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

11 In the Matter of the Accusation Against:

Case No. 3919

12 **HANNAH MASON**
13 **3701 WEST PONDERA STREET**
LANCASTER, CA 93535

A C C U S A T I O N

14 **Pharmacist License No. RPH 46923**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 16, 1994, the Board of Pharmacy issued Pharmacist License
22 Number RPH 46923 to Hannah Mason (Respondent Mason). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on July 31,
24 2015, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
27 Consumer Affairs, under the authority of the following laws. All section references are to the
28 Business and Professions Code unless otherwise indicated.

1 of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to
2 the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical
3 therapist acting within the scope of his or her license under sales and purchase records that
4 correctly provide the date the device is provided, the names and addresses of the supplier and the
5 buyer, a description of the device, and the quantity supplied.”

6 10. Code section 4126.5, subdivision (a), provides:

7 “(a) A pharmacy may furnish dangerous drugs only to the following:

8 ...

9 “(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug
10 that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to
11 this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

12 “(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized
13 by law.

14 ...

15 “(7) To another pharmacy under common control.”

16 11. Section 4160 of the Code states:

17 “(a) A person may not act as a wholesaler of any dangerous drug or dangerous device
18 unless he or she has obtained a license from the board.”

19 12. Section 4301 of the Code states:

20 “The board shall take action against any holder of a license who is guilty of unprofessional
21 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
22 Unprofessional conduct shall include, but is not limited to, any of the following:

23 ...

24 “(j) The violation of any of the statutes of this state or of the United States regulating
25 controlled substances and dangerous drugs.

26

27 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by
2 the board.”

3 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
4 administrative law judge to direct a licentiate found to have committed a violation or violations of
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
6 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
7 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
8 included in a stipulated settlement.

9 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

10 14. Section 4021 of the Code states:

11 “Controlled substance’ means any substance listed in Chapter 2 (commencing with Section
12 11053) of Division 10 of the Health and Safety Code.”

13 15. Section 4022 of the Code states, in pertinent part:

14 “Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use,
15 except veterinary drugs that are labeled as such, and includes the following:

16 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without
17 prescription,’ ‘Rx only,’ or words of similar import.

18 ...

19 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on
20 prescription or furnished pursuant to Section 4006.”

21 16. Fentanyl is a Schedule II controlled substance pursuant to Health and Safety Code
22 section 11055(c)(8) and is a dangerous drug pursuant to Business and Professions Code section
23 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Selling Dangerous Drugs without a Wholesaler License)

26 17. Respondent Mason is subject to disciplinary action under section 4301,
27 subdivisions (j) and (o), and violating section 4160, subdivision (a) for selling dangerous drugs
28 without a wholesaler license. The circumstances are as follows:

1 18. On or between August 12, 2009 and June 14, 2010, Respondent Mason sold
 2 approximately \$107,641.41 worth of dangerous drugs to Moazzem H. Chowdhury dba Desert
 3 Drugs (Desert Drugs) without a wholesaler license.

	Date	Invoice Record	Approximate Amount
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1	8/12/09	PO# A/P-8/12	\$279.63
2	8/12/09	PO# A/P to D/D-8/12	\$3,425.34
3	8/18/09	PO# A/P-8/18	\$203.02
4	8/25/09	PO# 139873415	\$400.48
5	10/8/09	PO# A/P-moaz	\$230.07
6	10/23/09	PO# jnyjyny	\$4,042.42
7	10/23/09	PO# A/P to D/D-10/23	\$504.67
8	10/28/09	PO# MAZZZZZZ	\$177.62
9	10/29/09	PO# A/P-MOZ	\$756.34
10	10/30/09	PO# A/P-moaz	\$317.06
11	11/6/09	PO# MAZ	Unknown
12	11/9/09	PO# Desert Drugs	Unknown
13	11/12/09	PO# A/P-moaz	\$3,034.52
14	11/13/09	PO# Mozzzzz	\$1,401.89
15	11/16/09	PO# D/D-moaz	\$500.74
16	11/18/09	PO# A/P tp D/D-moaz	\$1,629.99
17	11/25/09	PO# Mozzzzz	Unknown
18	11/25/09	PO# Mozzzzz	Unknown
19	12/16/09	PO# Desert Drugs	\$5,011.74
20	12/17/09	PO# ANNNNNNN	\$1,767.82
21	12/21/09	PO# ANNNNNNN	Unknown
22	12/22/09	PO# Acton to D/D-moz	\$31.50
23	12/24/09	PO# Acton-moz	\$589.63
24	1/4/10	PO# A/P-moaz	\$224.04
25	1/4/10	PO# A/P-moaz	\$165.52
26	1/7/10	PO# Acton-moz	\$16.14
27	1/14/10	PO# A/P-moaz	\$923.38
28	1/15/10	PO# A/P-moaz	\$508.84
29	1/19/10	PO# A/P-moaz	\$89.62
30	1/19/10	PO# Mozzzzz	\$871.80
31	1/22/10	PO# MZZZZ	\$373.44
32	1/25/10	PO# MZZZ	\$2,257.94
33	1/26/10	PO# MZZZZ	Unknown
34	1/27/10	PO# Avelox	\$8,354.91

1	35	1/29/10	PO# A/P-moaz	\$73.89
2	36	1/29/10	PO# A/P-moaz	\$101.30
3	37	2/1/10	PO# A/P to Moaz	\$1,822.66
4	38	2/1/10	PO# MOZZZ	Unknown
5	39	3/3/10	PO# 03/03/10-Desert	\$748.02
6	40	3/5/10	PO# Desert03/05/2010	\$3,272.04
7	41	3/10/10	PO# Desert-03/10/10-00	\$3,742.25
8	42	3/10/10	PO# Desert03/10/10	\$5,814.79
9	43	3/12/10	PO# 03/12/10-Desert	\$680.30
10	44	3/22/10	PO# 03/22/10Desert	\$5,026.26
11	45	3/27/10	PO# 03/24/10Desert	\$4,239.91
12	46	4/5/10	PO# Desert04/05/2010	\$4,844.70
13	47	4/10/10	PO# 04/10/10Desert	\$5,208.62
14	48	4/15/10	PO# Desert04/15/10	\$5,120.65
15	49	4/23/10	PO# Desert-04/23/10	\$3,880.40
16	50	4/26/10	PO# Desert04/26/10	\$4,970.63
17	51	4/30/10	PO# Deset04/30/2010	\$341.60
18	52	4/30/10	PO# Desert04/30/10	\$2,255.60
19	53	5/7/10	PO# 05/07/10Desert	\$4,359.41
20	54	5/14/10	PO# Desert-05/14/10	\$290.21
21	55	5/14/10	PO# Desert-05/14/10	\$99.40
22	56	5/17/10	PO# Desert05/17/2010	\$556.61
23	57	5/21/10	PO# Desert05/21/10	\$1,293.22
24	58	5/21/10	PO# Desert05/21/2010	\$1,109.66
25	59	5/25/10	PO# Desert05/25/2010	\$3,707.91
26	60	5/25/10	PO# 05/25/10-Desert	\$4,078.73
27	61	5/28/10	PO# 05/28/2010Desert	\$944.93
28	62	6/3/10	PO# Desert06/03/10	\$824.83
	63	6/4/10	PO# Desert06/04/2010	\$142.77
	64	6/14/10	PO# ABC	Unknown
			Total	\$107,641.41

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Furnishing Dangerous Drugs with a Prescription)

19. Respondent Mason is subject to disciplinary action under section 4301, subdivisions (j) and (o) for violating section 4059, subdivision (b) in that Respondents furnished prescription medications without prescription. The circumstances are as follow:

///

20. On or between August 12, 2009 and June 14, 2010, Respondent Mason furnished approximately \$107,641.41 worth of dangerous drugs to Desert Pharmacy without proper sales records that correctly documented the date and the names and addresses of the supplier and buyer.

	Date	Invoice Record	Approximate Amount
1	8/12/09	PO# A/P-8/12	\$279.63
2	8/12/09	PO# A/P to D/D-8/12	\$3,425.34
3	8/18/09	PO# A/P-8/18	\$203.02
4	8/25/09	PO# 139873415	\$400.48
5	10/8/09	PO# A/P-moaz	\$230.07
6	10/23/09	PO# jnyjyny	\$4,042.42
7	10/23/09	PO# A/P to D/D-10/23	\$504.67
8	10/28/09	PO# MAZZZZZZ	\$177.62
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14	11/13/09	PO# Mozzzzz	\$1,401.89
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29	1/19/10	PO# A/P-moaz	\$89.62
30	1/19/10	PO# Mozzzzz	\$871.80
31	1/22/10	PO# MZZZZ	\$373.44
32	1/25/10	PO# MZZZ	\$2,257.94
33	1/26/10	PO# MZZZZ	Unknown
34	1/27/10	PO# Avelox	\$8,354.91

1 **DISCIPLINE CONSIDERATIONS**

2 21. To determine the degree of discipline, if any, to be imposed on Respondent Mason,
3 Complainant alleges that on or about November 28, 2011, in a prior disciplinary action entitled In
4 the Matter of the Accusation Against Hannah Mason and PalmerRx, Inc. dba Acton Pharmacy
5 before the Board of Pharmacy in Accusation Case Number 4207, Respondent Mason admitted the
6 truth of the allegations pled against them in the Accusation and agreed that their pharmacy permit
7 and pharmacist license were subject to discipline and bound by the Board's revoking
8 Respondents' permit and pharmacy license. However the revocation is stayed for four years,
9 ordered Respondent Mason to pay \$50,000.00 in civil penalties and additional terms of probation.

10 22. To determine the degree of discipline, if any, to be imposed on Respondent Mason,
11 Complainant alleges that on or about January 16, 2008, in a prior action, the Board of Pharmacy
12 issued Citation Number CI 2006 34043 and CI 2007 35033 and ordered Respondent Mason to pay
13 a civil penalty of \$4,500.00 and immediately take such measures as are necessary to practice at an
14 acceptable standard of care. That Citation is now final and is incorporated by reference as if fully
15 set forth.

16 **PRAYER**

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

19 1. Revoking or suspending Pharmacist License Number RPH 46923, issued to Hannah
20 Mason;

21 2. Ordering Hannah Mason to pay the Board of Pharmacy the reasonable costs of the
22 investigation and enforcement of this case, pursuant to Business and Professions Code section
23 125.3; and

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

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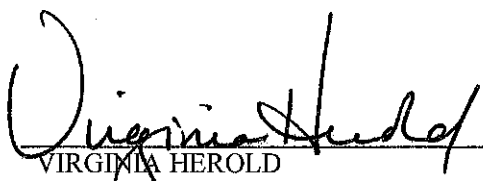
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DATED: 2/17/14



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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