



**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  
NORTHERN COMPLIANCE COMMITTEE MEETING  
MINUTES**

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DATE: February 6, 2002

TIME: 10:00 a.m. - 4:00 p.m.

LOCATION: Department of Consumer Affairs  
Board of Pharmacy  
400 R Street, Suite 4070  
Sacramento, CA 95814

BOARD MEMBER  
PRESENT: Stanley Goldenberg, Chairperson  
Donald Gubbins, Board Member  
Clarence Hiura, Board Member

STAFF  
PRESENT: Robert Ratcliff, Supervising Inspector  
Judith K. Nurse, Supervising Inspector  
Lin Hokana, Pharmacy Inspector  
Jeff Smith, Pharmacy Inspector  
Ralph Orlandella, Pharmacy Inspector  
Linda Kapovich, Enforcement Analyst

ALSO  
PRESENT: Corinne Wiswell, RPH, PIC  
Chip Gordet, Pharmacy Development Manager  
Richard Martland, Attorney at Law  
Reid Bell, RPH, PIC  
Randall Lewis Felkel, RPH, former PIC  
William Brent Cowley, RPH, PIC  
Thomas Clyde Bruerton, RPH, PIC  
Lynn Mina Lee, RPH, former PIC  
Wing Keung Tse, RPH  
Edward G. Kluj, Pharmacy Area Supervisor  
Orriette Quandt, Pharmacy Compliance Manager  
Willey Ching, RPH, PIC

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Anthony Wah Hing Hong, RPH  
Vivien W. M. Tseng, RPH  
Monica Sandra Scheu, RPH  
Michael L. Cantrell, RPH, Attorney at Law  
Dan T. Mc Coy, RPH, former PIC  
Steven Bryan Geiger, RPH, PIC  
Gerald B. Reichelderfer, RPH, PIC, Owner  
Nicholas Eugene Kostek, RPH, PIC  
Carol Ann T. Malinis, RPH, PIC  
April Nicole Adams, RPH, former PIC  
Lesley Hines, INT  
Ronny Chiu, Pharmacy District Supervisor  
Ruth Eggett Allen, RPH, PIC  
Divina M. Berenguer, RPH  
Satinder Sandhu, Pharmacy Supervisor  
Thang Duc Bui, RPH, PIC  
Gary Victor Mantese, RPH  
Mark Buckton, Pharmacy Supervisor  
Gerald Earl Flanders, RPH, PIC  
Tom R. Goff, RPH  
Michele Snider, Pharm. D Director of Pharmacy

## **CALL TO ORDER**

Chairperson Stanley Goldenberg called the meeting of the Northern Compliance Committee to order at 10:00 a.m.

### **A. APPEARANCES REQUIRED**

1. Corinne Wiswell CI 1999 19502  
RPH 33035, PIC

Rite Aid #6073  
Sacramento, CA  
PHY 42261

Chip Gordet, Pharmacy Development Manager  
Richard Martland, Attorney at Law

Corinne Wiswell and Rite Aid #6073, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Corinne Wiswell

dispensed generic phenytoin on a transferred prescription calling for brand name Dilantin.

On July 13, 2001, letters of violation were issued to Corinne Wiswell, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4073 (e) - When a substitution is made pursuant to this section, the use of the cost-saving drug product dispensed shall be communicated to the patient and the name of the dispensed drug product shall be indicated on the prescription label.

Board member Donald Gubbins 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/Goldenberg

The committee accepted the appearance of Corinne Wiswell and Rite Aid #6073; (a) the matter will be made a part of the record of Corinne Wiswell, RPH 33035. No further action will be taken at this time.

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2. Reid Bell  
RPH 22008, PIC

CI 1997 15630

Randall Lewis Felkel  
RPH 29451, former PIC

Masrkus Bohi  
President

Model Pharmacy  
Folsom, CA  
PHY 37032

William Brent Cowley  
RPH 41504, PIC

Rite Aid #6266  
Folsom, CA  
PHY 43773

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Chip Gordet, Pharmacy Development Manager  
Richard Martland, Attorney at Law

Reid Bell, Randall Lewis Felkel, Masrkus Bohi, Model Drug, William Brent Cowley, and Rite Aid #6266, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Model Pharmacy did employ a registered drug addict thus compromising the safety and security of dangerous drugs and controlled substances. Also Reid Bell and Randall Lewis Felkel allowed a non-registered person, without education or training, to act as a pharmacy technician. This unlicensed person was allowed to steal and divert controlled substances from Model Pharmacy for her own use and, by leaving a labeled vial at a home of an acquaintance, allowed confidential patient information to be known by individuals not entitled to that information.

Randall Lewis Felkel allowed the non-registered person to reduce faxed prescription transfers for a family member to writing, a function only a pharmacist can perform. Additionally, there is no indication that Randall Lewis Felkel verified the validity of the prescriptions or refill information.

The investigation also revealed that many Scheduled II controlled substances were dispensed pursuant to triplicate prescriptions written by a prescriber who does not and has not held a DEA registration since 1996. These triplicate prescriptions were clearly marked for dispensing at a specific government facility only and could not be filled at any other pharmacy. Controlled substances and dangerous drugs were also dispensed to habitual users with no apparent evidence that the pharmacists questioned the validity or indication for the prescription. Altered triplicate and controlled substance prescriptions as well as questionable prescriptions and excessive refills were allowed to be dispensed.

Accurate records and required patient information were not maintained and records pertaining to the operation of the pharmacy were not available for inspection.

On July 28, 1998, violation notices were issued to Reid Bell, and Model Drug, for violation of:

- Business and Professions Code, Section 4301 - Unprofessional Conduct.
- Code of Federal Regulations 1301.9 - Failure to properly screen employees in regard to potential breach of drug security.
- California Code of Regulations, Section 1793.4 - Qualifications for Registration as a Pharmacy Technician

On July 28, 1998, violation notices were issued to Randall Lewis Felkel, and Model Drug, for violation of:

- Business and Professions Code section 4301 – Unprofessionaconduct.
- California Code of Regulations, Section 1793.4 - Qualifications for Registration as a Pharmacy Technician
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- California Code of Regulations, Section 1714 - Operational Standards and Security.

On September 13, 2001, a letter of violation was issued to Reid Bell, for violation of:

- Code of Federal Regulations, Section 1301.76 - Employment with access to controlled substances of a person convicted of a felony related to controlled substances.
- Code of Federal Regulations, Sections 1306.03, - Persons entitled to issue prescriptions.
- Code of Federal Regulations, Section 1306.05(a) – Manner of issuance of prescriptions.
- Code of Federal Regulations, Section 1306.11 (d) (3) – Requirement of prescription.
- Health and Safety Code, Section 11155 – Prohibition of physician prescribing, where controlled substance privileges surrendered.
- Heath and Safety Code, Section 11164 (a)(b)(2) – Prescriptions for schedule II,III,IV, and V controlled substance: form and content; record of practitioner dispensing schedule II controlled substance.
- California Code of Regulations, Section 1709.1: Failure to perform duties of a Pharmacist-In-Charge by allowing a non-registered individual to act as pharmacy technician.

On September 13, 2001, a letter of violation was issued to Randall Lewis Felkel, for violation of:

- Code of Federal Regulations, Sections 1306.03, - Persons entitled to issue prescriptions.
- Code of Federal Regulations, Section 1306.05(a) – Manner of issuance of prescriptions.
- Code of Federal Regulations, Sections 1306..11(d)(3) – Requirement of prescription.
- Health and Safety Code, Section 11155 Prohibition of physician prescribing, where controlled substance privileges surrendered.

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- Health and Safety Code, Section 11164 (a)(b)(2) – Prescriptions for schedule II,III,IV, and V controlled substance: form and content; record of practitioner dispensing schedule II controlled substance.
- Health and Safety Code, Section 11158 – Prescription required for schedule II, III, IV, or V controlled substance.
- Health and Safety Code 11366 – Maintaining place for unlawfully providing controlled substance.
- Health and Safety Code section 11200 - Restrictions on dispensing or refilling; refill of schedule II prescription barred.
- California Code of Regulations, Section 1793.4 – Qualification for registration as a pharmacy technician.
- Business and Professions Code, Sections 4115 - Pharmacy technician: activities permitted; required supervision; activities limited to pharmacist; registration; requirements for registration; ratios.
- California Code of Regulations, Section 1714 – Operational standards and security.
- Business and Professions Code section 4060 – No person shall possess any controlled substance, except that furnished to a person upon the prescription of a physician, dentist, podiatrist, or veterinarian, or furnished pursuant to a drug order issued by a physician assistant pursuant to Section 3502.1 or a nurse practitioner pursuant to Section 2836.1.
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- Business and Professions Code section - 4117 - Admission to area where narcotics are stored, etc. who may enter.
- Business and Professions Code section 4070 – Reduction of oral or electronic prescriptions to writing.
- California Code of Regulations, Section 1716 – Variation from a prescription.
- California Code of Regulations, Section 1717 – Pharmaceutical practice.
- California Code of Regulations, section 1793.1 - Duties of a registered pharmacist; receive a new prescription order orally from a prescriber or other person authorized by law.

Board member Donald Gubbins recused himself from this appearance and left the room.

Masrkus Bohi failed to appear for this appearance before the Northern Compliance Committee.

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

M/S/C: Hiura/Goldenberg

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The committee accepted the appearance of Reid Bell, Randall Lewis Felkel, Model Drug, William Brent Cowley, and Rite Aid #6266; (a) the matter will be made a part of the record of Reid Bell, RPH 22008; (b) the matter will be made a part of the record of Randall Lewis Felkel, RPH 29451; (c) the matter will be made a part of the record of Model Pharmacy, PHY 37032. No further action will be taken at this time.

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3. Thomas Clyde Bruerton CI 2000 20240  
RPH 29400, PIC

Lynn Mina Lee  
RPH 44383, former PIC

Wing Keung Tse  
RPH 43974

Longs Pharmacy #319  
Oakland, CA  
PHY 37931

Edward G. Kluj, Pharmacy Area Supervisor  
Orriette Quandt, Pharmacy Compliance Manager

Thomas Clyde Bruerton, Lynn Mina Lee, Wing Keung Tse, Longs Pharmacy #319, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Wing Keung Tse failed to review the patients medication profile prior to dispensing the medication, and also failed to provide patient consultation as required by law.

On July 5, 2001, letters of violation were issued to Wing Keung Tse, Longs Pharmacy #319, for violation of;

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4077 - Dispensing dangerous drug in incorrectly labeled container.
- California Code of Regulations section 1707.2 – Duty to consult.
- 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: Gubbins/Goldenberg

The committee accepted the appearance of Thomas Clyde Bruerton, Lynn Mina Lee, Wing Keung Tse, Longs Pharmacy #319; (a) the matter will be made a part of the record of Wing Keung Tse, RPH 43974; (b) the matter will be made a part of the record of Longs Drug Store #319, PHY 37931; (c) Wing Keung Tse, RPH 43974, is cited and fined \$500, for failure to provide patient consultation as required. No further action will be taken at this time.

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4. Willey Ching CI 2000 19639  
RPH 30950, PIC

Anthony Wah Hing Hong  
RPH 30779

Vivien W. M. Tseng  
RPH 32741

Monica Sandra Scheu  
RPH 43491

Longs Drug Store #56  
San Leandro, CA  
PHY 15560

Michael L. Cantrell, RPH, Attorney at Law  
Edward G. Kluj, Pharmacy Area Supervisor

Wiley Ching, Anthony Wah Hing Hong, Vivien W. M. Tseng, Monica Sandra Scheu, and Longs Drug Store #56, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Monica Sandra Scheu failed to contact the prescribing physician to clarify an illegible prescription prior to dispensing the medication to the patient. Patient consultation was not provided as required by law.

On September 6, 2001, a letter of violation was issued to Longs Drug Store #56, for violation of:

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

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- California Code of Regulations section 1761 - Erroneous or uncertain prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.

On September 6, 2001, a letter of violation was issued to Monica Sandra Scheu, 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.

On September 6, 2001, a letter of violation was issued to Anthony Wah Hing Hong, and Longs Drug Store #56 for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- 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 rescinded the violations with regard to Anthony Way Hing Hong.

M/S/C: Gubbins/Hiura

The committee accepted the appearance of Wiley Ching, Anthony Wah Hing Hong, Vivien W. M. Tseng, Monica Sandra Scheu, and Longs Drug Store #56; (a) the matter will be made a part of the record of Monica Sandra Scheu, RPH 43491; (b) the matter will be made a part of the record of Longs Drug Store #56, PHY 15560. No further action will be taken at this time.

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5. Hulda Nalley  
RPH 44387, PIC

CI 2000 20872

Dan T. Mc Coy  
RPH 26118, former PIC

Longs Drug Store #209  
Visalia, CA  
PHY 30684

Steven Bryan Geiger  
RPH 42681, PIC

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Longs Drug Store #428  
Kingsburg, CA  
PHY 43776

Michael L. Cantrell, RPH, Attorney at Law  
Orriette Quandt, Pharmacy Compliance Manager

Hulda Nalley, Dan T. Mc Coy, Longs Drug Store #209, Steven Bryan Geiger, and Longs Drug Store #428, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Longs Drug Store #209, and Longs Drug Store #428 both suffered a loss of controlled substances due to pilferage by a pharmacy technician. This investigation also revealed Dan T. Mc Coy and Steven Bryan Geiger failed to adequately supervise the duties of the pharmacy technician, and to maintain an accurate current inventory. In addition Dan T. Mc Coy and Steven Bryan Geiger failed to maintain the records of disposition.

On September 13, 2001, a violation notice was issued to Dan T. Mc Coy, Longs Drug Store #209, Steven Bryan Geiger, and Longs Drug Store #428, 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 prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
- Code of Federal Regulations section 1301.71(a) – All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances.
- Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist. The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.
- California Code of Regulations section 1793.7 (c) - Pharmacy technicians must work under the direct supervision of a registered pharmacist and in such a relationship that the supervising pharmacist is on the premises at all times and is fully aware of all activities involved in the preparation and dispensing of medications, including the maintenance of appropriate records.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years....

- Business and Professions Code section 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.
- Business and Professions Code section 4105 - Retaining records of dangerous drugs and devices on licensed premises; temporary removal; waivers; access to electronically maintained records.
- 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.

Hulda Nalley was excused from this appearance before the Northern Compliance Committee.

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

The committee commended those present for bringing this matter to the attention of the board.

M/S/C: Gubbins/Hiura

The committee accepted the appearance of Dan T. Mc Coy, Longs Drug Store #209, Steven Bryan Geiger, and Longs Drug Store #428; (a) the matter will be made a part of the record of Dan T. Mc Coy, RPH 26118; (b) the matter will be made a part of the record of Steven Bryan Geiger, RPH 42681; (c) the matter will be made a part of the record of Longs Drug Store #428, PHY 43776. No further action will be taken at this time.

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6.	Gerald B. Reichelderfer RPH 23733, PIC, Owner	CI 1999 19118
	Hayfork Drug Store Hayfork, CA PHY 36152	

Gerald B. Reichelderfer and Hayfork Drug Store, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Hayfork Drug Store dispensed excessive amounts of Vicodin ES without prescriber authorization. In addition this investigation also revealed that Gerald B. Reichelderfer failed to secure the door to the pharmacy when he left the pharmacy, allowed deliveries to be accepted while no pharmacist was present. Gerald B. Reichelderfer failed to record the number of authorized refills on orally transmitted prescriptions, failed to retain

prescription documents for three years, did not record instructions for use on orally transmitted prescriptions, and failed to record the name of the who transmitted telephonic prescriptions.

On November 2, 2000, a violation notice was issued to Gerald B. Reichelderfer and Hayfork Drug Store, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- Business and Professions Code section 4059.5 (a) - Dangerous drugs or dangerous devices may only be ordered by an entity licensed by this board and must be delivered to the licensed premises and signed for and received by the pharmacist-in-charge or, in his or her absence, another pharmacist designated by the pharmacist-in-charge.
- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.
- Health and Safety Code section 11164 (c) – Any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be reduced to writing by the pharmacist filling the prescription or by any other person expressly authorized by provision of the Business and Professions Code section....
- Business and Professions Code section 4040 (a)(1)(b) - The name and quantity of the drug or device prescribed and the directions for use.
- Business and Professions Code section 4070 - Reduction of oral or electronic prescription to writing. An oral or an electronic data transmission prescription shall be reduced to writing by the pharmacist and shall be filled by, or under the direction of, the pharmacist.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years....
- Business and Professions Code section 4105 (a) - All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.
- Business and Professions Code section 4332 - Misdemeanor: failure or refusal to maintain or produce required drug or device records; willful production of false records.
- California Code of Regulations section 1718 - Current inventory defined.
- Code of Federal Regulations section 1302.11(c) – Biennial DEA inventory required every two years.

On January 24, 2001, a violation notice was issued to Gerald B. Reichelderfer and Hayfork Drug Store, for violation of:

- Business and Professions Code section 4071 – The furnisher shall make a reasonable effort to determine that the person who transmits an oral prescription is authorized to do so and shall record the name of the authorized agent of the prescriber who transmits the order.
- Business and Professions Code section 4059 - Furnishing dangerous drugs or devices prohibited without prescription: exceptions.
- Health and Safety Code section 11158 – Prescription required for schedule II, III, IV, or V controlled substance.
- Business and Professions Code section 4063 - Refill of prescription for dangerous drug or device; prescriber authorization.
- Health and Safety Code section 11153 - Responsibility for legitimacy of prescription; corresponding responsibility of pharmacist; knowing violation.
- Health and Safety Code section 11179 – A person who fills a prescription shall keep it on file for at least three years from the date of filling it.

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

M/S/C: Gubbins/Hiura

The committee accepted the appearance of Gerald B. Reichelderfer and Hayfork Drug Store; (a) the matter will be referred to the office of the Attorney General for further action. No further action will be taken at this time.

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7. Nicholas Eugene Kostek CI 2000 20863  
RPH 28325, PIC

John G. Williams  
Chief Executive Officer

O'Connor Hospital Pharmacy  
San Jose, CA  
HSP 44926

Nicholas Eugene Kostek and O'Connor Hospital Pharmacy, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that O'Connor Hospital Pharmacy suffered a loss of 632 bottles of promethazine with codeine and 11 bottles of promethazine VC with codeine as a result

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of pilferage by a pharmacy technician. This investigation also revealed inadequate pharmacy security, and failure to maintain the current accurate inventory.

On June 13, 2001, a violation notice was issued to Nicholas Eugene Kostek and O'Connor Hospital Pharmacy, 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 prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years.....
- Business and Professions Code section 4105 - Retaining records of dangerous drugs and devices on licensed premises; temporary removal; waivers; access to electronically maintained records.
- 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.
- Code of Federal Regulations section 1301.71(a) – All applicants and registrants shall provide effective controls and procedures to guard against theft and diversion of controlled substances.

John G. Williams, Chief Executive Officer, appointed Nicholas Eugene Kostek to represent O'Connor Hospital Pharmacy.

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

M/S/C: Gubbins/Hiura

The committee accepted the appearance of Nicholas Eugene Kostek and O'Connor Hospital Pharmacy; (a) the matter will be made a part of the record of Nicholas Eugene Kostek, RPH 28325; (b) the matter will be made a part of the record of O'Connor Hospital Pharmacy, HSP 44926. No further action will be taken at this time.

8. Carol Ann T. Malinis  
RPH 43114, PIC

CI 2000 20927

April Nicole Adams  
RPH 49949, former PIC

Lesley Hines  
INT 10834

Walgreens Pharmacy #3295  
Oakland, CA  
PHY 41980

Ronny Chiu, Pharmacy District Supervisor

Carol Ann T. Malinis, April Nicole Adams, Lesley Hines, and Walgreens #3295, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that April Nicole Adams furnished a dangerous drug without obtaining authorization from the prescriber. In addition April Nicole Adams disclosed confidential patient information regarding two patients.

On August 17, 2001, a violation notice was issued to April Nicole Adams, and Walgreens #3295, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1764 - Unauthorized disclosure of prescriptions.
- Business and Professions Code section 4301 (g) - Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.
- Business and Professions Code section 4059 (a) – No person shall furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years....
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
- California Code of Regulations section 1718 - Current inventory defined.

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

M/S/C: Gubbins/Hiura

The committee accepted the appearance of Carol Ann T. Malinis, April Nicole Adams, Lesley Hines, and Walgreens #3295; (a) the matter will be made a part of the record of April Nicole Adams, RPH 49949; (b) the matter will be made a part of the record of Walgreens, PHY 41980; (c) A follow up inspection is ordered to ensure compliance with regard to pharmacy's refill exception process to ensure compliance with pharmacy law. No further action will be taken at this time.

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9. Ruth Eggett Allen CI 2000 21124  
RPH 30671, PIC

Divina M. Berenguer  
RPH 36266

Walgreens Pharmacy #4136  
Sacramento, CA  
PHY 43179

Satinder Sandhu, Pharmacy Supervisor

Ruth Eggett Allen, Divina M. Berenguer, and Walgreens Pharmacy #4136, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Walgreens Pharmacy #4136 dispensed medication reconstituted by a pharmacy technician that was not checked by a pharmacist. This investigation substantiated that Divina M. Berenguer failed to provide patient consultation as required by law.

On September 10, 2001, letters of violation were issued to Divina M. Berenguer and Walgreens Pharmacy #4136, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist. The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.
- California Code of Regulations section 1707.2 – Duty to consult.



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

M/S/C: Gubbins/Goldenberg

The committee accepted the appearance of Ruth Eggett Allen, Divina M. Berenguer, and Walgreens Pharmacy #4136; (a) the matter will be made a part of the record of Divina M. Berenguer, RPH 36266; (b) the matter will be made a part of the record of Walgreens Pharmacy #4136, PHY 43179; (c) Divina M. Berenguer, RPH 36266, is cited and fined \$500, for failure to provide patient consultation as required; (d) Walgreens, PHY 43179, is cited and fined \$500, for failure to provide patient consultation as required. No further action will be taken at this time.

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10. Thang Duc Bui  
RPH 46269, PIC

CI 2000 21340

Gary Victor Mantese  
RPH 47841

Walgreens Pharmacy #2865  
Modesto, CA  
PHY 40529

Mark Buckton, Pharmacy Supervisor

Thang Duc Bui, Gary Victor Mantese, and Walgreens Pharmacy #2865, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Gary Victor Mantese dispensed Vioxx on a prescription calling for Singulair. Gary Victor Mantese failed to provide patient consultation as required by law.

On December 18, 2001, letters of violation were issued to Gary Victor Mantese, and Walgreens Pharmacy #2865, 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 (b)(1)(a) – Duty to consult.

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

M/S/C: Gubbins/Goldenberg

The committee accepted the appearance of Thang Duc Bui, Gary Victor Mantese, and Walgreens Pharmacy #2865; (a) the matter will be made a part of the record of Gary Victor Mantese, RPH 47841; (b) the matter will be made a part of the record of Walgreens Pharmacy #2865 PHY 40529. No further action will be taken at this time.

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11. Gerald Earl Flanders  
RPH 28197, PIC

CI 2000 21208

Tom R. Goff  
RPH 22953

Save Mart Pharmacy #392  
Atwater, CA  
PHY 43186

Michele Snider, Pharm. D Director of Pharmacy

Gerald Earl Flanders, Tom R. Goff, and Save Mart Pharmacy #392, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Tom R. Goff dispensed enalapril tablets to the incorrect patient.

On October 11, 2001, letters of violation were issued to Tom R. Goff and Save Mart Pharmacy #392, for violation of:

- Business and Professions Code section 4301 – 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: Gubbins/Goldenberg

The committee accepted the appearance of Gerald Earl Flanders, Tom R. Goff, and Save Mart Pharmacy #392; (a) the matter will be made a part of the record of Tom R. Goff, RPH 22953; (b) the matter will be made a part of the record of Save Mart Pharmacy #392, PHY 43186. No further action will be taken at this time.

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