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7	Attorneys for Complainant					
8	BEFORE THE BOARD OF PHARMACY					
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA					
10						
11	In the Matter of the Accusation Against:	Case No. 5613				
12	SUNSET CENTER PHARMACY INC DBA SUNSET CENTER PHARMACY &					
13	MEDICAL SUPPLY, CARMEN G. SILICATO, PIC	ACCUSATION				
14	5137-1/2 Sunset Blvd. Los Angeles, CA 90027					
15	Pharmacy Permit No. PHY 44875,					
16	and					
17	CARMEN G. SILICATO					
18	6273 Blanchard Canyon Tujunga, CA 91042					
19	Pharmacist License No. RPH 21741					
20	Respondents.					
21						
22	Complainant alleges:					
23	PARTIES					
24	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity					
25	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.					
26	2. On or about November 17, 2000, the Board of Pharmacy issued Pharmacy Permit					
27	Number PHY 44875 to Sunset Center Pharmacy Inc dba Sunset Center Pharmacy & Medical					
28	Supply, Carmen G. Silicato, PIC (Respondents). The Pharmacy Permit was in full force and					
	(SUNSET CENTER PHARMACY INCIDEAS	UNSET CENTER PHARMACY & MEDICAL SUPPLY,				
	CARMEN G. SILICATO, PIC and CARMEN G. SILICATO) ACCUSATION					

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1	effect at all times relevant to the charges brought herein and will expire on November 1, 2016,		
2	unless renewed.		
3	3. On or about July 22, 1960, the Board of Pharmacy issued Pharmacist License		
4	Number RPH 21741 to Carmen G. Silicato (Respondents). The Pharmacist License was in full		
5	force and effect at all times relevant to the charges brought herein and will expire on August 31,		
6	2016, unless renewed.		
7 ·	JURISDICTION		
8	4. This Accusation is brought before the Board of Pharmacy (Board), Department of		
9	Consumer Affairs, under the authority of the following laws. All section references are to the		
10	Business and Professions Code unless otherwise indicated.		
11	5. Section 4300 of the Code states:		
12	"(a) Every license issued may be suspended or revoked.		
13	· · · · · · · · · · · · · · · · · · ·		
14	"(e) The proceedings under this article shall be conducted in accordance with Chapter 5		
15	(commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board		
16	shall have all the powers granted therein. The action shall be final, except that the propriety of the		
17	action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil		
18	Procedure."		
19	6. Section 4300.1 of the Code states:		
20	"The expiration, cancellation, forfeiture, or suspension of a board-issued license by		
21	operation of law or by order or decision of the board or a court of law, the placement of a license		
22	on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board		
23	of jurisdiction to commence or proceed with any investigation of, or action or disciplinary		
24	proceeding against, the licensee or to render a decision suspending or revoking the license."		
25	7. Section 4076 of the Code states:		
26	"(a) A pharmacist shall not dispense any prescription except in a container that meets the		
27	requirements of state and federal law and is correctly labeled with all of the following:		
28	"…		
	2		
	(SUNSET CENTER PHARMACY INC DBA SUNSET CENTER PHARMACY & MEDICAL SUPPLY, CARMEN G. SILICATO, PIC and CARMEN G. SILICATO) ACCUSATION		

RMACY INC DBA SUNSET CENTER PHARMACY & MEDICAL SUPPLY, CARMEN G. SILICATO, PIC and CARMEN G. SILICATO) ACCUSATION

"(4) The name of the prescriber or, if applicable, the name of certified nurse-midwife 1 who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the 2 nurse practitioner who functions pursuant to a standardized procedure described in Section 3 2836.1, or protocol, the physician assistant who functions pursuant to Section 3502.1., the 4 naturopathic doctor who functions pursuant to a standardized procedure or protocol described in 5 Section 3640.5, or the pharmacist who functions pursuant to a policy, procedure, or protocol 6 pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of subparagraph (A) of 7 paragraph (5) of, subdivision (a) of Section 4052." 8

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8. Section 4081 of the Code states:

"(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs 11 12 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 13 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary 14 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, 15 institution, or establishment holding a currently valid and unrevoked certificate, license, permit, 16 17 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 18 19 Institutions Code who maintains a stock of dangerous drugs or dangerous devices."

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9. Title 9 of the California Code of Regulations, section 1718 states:

22 "Provider" means a hospital, certified by the Department of Health Services to be a Medi23 Cal provider, whether a Fee-for-Service/Medi-Cal or a Short-Doyle/Medi-Cal provider, which
24 provides psychiatric inpatient hospital services to beneficiaries."

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<u>COST RECOVERY</u>

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26 10. Section 125.3 of the Code states, in pertinent part, that the Board may request the
27 administrative law judge to direct a licentiate found to have committed a violation or violations of

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1	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and	
2	enforcement of the case.	
3	DANGEROUS DRUGS	
4	11. "Crestor" is the brand name for Rosuvastatin and is a dangerous drug pursuant to	
5	section 4022. It is used to treat high cholesterol.	
6	12. "Exelon Patch" is the brand name for Rivastigmine and is a dangerous drug pursuant	
7	to section 4022. It is used to treat Akzheimer's disease.	
8	13. "Januvia" is the brand name for Sitagliptin and is a dangerous drug pursuant to	
9	section 4022. It is used to treat diabetes.	
10	14. "Zocor" is the brand name for Simvastatin and is a dangerous drug pursuant to section	
11	4022. It is used to high cholesterol.	
12	FIRST CAUSE FOR DISCIPLINE	
13	(Improper Labeling)	
14	15. Respondents Sunset Center Pharmacy Inc., dba Sunset Center Pharmacy & Medical	
15	Supply and Carmen G. Silicato are subject to disciplinary action under section 4076 subdivision	
16	(a)(4) in that Respondents failed to comply with the prescription container labeling requirements	
17	under state and Federal law, which require that all medication containers be correctly labeled with	
18	the prescribers name. The circumstances surrounding this violations are as follows:	
19	16. On or about January 21, 2013, Respondents incorrectly labeled the following	
20	medication containers with prescriber Richard Dolan's name when the prescriptions were actually	
21	written by prescriber Azat Bogikian:	
22	1. Rx# 80007: Doxazosin written January 15, 2013 and originally filled January 21, 2013	
23	with refill on April 25, 2013.	
24	2. Rx# 80008: Pataday written January 15, 2013 and originally filled January 21, 2013	
25	with refill on April 25, 2013.	
26	3. Rx# 80009: Spiriva written January 15, 2013 and originally filled January 21, 2013	
27	with refill on April 25, 2013.	
28		
	4 (SUNSET CENTED DUADMACY INCIDE A SUNSET CENTED DUADMACY & MEDICAL SUDDI V	
	(SUNSET CENTER PHARMACY INC DBA SUNSET CENTER PHARMACY & MEDICAL SUPPLY, CARMEN G. SILICATO, PIC and CARMEN G. SILICATO) ACCUSATION	

1	4. Rx# 80010: Advair written January 15, 2013 and originally filled January 21, 2013		
2	with refill on April 25, 2013.		
3	5. Rx# 80011: Simvastatin written January 15, 2013 and originally filled January 21,		
4	2013 with refill on April 25, 2013.		
5	6. Rx# 80012: Ibuprofen written January 15, 2013 and originally filled January 21, 2013		
6	with refill on April 25, 2013.		
7	SECOND CAUSE FOR DISCIPLINE		
8	(Failure to Maintain Accurate Records)		
9	17. Respondents are subject to disciplinary action under section 4081 subdivision (a) as it		
10	relates to title 9 of the California Code of Regulations, section 1718, in that Respondents failed to		
11	maintain records of dangerous drug acquisition and disposition for a period of three (3) years.		
12	The circumstances surrounding this violations are as follows:		
13	18. From on or about January 1, 2015 through April 7, 2015, Respondents lacked records		
14	of dangerous drug purchases and dispensing records, and were unable to account for dispensing		
15	approximately 240 tablets of Crestor 10mg tablets and approximately 690 tablets of Januvia based		
16	on the pharmacy records of purchasing said drugs during the four (4) month audit period.		
17	PRAYER		
18	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,		
19	and that following the hearing, the Board of Pharmacy issue a decision:		
20	1. Revoking or suspending Pharmacy Permit Number PHY 44875, issued to Sunset		
21	Center Pharmacy Inc dba Sunset Center Pharmacy & Medical Supply, Carmen G. Silicato, PIC;		
22	2. Revoking or suspending Pharmacist License Number RPH 21741, issued to Carmen		
23	G. Silicato;		
24			
25	3. Ordering Carmen G. Silicato and Carmen G. Silicato to pay the Board of Pharmacy		
26	the reasonable costs of the investigation and enforcement of this case, pursuant to Business and		
27	Professions Code section 125.3; and		
28			
	5 (SUNSET CENTER PHARMACY INC DBA SUNSET CENTER PHARMACY & MEDICAL SUPPLY,		
	CARMEN G. SILICATO, PIC and CARMEN G. SILICATO) ACCUSATION		

1	4. Taking such other and further action as deemed necessary and proper.	
2	DATED: Duginia Aledo	
3	DATED: Ungine Alog	
4	VIRGINIA HEROLD Executive Officer	
5	Board of Pharmacy Department of Consumer Affairs State of California	
6	Complainant	
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