

1 KAMALA D. HARRIS
Attorney General of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 KAREN R. DENVIR
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4119

12 **DORIAN NORSE LANGE**
13 **532 Sherbrook**
Commerce TWP, MI 48382
14 **Pharmacist License No. RPH 37814**

A C C U S A T I O N

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 May 24, 1983, the Board of Pharmacy issued Pharmacist License
22 Number RPH 37814 to Dorian Norse Lange (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on November
24 30, 2012, 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 4. Section 118, subdivision (b), of the Code provides that the expiration of a license
2 shall not deprive the Board of jurisdiction to proceed with a disciplinary action during the period
3 within which the license may be renewed, restored, reissued or reinstated.

4 5. Section 4300 of the Code states, in pertinent part:

5 (a) Every license issued may be suspended or revoked.

6 (b) The board shall discipline the holder of any license issued by the board, whose
7 default has been entered or whose case has been heard by the board and found guilty,
8 by any of the following methods:

8 (1) Suspending judgment.

9 (2) Placing him or her upon probation.

10 (3) Suspending his or her right to practice for a period not exceeding one year.

11 (4) Revoking his or her license.

12 (5) Taking any other action in relation to disciplining him or her as the board in its
13 discretion may deem proper.

14 6. Section 4301 of the Code states, in pertinent part:

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

18

19 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
20 corruption, whether the act is committed in the course of relations as a licensee or
21 otherwise, and whether the act is a felony or misdemeanor or not.

21

22 (j) The violation of any of the statutes of this state, or any other state, or of the United
23 States regulating controlled substances and dangerous drugs.

23

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting
25 the violation of or conspiring to violate any provision or term of this chapter or of the
26 applicable federal and state laws and regulations governing pharmacy, including
27 regulations established by the board or by any other state or federal regulatory
28 agency.

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7. Section 4306.5 of the Code states:

Unprofessional conduct for a pharmacist may include any of the following:

(a) Acts or omissions that involve, in whole or in part, the inappropriate exercise of his or her education, training, or experience as a pharmacist, whether or not the act or omission arises in the course of the practice of pharmacy or the ownership, management, administration, or operation of a pharmacy or other entity licensed by the board.

(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement his or her best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to the provision of services.

(c) Acts or omissions that involve, in whole or in part, the failure to consult appropriate patient, prescription, and other records pertaining to the performance of any pharmacy function.

(d) Acts or omissions that involve, in whole or in part, the failure to fully maintain and retain appropriate patient-specific information pertaining to the performance of any pharmacy function.

8. Section 4059 of the Code states, in pertinent part:

(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7. A person may not furnish any dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

9. Section 4081 of the Code states, in pertinent part:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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1 **COST RECOVERY**

2 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
3 administrative law judge to direct a licentiate found to have committed a violation or violations of
4 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
5 enforcement of the case.

6 **DRUGS**

7 11. Propecia, Zithromax, Medrol, and Gianvi are all dangerous drugs as designated by
8 Code section 4022.

9 **FIRST CAUSE FOR DISCIPLINE**

10 **(Acts Involving Moral Turpitude, Dishonesty Fraud, Deceit or Corruption)**

11 12. Respondent is subject to disciplinary action under section 4301, subdivision (f) in that
12 he committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption. The
13 circumstances are as follows:

14 13. During 2010, all the specific dates which are not known, Respondent removed drugs
15 from the pharmacy stock at Pharmacy Advantage, without a prescription, while working as a
16 licensed pharmacist. Respondent admitted verbally and in writing that he stole the following
17 dangerous drugs: two tablets of Medrol, one hundred tablets of finasteride (the generic name for
18 Propecia), and a package of Zithromax for his own use. In addition, Respondent admitting to
19 stealing a container of Gianvi, a dangerous drug, which he provided to his daughter, and to
20 stealing two bottles of over the counter eye drops.

21 **SECOND CAUSE FOR DISCIPLINE**

22 **(Violation of State or Federal Statutes Regulating Dangerous Drugs)**

23 14. Respondent is subject to disciplinary action under section 4301, subdivision (j) in that
24 he violated the statutes of this state regulating dangerous drugs. The circumstances are as
25 follows:

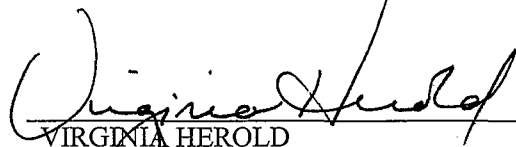
26 a. During 2010, all the specific dates which are not known, Respondent violated Code
27 section 4059, subdivision (a), in that he furnished dangerous drugs to himself without a
28 prescription, as set forth more fully in paragraph 13, above.

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2. Ordering Dorian Norse Lange to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 10/28/11



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

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