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9 **BEFORE THE**  
**BOARD OF PHARMACY**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 3901

13 **CRAIG IRWIN KLINE**  
7168 Royal Melbourne Dr.  
14 Las Vegas, NV 89131

**ACCUSATION**

15 Pharmacist License No. RPH 28099

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about November 17, 1972, the Board of Pharmacy issued Pharmacist  
23 License Number RPH 28099 to Craig Irwin Kline (Respondent). The Pharmacist License was in  
24 full force and effect at all times relevant to the charges brought herein and will expire on April 30,  
25 2012, unless renewed.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 (Unprofessional Conduct)

3 8. Respondent is subject to disciplinary action under sections 4301(n) and (p) in that  
4 Respondent's Nevada State Pharmacist license No16024 was disciplined in 2009. The  
5 circumstances are as follows:

6 9. On or about January 31, 2009, a stipulated disciplinary order became effective  
7 accepting the surrender Respondent's Nevada Pharmacist License on the basis of diversion of and  
8 self-administration of hydrocodone and alprazolam. A certified copy of the Notice of Intended  
9 Action and Accusation is attached as Exhibit A and by this reference incorporated herein. A  
10 certified copy of the signed Stipulation and Agreement with an effective date of January 8, 2009  
11 is attached as Exhibit B and by this reference incorporated herein.

12 **PRAYER**

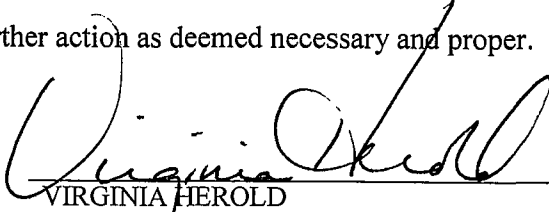
13 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
14 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

15 1. Revoking or suspending Pharmacist License Number RPH 28099, issued to Craig  
16 Irwin Kline.

17 2. Ordering Craig Irwin Kline to pay the Board of Pharmacy the reasonable costs of  
18 the investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 125.3;

20 3. Taking such other and further action as deemed necessary and proper.

21  
22 DATED: 4/19/11

  
23 VIRGINIA HEROLD  
24 Executive Officer  
25 Board of Pharmacy  
26 Department of Consumer Affairs  
27 State of California  
28 Complainant

SA2011100083

**EXHIBIT A**  
**COMPLAINANT'S ACCUSATION**  
**IN RE KLINE**  
**NEVADA NOTICE OF INTENDED ACTION**

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

NOTICE OF INTENDED ACTION  
AND ACCUSATION

v.

CRAIG IRWIN KLINE, R.Ph.,  
Certificate of Registration #16024,

Case No. 08-007-RPH-S

Respondent.

COMES NOW Larry L. Pinson, in his official capacity as Executive Secretary of the Nevada State Board of Pharmacy, and makes the following that will serve as both a notice of intended action under Nevada Revised Statutes (NRS) 233B.127(3) and as an accusation under NRS 639.241.

I.

The Nevada State Board of Pharmacy has jurisdiction over this matter because Respondent Craig Irwin Kline is a pharmacist licensed by the Board.

II.

In September 2008, the Nevada State Board of Pharmacy received a report from Ralph's Grocery Company d.b.a. Food 4 Less (Food 4 Less) advising that Craig Irwin Kline had been terminated from employment as a pharmacist with Food 4 Less for admitting to diverting controlled substances from his employing pharmacy located at 1301 S. Boulder Hwy., Henderson, Nevada ( Food 4 Less #785).

III.

On Monday, August 18, 2008 Pharmacy District Manager Yonoh Kim advised Loss Prevention that Food 4 Less #785 was short over 200 tablets of controlled

substances in the last three weeks. The missing controlled substances were mostly alprazolam and hydrocodone. Food 4 Less #785 was equipped with two cameras and three more were installed by Loss Prevention on August 28, 2008. On September 3, 2008 it was discovered by Mr. Kim that Mr. Kline was entering the store's computer system and changing the on-hand quantity counts of alprazolam and hydrocodone. Mr. Rich Orellano, Loss Prevention, remotely reviewed the security tapes and discovered that Mr. Kline was diverting controlled substances on August 30 and 31, 2008.

#### IV.

On September 9, 2008 Mr. Orellano and Mr. Kim interviewed Mr. Kline and he admitted to stealing alprazolam for his use and his son's use. Additionally he was giving the hydrocodone to a husband and wife customer without a valid prescription. During the interview Mr. Kline admitted to taking a variety of drugs for his own use without a prescription and some drugs that he did not need a prescription for. In either event he did not pay for the drugs. In addition to the alprazolam and hydrocodone, Mr. Kline admitted to also taking Ativan, Soma, Bentyl, and Robaxin. Mr. Kline also admitted that he would enter the computer to change the on-hand count on a drug so he could divert the medication. Mr. Kline admitted to engaging in the activity several times over the last eight months. Further investigation by Mr. Kim revealed that from April 28, 2007 to September 9, 2008 Mr. Kline had changed the on-hand count on 14 different medications for a total missing drug count of 9,816 with a total value of \$16,788.37.

#### FIRST CAUSE OF ACTION


#### V.

In removing controlled substances, namely hydrocodone and alprazolam,

without a prescription or other lawful authority therefore, Mr. Kline violated Nevada Revised Statutes (NRS) 453.331(1)(d), 453.336(1), 453.377(1), and 639.210(4) and (12) and Nevada Administrative Code (NAC) 639.945(1)(g), (h), and (i).

WHEREFORE it is requested that the Nevada State Board of Pharmacy take appropriate disciplinary action with respect to the certificate of registration of the Respondent.

Signed this 11<sup>th</sup> day of December, 2008.

  
Larry L. Pinson, Executive Secretary  
Nevada State Board of Pharmacy

**NOTICE TO RESPONDENT**

You have the right to show the Nevada State Board of Pharmacy that your conduct, as alleged above, complies with all lawful requirements regarding your certificate of registration. To do so, you must mail to the Board within 15 days of your receipt of this Notice of Intended Action and Accusation a written statement showing your compliance.

**EXHIBIT B**  
**COMPLAINANT'S ACCUSATION**  
**IN RE KLINE**  
**NEVADA STIPULATION AND AGREEMENT**



OFFICE OF THE GENERAL COUNSEL • Nevada State Board of Pharmacy • 431 W. Plumb Lane • Reno, NV 89509 • (775) 850-1440 • ccramer@pharmacy.nv.gov

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BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

STIPULATION AND  
AGREEMENT

v.

CRAIG IRWIN KLINE, R.Ph.,  
Certificate of Registration #16024,

Case No. 08-007-RPH-S

Respondent.

Carolyn J. Cramer, General Counsel for the Nevada State Board of Pharmacy, and Dominic Gentile of Gordon and Silver, stipulate and agree as follows:

1. For the purposes of resolving this matter only, Craig Irwin Kline does not contest the facts and violations alleged in the First Cause of Action except that as to the retail value of the controlled substances taken, Craig Irwin Kline does not contest that he took controlled substances with a value between \$600 to \$1,600. The admissions made in this matter may not be used in any other proceeding or matter.

2. Upon approval of this stipulation by the Board, Craig Irwin Kline shall voluntarily surrender his certificate of registration #16024. Such surrender shall be treated as a revocation by the Board.

3. Upon approval of this stipulation by the Board, Craig Irwin Kline shall pay by cashier's check or money order made payable to "Nevada State Board of Pharmacy" the sum of \$600 for its attorney's fees and costs in connection with this matter within 15 days of the approval of this stipulation.

4. Upon approval of this stipulation by the Board, the Board is giving up its right to seek criminal prosecution of Craig Irwin Kline by the Nevada Attorney General's Office.

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5. The parties shall present this Stipulation and Agreement to the Board at its meeting on January 14, 2009. The parties agree that the Board may ask questions of the parties' counsel, may discuss and deliberate regarding the presentations.


6. If the Board rejects any part or all of this stipulation, the parties agree that a full hearing on the merits of this matter may be heard by the Board and that the Board would hear this matter at its meeting on April 15, 2009. The terms and admissions in this stipulation may not be used or referred to in the full hearing on the merits of this matter.

7. The Board and Craig Irwin Kline shall each agree to release the other from and all claims, whether known or unknown, that might otherwise have existed on or before the effective date of the Board's Order in this matter.

Signed this 0<sup>th</sup> day of January, 2009.

OFFICE OF THE GENERAL COUNSEL  
Nevada State Board of Pharmacy

  
\_\_\_\_\_  
Carolyn J. Cramer, General Counsel

  
\_\_\_\_\_  
Dominic Gentile, Esq.

  
\_\_\_\_\_  
Craig Irwin Kline

BEFORE THE NEVADA STATE BOARD OF PHARMACY

NEVADA STATE BOARD OF PHARMACY,

Petitioner,

v.

ORDER RATIFYING  
STIPULATION AND  
AGREEMENT BETWEEN  
BOARD STAFF AND  
CRAIG IRWIN KLINE

~~CRAIG IRWIN KLINE, R.Ph.,~~  
Certificate of Registration #16024

Case No. 08-007-RPH-S

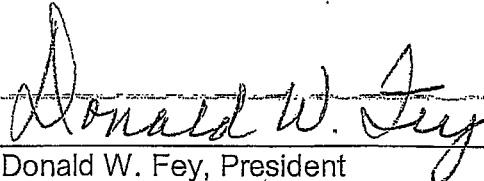
Respondent.

THIS MATTER was heard by the Nevada State Board of Pharmacy (hereinafter Board) at its regular meeting on January 14, 2009, in Las Vegas, Nevada. The Board was represented by Carolyn J. Cramer, General Counsel for the Board. Respondent Craig Irwin Kline was represented by Dominic Gentile, Esq. and Gordon and Silver. Ms. Cramer and Mr. Gentile presented a written Stipulation and Agreement between Board Staff and Craig Irwin Kline signed by the parties on January 8, 2009 to the Board for the Board's consideration and ratification. The Board questioned Ms. Cramer and Mr. Gentile regarding all matters of concern to the Board, and after receiving satisfactory answers to the questions, the Board ratified the terms of the Stipulation and Agreement.

Consequently, it is ordered that the terms of the Stipulation and Agreement between Board Staff and Craig Irwin Kline are ratified and hereby become the Order of this Board. A copy of the Stipulation and Agreement Between Board Staff and Craig Irwin Kline is attached and is incorporated herein by this reference. Any violation of the terms of the Stipulation and Agreement between Board Staff and Craig Irwin Kline shall be deemed to be a violation of this Board's order and may result in such further administrative and legal action as the Board and its staff deem necessary and appropriate. Furthermore, at the time of this Order Craig Irwin Kline has already

returned his wall certificate and paid to the Nevada Board of Pharmacy a cashier's check of \$600 pursuant to the Stipulation and Agreement.

Signed and effective this 31 day of January, 2009.



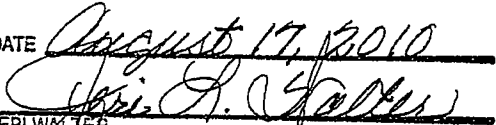
Donald W. Fey, President  
Nevada State Board of Pharmacy

STATE OF NEVADA

I, JERI WALTER, OFFICIAL CUSTODIAN OF THE RECORDS, DO HEREBY CERTIFY THAT THIS/ THESE DOCUMENT(S) IS/ARE TRUE AND CORRECT COPY/COPIES OF THE ORIGINAL(S) ON FILE IN THIS OFFICE.

DATE

August 17, 2010

  
JERI WALTER  
NEVADA STATE BOARD OF PHARMACY

**List Only - Watched Bills  
Printed 3/15/2011**

**AB 223 (Ammiano D) Controlled substances.**

**Current Text:** Introduced: 2/2/2011 [pdf](#) [html](#)

**Status:** 2/3/2011-From printer. May be heard in committee March 5.

**Location:** 2/2/2011-A. PRINT

**Notes 1:** Intent is to amend it into a marijuana decriminalization bill. Not sure yet if tax and regulation language will go into this vehicle; Curtis anticipates this will be a 2-year bill. [Curtis Notsinneh 3.7.11]

**AB 369 (Huffman D) Health care coverage: prescription drugs.**

**Current Text:** Introduced: 2/14/2011 [pdf](#) [html](#)

**Status:** 3/3/2011-Referred to Com. on HEALTH.

**Location:** 3/3/2011-A. HEALTH

**Notes 1:** Health insurance; pain therapy;

**AB 378 (Solorio D) Workers' compensation: pharmacy products.**

**Current Text:** Introduced: 2/14/2011 [pdf](#) [html](#)

**Status:** 3/3/2011-Referred to Coms. on INS. and B., P. & C.P.

**Location:** 3/3/2011-A. INS.

**Notes 1:** Workers Comp. This bill adds "pharmacy goods," as defined, to the list of medical goods or services for which it is unlawful for a physician to refer a person, except in prescribed circumstances. 378 defines "pharmacy goods" to be dangerous drugs or devices as defined in BPC 4022, as well as "medical food" defined in 109971 HSC.

As introduced, no impact on Pharmacy Law. Watch [ck 3.10.11]

**AB 415 (Logue R) Healing arts: telemedicine.**

**Current Text:** Introduced: 2/14/2011 [pdf](#) [html](#)

**Status:** 2/15/2011-From printer. May be heard in committee March 17.

**Location:** 2/14/2011-A. PRINT

**Notes 1:** As introduced, affects "licenciates" per BPC 805(a)(2) / telemedicine [pharmacists not defined in 805(a)(2)]. Watch.

**AB 472 (Ammiano D) Controlled substances: overdose: punishment.**

**Current Text:** Introduced: 2/15/2011 [pdf](#) [html](#)

**Status:** 3/3/2011-Referred to Com. on PUB. S.

**Location:** 3/3/2011-A. PUB. S.

**Calendar:**

3/22/2011 9 a.m. - State Capitol, Room 126 ASSEMBLY PUBLIC SAFETY, AMMIANO, Chair

**Notes 1:** [Staffer: Anita Lee 319-2013] Intent is to provide limited immunity for those who may be under the influence to seek medical assistance without fear of prosecution. Bill does not address the disposition of any drugs/paraphernalia that may be in a person's possession. Primary co-sponsors are ACLU Drug Policy Alliance, and Health Officers Association of California. [ck 3.7.11] No impact on Pharmacy as introduced.

**SB 127 (Emmerson R) Official medical fee schedule: physician services.**

**Current Text:** Introduced: 1/27/2011 [pdf](#) [html](#)

**Status:** 3/9/2011-Hearing postponed by committee. (Refers to 3/2/2011 hearing)

**Location:** 2/10/2011-S. L. & I.R.

**Notes 1:** As introduced, amends the Labor Code to provide for the reimbursement of drugs, not only dispensed via a Pharmacy, but also to include physician-dispensed drugs, as defined in 4024(b); and requires that until a formal fee schedule is adopted via hearings, that the Director of Workers Comp annually adopt the AMA's Current Procedural Terminology (CPT) Codes, etc., so as to keep medical fee reimbursement rates current. No direct impact to Pharmacy Law -- but of interest. [ck 3.7.11]

**SB 231 (Emmerson R) Regulatory boards: healing arts.**

**Current Text:** Introduced: 2/9/2011 [pdf](#) [html](#)

**Status:** 2/17/2011-Referred to Com. on RLS.

**Location:** 2/17/2011-S. RLS.

**Notes 1:** As introduced, makes non-sub changes to B&PC 104 related to authority to adopt regs re: requiring a licensee to display his or her license. [ck 3.7.11 - Fact Sheet requested]

**SB 419 (Simitian D) Solid waste: home-generated sharps.**

**Current Text:** Introduced: 2/16/2011 [pdf](#) [html](#)

**Status:** 3/10/2011-Set for hearing March 21.

**Location:** 2/24/2011-S. E.Q.

**Calendar:**

3/21/2011 1:30 p.m. - Room 112 SENATE ENVIRONMENTAL QUALITY, SIMITIAN, Chairman

**Notes 1:** As Introduced: no impact of Pharmacy Law. Currently, mfgs must submit a plan to the Dept of Resources Recycling and Recovery on the safe collection & proper disposal of specified devices [PRC 47115]. This bill requires that the plan be submitted to the dept in an electronic format, as prescribed by the dept. [ck 3.7.11]

**SB 747 (Kehoe D) Continuing education: lesbian, gay, bisexual, and transgender patients.**

**Current Text:** Introduced: 2/18/2011 [pdf](#) [html](#)

**Status:** 3/3/2011-Referred to Com. on B., P. & E.D.

**Location:** 3/3/2011-S. B., P. & E.D.

**Notes 1:** Medical Board, CE/Course Content. Requires a licensee, on or after 1/1/12 and before 2016, to take at least one course of instruction re: LGBT, as specified. [no direct impact to Pharmacy; fact sheet requested 3.11.11]

**SB 786 (Dutton R) Controlled substances.**

**Current Text:** Introduced: 2/18/2011 [pdf](#) [html](#)

**Status:** 3/10/2011-Referred to Com. on RLS.

**Location:** 3/10/2011-S. RLS.

**Notes 1:** Per Dutton's Office (Darlene), SB 786 is a spot bill and will likely be a 2-year bill. No amendments in the works right now; no fact sheet developed. [ck 3.7.11]

**SB 844 (Price D) Health facilities: general acute care hospitals.**

**Current Text:** Introduced: 2/18/2011 [pdf](#) [html](#)

**Status:** 3/10/2011-Referred to Com. on HEALTH.

**Location:** 3/10/2011-S. HEALTH

**Notes 1:** As introduced, no impact to Pharmacy Law. Amends the definition of "acute care hospital" (HSC 11379) to specify that for licensing purposes, dietary services may be provided at either the acute care hospital or an adjacent hospital, if such services are readily available. [ck 3.7.11]

**Total Measures: 11**

**Total Tracking Forms: 11**