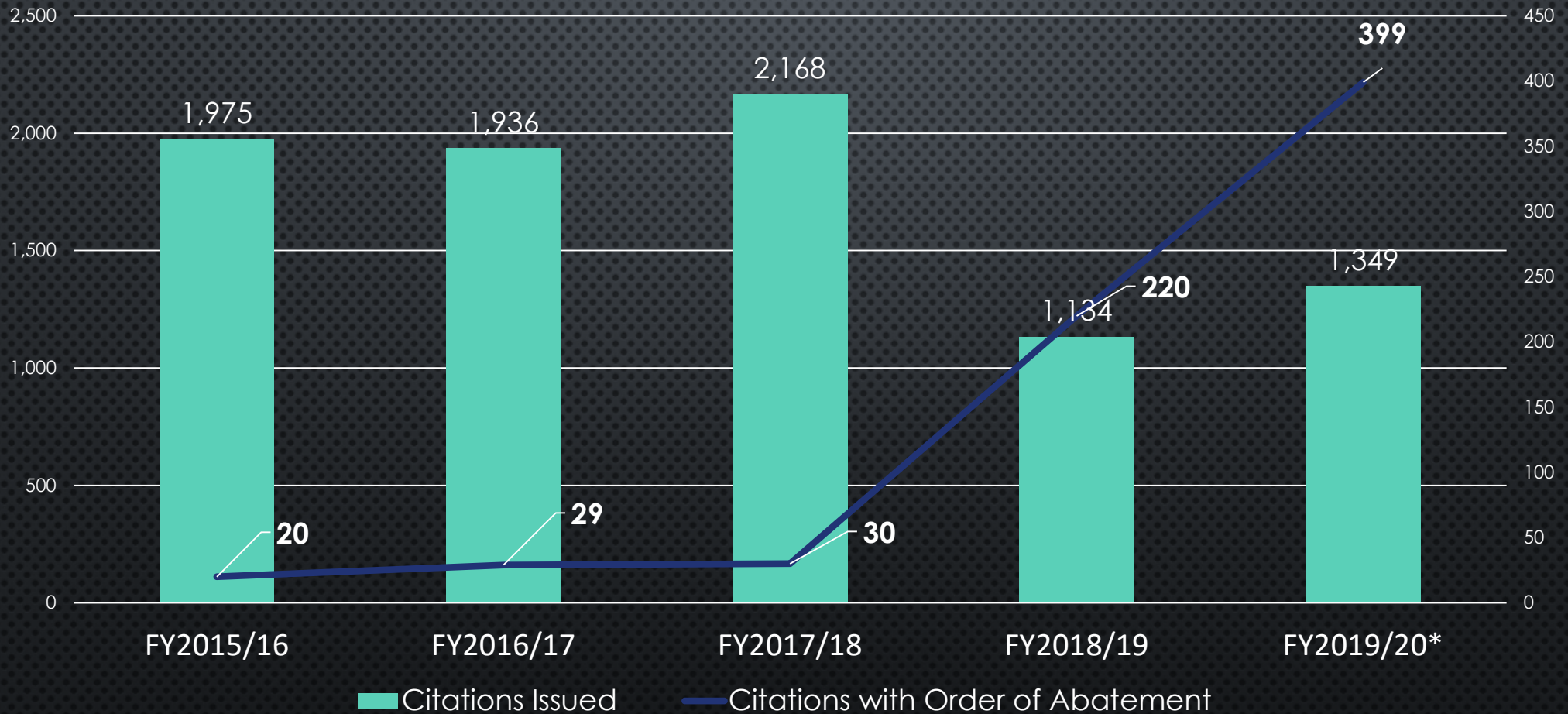


ABATEMENT TYPES

- OTHER ABATEMENTS THAT MAY BE REQUESTED BY THE BOARD:
 - UPDATED SELF ASSESSMENT
 - UPDATED POLICIES AND PROCEDURES
 - INTERNAL POLICY TRAINING FOR PHARMACY STAFF
 - IN SERVICE TRAININGS FOR STAFF



CITATIONS ISSUED/ ORDERS OF ABATEMENT



* July 1, 2019 Through June 15, 2020

PROOF OF CITATION ABATEMENTS FY19/20

- TOTAL ABATEMENTS: 399
 - OPEN ABATEMENTS: 118
 - CLOSED ABATEMENTS: 281

- RANDOM SAMPLING OF 25% OF CLOSED ABATEMENTS REVEAL:
 - OF THE 25% CLOSED ABATEMENTS:
 - 8% WERE MANDATORY (100% COMPLIED WITH ABATEMENT AND FINE)
 - 92% WERE OPTIONAL (70% COMPLIED WITH ABATEMENT AND FINE)
(30% PAID FINE WITHOUT COMPLETING THE ABATEMENT)



VIOLATIONS THAT LEND THEMSELVES TO ABATEMENTS

- 1714(c) PHARMACY SHALL BE CLEAN AND ORDERLY – ABATE WITH PHOTOS OF CLEANLINESS AND ORDER
- CCR 1714(d): PHARMACY SECURITY – ABATE WITH CE IN PHARMACY LAW AND OPERATIONS
- CC1716: MEDICATION ERROR – ABATE WITH CE IN MEDICATION ERROR REDUCTION STRATEGIES (MAJORITY OF ABATEMENTS FALL INTO THIS CATEGORY)
- CCR 1746.4: VACCINES AND IMMUNIZATIONS – ABATE WITH CE IN IMMUNIZATION TRAINING



APPEAL PROCESS

- LICENSEES WHO ARE ISSUED A FINE MAY REQUEST AN INFORMAL OFFICE CONFERENCE
- OFFICE CONFERENCE ALLOWS THE LICENSEE THE OPPORTUNITY TO PRESENT ADDITIONAL OR MITIGATING INFORMATION TO THE BOARD'S EXECUTIVE OFFICER OR DESIGNEE AND A SUPERVISING INSPECTOR
- IN ADDITION, A LICENSEE MAY SUBMIT A FORMAL APPEAL TO THE BOARD WITHIN 30 DAYS OF ISSUANCE OF THE CITATION
 - APPEALS ARE CONDUCTED PURSUANT TO THE ADMINISTRATIVE PROCEDURES ACT BY AN ADMINISTRATIVE LAW JUDGE WHO RENDERS A DECISION FOR THE BOARD TO ADOPT OR REJECT



CITATIONS CONTESTED AT OFFICE CONFERENCE

	FY 2015/16	FY 2016/17	FY 2017/18	FY 2018/19	FY 2019/20*
CITATIONS COMPLETED	1,753	1,855	2,112	1,116	1,210
CITATIONS CONTESTED AT OFFICE CONFERENCE	201	191	140	148	216
CITATIONS CONTESTED AT THE ATTORNEY GENERAL'S OFFICE	54	61	50	29	20



* July 1, 2019 Through June 15, 2020

CITATION APPEAL OUTCOMES FY19/20*

➤ TOTAL OFFICE CONFERENCES (OC) REQUESTED	216
➤ OFFICE CONFERENCE OUTCOMES	
➤ WITHDRAWN	28
➤ MODIFIED	69
➤ REDUCED TO LETTER OF ADMONISHMENT	18
➤ DISMISSED	17
➤ UPHELD	69
➤ ATTORNEY GENERAL OUTCOMES	
➤ TOTAL REFERRED	110
➤ WITHDRAWN	47



* July 1, 2019 Through June 15, 2020

PHARMACIES TOP TEN VIOLATIONS FY19/20*

Violation Code	Description	Number of Violations
CCR 1716	Medication Error	157
CCR 1714(b)	Safe and Secure Pharmacy- Maintain its Facility Records Kept Open for Inspection	42
BPC 4081(a)	3 years	42
BPC 4113(d)	Notify Board within 30 Days of Change in Pharmacist in Charge	31
CCR 1707.2	Duty to Consult	30
CCR 1764	Unauthorized Disclosure of Prescriptions	27
CCR 1761(a)	Erroneous or Uncertain Prescription	26
CCR 1718	Current Inventory	26
CIV 56.10	Disclosure of Medical Information	25
CCR 1735.2	Compounding Limitations and Requirements	24



* July 1, 2019 Through June 15, 2020

PHARMACISTS TOP TEN VIOLATIONS FY19/20*

Violation Code	Description	Number of Violations
CCR 1716	Medication Error	157
CCR 1761	Erroneous or Uncertain Prescription	97
CCR 1735.2	Compounding Limitations and Requirements	56
BPC 4306.5	Unprofessional Conduct	49
BPC 4081(a)	Records Kept Open for Inspection 3 years	43
CCR 1714(b)	Safe and Secure Pharmacy - Maintain its Facility	41
CCR 1707.2	Duty to Consult	34
CCR 1718	Current Inventory	30
CCR 1707.3	Duty to Review Drug Therapy and Patient Medication Record	24
HSC 11153	Controlled Substance Prescription Legitimate Medical Purpose	20



* July 1, 2019 Through June 15, 2020

INTERNS TOP VIOLATIONS FY19/20*

Violation Code	Description	Number of Violations
BPC 4301 (h)	Self-Use	8
BPC 4301 (l)	Conviction of a Crime	7
BPC 4301 (k)	Conviction Involving Self-use	2
BPC 4301 (c)	Gross Negligence	1
BPC 4301 (o)	Violating or Attempting to Violate Applicable Federal and State Laws or Regulations Governing Pharmacy	1
CCR 1714(d)	Security of Prescription Department	1



* July 1, 2019 Through June 15, 2020

TECHNICIANS TOP VIOLATIONS FY19/20*

Violation Code	Description	Number of Violations
BPC 4301 (h)	Self-Use	99
BPC 4301 (l)	Conviction of a crime	93
BPC 4301 (f)	Commission of an act involving moral turpitude, dishonesty, fraud, deceit or corruption	19
BPC 4301 (k)	Commission of more than one misdemeanor or felony involving self-use	9
BPC 4115(e)	Unlicensed Technician	6



* July 1, 2019 Through June 15, 2020

DUTY TO CONSULT CCR 1707.2

- TOTAL DUTY TO CONSULT CITATIONS FY 19/20: 64*
 - (INCLUDES PHARMACISTS AND PHARMACIES)
- PHARMACIES 30 CITATIONS (23 WITH FINE, 7 WITHOUT):
 - PHARMACIES AVERAGE CITATION AMOUNT: \$3,117
- PHARMACISTS 34 CITATIONS (12 WITH FINE, 22 WITHOUT)
 - PHARMACIST AVERAGE CITATION AMOUNT: \$654



THANK YOU

QUESTIONS?



Attachment 3

CA State Board of Pharmacy

Enforcement Committee Meeting

Inspection Presentation

July 09, 2020



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MANDATE

CONSUMER PROTECTION



INSPECTION PROCESS - OBSERVATIONS

- CONSULTATION PROCEDURE
- NOTICE TO CONSUMER POSTER, LANGUAGE SIGN, PHARMACY PERMIT
- SECURITY FEATURES
- NAME TAGS
- PRIVACY (AUDIO AND VISUAL)
- STAFFING RATIO AND DUTIES BEING PERFORMED
- PROFESSIONAL INTERACTIONS



INSPECTION PROCESS – ITEMS REVIEWED

- SELF-ASSESSMENT
- TRANSMITTING TO CURES
- ENROLLMENT IN THE SUBSCRIBER ALERT SYSTEM
- QUALITY ASSURANCE POLICY AND MEDICATION ERRORS REPORTS
- POLICIES AND PROCEDURES



WHAT IS INSPECTED

- PHYSICAL FACILITY
- SECURITY
- CLEANLINESS, ORDERLINESS
- EXPIRATION DATES, INCLUDING ON LABELS



EDUCATION

- QUESTIONS FROM LICENSEE
- STANDARD EDUCATION TOPICS



TOTAL INSPECTIONS COMPLETED

➤ FY 17/18	2,366
➤ FY 18/19	3,462
➤ FY 19/20*	2,194

* FY19/20 as of 6/15/20



INSPECTIONS BY VISIT TYPE FY19/20

➤ Routine Inspections:	507
➤ Complaint Investigation:	495
➤ Pharmacist Recovery Program/Probation:	315
➤ Compounding Inspections	670*
➤ New	91
➤ Renewals	546
➤ Outsourcing:	25*
➤ Automate Drug Delivery Systems Inspections:	135*
➤ Other License Type Inspections:	47
➤ Wholesaler:	14
➤ Third party Logistics Provider:	4
➤ Drug Room:	2
➤ Satellite Compounding:	1
➤ Hospital:	13
➤ Licensed Correctional Facility:	6
➤ Centralized Packaging:	4
➤ Unlicensed Inspection:	3
➤ Total Inspections Completed:	2,194

*approximate



ROUTINE INSPECTIONS COMPLETED IN FY19/20

- TOTAL NUMBER OF LICENSED PHARMACIES: 6,529*
- TOTAL NUMBER OF ROUTINE PHARMACY INSPECTIONS
 - 507 ROUTINE PHY-PHE INSPECTIONS COMPLETED
 - 87 ROUTINE PHY-PHE INSPECTIONS COMPLETED ON A PROBATION VISIT
 - 318 ROUTINE PHY-PHE INSPECTIONS COMPLETED DURING A COMPLAINT INVESTIGATION
 - 159 ROUTINE PHY-PHE INSPECTIONS CONDUCTED DURING A STERILE COMPOUNDING VISIT
 - TOTAL ROUTINE INSPECTIONS COMPLETED ON PHY-PHE's: 1071



ROUTINE INSPECTION OUTCOMES FY19/20

- PHARMACY ROUTINE INSPECTIONS: 507
 - 204 PHARMACIES HAD NO VIOLATIONS
 - 258 PHARMACIES ISSUED 808 CORRECTIONS
 - 45 PHARMACIES ISSUED 123 VIOLATION NOTICES



TOP TEN CORRECTIONS ON ROUTINE PHARMACY INSPECTIONS FY19/20*

Violation Code	Description
CCR 1707.5(a)(1)	Prescription Label Requirements – Patient Center Labeling 12 Pt Font
CCR 1707.5(d)	
CCR 1714(c)	Policies and Procedures – Provide Interpretative Services
CCR 1714(b)	
CCR 1714(b)	Pharmacy Clean and Orderly
CCR 1707.2(b)2	Safe and Secure Pharmacy – Maintain its facility
CCR 1715.65(a)	Written Notice of Right to Consultation when Patient or Agent is not Present (including but not limited to a drug shipped by mail)
CCR 1715.(a)	Inventory Reconciliation Report of Controlled Substances
BPC 4104(b)	Self Assessment
BPC 4058	Policies and Procedures/ Theft/ Impairment/ Self-Use
CCR 17114.1(f)	License Display
	Pharmacy Shall Have Written Policies and Procedures Regarding Operations of the Pharmacy During Temporary Absence of the Pharmacist



* July 1, 2019 Through June 15, 2020

TOP TEN VIOLATION NOTICES ON ROUTINE PHARMACY INSPECTIONS FY19/20*

Violation Code	Description
CCR 1715(a)	Self Assessment
CCR 1714(c)	Pharmacy Clean and Orderly
HSC 11165(d)	Reporting to CURES
CFR 1304.11(c)	Biennial Inventory – Date on Form
CCR 1714(b)	Safe and Secure Pharmacy – Maintain its Facility
CCR 1735.7(b)	Maintaining Compounding Training Records
CCR 1735.2(k)	Compounding Self Assessment
CCR 1735.8(c)	Compounding Quality Assurance for Products Outside Minimum Standards
CCR 1714(d)	Security of Prescription Department
BPC 4110(a)	Unlicensed Activity



* July 1, 2019 Through June 15, 2020

CURRENT PHARMACY LICENSEES YEAR OF LAST ROUTINE INSPECTION

Year of Last inspection	Total
Inspected within 1 Year	507
Inspected within 2 Years	1233
Inspected within 3 Years	1512
Inspected within 4 years	1698
Inspected within 5 years	1807
Inspected within 6 years	1970
Inspected within 7.5 years	2134
Inspected Before January 1, 2013 OR Never Inspected	2080
Total Pharmacies	
*Does not include 329 new PHY licenses issued in 2019/20	6200



CCR 1707.2 – DUTY TO CONSULT PHARMACY ROUTINE INSPECTIONS

IN FY 19/20 39 ROUTINE INSPECTIONS REVEALED ISSUES WITH PATIENT CONSULTATION

- IN 8 OF THE 39 INSPECTIONS THE INSPECTOR OBSERVED THAT CONSULTATION WAS NOT PROVIDED TO THE PATIENT
- IN 31 OF THE 39 INSPECTIONS THE INSPECTOR FOUND THAT THE SITE WAS NOT PROVIDING WRITTEN NOTICE OF CONSULTATION ON DELIVERED OR MAIL ORDER PRESCRIPTIONS



QUESTIONS?



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Attachment 4

Board of Pharmacy Enforcement Workload Statistics FY 2019/20

Complaint Investigations	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Received	682	625	695	645	2,647
Closed	663	774	631	842	2,910
Pending	1,995	1,748	1,841	1,600	1,600
Average Days for Investigation	234	265	217	210	232

Cases Under Investigation (By Team)	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Quarter Ending
Compliance / Routine	971	935	1,037	837	837
Drug Diversion / Fraud	254	225	221	191	191
Prescription Drug Abuse	90	76	76	78	78
Compounding	66	71	72	67	67
Outsourcing	13	17	28	23	23
Probation / PRP	74	57	44	26	26
Enforcement	263	107	98	115	115
Criminal Conviction	264	260	265	262	262

Application Investigations	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Received	123	98	63	83	367
Closed					
Approved	67	79	46	47	239
Denied	14	20	7	7	48
Total Closed (includes withdrawn)	94	107	61	65	327
Pending	83	69	62	78	78

Complaint Closure Outcomes Not Resulting in Further Action	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Insufficient Evidence	144	144	130	217	635
Non-Jurisdictional	74	100	105	123	402
No Violation	88	76	86	115	365
No Further Action	63	67	68	55	253
Other - Non-Substantiated	13	7	6	6	32
Subject Educated	29	32	21	69	151

Letter of Admonishment / Citations	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
LOA Issued	67	124	62	74	327
Citations Issued	245	540	295	348	1,428
Proof of Abatement Requested	63	174	84	93	414
Appeals Received	12	52	23	16	103
Dismissed	5	4	2	10	21
Total Fines Collected	\$152,458	\$296,810	\$317,833	\$196,344	\$963,445

Administrative Cases	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Referred to the AG's Office	63	56	52	59	230
Pleadings Filed	70	83	57	38	248
Pending					Quarter Ending
Pre-Accusation	158	119	112	128	128
Post-Accusation	210	234	210	192	192
Total Pending	368	353	322	322	322
Total Closed	101	72	82	65	320

Administrative Case Outcome	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Revocation					
Pharmacist	6	7	3	3	19
Intern Pharmacist	0	1	1	0	2
Pharmacy Technician	20	18	23	16	77
Designated Representative	0	0	1	0	1
Wholesaler	0	1	1	0	2
Pharmacy	2	3	4	0	9
Sterile Compounding	0	1	0	0	1
Outsourcing	0	0	0	0	0
Total	28	31	33	19	111

Administrative Case Outcomes	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Revocation; stayed suspension/probation					
Pharmacist	0	0	0	0	0
Intern Pharmacist	0	0	0	0	0
Pharmacy Technician	0	0	0	0	0
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Pharmacy	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Outsourcing	0	0	0	0	0
Total	0	0	0	0	0

Administrative Case Outcome	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Revocation; stayed; probation					
Pharmacist	22	8	17	13	60
Intern Pharmacist	2	2	1	0	5
Pharmacy Technician	5	3	4	2	14
Designated Representative	0	1	0	0	1
Wholesaler	0	1	0	0	1
Pharmacy	7	3	2	3	15
Sterile Compounding	0	0	0	2	2
Outsourcing	0	0	0	1	1
Total	36	18	24	21	99

Administrative Case Outcome	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
<i>Surrender / Voluntary Surrender</i>					
Pharmacist	7	7	5	9	28
Intern Pharmacist	0	0	1	0	1
Pharmacy Technician	15	6	7	7	35
Designated Representative	1	2	1	0	4
Wholesaler	1	0	0	0	1
Pharmacy	9	9	8	5	31
Sterile Compounding	0	0	1	0	1
Outsourcing	0	0	0	0	0
Total	33	24	23	21	101

Administrative Case Outcome	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
<i>Public Reproval / Reprimand</i>					
Pharmacist	8	3	2	4	17
Intern Pharmacist	1	0	0	0	1
Pharmacy Technician	1	0	3	1	5
Designated Representative	0	0	2	0	2
Wholesaler	2	0	1	0	3
Pharmacy	11	4	1	6	22
Sterile Compounding	0	1	0	0	1
Outsourcing	1	0	0	0	1
Total	24	8	9	11	52

Administrative Case Outcome	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
<i>Licenses Granted</i>					
Pharmacist	1	0	1	0	2
Intern Pharmacist	0	1	0	0	1
Pharmacy Technician	1	0	2	3	6
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Pharmacy	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Outsourcing	1	0	0	0	1
Total	3	1	3	3	10

Administrative Case Outcome	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
<i>Licenses Denied</i>					
Pharmacist	2	1	1	0	4
Intern Pharmacist	0	0	1	1	2
Pharmacy Technician	3	1	1	0	5
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Pharmacy	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Outsourcing	0	0	0	0	0
Total	5	2	3	1	11

Administrative Case Cost Recovery Efforts	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
<i>Cost Recovery Requested</i>	<i>\$838,758</i>	<i>\$402,895</i>	<i>\$415,529</i>	<i>\$527,183</i>	<i>\$2,184,365</i>
<i>Cost Recovery Collected</i>	<i>\$274,908</i>	<i>\$301,746</i>	<i>\$240,231</i>	<i>\$255,866</i>	<i>\$1,072,751</i>

Immediate Public Protection Sanctions	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Interim Suspension Orders	3	3	0	2	8
Automatic Suspension Orders	0	1	1	0	2
Penal Code 23 Restrictions	0	2	1	2	5
Cease and Desist - Unlicensed Activity	1	0	0	0	1
Cease and Desist - Sterile Compounding	0	0	0	0	0

Probation Statistics	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Quarter Ending
<i>Licenses on Probation</i>					
Pharmacist	231	226	236	229	229
Intern Pharmacist	9	11	11	12	12
Pharmacy Technician	20	22	26	26	26
Designated Representative	1	1	2	2	2
Wholesaler	3	2	3	3	3
Pharmacy	81	73	74	72	72
Sterile Compounding	2	2	2	2	2
Total	347	337	354	346	346

Probation Statistics	July - Sept	Oct - Dec	Jan - March	Apr - Jun	Total
Probation Office Conferences	31	31	25	28	115
Probation Site Inspections	129	129	149	35	442
Probation Terminated / Completed	25	25	23	26	99
Referred to AG for Non-Compliance	2	2	2	0	6

As of 6/30/2020

**California State Board of Pharmacy
SB 1441 Uniform Standards**

The data includes licensees participating in the Pharmacist Recovery Program (PRP) and licensees on probation with substance use disorders.

Board of Pharmacy	July	Sep	Oct – Dec	Jan Mar	Apr Jun	Total 19/20
PRP Intakes						
PRP Self-Referrals	1					1
PRP Probation Referrals	3			2	5	10
PRP Under Investigation	1		2	1	2	6
PRP In Lieu Of (investigation conducted)						
Total Number of PRP Intakes	5	2	3	7	17	
New Probationers						
Pharmacists	3			3	3	9
Intern Pharmacists	1			1		2
Pharmacy Technicians	3		2	3	2	10
Total New Probationers	7	2	7	5	21	
PRP Participants and Recovery Agreements						
Total PRP Participants	58		58	60	59	N/A
Recovery Agreements Reviewed	56		52	57	56	221
Probationers and Inspections						
Total Probationers	76		76	80	95	N/A
Inspections Completed (Information not available)	41		53	59	73	226
Referrals to Treatment						
Referrals to Treatment (PRP and Probationers)	5		4	2	4	15
Drug Tests						
Drug Test Ordered (PRP and Probationers)	742		726	737	742	2947
Drug Tests Conducted (PRP and Probationers)	716		709	732	727	2884
Relapses (Break in Sobriety)						
Relapsed (PRP and Probationers)	2			1	8	11
Major Violation Actions						
Cease Practice/Suspension (PRP and Probationers)	7		6	9	12	34
Termination from PRP	1		1		1	3
Probationers Referred for Discipline						
Closure						
Successful Completion (PRP and Probationers)	2		1	3	7	13
Termination (Probation)						
Voluntary Surrender (Probation)	2		1	1	3	7
Surrender as a result of PTR (Probation)						
Closed Public Risk (PRP)	1		1	1		3
Non-compliance (PRP and Probationers)	10		2	4	7	23
Other (PRP)	1		1		2	4
Patients Harmed						
Number of Patients Harmed (PRP and Probationers)	None		None	None	None	None

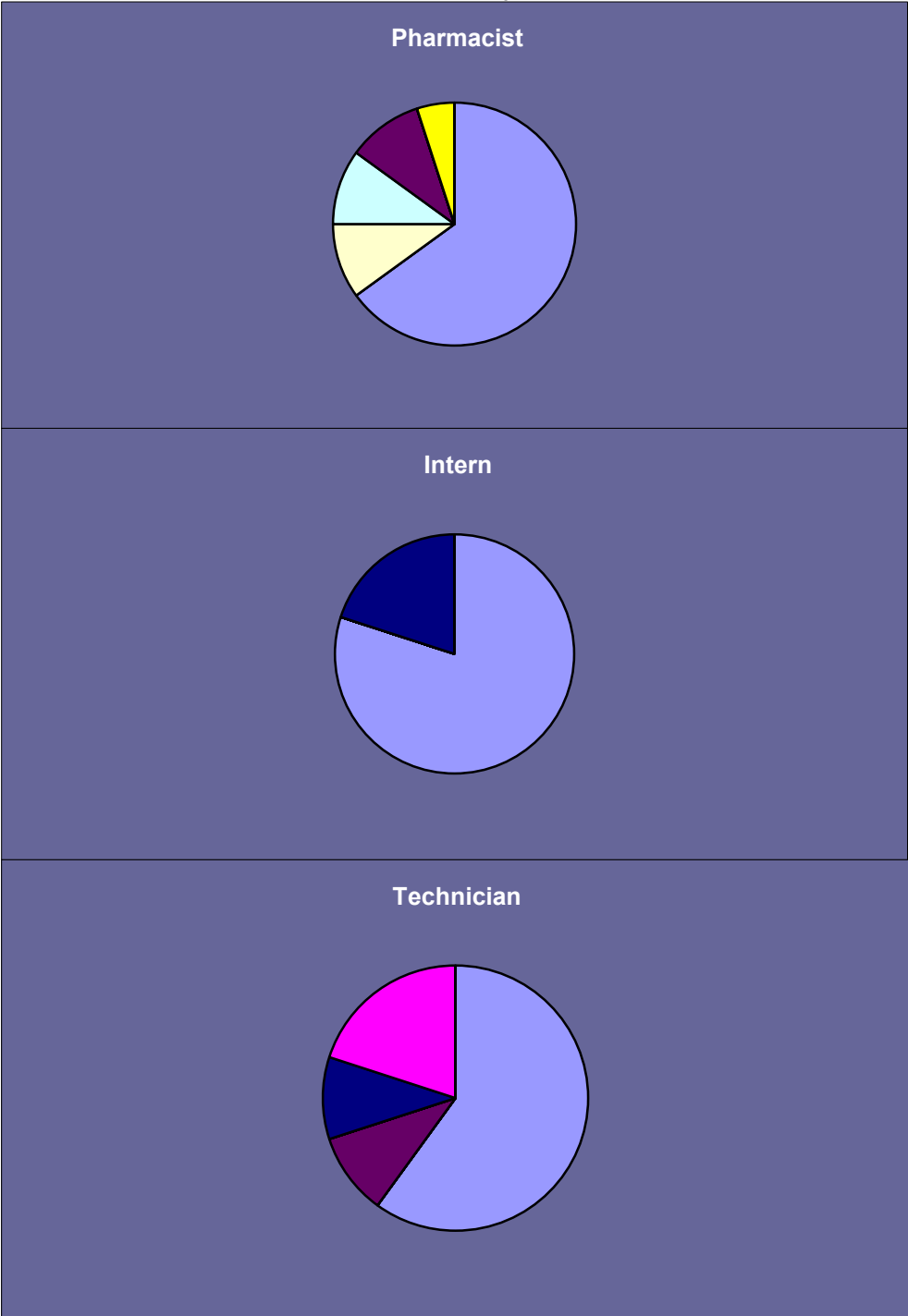
SB 1441 Uniform Standards

The data includes licensees participating in the Pharmacist Recovery Program (PRP) and licensees on probation with substance use disorders.

Board of Pharmacy	July Sep	Oct – Dec	Jan Mar	Apr Jun	Total 19/20
Drug of Choice at PRP Intake or Probation					
Pharmacists	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 19/20
Alcohol	8		3	2	13
Ambien					
Opiates			1	1	2
Hydrocodone			2		2
Oxycodone		1		1	2
Morphine					
Benzodiazepines					
Barbiturates					
Marijuana	1				1
Heroin					
Cocaine				1	1
Methamphetamine					
Pharmaceutical Amphetamine					
Phentermine					
Methadone					
Zolpidem Tartrate					
Hydromorphone					
Clonazepam					
Tramadol					
Carisprodol					
Phendimetrazine					
Promethazine w/Codeine					
Intern Pharmacists	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 19/20
Alcohol	2		2		4
Opiates					
Hydrocodone					
Oxycodone					
Benzodiazepines					
Barbiturates					
Marijuana					
Heroin					
Cocaine		1			1
Methamphetamine					
Pharmaceutical Amphetamine					
Phentermine					
Methadone					
Zolpidem Tartrate					
Hydromorphone		1			1
Clonazepam					
Tramadol		1			1
Carisprodol					
Phendimetrazine					
Promethazine w/Codeine					
Pharmacy Technicians	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 19/20
Alcohol	3	1	1	1	6
Opiates					
Hydrocodone					
Oxycodone					
Benzodiazepines			1		1
Barbiturates					
Marijuana					
Heroin					
Cocaine				1	1
Methamphetamine		1	1		2
Pharmaceutical Amphetamine					
Phentermine					
Methadone					
Zolpidem Tartrate					
Hydromorphone					
Clonazepam					
Tramadol					
Carisprodol					
Phendimetrazine					
Promethazine w/Codeine					

Drug Of Choice - Data entered from July 2019 to June 2020

- 1 Alcohol
- 2 Opiates
- 3 Hydrocodone
- 4 Oxycodone
- 5 Benzodiazepines
- 6 Barbiturates
- 7 Marijuana
- 8 Heroin
- 9 Cocaine
- 10 Methamphetamine
- 11 Pharmaceutical Amphetamine



Pharmacy Citation and Fine Statistics FY 2019/20

Citation Outcomes	July - Sept	Oct - Dec	Jan - March	Apr - Jun
Pharmacist with Fine	75	171	1080	114
Pharmacist no Fine	21	75	35	47
Pharmacy with Fine	24	84	41	56
Pharmacy no Fine	43	110	65	77
Pharmacist-in-Charge with Fine*	23	91	50	45
Pharmacist-in-Charge no Fine	35	78	38	42
Pharmacy Technician with Fine	47	29	24	17
Pharmacy Technician no Fine	2	7	4	3
Wholesalers	5	1	0	3
Designated Representative	1	0	0	3
Clinics	2	0	1	0
Drug Room	0	0	0	0
Exempt Hospital	0	1	1	1
Hospital Pharmacy	2	24	3	4
Miscellaneous**	22	39	14	21
Unlicensed Premises	0	8	1	3
Unlicensed Person	0	0	0	0

*These numbers are also represented in the RPH columns, but reflect how many RPHs were

**Intern Pharmacist, Licensed Correctional Facilities, Exempt Pharmacies, Non-Resident

Top Ten Violations by License Type

Pharmacists	%	Pharmacies	%	Pharmacists In Charge	%
1716 - Variation from prescription	33%	1716 - Variation from prescription	37%	1716 - Variation from prescription	29%
1761(a)(b)/11153 - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...;Even after conferring with a prescriber, a pharmacist shall not compound	36%	4113(d) - Every pharmacy shall notify the board in writing within 30 days of the date of a change in pharmacist-in-charge	16%	4081(a)/1718 - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory/Current Inventory Defined	10%
1707.2(b)(1)(A) - In addition to the obligation to consult...a pharmacist shall provide oral consultation to his or her patients...whenever the prescription drug has not previously been dispensed to a patient	9%	1761(a)(b)/11153 - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...;Even after conferring with a prescriber, a pharmacist shall not compound	11%	1761(a)(b)/11153 - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...; Even after conferring with a prescriber, a pharmacist shall not compound	8%
4301(h) - Unprofessional Conduct – The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous	9%	1714(b) - Operational Standards and Security; pharmacy responsible for pharmacy security	9%	11165(d) - For each prescription for a Schedule II or Schedule III controlled substance, the dispensing pharmacy shall report to the Department of Justice...	8%
4301(i) - Unprofessional Conduct - Conviction of a crime substantially related to the practice of pharmacy	9%	1711(d)&(e) - Quality assurance program - each pharmacy shall use the finding of its quality assurance program to develop pharmacy systems/advance error prevention	6%	1707.2(b)(1)(A) - In addition to the obligation to consult...a pharmacist shall provide oral consultation to his or her patients...whenever the prescription drug has not previously been dispensed to a patient	8%
1711(d)&(e) - Quality assurance program - each pharmacy shall use the finding of its quality assurance program to develop pharmacy systems/advance error prevention	4%	1707.2(b)(1)(A) - In addition to the obligation to consult...a pharmacist shall provide oral consultation to his or her patients...whenever the prescription drug has not previously been dispensed to a patient	5%	11164(a) - Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as	8%
1735.8(c) - Compounding Quality Assurance requires the pharmacy to have qualitative and quantitative reports on the integrity, potency, quality of its compounded drug products	4%	11165(d) - For each prescription for a Schedule II or Schedule III controlled substance, the dispensing pharmacy shall report to the Department of Justice...	5%	1735.8(c) - Compounding Quality Assurance requires the pharmacy to have qualitative and quantitative reports on the integrity, potency, quality of its compounded drug products	8%
11165(d) - For each prescription for a Schedule II or Schedule III controlled substance, the dispensing pharmacy shall report to the Department of Justice...	4%	1764/56.10(a) - Unauthorized disclosure of prescription and medical information	4%	1735.6(a) - Compounding Facilities and Equipment- Any pharmacy engaged in compounding shall maintain written documentation regarding the facilities and equipment necessary for safe and accurate compounding	8%
4105(a)(b)(c) - Retaining Records of Dangerous Drugs and Devices on Licensed Premises; All records... shall be retained on the licensed premises in a readily retrievable form/Removal of original documentation	4%	4081(a)/1718 - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory/Current Inventory Defined	4%	1714(b) - Operational Standards and Security; pharmacy responsible for pharmacy security	6%
1746.4(a)(b)(2) - A pharmacist initiating and/or administering vaccines pursuant to sections 4052 or 4052.8 of the Business and Professions Code shall follow the requirements specified in subdivisions	4%	1735.6(a) - Compounding Facilities and Equipment- Any pharmacy engaged in compounding shall maintain written documentation regarding the facilities and equipment necessary for safe and accurate compounding	4%	1711(d) - Quality assurance program finding shall be used to develop systems to prevent medication errors...	6%

Workload Statistics	Total FY 17/18	Total FY 18/19	Total FY 19/20	% Change
Complaint Investigations				
Received	2,774	2,872	2,647	-5%
Closed	3,127	2,892	2,910	-7%
Pending	1,968	1,969	1,600	-19%
Average Days for Investigation	292	257	232	-21%
Cases Under Investigation (By Team)				
Compliance/Routine	781	941	837	7%
Drug Diversion/Fraud	330	304	191	-42%
Rx Abuse	69	107	78	13%
Compounding	100	68	67	-33%
Outsourcing	39	13	23	-41%
Probation/PRP	63	50	26	-59%
Enforcement	338	224	115	-66%
Criminal Conviction	256	261	262	2%
Complaint Closure Outcomes Not Resulting in Further Action				
Insufficient Evidence	559	601	635	14%
Non-Jurisdictional	297	390	402	35%
No Violation	386	388	365	-5%
No Further Action	323	344	253	-22%
Other - Non-Substantiated	93	65	32	-66%
Subject Educated	43	61	151	251%
Application Investigations				
Received	531	381	367	-31%
Closed				
Approved	357	267	239	-33%
Denied	79	54	48	-39%
Total Closed (includes withdrawn)	436	321	327	-25%
Pending	97	72	78	-20%
Letter of Admonishment / Citations				
LOA Issued	256	285	327	28%
Citations Issued*	2,167	1,144	1,428	-34%
Proof of Abatement Requested	30	187	414	1280%
Appeals Received	140	135	103	-26%
Dismissed	46	24	21	-54%
Total Fines Collected	\$2,078,706	\$811,724	\$963,445	-54%
Administrative Cases				
Referred to the AG's Office	350	264	230	-34%
Pleadings Filed	307	277	248	-19%
Pending				
Pre Accusation	207	165	128	-38%
Post Accusation	247	233	192	-22%
Total Pending	454	398	322	-29%
Total Closed	296	326	320	8%
Revocation				
Pharmacist	18	23	19	6%
Intern Pharmacist	2	2	2	0%
Pharmacy Technician	79	96	77	-3%
Designated Representative	0	1	1	0%
Wholesaler	2	0	2	0%
Pharmacy	8	16	9	13%
Sterile Compounding	0	0	1	0%
Outsourcing	0	0	0	0%
Total	109	138	111	2%

Revocation; stayed suspension/probation				
Pharmacist	7	3	0	-100%
Intern Pharmacist	0	0	0	0%
Pharmacy Technician	0	1	0	0%
Designated Representative	0	0	0	0%
Wholesaler	0	0	0	0%
Pharmacy	3	1	0	0%
Sterile Compounding	0	0	0	0%
Outsourcing	0	3	0	0%
Total	10	8	0	-100%
Revocation; stayed; probation				
Pharmacist	56	62	60	7%
Intern Pharmacist	2	0	5	0%
Pharmacy Technician	8	15	14	75%
Designated Representative	3	0	1	0%
Wholesaler	3	0	1	-67%
Pharmacy	34	22	15	-56%
Sterile Compounding	3	3	2	0%
Outsourcing	0	0	1	0%
Total	109	102	99	-9%
Surrender/Voluntary Surrender				
Pharmacist	20	21	28	40%
Intern Pharmacist	0	4	1	0%
Pharmacy Technician	23	24	35	52%
Designated Representative	2	3	4	0%
Wholesaler	1	1	1	0%
Pharmacy	24	25	31	29%
Sterile Compounding	7	3	1	-86%
Outsourcing	0	0	0	0%
Total	77	81	101	31%
Public Reproval/Reprimand				
Pharmacist	12	19	4	-67%
Intern Pharmacist	0	1	0	0%
Pharmacy Technician	5	4	1	-80%
Designated Representative	2	0	0	-100%
Wholesaler	1	1	0	-100%
Pharmacy	10	13	6	-40%
Sterile Compounding	1	1	0	-100%
Outsourcing	0	0	0	0%
Total	31	39	11	-65%
Licenses Granted				
Pharmacist	2	6	2	0%
Intern Pharmacist	6	2	1	0%
Pharmacy Technician	8	5	6	-25%
Designated Representative	0	0	0	0%
Wholesaler	0	0	0	0%
Pharmacy	0	2	0	0%
Sterile Compounding	0	1	0	0%
Outsourcing	0	0	1	0%
Total	16	16	10	-38%
Licenses Denied				
Pharmacist	0	0	4	0%
Intern Pharmacist	0	0	2	0%
Pharmacy Technician	7	10	5	-29%
Designated Representative	1	0	0	0%
Wholesaler	0	0	0	0%
Pharmacy	0	1	0	0%
Sterile Compounding	2	0	0	0%
Outsourcing	0	1	0	0%
Total	10	12	11	10%
Cost Recovery Requested	\$1,659,726	\$1,640,135	\$2,184,365	32%
Cost Recovery Collected	\$751,462	\$811,724	\$1,072,751	43%

Immediate Public Protection Sanctions				
Interim Suspension Order	7	3	8	14%
Automatic Suspensions	6	2	2	-67%
Penal Code 23 Restrictions	8	9	5	-38%
Cease and Desist - Unlicensed	1	2	1	100%
Cease and Desist - Sterile Compounding	2	1	0	-100%
Probation Statistics				
Licenses on Probation				
Pharmacist	220	223	229	4%
Intern Pharmacist	8	8	12	50%
Pharmacy Technician	29	21	26	-10%
Designated Representative	2	1	2	0%
Wholesaler	5	3	3	-40%
Pharmacy	77	78	72	-6%
Sterile Compounding	15	1	2	-87%
Outsourcing	0	0	0	0%
Total Probationers	356	335	346	-3%
Probation Office Conferences	112	88	115	3%
Probation Site Inspections	532	425	442	-17%
Probation Terminated / Completed	33	85	99	200%
Referred to AG for Non-Compliance	8	8	6	-25%

**California State Board of Pharmacy
SB 1441 Uniform Standards
Three Year Comparison**

The data includes licensees participating in the Pharmacist Recovery Program (PRP) and licensees on probation with substance use disorders.

Board of Pharmacy	FY17/18	FY18/19	FY19/20
PRP Intakes			
PRP Self-Referrals	1	2	1
PRP Probation Referrals	23	15	10
PRP Under Investigation	6	8	6
PRP In Lieu Of (investigation conducted)	1	1	0
Total Number of PRP Intakes	31	26	17
New Probationers			
Pharmacists	22	12	9
Interns	5	0	2
Pharmacy Technicians	9	15	10
Total New Probationers	36	27	21
PRP Participants and Recovery Agreements			
Total PRP Participants	51	57	59
Total Participant Recovery Agreements Reviewed	195	228	221
Probationers and Inspections			
Total Probationers	82	92	95
Inspections Completed (This information is not available)	n/a	n/a	226
Referrals to Treatment			
Referrals to Treatment (PRP and Probationers)	18	16	15
Drug Tests			
Drug Test Ordered (PRP and Probationers)	3451	3128	2947
Drug Tests Conducted (PRP and Probationers)	3417	3069	2884
Relapses			
Relapsed (PRP and Probationers)	17	14	11
Major Violation Actions			
Cease Practice/Suspension (PRP and Probationers)	41	38	34
Terminated from PRP	6	9	3
Probationers Referred for Discipline	5	1	0
Closure			
Successful Completion (PRP and Probationers)	25	12	13
Termination (Probation)	3	3	0
Voluntary Surrender (Probation)	19	7	7
Surrender as a result of PTR (Probation)	0	0	0
Closed Public Risk (PRP)	6	9	3
Non-compliance (PRP and Probationers)	45	45	23
Other (PRP)	7	7	4
Patients Harmed			
Number of Patients Harmed (PRP and Probationers)	None	None	None

Drug of Choice at PRP Intake or Probation			
Pharmacists	FY17/18	FY18/19	FY19/20
Alcohol	17	21	13
Ambien			
Opiates		2	2
Hydrocodone	1	1	2
Oxycodone	1	1	2
Morphine			
Benzodiazepines	3		
Barbiturates			
Marijuana	1		1
Heroin			
Cocaine	1		1
Methamphetamine			
Pharmaceutical Amphetamine		1	
Phentermine			
Methadone			
Zolpidem Tartrate			
Hydromorphone			
Clonazepam			
Tramadol	1	1	
Carisprodol	1		
Phendimetrazine			
Promethazine w/Codeine		2	
Intern Pharmacists	FY17/18	FY18/19	FY19/20
Alcohol	4	2	4
Opiates			
Hydrocodone			
Oxycodone			
Benzodiazepines			
Barbiturates			
Marijuana	1		
Heroin	1		
Cocaine	1		1
Methamphetamine	1		
Pharmaceutical Amphetamine			
Phentermine			
Methadone			
Zolpidem Tartrate			
Hydromorphone			1
Clonazepam			
Tramadol			1
Carisprodol			
Phendimetrazine			
Promethazine w/Codeine			
Pharmacy Technicians	FY17/18	FY18/19	FY19/20
Alcohol	7	8	6
Opiates			
Hydrocodone			
Oxycodone			
Benzodiazepines			1
Barbiturates			
Marijuana	1		
Heroin			
Cocaine			1
Methamphetamine		1	2
Pharmaceutical Amphetamine			
Phentermine			
Methadone			
Zolpidem Tartrate			
Hydromorphone			
Clonazepam			
Tramadol			
Carisprodol			
Phendimetrazine			
Promethazine w/Codeine			