



California State Board of Pharmacy
400 R Street, Suite 4070, Sacramento, CA 95814
Phone (916) 445-5014
Fax (916) 327-6308

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: April 30, 2002
TIME: 9:55 a.m. – 2:00 p.m.
LOCATION: Van Nuys State Building
Auditorium
6150 Van Nuys Boulevard
Van Nuys, CA

BOARD MEMBER
PRESENT: Stanley Goldenberg, Chairperson
Donald Gubbins, Board Member
Andrea Zinder, Board Member

STAFF
PRESENT: Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Robert M. Venegas, Pharmacy Inspector
Robert Kazebee, Pharmacy Inspector
Janice Dang, Pharmacy Inspector
Linda Kapovich, Enforcement Analyst

ALSO
PRESENT: Sylvia Quiambao Barao, RPH, PIC
Sunny Yiu, RPH
Harvey Rosenbloom, RPH
Jiwon Whitney Kim, RPH
Greg Legore, Division Pharmacy Manager
Daniel Horwitz, RPH, PIC
Marc Louis Horwitz, RPH, President

*Southern Compliance Committee
April 30, 2002 Page 1 of 12*

Herbert L. Weinberg, RPH, Attorney at Law

Gordon Wong, RPH, PIC, Owner
Claudia Myles, RPH, Attorney at Law
A. Hamid M. Osman, RPH, PIC
Robert C. Graham, RPH, former PIC
Paul Knerr, Vice President GM/HBC/Pharmacy
Valerie D. Lewis, Sr. Corporate Counsel
Robert A. Mc Lemore, RPH, PIC
Stephen Simrin, RPH

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 9:55 a.m.

A. APPEARANCES REQUIRED

1. Charles M. Zandberg RPH 22274, PIC CI 2000 21106

John Guarrera
President

Richard R. Swanson
President

Facey Pharmacy Mission Hills
Mission Hills, CA
PHY 44836

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

-
2. James Francis Matthews RPH 28864, PIC CI 1999 19596

David J. Miller
EXC 13209, Owner

Robert Wayne Blackburn
RPH 30586

Thuan Ngo
CEO

Hector Torres
Owner

Park Lane Pharmacy
Monterey, CA
PHY 41377

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

3. Sylvia Quiambao Barao CI 2000 20843
RPH 47235, PIC

Sunny Yiu
RPH 51058

Harvey Rosenbloom
RPH 25486

Jiwon Whitney Kim
RPH 51832

Sav-On Drugs #9707
Sherman Oaks, CA
PHY 41284

Greg Legore, Division Pharmacy Manager

Sylvia Quiambao Barao, Sunny Yiu, Harvey Rosenbloom, Jiwon Whitney Kim,
and Sav-On Drugs #9707, were requested to appear at the Southern Compliance

Southern Compliance Committee
April 30, 2002 Page 3 of 12

meeting as the result of an investigation that revealed that Sav-On Drugs #9707 was not documenting who received authorizations and entered them into computer system. Investigation also showed that a refill for Vicodin was filled 3 days before faxing authorization request to doctor's office.

On July 11, 2001, a violation notice was issued to Sylvia Quiambao Barao, for violation of:

- Business and Professions Code, Section 4301 - Unprofessional conduct.
- Business and Professions Code, Section 4063 – Refill of prescription for dangerous drug or device; Prescriber authorization.
- California Code of Regulations, Section 1717(g) - The pharmacy must have written procedures that identify each individual pharmacist responsible for the filling of a prescription.

On April 10, 2002, a letter of violation was issued to Sunny Yiu, and on April 16, 2002, a letter of violation was issued to Harvey Rosenbloom, for violation of:

- Business and Professions Code, Section 4301 - Unprofessional conduct.
- Business and Professions Code, Section 4063 – Refill of prescription for dangerous drug or device; Prescriber authorization.

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

M/S/C: Gubbins/Zinder

The committee accepted the appearance of Sylvia Quiambao Barao, Sunny Yiu, Harvey Rosenbloom, Jiwon Whitney Kim, and Sav-On Drugs #9707; (a) the matter will be made a part of the record of Sylvia Quiambao Barao, RPH 47235; (b) the matter will be made a part of the record of Sunny Yiu, RPH 51058; (c) the matter will be made a part of the record of Harvey Rosenbloom, RPH 25486; (d) the matter will be made a part of the record of Jiwon Whitney Kim, RPH 51832. No further action will be taken at this time.

4. Elvirita Pascua Reyes CI 2000 21356

Southern Compliance Committee

April 30, 2002 Page 4 of 12

RPH 28956, PIC

Sidney F. Williams
RPH 23615

Sav-On Drugs #9577
Huntington Beach, CA
PHY 36323

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

5. Daniel Horwitz CI 2001 21684
RPH 19529, PIC

Marc Louis Horwitz
RPH 40786, President

Fountain Valley Medical Center Pharmacy
Fountain Valley, CA
PHY 37134

Herbert L. Weinberg, RPH, Attorney at Law

Daniel Horwitz, Marc Horwitz, and Fountain Valley Medical Center Pharmacy, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Fountain Valley Medical Center Pharmacy was accepting and dispensing non-conforming prescriptions, and accepting facsimiles in lieu of written prescriptions. Other violations included; supervision of technicians, the ratio of technicians to pharmacists, no job description with written policies and procedures for technicians. In addition the pharmacy was dispensing erroneous or uncertain prescriptions of Percodan and Percocet without the strength on the prescription. The pharmacy was also non-compliant when compounding parenteral therapy (i.e. intrathecal narcotics). The pharmacy was in violation of the requirements for the compounding area, labeling, record keeping, training, quality assurance, and written policies and procedures.

On August 9, 2001, a violation notice was issued to Daniel Horwitz, and Fountain Valley Medical Center Pharmacy, for violation of:

Southern Compliance Committee
April 30, 2002 Page 5 of 12

- Business and Professions Code Section 4301(j)(o) - Unprofessional conduct.
- Health and Safety Code Section 11164 - Prescriptions for controlled substances: form and content; record of practitioner dispensing controlled substances.
- California Code of Regulations 1761- Erroneous or uncertain prescriptions.
- Business and Professions Code Section 4115 – Pharmacy technician: activities permitted; Required supervision; Activities limited to pharmacist; Registration; ratios.
- California Code of Regulations 1793.1- Duties of a registered pharmacist.
- California Code of Regulations 1793.7- Requirements for pharmacies employing pharmacy technicians.
- California Code of Regulations 1717 (b)(c) - Pharmaceutical practices.

On August 13, 2001, a violation notice was issued to Daniel Horwitz, and Fountain Valley Medical Center Pharmacy, for violation of:

- Health and Safety Code Section 11159.2- Exception to triplicate prescription requirement; terminally ill patient.
- Business and Professions Code Section 4113 - Pharmacist-in-Charge shall be responsible for the pharmacy's compliance with all state and federal regulations.

On August 20, 2001, a violation notice was issued to Marc Horwitz, and Fountain Valley Medical Center Pharmacy, for violation of:

- California Code of Regulations Article 8 Parenteral Therapy - 1751 (a)(b) and (e)-The compounding area for parenteral solutions.
- California Code of Regulations Article 8 Parenteral Therapy - 1751.2- Compounding Area for Parenteral Solutions, labeling requirements.
- California Code of Regulations Article 8 Parenteral Therapy-1751.3- Record keeping.
- California Code of Regulations Article 8 Parenteral Therapy-1751.5- Training of staff.
- California Code of Regulations Article 8 Parenteral Therapy-1751.7- Quality assurance, (a) Cleaning and sanitization of parenteral prep area (b) Written documentation of end product testing, (c) Parenteral products manufactured with non-sterile chemicals.
- California Code of Regulations Article 8 Parenteral Therapy -1751.8 (a) – (g) - Policy and procedures.

Southern Compliance Committee

April 30, 2002 Page 6 of 12

On April 16, 2001, a letter of violation was issued to Marc Horwitz, and Fountain Valley Medical Center Pharmacy, for violation of:

- Business and Professions Code Section 4301(o) - Unprofessional conduct.

On April 16, 2001, a letter of violation was issued to Daniel Horwitz, and Fountain Valley Medical Center Pharmacy, for violation of:

- Business and Professions Code Section 4301(j)(o) - Unprofessional conduct.
- California Code of Regulations Article 8 Parenteral Therapy - 1751 (a)(b) and (e)-The compounding area for parenteral solutions.
- California Code of Regulations Article 8 Parenteral Therapy - 1751.2- Compounding Area for Parenteral Solutions, labeling requirements.
- California Code of Regulations Article 8 Parenteral Therapy-1751.3- Record keeping.
- California Code of Regulations Article 8 Parenteral Therapy-1751.5- Training of staff.
- California Code of Regulations Article 8 Parenteral Therapy-1751.7- Quality assurance, (a) Cleaning and sanitization of parenteral prep area (b) Written documentation of end product testing, (c) Parenteral products manufactured with non-sterile chemicals.
- California Code of Regulations Article 8 Parenteral Therapy -1751.8 - Policy and procedures.

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

M/S/C: Zinder/Gubbins

The committee accepted the appearance of Daniel Horwitz, Marc Horwitz, and Fountain Valley Medical Center Pharmacy; (a) the matter will be made a part of the record of Daniel Horwitz, RPH 19529; (b) the matter will be made a part of the record of Marc Louis Horwitz, RPH 40786; (c) the matter will be made a part of the record of Fountain Valley Medical Center Pharmacy, PHY 37134; (d) A follow up inspection is ordered within 30 days, to ensure compliance with policies and procedures, and all pharmacy laws . No further action will be taken at this time.

Southern Compliance Committee
April 30, 2002 Page 7 of 12

6. Gordon Wong
RPH 37687, PIC, Owner

CI 2000 21379

Knolls Pharmacy
Pacific Palisades, CA
PHY 36914

Claudia Myles, RPH, Attorney at Law

Gordon Wong and Knolls Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Gordon Wong dispensed Synthroid 0.025mg(25mcg), on a refill prescription calling for Synthroid 0.125mg(125mcg).

On September 6, 2001, a letter of violation was issued to Gordon Wong and Knolls Pharmacy, for violation of:

- Business and Professions Code section 4301 (o) – Unprofessional conduct.
- Business and Professions Code section 4077 - Dispensing dangerous drug in incorrectly labeled container.
- California Code of Regulations section 1716 – Variation from a prescription.

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

M/S/C: Zinder/Gubbins

The committee accepted the appearance of Gordon Wong and Knolls Pharmacy; (a) the matter will be made a part of the record of Gordon Wong, RPH 37687;(b) the matter will be made a part of the record of Knolls Pharmacy, PHY 36914. No further action will be taken at this time.

7. Ralph Michael Defay
RPH 31725, PIC, President

CI 2000 19990

Paul Verne Roller
RPH 31550, former PIC

Alan Wayne McBride
RPH 26958

Community Medical Pharmacy
San Diego, CA
PHY 44260

Danny Paul Salameh
RPH 38079, PIC

Joel Goodrich
RPH 22918, former PIC

Community Medical Pharmacy
Chula Vista, CA
PHY 43139

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

8 A. Hamid M. Osman
RPH 43835, PIC

CI 2001 21471

Robert C. Graham
RPH 20729, former PIC

Von's Pharmacy #2353
Spring Valley, CA
PHY 43016

Paul Knerr, Vice President GM/HBC/Pharmacy
Valerie D. Lewis, Sr. Corporate Counsel

A. Hamin M. Osman, Robert C. Graham, and Von's Pharmacy #2353, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Robert Graham dispensed hydroxychloroquin meant for one patient to another patient that was prescribed Monopril. The incorrect patient took the incorrect medication for 3 weeks and developed exfoliative dermatitis and expired.

On April 10, 2002, a letter of violation was issued to Robert C. Graham, and Von's Pharmacy #2353, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Civil Code Section 56.10 – Prohibition on unauthorized disclosures of medical information.
- California Code of Regulations section 1764 - Unauthorized Disclosure of Prescriptions.

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

M/S/C: Gubbins/Zinder

The committee accepted the appearance of A. Hamin M. Osman, Robert C. Graham, and Von's Pharmacy #2353; (a) the matter will be made a part of the record of Robert C. Graham, RPH 20729; (b) the matter will be made a part of the record of Von's Pharmacy #2353, PHY 43016. No further action will be taken at this time.

9 Timothy Hanson Baird
RPH 27125, PIC

CI 2001 21767

Rollie E. Rohnow
RPH 21728

Gary Fong
RPH 48840

Longs Drug Store #4
San Diego, CA
PHY 14594

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

10. Robert A. Mc Lemore 3:30 p.m.
RPH 23353, PIC

Stephen Simrin
RPH 25117

Albertson's Pharmacy #683
Palm Springs, CA
RPH 41505

CI 1998 16197

Robert A. Mc Lemore, Stephen Simrin, and Albertson's Pharmacy #683, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that a pharmacy technician took Hydrocodone-containing products from Albertson's 683. Also Hydrocodone products and other dangerous drugs were provided without a prescription.

On June 13, 2000, a violation notice was issued to Stephen Simrin, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the pharmacy.

On June 13, 2000, a violation notice was issued to Robert A. Mc Lemore, and Albertson's Pharmacy #683, for violation of:

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

Southern Compliance Committee
April 30, 2002 Page 11 of 13

- Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist.
- California Code of Regulations section 1793.7 (c) - Pharmacy technicians must work under the direct supervision of a registered pharmacist.
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the pharmacy.

Corporate representation for Albertson's failed to appear for this meeting of the Southern Compliance Committee.

This matter will be rescheduled on the calendar for the Southern Citation and Fine Committee.

There being no further discussion the meeting adjourned at 2:00 p.m.