

1 KAMALA D. HARRIS  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 LORRIE M. YOST  
Deputy Attorney General  
4 State Bar No. 119088  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 445-2271  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

11 In the Matter of the First Amended Accusation  
12 Against:

Case No. 5748

13 **FLORIDA AVENUE PRESCRIPTIONS**  
14 **ELAINE GEORGE-PARDINI**  
15 **CHIEF EXECUTIVE OFFICER, 100%**  
16 **SHAREHOLDER, PRESIDENT,**  
17 **DIRECTOR, SECRETARY,**  
18 **TREASURER/CFO**  
19 1541 Florida Avenue, Suite P  
20 Modesto, CA 95350

**FIRST AMENDED ACCUSATION**

21 **Original Pharmacy Permit No. PHY 55943**

22 **[Previously FLORIDA AVENUE**  
23 **PRESCRIPTIONS MARK V. PARDINI**  
24 **PRESIDENT AND VICE PRESIDENT**  
25 **ELAINE GEORGE-PARDINI,**  
26 **SECRETARY, TREASURER/CFO**  
27 1541 Florida Avenue, Suite P  
28 Modesto, CA 95350

**Original Pharmacy Permit No. PHY 38942]**

24 **MARK VICTOR PARDINI**  
25 9890 Gainsborough Ln.,  
26 Reno, NV 89521

27 **Original Pharmacist License No. RPH 37855**

28 and

1 **ELAINE GEORGE-PARDINI**  
2021 Lake Wind Court  
2 Modesto, CA 95355

3 **Original Pharmacist License No. RPH 37856**

4 Respondents.

5  
6 Virginia Herold (“Complainant”) alleges:

7 **PARTIES**

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

10 **Pharmacy Permit**

11 2. On or about November 16, 1992, the Board issued Original Pharmacy Permit Number  
12 PHY 38942 to Florida Avenue Prescriptions (“Respondent Florida Ave”), with Mark V. Pardini  
13 as its President, Vice President, and Pharmacist in Charge; and, Elaine George-Pardini as its  
14 Secretary and Treasurer/Chief Financial Officer. On or about September 1, 2008, Elaine George-  
15 Pardini, RPH 37867, became the Pharmacist-in-Charge for Respondent Florida Avenue  
16 Prescriptions. The Original Pharmacy Permit was in full force and effect at all times relevant to  
17 the charges brought herein and expired on November 1, 2017. In addition, on or about November  
18 7, 2017, the permit was cancelled due to Discontinuance of Business, effective November 1,  
19 2017, to permit a transfer of ownership of the entity to Elaine George-Pardini, as described  
20 below.

21 3. On or about November 2, 2017, the Board issued Original Permit Number PHY  
22 55943 to Florida Avenue Prescriptions, Inc. (“Respondent Florida Ave”), to do business as  
23 Florida Avenue Prescriptions Inc., with Elaine George-Pardini as its Chief Executive Officer,  
24 100 % Shareholder, President, Director, Secretary and Treasurer/Chief Financial Officer, and  
25 Pharmacist in Charge. Said permit is in full force and effect until February 15, 2018.

26 **Pharmacist License – Mark Victor Pardini**

27 4. On or about August 30, 1983, the Board issued Original Pharmacist License Number  
28 RPH 37855 to Mark Victor Pardini (Respondent Pardini). The Original Pharmacist License was \

1 in full force and effect at all times relevant to the charges brought herein and will expire on  
2 August 31, 2019, unless renewed.

3 **Pharmacist License - Elaine George-Pardini**

4 5. On or about August 30, 1983, the Board issued Original Pharmacist License Number  
5 RPH 37856 to Elaine George-Pardini (Respondent George-Pardini). The Original Pharmacist  
6 License was in full force and effect at all times relevant to the charges brought herein and will  
7 expire on July 31, 2019, unless renewed.

8 **JURISDICTION**

9 6. This Accusation is brought before the Board under the authority of the following  
10 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
11 indicated.

12 7. Code section 4083 states, in pertinent part:

13 (a) An inspector may issue an order of correction to a licensee directing the  
14 licensee to comply with this chapter or regulations adopted pursuant to this chapter.

15 (f) Nothing in this section shall in any way limit the board's authority or ability  
16 to do any of the following:

17 (3) Institute disciplinary proceedings pursuant to Article 19 (commencing with  
18 Section 4300).

18 8. Code section 4300 states, in pertinent part:

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

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

23 (1) Suspending judgment.

24 (2) Placing him or her upon probation.

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

26 (4) Revoking his or her license.

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

///

1 9. Code section 4300.1 states:

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

## 8 **STATUTORY AND REGULATORY PROVISIONS**

9 10. Code section 4301 states, in pertinent part:

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

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

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

22 11. Health and Safety Code section 11165(d) states, in pertinent part:

23 For each prescription for a Schedule II, Schedule III, or Schedule IV controlled  
24 substance, as defined in the controlled substances schedules in federal law and  
25 regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of  
26 Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other  
27 dispenser shall report the following information to the Department of Justice as soon  
28 as reasonably possible, but not more than seven days after the date a controlled  
substance is dispensed, in a format specified by the Department of Justice. . . .

12. Code section 4113(c) states, "The pharmacist-in-charge shall be responsible for a  
pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of  
pharmacy."

13. California Code of Regulations ("Regulations), title 16, section 1707.2 states, in  
pertinent part:

(a) A pharmacist shall provide oral consultation to his or her patient or the  
patient's agent in all care settings:

(1) upon request; or

(2) whenever the pharmacist deems it warranted in the exercise of his or her  
professional judgment.

1 (b)(1) In addition to the obligation to consult set forth in subsection (a), a  
2 pharmacist shall provide oral consultation to his or her patient or the patient's agent in  
any care setting in which the patient or agent is present:

3 (A) whenever the prescription drug has not previously been dispensed to a  
4 patient; or

5 (B) whenever a prescription drug not previously dispensed to a patient in the same dosage  
6 form, strength or with the same written directions, is dispensed by the pharmacy.

7 14. Code section 4115 states, in pertinent part:

8 (a) A pharmacy technician may perform packaging, manipulative, repetitive, or  
9 other nondiscretionary tasks only while assisting, and while under the direct  
10 supervision and control of, a pharmacist. The pharmacist shall be responsible for the  
duties performed under his or her supervision by a technician.

11 (h) The pharmacist on duty shall be directly responsible for the conduct of a  
pharmacy technician supervised by that pharmacist.

12 15. Regulations section 1793.7 states, in pertinent part:

13 (b) Pharmacy technicians must work under the direct supervision of a  
14 pharmacist and in such a relationship that the supervising pharmacist is fully aware of  
all activities involved in the preparation and dispensing of medications, including the  
15 maintenance of appropriate records.

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

17 (e) A pharmacist shall be responsible for all activities of pharmacy technicians  
18 to ensure that all such activities are performed completely, safely and without risk of  
harm to patients.

19 16. Code section 4307 states, in pertinent part:

20 (a) Any person who has been denied a license or whose license has been  
21 revoked or is under suspension, or who has failed to renew his or her license while it  
was under suspension, or who has been a manager, administrator, owner, member,  
22 officer, director, associate, or partner of any partnership, corporation, firm, or  
association whose application for a license has been denied or revoked, is under  
23 suspension or has been placed on probation, and while acting as the manager,  
administrator, owner, member, officer, director, associate, or partner had knowledge  
24 of or knowingly participated in any conduct for which the license was denied,  
revoked, suspended, or placed on probation, shall be prohibited from serving as a  
25 manager, administrator, owner, member, officer, director, associate, or partner of a  
licensee as follows:

26 (1) Where a probationary license is issued or where an existing license is  
27 placed on probation, this prohibition shall remain in effect for a period not  
to exceed five years.

28 ///

1 (2) Where the license is denied or revoked, the prohibition shall continue until  
2 the license is issued or reinstated.

3 (b) "Manager, administrator, owner, member, officer, director, associate, or  
4 partner," as used in this section and Section 4308, may refer to a pharmacist or to any  
5 other person who serves in that capacity in or for a licensee.

### 6 COST RECOVERY

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

### 13 INSPECTION – SEPTEMBER 2, 2015

14 18. On or about August 31, 2015, a Board inspector (the "inspector") requested a  
15 Controlled Substance Utilization Review and Evaluation System (CURES) report<sup>1</sup> for Florida  
16 Avenue Prescriptions, which is located in Modesto, California. A CURES report could not be  
17 produced; it appeared Florida Avenue Prescriptions had not reported any controlled substances.

18 19. On or about September 2, 2015, the inspector entered the premises of Respondent  
19 Florida Ave to conduct an inspection. He observed a female customer at the counter ("J.C.'s  
20 agent") pick up a prescription for her husband, J.C. J.C.'s agent asked the individual serving her  
21 if the medication should be taken with food. That individual was not wearing identification, but  
22 was later identified to be "S.M.", a pharmacy technician employed by Respondent Florida Ave.  
23 S.M. told J.C.'s agent that the medication should be taken with food but did not offer to have a  
24 pharmacist consult with her. The scripts for J.C., Norco 10/325 (hydrocodone/acetaminophen 10-  
25 325 mg.), a controlled substance, and Phenergan (promethazine, 25 mg.), were new.

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27 <sup>1</sup> Operative January 1, 2005, and effective October 4, 2005, Health and Safety Code  
28 section 11165(d) required pharmacies to report prescriptions for Schedule II or III controlled  
substances for the Department of Justice on a weekly basis. Effective January 1, 2007, 11165(d)  
was amended to require reporting of Schedule IV controlled substances as well.

1 20. The investigator was eventually introduced to Respondent George-Pardini as the  
2 pharmacist on duty. In the course of the investigation, the investigator told Respondent George-  
3 Pardini that that he could not find any CURES report submitted by Florida Ave. Respondent  
4 George-Pardini told the investigator that she believed such reports were optional.

5 **FIRST CAUSE FOR DISCIPLINE**

6 (Violation of Regulation Governing Pharmacy - Identification)

7 21. Respondent Florida Ave is subject to discipline pursuant to Code section 4301(o), on  
8 the grounds of unprofessional conduct, in that on or about September 2, 2015, it failed to ensure  
9 that S.M. was wearing identification that clearly identified her as a pharmacy technician, a  
10 violation of Regulation section 1793.7(c), which is applicable to governing pharmacy.

11 **SECOND CAUSE FOR DISCIPLINE**

12 (Violations of Regulations Governing Pharmacy – Oral Consultation)

13 22. Respondents Florida Ave and George-Pardini, as pharmacist-in-charge, are subject to  
14 discipline pursuant to Code section 4301(o) on the grounds of unprofessional conduct, in that on  
15 or about September 2, 2015, Respondents Florida Ave and George-Pardini violated regulations  
16 applicable to governing pharmacy by:

17 a. Failing to provide an oral consultation to J.C.'s agent upon request, a violation of  
18 Regulation section 1707.2(a)(1).

19 b. Failing to provide an oral consultation to J.C.'s agent when the prescription for J.C.  
20 had not previously been dispensed or had not been dispensed in the same dosage form, strength,  
21 and/or with the same written directions, a violation of Regulation section 1707.2(b)(1).

22 **THIRD CAUSE FOR DISCIPLINE**

23 (Violation of State Laws and Regulations Governing Pharmacy - Supervision)

24 23. Respondent George-Pardini is subject to discipline pursuant to Code section 4301(o)  
25 on the grounds of unprofessional conduct, in that on or about September 2, 2015, she failed to  
26 supervise S.M., a pharmacy technician, as set forth in paragraph 18 above, a violation of Code  
27 section 4115(a) and (h); and, Regulation section 1793.7(b) and (e), state laws and regulations  
28 applicable to governing pharmacy.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violation of State Laws Governing Pharmacy - Reporting)

3 24. Respondent Florida Ave, Respondent George-Pardini, and Respondent Pardini are  
4 subject to discipline pursuant to Code section 4301(o), on the grounds of unprofessional conduct,  
5 in that they violated state laws applicable to governing pharmacy, as follows:

6 a. Between on or about September 1, 2008, and September 2, 2015, Respondents  
7 Florida Ave and George-Pardini, as pharmacist-in-charge, failed to report prescriptions for  
8 Schedule II through IV controlled substances to the Department of Justice, in violation of Health  
9 and Safety Code section 11165(d).

10 b. Between on or about October 4, 2005, and August 30, 2008, Respondents Florida  
11 Ave and Pardini, as pharmacist-in-charge, failed to report prescriptions for Schedule II, III, and/or  
12 IV controlled substances to the Department of Justice, in violation of Health and Safety Code  
13 section 11165(d).

14 **OTHER MATTERS**

15 25. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.  
16 PHY 55943, issued to Florida Avenue Prescriptions, Florida Avenue Prescriptions shall be  
17 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
18 or partner of a licensee for five years if Pharmacy Permit Number PHY 55943, is placed on  
19 probation or until Pharmacy Permit Number PHY 55943 is reinstated if it is revoked.

20 26. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.  
21 PHY 55943, issued to Florida Avenue Prescriptions, for conduct which occurred while Mark  
22 Victor Pardini and/or Elaine George-Pardini was an officer, and had knowledge of or knowingly  
23 participated in any conduct for which the permit was disciplined, Mark Victor Pardini and/or  
24 Elaine George-Pardini shall be prohibited from serving as a manager, administrator, owner,  
25 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)  
26 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit  
27 Number PHY 55943 is reinstated, if revoked.

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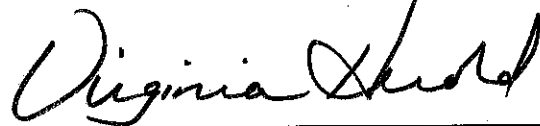
1 **PRAYER**

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

- 4 1. Revoking or suspending Pharmacy Permit Number PHY 55943, issued to Florida  
5 Avenue Prescriptions;
- 6 2. Revoking or suspending Pharmacist License Number RPH 37855, issued to Mark  
7 Victor Pardini;
- 8 3. Prohibiting Mark Victor Pardini from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)  
10 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit  
11 Number PHY 55943 is reinstated, if revoked;
- 12 4. Revoking or suspending Pharmacist License Number RPH 37856, issued to Elaine  
13 George-Pardini;
- 14 5. Prohibiting Elaine George-Pardini from serving as a manager, administrator, owner,  
15 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)  
16 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit  
17 Number PHY 55943 is reinstated, if revoked;
- 18 6. Ordering Florida Avenue Prescriptions, Mark Victor Pardini, and/or Elaine George  
19 Pardini to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement  
20 of this case, pursuant to Business and Professions Code section 125.3;
- 21 7. Taking such other and further action as deemed necessary and proper.

22  
23 DATED: \_\_\_\_\_

12/13/17



24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

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

11 In the Matter of the Accusation Against:  
12 **FLORIDA AVENUE PRESCRIPTIONS**  
**MARK V. PARDINI**  
13 **PRESIDENT AND VICE PRESIDENT**  
**ELAINE GEORGE-PARDINI,**  
14 **SECRETARY, TREASURER/CFO**  
15 1541 Florida Avenue, Suite P  
Modesto, CA 95350  
16 **Original Pharmacy Permit No. PHY 38942**  
17 **MARK VICTOR PARDINI**  
520 Verelli Ct.  
18 Reno, NV 89521  
19 **Original Pharmacist License No. RPH 37855**  
20 and  
21 **ELAINE GEORGE-PARDINI**  
2021 Lake Wind Court  
22 Modesto, CA 95355  
23 **Original Pharmacist License No. RPH 37856**  
24 Respondents.

Case No. 5748  
**ACCUSATION**

26 ///  
27 ///  
28 ///

1 Virginia Herold ("Complainant") alleges:

2 **PARTIES**

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

5 **Pharmacy Permit**

6 2. On or about November 16, 1992, the Board issued Original Pharmacy Permit Number  
7 PHY 38942 to Florida Avenue Prescriptions ("Respondent Florida Ave"), with Mark V. Pardini  
8 as its President, Vice President, and Pharmacist in Charge; and, Elaine George-Pardini as its  
9 Secretary and Treasurer/Chief Financial Officer. On or about September 1, 2008, Elaine George-  
10 Pardini, RPH 37867, became the Pharmacist-in-Charge for Respondent Florida Avenue  
11 Prescriptions. The Original Pharmacy Permit was in full force and effect at all times relevant to  
12 the charges brought herein and will expire on November 1, 2016, unless renewed.

13 **Pharmacist License – Mark Victor Pardini**

14 3. On or about August 30, 1983, the Board issued Original Pharmacist License Number  
15 RPH 37855 to Mark Victor Pardini (Respondent Pardini). The Original Pharmacist License was  
16 in full force and effect at all times relevant to the charges brought herein and will expire on  
17 August 31, 2017, unless renewed.

18 **Pharmacist License - Elaine George-Pardini**

19 4. On or about August 30, 1983, the Board issued Original Pharmacist License Number  
20 RPH 37856 to Elaine George-Pardini (Respondent George-Pardini). The Original Pharmacist  
21 License was in full force and effect at all times relevant to the charges brought herein and will  
22 expire on July 31, 2017, unless renewed.

23 **JURISDICTION**

24 5. This Accusation is brought before the Board under the authority of the following  
25 laws. All section references are to the Business and Professions Code ("Code") unless otherwise  
26 indicated.

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(f) Nothing in this section shall in any way limit the board's authority or ability to do any of the following:

(3) Institute disciplinary proceedings pursuant to Article 19 (commencing with Section 4300).

7. Code section 4300 states, in pertinent part:

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(1) Suspending judgment.

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(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.

8. Code section 4300.1 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.

**STATUTORY AND REGULATORY PROVISIONS**

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(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.

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1 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
2 abetting the violation of or conspiring to violate any provision or term of this chapter  
3 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  
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4 10. Health and Safety Code section 11165(d) states, in pertinent part:

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6 substance, as defined in the controlled substances schedules in federal law and  
7 regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of  
8 Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other  
dispenser shall report the following information to the Department of Justice as soon  
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15 patient's agent in all care settings:

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27 duties performed under his or her supervision by a technician.

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13 revoked or is under suspension, or who has failed to renew his or her license while it  
14 was under suspension, or who has been a manager, administrator, owner, member,  
15 officer, director, associate, or partner of any partnership, corporation, firm, or  
16 association whose application for a license has been denied or revoked, is under  
17 suspension or has been placed on probation, and while acting as the manager,  
18 administrator, owner, member, officer, director, associate, or partner had knowledge  
19 of or knowingly participated in any conduct for which the license was denied,  
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**COST RECOVERY**

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included in a stipulated settlement.

///

1 INSPECTION – SEPTEMBER 2, 2015

2 17. On or about August 31, 2015, a Board inspector (the “inspector”) requested a  
3 Controlled Substance Utilization Review and Evaluation System (CURES) report<sup>1</sup> for Florida  
4 Avenue Prescriptions, which is located in Modesto, California. A CURES report could not be  
5 produced; it appeared Florida Avenue Prescriptions had not reported any controlled substances.

6 18. On or about September 2, 2015, the inspector entered the premises of Respondent  
7 Florida Ave to conduct an inspection. He observed a female customer at the counter (“J.C.’s  
8 agent”) pick up a prescription for her husband, J.C. J.C.’s agent asked the individual serving her  
9 if the medication should be taken with food. That individual was not wearing identification, but  
10 was later identified to be “S.M.,” a pharmacy technician employed by Respondent Florida Ave.  
11 S.M. told J.C.’s agent that the medication should be taken with food but did not offer to have a  
12 pharmacist consult with her. The scripts for J.C., Norco 10/325 (hydrocodone/acetaminophen 10-  
13 325 mg.), a controlled substance, and Phenergan (promethazine, 25 mg.), were new.

14 19. The investigator was eventually introduced to Respondent George-Pardini as the  
15 pharmacist on duty. In the course of the investigation, the investigator told Respondent George-  
16 Pardini that that he could not find any CURES report submitted by Florida Ave. Respondent  
17 George-Pardini told the investigator that she believed such reports were optional.

18 FIRST CAUSE FOR DISCIPLINE

19 (Violation of Regulation Governing Pharmacy - Identification)

20 20. Respondent Florida Ave is subject to discipline pursuant to Code section 4301(o), on  
21 the grounds of unprofessional conduct, in that on or about September 2, 2015, it failed to ensure  
22 that S.M. was wearing identification that clearly identified her as a pharmacy technician, a  
23 violation of Regulation section 1793.7(c), which is applicable to governing pharmacy.

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26 <sup>1</sup> Operative January 1, 2005, and effective October 4, 2005, Health and Safety Code  
27 section 11165(d) required pharmacies to report prescriptions for Schedule II or III controlled  
28 substances for the Department of Justice on a weekly basis. Effective January 1, 2007, 11165(d)  
was amended to require reporting of Schedule IV controlled substances as well.

1 **SECOND CAUSE FOR DISCIPLINE**

2 (Violations of Regulations Governing Pharmacy – Oral Consultation)

3 21. Respondents Florida Ave and George-Pardini, as pharmacist-in-charge, are subject to  
4 discipline pursuant to Code section 4301(o) on the grounds of unprofessional conduct, in that on  
5 or about September 2, 2015, Respondents Florida Ave and George-Pardini violated regulations  
6 applicable to governing pharmacy by:

7 a. Failing to provide an oral consultation to J.C.'s agent upon request, a violation of  
8 Regulation section 1707.2(a)(1).

9 b. Failing to provide an oral consultation to J.C.'s agent when the prescription for J.C.  
10 had not previously been dispensed or had not been dispensed in the same dosage form, strength,  
11 and/or with the same written directions, a violation of Regulation section 1707.2(b)(1).

12 **THIRD CAUSE FOR DISCIPLINE**

13 (Violation of State Laws and Regulations Governing Pharmacy - Supervision)

14 22. Respondent George-Pardini is subject to discipline pursuant to Code section 4301(o)  
15 on the grounds of unprofessional conduct, in that on or about September 2, 2015, she failed to  
16 supervise S.M., a pharmacy technician, as set forth in paragraph 18 above, a violation of Code  
17 section 4115(a) and (h); and, Regulation section 1793.7(b) and (e), state laws and regulations  
18 applicable to governing pharmacy.

19 **FOURTH CAUSE FOR DISCIPLINE**

20 (Violation of State Laws Governing Pharmacy - Reporting)

21 23. Respondent Florida Ave, Respondent George-Pardini, and Respondent Pardini are  
22 subject to discipline pursuant to Code section 4301(o), on the grounds of unprofessional conduct,  
23 in that they violated state laws applicable to governing pharmacy, as follows:

24 a. Between on or about September 1, 2008, and September 2, 2015, Respondents  
25 Florida Ave and George-Pardini, as pharmacist-in-charge, failed to report prescriptions for  
26 Schedule II through IV controlled substances to the Department of Justice, in violation of Health  
27 and Safety Code section 11165(d).

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1           b.     Between on or about October 4, 2005, and August 30, 2008, Respondents Florida  
2 Ave and Pardini, as pharmacist-in-charge, failed to report prescriptions for Schedule II, III, and/or  
3 IV controlled substances to the Department of Justice, in violation of Health and Safety Code  
4 section 11165(d).

#### 5                                   **OTHER MATTERS**

6           24.   Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.  
7 PHY 38942, issued to Florida Avenue Prescriptions, Florida Avenue Prescriptions shall be  
8 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,  
9 or partner of a licensee for five years if Pharmacy Permit Number PHY 38942 is placed on  
10 probation or until Pharmacy Permit Number PHY 38942 is reinstated if it is revoked.

11          25.   Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.  
12 PHY 38942, issued to Florida Avenue Prescriptions, while Mark Victor Pardini and/or Elaine  
13 George-Pardini have been an officer, and had knowledge of or knowingly participated in any  
14 conduct for which the permit was disciplined, Mark Victor Pardini and/or Elaine George-Pardini  
15 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,  
16 associate, or partner of any licensed or permitted entity for five (5) years if Pharmacy Permit  
17 Number PHY 38942 is placed on probation, or until Pharmacy Permit Number PHY 38942 is  
18 reinstated, if revoked.

#### 19                                   **PRAYER**

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

22           1.     Revoking or suspending Pharmacy Permit Number PHY 38942, issued to Florida  
23 Avenue Prescriptions;

24           2.     Revoking or suspending Pharmacist License Number RPH 37855, issued to Mark  
25 Victor Pardini;

26           3.     Prohibiting Mark Victor Pardini from serving as a manager, administrator, owner,  
27 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)

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1 years if Pharmacy Permit Number PHY 38942 is placed on probation, or until Pharmacy Permit  
2 Number PHY 38942 is reinstated, if revoked;

3 4. Revoking or suspending Pharmacist License Number RPH 37856, issued to Elaine  
4 George-Pardini;

5 5. Prohibiting Elaine George-Pardini from serving as a manager, administrator, owner,  
6 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)  
7 years if Pharmacy Permit Number PHY 38942 is placed on probation, or until Pharmacy Permit  
8 Number PHY 38942 is reinstated, if revoked;

9 6. Ordering Florida Avenue Prescriptions, Mark Victor Pardini, and/or Elaine George  
10 Pardini to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement  
11 of this case, pursuant to Business and Professions Code section 125.3;

12 7. Taking such other and further action as deemed necessary and proper.

13  
14 DATED: \_\_\_\_\_

8/29/16

*Virginia Herold*

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

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