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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CALIFORNIA PHARMACY** **9550 Micron Ave., Ste. D** **Sacramento, CA 95827** **Pharmacy Permit Number: PHY 46209** **and** **MARTHA BRODBECK** **3003 Heirloom Way** **Sacramento, CA 95826** **Pharmacist-In-Charge** **Pharmacist License Number: RPH 32870** Respondents.	Case No. 5615 **A C C U S A T I O N**

Complainant alleges:

PARTIES

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

2. On or about January 10, 2003, the Board of Pharmacy issued Pharmacy Permit Number PHY 46209 to California Pharmacy, Inc. dba California Pharmacy (the Pharmacy). On

or about January 10, 2003, Martha Brodbeck, co-owner of the Pharmacy, became the pharmacist-in-charge. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on January 1, 2016, unless renewed.

3. On or about August 8, 1979, the board issued Pharmacist License Number RPH 32870 to Brodbeck. The license was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2017, unless renewed.

JURISDICTION

4. This Accusation is brought before the Board under the authority of the following laws.

BUSINESS AND PROFESSIONS CODE

5. Section 4006 of the Code states in pertinent part:

> The board may adopt regulations . . . limiting or restricting the furnishing of a particular drug upon a finding that the otherwise unrestricted retail sale of the drug . . . is dangerous to the public health or safety.

6. Section 4022 of the Code states in pertinent part:

> "Dangerous drug" or "dangerous device" means any drug of device unsafe for self-use in humans or animals, and includes the following:
>
> . . . .
>
> (c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.

7. Section 4040.5 of the Code states:

> "Reverse distributor" mean every person who acts as an agent for pharmacies, drug wholesalers, manufacturers, and other entities by receiving, inventorying, and managing the disposition of outdated or nonsalable dangerous drugs.

8. Section 4043 of the Code states, in pertinent part:

> "Wholesaler" means and includes a person who acts as a wholesale merchant . . . reverse distributor . . . who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or authorize the storage or warehousing of drugs with any person or at any location not licensed by the board.

9. Section 4052.7 of the Code states in pertinent part:

> . . . .

(b) Any pharmacy providing repackaging services shall have in place policies and procedures for repacking these drugs and shall label the repackaged prescription container with the following:

(1) All the information required by Section 4076.

(2) The name and address of the pharmacy repackaging the drug and the name and address of the pharmacy that initially dispensed the drug to the patient.

. . . .

10. Section 4076 of the Code states in pertinent part:

. . . .

(5) The date of issue.

(6) The name and address of the pharmacy, and prescription number or other means of identifying the prescription.

. . . .

11. 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 . . .

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

. . . .

12. Section 4160 of the Code states, in pertinent part:

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

13. Section 4201 of the Code states in pertinent part:

. . . .

(f) Notwithstanding any other law, the pharmacy license shall authorize the holder to conduct a pharmacy. The license shall be renewed annually and shall not be transferrable.

. . . .

(j) For licenses referred to in subdivisions (f) . . . any change in the proposed beneficial ownership interest shall be reported to the board within 30 days thereafter upon a form to be furnished by the board.

. . . .

14. Section 4300 of the Code states:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

15. Section 4300.1 of the Code states:

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

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

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

. . . .

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

. . . .

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

. . . .

(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing

pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

(p) Actions or conduct that would have warranted denial of a license.

. . . .

17. Section 4332 of the Code states:

Any person who fails, neglects, or refuses to maintain the records required by Section 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects, or refuses to produce or provide the records within a reasonable time, or who willfully produces or furnishes records that are false, is guilty of a misdemeanor.

18. Section 4342 of the Code states in pertinent part:

(a) The board may institute any action or actions as may be provided by law and that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs that do not conform to the standard and tests as to quality and strength, provided in the latest edition of the United States Pharmacopoeia or the National Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic Law.

. . . .

HEALTH AND SAFETY CODE

19. Section 11165 of the Code states in pertinent part:

. . . .

(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance . . . the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed, in a format specific by the Department of Justice:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed

(6) International Statistical Classification of Diseases, 9th revision (ICD-9) or 10th revision (ICD-10) Code, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

20. Section 111395 of the Code states in pertinent part:

Any drug is misbranded in any of the following cases:

. . . .

(c) The contents of the original package have been, wholly or partly, removed and replaced with other material in the package.

CALIFORNIA CODE OF REGULATIONS[1]

21. Section 1714 of the State Regulations state in pertinent part[2]:

. . . .

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment s that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

(c) The pharmacy and fixtures and equipment shall be maintained in a clean and orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and insects, and properly lighted. The pharmacy shall be equipped with a sink with hot and cold running water for pharmaceutical purposes.

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

. . . .

22. Section 1715 of the State Regulations state in pertinent part:

(a) The pharmacist-in-charge of each pharmacy as defined under section 4029 or section 4037 of the Business and Professions Code shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The assessment shall be performed before July 1 of every odd-numbered year. The primary purpose of the self-assessment is to promote compliance through self-

[1] Hereinafter referred to as "State Regulations."
[2] All references to the State Regulations are to title 16 unless otherwise noted.

examination and education.

. . . .

23. Section 1718 of the State Regulations states:

"Current inventory" as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4331. The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.

24. Section 1793.7 of the State Regulations state in pertinent part:

. . . .

(c) A pharmacy technician must wear identification clearly identifying him or her as a pharmacy technician.

. . . .

CODE OF FEDERAL REGULATIONS[3]

25. Section 1301.75 of the Federal Regulations state in pertinent part[4]:

. . . .

(b) Controlled substances listed in Schedule II, III, IV, and V shall be stored in a securely locked, substantially constructed cabinet. However, pharmacies and institutional practitioners may disperse such substances throughout the stock of noncontrolled substances in such a manner as to obstruct the theft or diversion of controlled substances.

. . . .

26. Section 1304.11 of the Federal Regulations state in pertinent part:

(a) *General requirements.* Each inventory shall contain a complete and accurate record of all controlled substances on hand on the date the inventory is taken, and shall be maintained in written, typewritten, or printed form at the registered location . . .

(b) *Initial inventory date.* Every person required to keep records shall take an inventory of all stocks of controlled substances on hand on the date he/she first engages in the manufacture, distribution, or dispensing of controlled substances . . .

(c) *Biennial inventory date.* After the initial inventory is taken, the registrant shall take a new inventory of all stocks of controlled substances on hand at least every two years. The biennial inventory may be taken on any date which is

[3] Hereinafter referred to as "Federal Regulations."
[4] All references to the Federal Regulations are to title 21 unless otherwise noted.

within two years of the previous biennial inventory date.

. . . .

27. Section 1306.22 of the Federal Regulations state in pertinent part:

. . . .

(f) As an alternative to the procedures provided by paragraphs (a) through (e) of this section, a computer application may be used for the storage and retrieval of refill information for original paper prescription orders for controlled substances in Schedule III and IV, subject to the following conditions:

. . . .

(3) Documentation of the fact that the refill information entered into the computer each time a pharmacist refills an original paper, fax, or oral prescription order for a Schedule III or IV controlled substance is correct must be provided by the individual pharmacist who makes use of such an application. If such an application provides a hard-copy printout of each day's controlled substance prescription order refill data, that printout shall be verified, dated, and signed by the individual pharmacist who refilled such a prescription order. The individual pharmacist must verify that the data indicated are correct and then sign this document in the same manner as he would sign a check or legal documents . . . [t]his document shall be maintained in a separate file at that pharmacy for a period of two years from the dispensing date. This printout of the day's controlled substance prescription order refill data must be provided to each pharmacy using such a computerized application within 72 hours of the date on which the refill was dispensed. It must be verified and signed by each pharmacist who is involved with such dispensing. In lieu of such a printout, the pharmacy shall maintain a bound log book, or separate file, in which each individual pharmacist involved in such dispensing shall sign a statement . . . each day, attesting to the fact hat the refill information entered into the computer that day has been reviewed by him and is correct as shown. Such a book or file must be maintained at the pharmacy employing such an application for a period of two years after the date of dispensing the appropriately authorized refill.

. . . .

COST RECOVERY

28. Business and Professions Code section 125.3 provides, in pertinent part, that a board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

CONTROLLED SUBSTANCES

29. "Restoril," a brand of temazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d) and Code of Federal Regulations, title 21, section 1308.14.

30. "Lunesta," a brand of eszopiclone, an isomer of the drug zopiclone, is a Schedule IV controlled substance under Code of Federal Regulations, title 21, section 1308.14.

31. "Klonopin," a brand of clonazepam, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d) and Code of Federal Regulations, title 21, section 1308.14.

BACKGROUND

32. On November 13, 2013, the California State Board of Pharmacy (Board) conducted a routine inspection of Respondent California Pharmacy (Pharmacy). The inspection was carried out by Board Inspector P.P. who was assisted by Board Inspector B.R. Pharmacist-in-Charge, Respondent Martha Brodbeck (Brodbeck), guided the Board inspectors through their inspection.

33. Upon initiation of the inspection, Inspector P.P. entered a room filled with multiple stacks of cardboard boxes. The room was used as an office, storage area for supplies, and for storing medications intended for destruction. Although Brodbeck stated that the Pharmacy stopped taking back medication from patients in 2010, the inspection revealed medication returned to the Pharmacy as recent as 2012 and 2013.

34. The Pharmacy had one sink in an employee break room area and it was used for all purposes. The Pharmacy did not have a sink dedicated only for pharmacy use.

35. Brodbeck was asked to provide the current biennial inventory of controlled substances for inspection. A form dated July 20, 2012, was produced by Brodbeck but it was not titled or labeled as a biennial inventory, and it did not have a pharmacist's signature on it, nor was there any indication of whether the inventory was taken at the beginning or end of business. Brodbeck indicated that she inventoried the Pharmacy's controlled substances throughout the day and did not verify the inventory because she was the only pharmacist that worked for the Pharmacy.

During the inspection, Investigator P.P. determined that the Pharmacy also employed a second pharmacist, L.L. on Thursdays and Fridays.

36. Inspector P.P. requested to review documentation of the Pharmacy's reporting to the California Controlled Substance Utilization Review and Evaluation System (CURES) and Inspector P.P determined that the Pharmacy and Brobeck had not submitted a CURES report since July 28, 2010.

37. Inspector P.P asked Brodbeck to produce a record or log to show the drugs taken back from patients. Brodbeck admitted to not having any such records claiming she had stopped taking back any drugs in 2010.

38. The Pharmacy and Brodbeck stored all controlled substance in an unlocked and unsecured cabinet. Inside the cabinet were two amber bottles with the controlled substances temazepam and Lunesta. Brodbeck did not know where the stock bottles for the drugs were located and was unable to produce a print out of controlled substances for the Pharmacy. Brodbeck admitted she had not generated a controlled substances report since July 2013.

39. The Pharmacy and Brodbeck stored dangerous drugs in boxes that were neither sealed nor stored in a secured location. Inspector P.P. observed a plastic bag with the drug clonazepam (a schedule IV controlled substance) inside one of the boxes and labeled with the patient name V.H. Brodbeck indicated the drugs were to be repackage for the patient, but there were no records or vials indicating patient V.H. was scheduled to have any drugs repacked by the Pharmacy.

40. Brodbeck was asked to produce a copy of the Pharmacy's self-assessment and she could not produce a self-assessment for 2013.

41. Inspector P.P identified medication that was repackaged by the Pharmacy and which did not include the name of the originating pharmacy, lot, identifier, or expiration date. The Pharmacy and Brodbeck stored drugs in desk drawers along with partial and halved blister pack cards. Some cards had medication labels while some were had no labels. Pharmacy technicians J.E. and L.L., who lacked proper identification name tags, admitted they were trained by Brodbeck to punch out returned medications from bubble and blister packs and to place them in amber vials for subsequent re-sale of the returned medications. During the inspection, multiple

stock bottles were observed with a mixture of medications inside as well as multiple empty stock bottles.

42. On November 14, 2013, Inspector P.P. and Inspector J.W. returned to Respondent Pharmacy for the purpose of seizing boxes of medications being stored by the Pharmacy in order to prevent the Pharmacy from dispensing returned and outdated dangerous drugs to patients. Inspectors P.P and J.W. observed open Dixie cups with various mixed drugs inside. Inspectors P.P. and J.W. identified a large box of controlled substances and Adderall XR, that the Pharmacy had received as returns, which were not identified in any inventory.

43. During the inspection, Inspectors P.P and J.W. observed two bottles of Schedule II drugs that were not on Brodbeck's DEA inventory; amber vials containing a mixture of drugs, some without labels; and a mixture of dangerous drugs being stored in baggies and a Folgers coffee canister.

44. Inspector P.P. requested inventory records on nine drugs from Brodbeck which revealed the following purchase and dispensing quantities:

Drug	Purchase Quantity Report for 12/30/11 – 11/13/13	Dispensing Reported
Clozapine (100mg)	16200	17363.5
Paroxetine (40mg)	Unknown	4622
Levetiracetam (1000mg)	1380	1486
Oxcarbazepine (150mg)	2500	2048
Temazepam (15mg)	Unknown	1016
Lunesta (2mg)	500	560
Clonazepam (.5mg)	26700	13976
Oxcarbazepine (600mg)	3100	3304
Fluoxetine (10mg)	100	1350

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45. Nine drugs dispensed by the Pharmacy were audited. Of the nine drugs, six drugs had a negative variance, indicating sales/billings in excess of the number of drugs actually purchased. Those drugs included:

Drug	Variance
Clozapine (100mg)	-1412
Paroxetine (40mg)	-4791
Levetiracetam (1000mg)	-247
Lunesta (2mg)	-50
Oxcarbazepine (600mg)	-54
Fluoxetine (10mg)	-1019

46. Cardinal Health, a supplier of drugs was contacted and sales and return records of the Pharmacy were requested. Using Cardinal Health records as the baseline for drugs purchased by the Pharmacy, it was determined that the Pharmacy had a significantly high variance of more drugs sold and billed than purchased.

47. On November 13, 2013, Brodbeck identified herself as the sole owner of the Pharmacy. Brodbeck produced records to Inspector P.P. demonstrating that ownership interest in the Pharmacy by E.B. and L.S. were sold to Brodbeck in January and September 2013, respectively. Brodbeck failed to report the Board of any changes in ownership.

FIRST CAUSE FOR DISCIPLINE
(Unprofessional Conduct)

48. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to Business and Professions Code section 4301(f) for unprofessional conduct when Respondents took drugs returned for destruction and repackaged them for resale.

49. On November 13, 2013 and November 14, 2013, Respondents were found with unlabeled drugs in stock that were not accounted for in purchase records and an audit of Respondent California Pharmacy records resulted in multiple drugs having positive variances

indicating more drugs were sold by Respondents than were purchased by Respondent California Pharmacy as described in paragraphs 44-45.

50. Pharmacy Technicians J.E. and L.L. admitted to being trained by Respondent Brodbeck to punch out returned medications from bubble and blister packs so the drugs could be resold as described in paragraph 41.

51. On November 13, 2013 and November 14, 2013, Board inspectors P.P., B.R., and J.W. observed open and mixed containers of returned drugs, including controlled substances and dangerous drugs, not accounted for in any inventory. These drugs were returned to Respondents for disposal, but Respondents had established a dishonest, fraudulent, and deceitful practice of re-packaging and re-selling the returned drugs to patients rather than properly disposing of them as described in paragraphs 33, 39, and 41-46.

SECOND CAUSE FOR DISCIPLINE
(Unlicensed Activity)

52. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to Business and Professions Code sections 4040.5, 4043(a), and 4160(a) in that on November 13, 2013 and November 14, 2013, Respondents were acting as a reverse distributor without a license by taking back drugs, including controlled substances, that were previously dispensed to patients as described in paragraphs 33, and 41-46.

THIRD CAUSE FOR DISCIPLINE
(Failure to Complete and Maintain Records Under Federal and State Regulations Governing Pharmacy)

53. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to Business and Professions Code sections 4081 and 4332 and title 21 of the Code of Federal Regulations section 1304 in that on November 13, 2013, they had not completed an accurate controlled substance biennial inventory. The document presented by Respondent Brodbeck as the controlled substance biennial inventory lacked an identifying title for the document, lacked a pharmacist signature, and did not identify

the contents of the report. Controlled substances were observed in stock in the pharmacy and were not listed in the document provided as described in paragraph 35.

54. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to Health and Safety Code section 11165 in that Respondents failed to provide a review of CURES information for the period between January 1, 2009 through December 31, 2013, and had not submitted a CURES report for any transaction between August 1, 2010 and December 31, 2014 as described in paragraph 36.

55. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to title 16 of the Code of Federal Regulations section 1306.22(f)(3) in that on November 13, 2014, Respondents did not have records of Schedule III and Schedule IV drug refills that were signed, printed, and readily retrievable documenting such refills every 72 hours as described in paragraph 38.

56. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to title 16 of the California Code of Regulations section 1715(a) in that a pharmacist-in-charge must complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law before July 1 of every odd-numbered year and on November 13, 2014, Respondents did not have a completed Community Pharmacy Self-Assessment form by July 1, 2013, as described in paragraph 40.

FOURTH CAUSE FOR DISCIPLINE
(Failure to Properly Label Medications)

57. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to Business and Professions Code 4052.7 in that Respondents's repackaging of a patient's own medications lacked the date, prescription number, and other means of identifying the prescription as described in paragraph 41.

FIFTH CAUSE FOR DISCIPLINE
(Failure to Properly Secure Controlled Substances)

58. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to California Code of Regulations

section 1714(b) and title 16 of the Code of Federal Regulations section 1301.75(b) in that Respondents' storage of controlled substances was not in a securely locked or substantially constructed cabinet, nor were the controlled substances dispersed throughout the stock of non-controlled substances so as to obstruct theft or diversion as described in paragraph 38.

SIXTH CASE FOR DISCIPLINE
(Failure to Properly Identify Pharmacy Technicians)

59. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to title 16 of the California Code of Regulations section 1793.7(c) in that pharmacy technicians J.E. and L.L. were allowed to work without wearing proper identification clearly identifying each as a pharmacy technician as described in paragraph 41.

SEVENTH CASE FOR DISCIPLINE
(Failure to Properly Equip Pharmacy)

60. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to title 16 of the California Code of Regulations section 1714(c) in that on November 13, 2013, Respondents did not have a sink dedicated for pharmacy purposes as described in paragraph 34.

EIGHTH CASE FOR DISCIPLINE
(Failure to Report Change in Pharmacy Ownership)

61. Respondent California Pharmacy's pharmacy permit and Respondent Brodbeck's pharmacist license are subject to disciplinary action pursuant to Business and Professions Code 4201 in that after the beneficial ownership interest in Respondent California Pharmacy changed, neither Respondents reported such change to the California Board of Pharmacy within 30-days of the change in ownership interest as described in paragraph 47.

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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 Pharmacy Permit Number PHY 46209, issued to California Pharmacy, Inc. dba California Pharmacy;

2. Revoking or suspending Pharmacist License Number RPH 32870, issued to Martha Brodbeck;

3. Ordering that Respondents California Pharmacy and Martha Brodbeck 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;

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

DATED: 12/22/15

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

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