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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. 5067

12 **NEXT DOOR PHARMACY, INC.**
13 **285 Cohasset Rd., Ste. 110, 140, 150**
Chico, CA 95926

A C C U S A T I O N

14 **Pharmacy License No. PHY 51168,**

15 **NEXT DOOR PHARMACY, LLC.**
16 **285 Cohasset Road, Suite 110, 140, 150**
Chico, CA 95926

17 **Pharmacy License No. PHY 50470,**

18 **and**

19 **SAUD ALAEDDIN SADEDDIN**
20 **P.O. Box 7774**
Chico, CA 95927

21 **Pharmacist License No. RPH 61600**

22 Respondents.
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24 Complainant alleges:

25 **PARTIES**

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

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1 "(2) Placing him or her upon probation.

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

3 "(4) Revoking his or her license.

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

6 7. Section 4300.1 of the Code states: _____

7 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation
8 of law or by order or decision of the board or a court of law, the placement of a license on a
9 retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of
10 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding
11 against, the licensee or to render a decision suspending or revoking the license."

12 8. Section 4301 of the Code states in pertinent part:

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

16 "..."

17 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
18 of Section 11153 of the Health and Safety Code.

19 "..."

20 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
21 violation of or conspiring to violate any provision or term of this chapter or of the applicable
22 federal and state laws and regulations governing pharmacy, including regulations established by the
23 board or by any other state or federal regulatory agency..."

24 9. Section 4306.5 of the Code states in pertinent part:

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

26 "..."

27 "(b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement
28 his or her best professional judgment or corresponding responsibility with regard to the dispensing

1 or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with regard to
2 the provision of services..."

3 10. Section 4063 of the Code states:

4 "No prescription for any dangerous drug or dangerous device may be refilled except upon
5 authorization of the prescriber. The authorization may be given orally or at the time of giving the
6 original prescription. No prescription for any dangerous drug that is a controlled substance may be
7 designated refillable as needed. "

8 11. Section 4081 of the Code states in pertinent part:

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

18 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal
19 drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-charge,
20 for maintaining the records and inventory described in this section..."

21 **REGULATORY PROVISIONS**

22 12. California Code of Regulations (Cal. Code. Regs.), title 16, section 1718, states:

23 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions
24 Code shall be considered to include complete accountability for all dangerous drugs handled by
25 every licensee enumerated in Sections 4081 and 4332.

26 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
27 available for inspection upon request for at least 3 years after the date of the inventory."

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1 **COST RECOVERY**

2 13. 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 **BACKGROUND INFORMATION**

7 14. An Inspector employed by the Board conducted an audit of Respondent's records for
8 approximately 24 months of inventory from January 1, 2011, through January 16, 2013. The audit
9 showed the following discrepancies, for which Respondents could not account:

10

<u>Drug</u>	<u>Beginning Inventory²</u>	<u>Acquired</u>	<u>Disposed³</u>	<u>Variance</u>
11 Advair 100/50 ea	0	24	40	+16
12 Advair 250/50 ea	0	166	228	+62
13 Advair 500/50 ea	0	35	49	+14
14 Carisoprodol 350 mg	0	102,000	97,140	-4,860
15 Combivent ea	0	139	171	+32
16 Hydrocodone/APAP 10/325	0	177,500	173,304	-4,196
17 Nexium 20 mg	0	540	630	+90
18 Nexium 40 mg	0	11,430	11,790	+360
19 Oxycodone 30 mg	0	55,900	54,806	-1,094
20 Oxycontin 60 mg	0	1,400	1,310	-90
21 Singulair 4 mg	0	1,050	1,170	+120
22 Singulair 5 mg	0	930	990	+60
23 Singulair 10 mg	0	5,160	5,640	+480

24 15. During the audit, the Board Inspector discovered multiple prescriptions for two
25 patients that had been dispensed too frequently based upon the prescription and the amount of
26 drugs dispensed as follows:

27 ² January 1, 2011 is the beginning of the license period for Respondent Next Door
Pharmacy LLC.

³ "Disposed" includes current inventory.

1 a. Patient M.H. was dispensed three (3) prescriptions for Hydrocodone/APAP
2 7.5/325, 23, 16, and 12 days early, for a total of 51 days early.

3 b. Patient J.C. was dispensed twenty (20) prescriptions for Oxycodone 30 mg,
4 between 1 and 27 days early, for a total of 113 days early.

5 **FIRST CAUSE FOR DISCIPLINE**

6 **(Failure to Maintain Current Inventory)**

7 16. Respondents Next Door Pharmacy, LLC, Next Door Pharmacy, Inc., and Saud
8 Alaeddin Sadeddin are subject to disciplinary action for unprofessional conduct pursuant to section
9 4301, subdivision (o) for violating any provision or term of the licensing chapter, specifically,
10 section 4081, in conjunction with Cal. Code. Regs., title 16, section 1718, in that they, and each of
11 them, failed to keep a current, updated inventory of dangerous drugs. The circumstances are as
12 described in paragraph 14, above.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Violation of Statutes Governing Pharmacy)**

15 17. Respondent Saud Alaeddin Sadeddin is subject to disciplinary action for
16 unprofessional conduct pursuant to section 4301, subdivision (o), in that Respondent Sadeddin
17 violated section 4063, by refilling a controlled substance prescription without authorization by the
18 prescriber in that Respondent dispensed the controlled substance earlier than the prescription
19 allowed. The circumstances are as described in paragraph 15, above.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Failure to Exercise or Implement Best Professional Judgment)**

22 18. Respondent Saud Alaeddin Sadeddin is subject to disciplinary action for
23 unprofessional conduct pursuant to section 4301 and 4306.5, subdivision (b), for failing to exercise
24 his best professional judgment. Respondent excessively dispensed or furnished controlled
25 substances to two patients by refilling their prescriptions earlier than allowed by the prescriber, as
26 described in paragraph 15, above.

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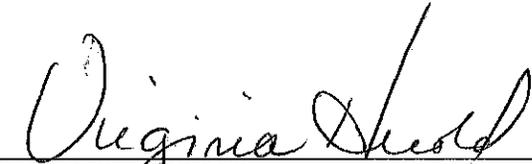
PRAYER

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

1. Revoking or suspending Original Pharmacist License Number 61600, issued to Saud Alaeddin Sadeddin;
2. Revoking or suspending Pharmacy License Number 50470, issued to Next Door Pharmacy, LLC;
3. Revoking or suspending Pharmacy License Number 51168, issued to Next Door Pharmacy, Inc.;
4. Ordering Saud Alaeddin Sadeddin, Next Door Pharmacy, LLC and Next Door Pharmacy, Inc. 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;
5. Taking such other and further action as deemed necessary and proper.

DATED: _____

5/10/14



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