



California State Board of Pharmacy

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STATE AND CONSUMER SERVICES AGENCY

DEPARTMENT OF CONSUMER AFFAIRS

GRAY DAVIS, GOVERNOR

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

DATE: November 20, 2001

TIME: 10:00 a.m. – 3:30 p.m.

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

BOARD MEMBER

PRESENT: John Jones, Chairperson
Steve Litsey, Board Member
Clarence Hiura, Board Member

STAFF

PRESENT: Judith K. Nurse, Supervising Inspector
Dennis Ming, Pharmacy Inspector
Linda Kapovich, Enforcement Technician

ALSO

PRESENT: Cynthia Kern, Administrator
David G. Kalemkarian, RPH
Joseph D. Epps, Attorney at Law
Cheryl Hurst, Corporate Director Risk Management
Edward Choy, Director New Business Operations
Arezou Noormand, RPH, former PIC
Alice Susan Marlis, RPH
Sandra K. Allen, Former Administrator
Steve Courtier, Former CEO
Edward Choy, Director New Business Operations
Tarek M. Mohamed Ebrahim, RPH, PIC, President
Jeffrey James Marta, RPH, PIC, President
L. Wayne Sorenson, RPH, PIC
Paul Teplow, RPH, President
Stephen Haverj Merjanian, RPH, PIC
John Phillip Heddaeus, RPH
Sun Hae Violet Kim, RPH

Southern Compliance Committee

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Anene Nkemakonam Ezeukwu, RPH, PIC
Julie C. Luke, RPH, PIC
Richard Martland, Attorney at Law
Uzair Pao, Pharmacy Development Manager
Ricky Nguyen, RPH, PIC
Maha Missoumi, RPH

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 10:09 a.m.

A. APPEARANCES REQUIRED

1. Egette Ibrahim Saad RPH 44763, PIC CI 1999 19235

Rite Aid #5734
Costa Mesa, CA
PHY 44322

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

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

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4074 - Drug risk: informing patient; providing consultation for discharge medications.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1793.1 - Duties of a registered pharmacist.

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

2. Lisa Lee Shoun
RPH 44124, PIC

CI 1999 19446

Jadine Celina Mah
RPH 45475, former PIC

William Geo Vair
RPH 27720

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

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

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

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

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

3. Babak Mazdeyasnan
RPH 51634, former PIC

CI 2000 20327

Wal-Mart Pharmacy #10-2032
Oxnard, CA
PHY 39594

Babak Mazdeyasnan, and Wal-Mart Pharmacy #10-2032, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Wal-Mart Pharmacy #10-2032 dispensed Neosporin ophthalmic solution

with incorrect directions for use, and failed to provide patient consultation as required by law.

On May 17, 2001, a letter of violation was issued to Babak Mazdeyasnan, and Wal-Mart Pharmacy #10-2032, for violation of:

- Business and Professions Code section 4301 (c) – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2(b)(1)(a) – Duty to consult.

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

4. David G. Kalemkarian CI 2000 21219
RPH 41864, PIC

Cynthia Kern
Administrator

Joseph D. Epps, Attorney at Law
Cheryl Hurst, Corporate Director Risk Management
Edward Choy, Director New Business Operations

David G. Kalemkarian, Cynthia Kern, and Hollywood Community Hospital of Van Nuys, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Hollywood Community Hospital of Van Nuys does not have a current pharmacist in charge.

On August 30, 2001, a letter of violation was issued to Hollywood Community Hospital of Van Nuys, for violation of:

- Business and Professions Code section 4056 (h) – A licensed hospital that contains 100 beds or fewer, does not employ a full-time pharmacist, and purchases drugs at wholesale for administration or dispensation pursuant to subdivision (a), shall retain the services of a pharmacist consultant to monitor and review the pharmaceutical services provided by the hospital to inpatients of the hospital, and the dispensing of drugs by physicians to outpatients pursuant to subdivision (f).

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

M/S/C: Litsey/Hiura

The committee accepted the appearance of David G. Kalemkarian, Cynthia Kern, and Hollywood Community Hospital of Van Nuys; (a) the matter will be made a part of the record of Hollywood Community Hospital, DRM 39040. No further action will be taken at this time.

5. Arezou Noormand
RPH 48122, former PIC
- Alice Susan Marlis
RPH 29160
- Sandra K. Allen
Former Administrator
- Steve Courtier
Former CEO
- Bob Schapper
CEO
- James G. VanDevender
CFO & SEC
- Ronald R. Patterson
Vice President
- Deborah H. Frankovich
Vice President
- Cythia Kern
Administrator
- Edward Choy
Director New Business Operations
- CI 2000 21219

Arezou Noormad, Alice Susan Marlis, and Hollywood Community Hospital of Van Nuys, were requested to appear at the Southern Compliance meeting as the result of an

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

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

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1714 – Operational standards and security.
- Title 21 Code of Federal Regulations section 1301.71 – Security requirements.
- California Code of Regulations section 1718 - Current inventory defined.
- California Code of Regulations section 1715.6 – Reporting drug loss.

Sandra K. Allen, Steve Courtier, Bob Schapper, James G. Van Devender, Ronald R. Patterson, and Deborah H. Frankovich, all failed to appear at this meeting of the Southern Compliance Committee meeting

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

M/S/C: Litsey/Jones

The committee accepted the appearance of Arezou Noormand, Alice Susan Marlis, Cynthia Kern, Edward Choy, and Hollywood Community Hospital of Van Nuys; (a) the matter will be made a part of the record of Arezou Noormand, RPH 48122; (b) the matter will be made a part of the record of Hollywood Community Hospital of Van Nuys, DRM 39040. No further action will be taken at this time.

6. Anene Nkemakonam Ezeukwu
RPH 51540, PIC

CI 2000 20636

Julie C. Luke
RPH 46118

Rite Aid #5564

Sherman Oaks, CA
PHY 42244

Richard Martland, Attorney at Law
Uzair Pao, Pharmacy Development Manager

Anene Nkemakonam Ezeukwu, Julie C. Luke, and Rite Aid #5564, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Julie C. Lake failed to provide patient consultation on new prescriptions and also failed to review the patient's medication profile prior to dispensing the medication. In addition Anene Nkemakonam Ezeukwu allowed the technician:clerk:pharmacist ratios to exceed those allowed by pharmacy law, and also allowed telephone prescriptions to be processed without the pharmacist initials who received the order or the date the order was received,

On January 5, 2001, a violation notice was issued to Julie C. Luke and Rite Aid #5564, for violation of:

- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.

On May 18, 2001, a violation notice was issued to Julie C. Luke and Rite Aid #5564, for violation of:

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

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

M/S/C: Litsey/Jones

The committee accepted the appearance of Anene Nkemakonam Ezeukwu, Julie C. Luke, and Rite Aid #5564; (a) the matter will be made a part of the record of Julie C. Luke, RPH 46118; (b) the matter will be made a part of the record of Rite Aid #5564, PHY 42244; (c) Julie C. Luke, RPH 46118, is cited and fined \$1,000, for failure to provide patient consultation as required; (d) Rite Aid #5564, PHY 42244, is cited and fined \$2,500, for failure to provide patient consultation as required. No further action will be taken at this time.

7. Tarek M. Mohamed Ebrahim
RPH 36038, PIC, President

CI 2000 20446

Farmacia Pacifica
Huntington Park, CA
PHY 34312

Tarek M. Mohamed Ebrahim, and Farmacia Pacifica, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Tarek M. Mohamed Ebrahim failed to maintain records of drug acquisition and disposition of controlled substances. Tarek M. Mohamed Ebrahim also failed to produce prescription records for drugs ordered, and failed to maintain a current drug inventory for Farmacia Pacifica. Additionally, Tarek M. Mohamed Ebrahim failed to maintain patient medication profiles.

On May 8, 2001, a violation notice was issued to Tarek M. Mohamed Ebrahim, and Farmacia Pacifica, for violation of:

- Business and Professions Code section 4301 (f) – Unprofessional conduct.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4333 - Maintaining prescriptions, other drug records on premises, open to inspection; waiver; willful failure to keep or permit inspection of records of prescriptions, other records as misdemeanor.
- California Code of Regulations section 1707.1 - Duty to Maintain Medication Profiles.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.
- California Code of Regulations section 1718 - Current inventory defined.

The committee heard the report from the board inspector. At that time the committee ended the proceedings and decided to refer this matter to the Office of the Attorney General.

8. Angelita L. Quindoy
RPH 39327, PIC

CI 2001 21475

Jihan S. Soliven
TCH 25435, Owner

Pharmacy Link Corporation
Orange, CA
PHY 44631

Angelita L. Quindoy, Jihan S. Soliven, and Pharmacy Link Corporation, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed during a routine inspection of Pharmacy Link Corporation, several violations of pharmacy law were observed. The Angelita L. Quindoy filled prescriptions faxed to the pharmacy from the patient, failed to document required information on prescriptions, and failed to document changes in prescriptions with the prescriber. Additionally Angelita L. Quindoy filled electronic prescriptions without verifying authenticity, and was not able to demonstrate compliance in conducting a patient medication history review prior to dispensing medications.

On July 9, 2001, a violation notice was issued to Angelita L. Quindoy, and Pharmacy Link Corporation, for violation of:

- Business and Professions Code section 4071 - Prescriber may authorize agent to transmit prescription; Schedule II excluded.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.
- Business and Professions Code section 4113 (b) - The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.
- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.

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

9. Jeffrey James Marta
RPH 27066, PIC, President

CI 2001 21503

La Veta Pharmacy
Santa Ana, CA
PHY 44392

Jeffrey James Marta and La Veta Pharmacy, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed during a routine inspection of La Veta Pharmacy, several violations of Pharmacy Law were observed. Jeffrey James Marta filled faxed controlled substances prescriptions without reducing them to writing, and filled electronic prescriptions without verifying authenticity. Jeffrey James Marta also failed to provide patient consultation as required by law. Additionally Mr. Marta delivered drugs to several non-licensed locations in the absence of the patient.

On July 12, 2001, a violation notice was issued to Jeffrey James Marta, and La Veta Pharmacy, for violation of:

- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.
- California Code of Regulations section 1717 (e) - Pharmaceutical practice.
- California Code of Regulations section 1707.2 – Duty to consult.
- Health and Safety Code section 11164 (c) – Any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be reduced to writing by the pharmacist filling the prescription or by any other person expressly authorized by provision of the Business and Professions Code section....

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

M/S/C: Litsey/Hiura

The committee accepted the appearance of Jeffrey James Marta, and La Veta Pharmacy; (a) the matter will be made a part of the record of Jeffrey James Marta, RPH 27066; (b) the matter will be made a part of the record of La Veta Pharmacy, PHY 44392; (c) A follow up inspection is ordered to ensure compliance with all pharmacy laws. No further action will be taken at this time.

10. L. Wayne Sorenson
RPH 21747, PIC

CI 2000 21105

Paul Teplow
RPH 20890, President

Teplow Drugs, Inc.
Barstow, CA
PHY 19278

L. Wayne Sorenson, Paul Teplow, and Teplow Drugs, Inc., were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that L. Wayne Sorenson, Paul Teplow, and Teplow Drugs, Inc. dispensed refilled medications without prescriber authorization, and dispensed excessive amounts of controlled substances without prescriber authorization. L. Wayne Sorenson, Paul Teplow, and Teplow Drugs, Inc. failed to maintain prescription records, failed to label drug containers for future use, and allowed a non-pharmacist to transcribe oral telephone prescriptions.

On June 6, 2001, a violation notice was issued to L. Wayne Sorenson, Paul Teplow, and Teplow Drugs, Inc., for violation of:

- Business and Professions Code section 4301 (d) – Unprofessional conduct.
- Business and Professions Code section 4063 - Refill of prescription for dangerous drug or device; prescriber authorization.
- California Code of Regulations section 1716.2 - Record requirements compounding for future furnishing.
- Health and Safety Code section 11200 - Restrictions on dispensing or refilling; refill of schedule II prescription barred.
- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.
- Business and Professions Code section 4333 - Maintaining prescriptions, other drug records on premises, open to inspection; waiver; willful failure to keep or permit inspection of records of prescriptions, other records as misdemeanor.

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

M/S/C: Litsey/Hiura

The committee accepted the appearance of L. Wayne Sorenson, Paul Teplow, and Teplow Drugs, Inc.; (a) the matter will be made a part of the record of L. Wayne Sorenson, RPH 21747; (b) the matter will be made a part of the record of Paul Teplow, RPH 20890; (c) the matter will be made a part of the record of Teplow Drugs, Inc., PHY 19278. No further action will be taken at this time.

11. Ricky Nguyen
RPH 51466, PIC

CI 2000 20964

Maha Missoumi
RPH 28394

Rite Aid #5568
Van Nuys, CA
PHY 42561

Richard Martland, Attorney at Law
Uzair Pao, Pharmacy Development Manager

Ricky Nguyen, Maha Missoumi, and Rite Aid #5568, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Maha Missoumi dispensed Albuterol with the incorrect dose, and failed to provide patient consultation as required by law.

On September 10, 2001, letters of violation were issued to Maha Missoumi, and Rite Aid #5568, for violation of:

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

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

The committee requested Uzair Pao, Pharmacy Development Manager to submit a copy of Rite Aid's corporate policy for quality assurance including the requirements on pharmacy staff, to the board office within 90 days.

M/S/C: Litsey/Jones

The committee accepted the appearance of Ricky Nguyen, Maha Missoumi, and Rite Aid #5568; (a) the matter will be made a part of the record of Maha Missoumi, RPH 28394; (b) the matter will be made a part of the record of Rite Aid #5568, PHY 42561; (c) Maha Missoumi, RPH 28394, is cited and fined \$500, for failure to provide patient consultation as required; (d) Rite Aid #5568, PHY 42561, is cited and fined \$2,500, for failure to provide patient consultation as required. No further action will be taken at this time.

12. Stephen Haverj Merjanian
RPH 25894, PIC

CI 2000 20805

John Phillip Heddaeus
RPH 25316

Sun Hae Violet Kim
RPH 51023

Sav-On Drugs #9615
Reseda, CA
PHY 36377

Stephen Haverj Merjanian, John Phillip Heddaeus, Sun Hae Violet Kim, and Sav-On Drugs #9615, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Savon Drugs #9615 dispensed Propulsid with the incorrect dosage instructions. Savon dispensed the Propulsid prescription with directions to take 1cc three times a day, 90cc. The investigation revealed Albuterol Solution, diluted with Saline, was dispensed. Also Savon Drugs #9615 dispensed Phenergan VC with Codeine with the incorrect directions.

On September 6, 2001, A letter of violation was issued to John Heddaeus, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4040 – Prescription; Content requirements.
- California Code of Regulations section 1716 – Variation from a prescription.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- California Code of Regulations section 1716 – Variation from a prescription.
- Business and Professions Code section 4040 – Prescription content requirements.

On September 6, 2001, A letter of violation was issued to Sun Hae Violet Kim, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- California Code of Regulations section 1716 – Variation from a prescription.

Board Member Steve Litsey recused himself from this appearance and left the room.

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

M/S/C: Hiura/Jones

The committee accepted the appearance of Stephen Haverj Merjanian, John Phillip Heddaeus, Sun Hae Violet Kim, and Sav-On Drugs #9615; (a) the matter will be made a part of the record of John Phillip Heddaeus, RPH 25316; (b) the matter will be made a part of the record of Sun Hae Violet Kim, RPH 51023; (c) the matter will be made a part of the record of Sav-On Drugs #9615, PHY 36377. No further action will be taken at this time.

There being no further discussion chairperson John Jones adjourned the meeting at 3:30 p.m.