

2001 DEC 11 PM 4:11

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOEL S. PRIMES, State Bar No. 42568  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 324-5340  
Facsimile: (916) 324-5567

6 Attorneys for Complainant  
7

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. 2322

12 RONHAM MANAGEMENT, INC.,  
DBA MANOR DRUG STORE #4  
13 2361 Northgate Blvd.  
Sacramento, CA  
14 License Number PHY 42063

OAH No. N2001070579

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15 GREGORY B. ECONOME,  
3121 Bertis Drive  
16 Sacramento, CA 95821  
License Number RPH 45345

17 DONALD J. NOVOTNY,  
18 6490 Chiquita Way  
Carmichael, CA 95608  
19 License Number RPH 21292

20 and

21 NATASHA LYNN JEFFERY  
3415 Summer Park Drive, Suite #219  
22 Sacramento, CA 95834  
License Number TCH 20968

23 Respondents.  
24

25 In the interest of a prompt and speedy settlement of this matter, consistent with  
26 the public interest and the responsibility of the Board of Pharmacy of the Department of  
27 Consumer Affairs, (hereinafter "Board"), the parties hereby agree to the following Stipulated  
28 Settlement and Disciplinary Order which will be submitted to the Board for its approval and

1 adoption as the final disposition of the Accusation.

2 1. Respondent Manor Drug Store #4, (hereinafter "Respondent"), and  
3 Complainant, Patricia F. Harris, Executive Officer, Board of Pharmacy of the Department of  
4 Consumer Affairs, State of California, through his counsel, Deputy Attorney General, Joel S.  
5 Primes, hereby stipulate that the following matters are true.

6 2. On or about March 14, 1997, the Board of Pharmacy issued Pharmacy  
7 Number PHY 42063 to Ronham Management, Inc., to do business as Manor Drug Store #4, 2361  
8 Northgate Blvd, Sacramento, California ("Respondent"). The Pharmacy Store License Number  
9 PHY 42063 was in full force and effect at all times relevant to the charges brought herein and  
10 will expire on March 1, 2001, unless renewed.

11 3. Respondent Manor Drug Store #4 was duly served with Accusation in  
12 Case No. 2322, and accompanying documents. A copy of the Accusation is attached hereto as an  
13 exhibit and is incorporated by reference as though set forth at length herein. Respondent is  
14 subject to the jurisdiction of the Board in regard to the matters alleged in the Accusation.

15 **WAVER OF RIGHTS**

16 4. Respondent, Manor Drug Store #4 has read and understand the charges  
17 and allegations of violations of the Business and Professions Code contained in the Accusation  
18 and his rights under the Administrative Procedure Act.

19 5. Respondent, Manor Drug Store #4 has retained legal counsel to advise and  
20 represent him in this matter. Gregory P. Matzen of Lewis, D'Amato, Brisbois & Bisgaard has  
21 advised respondent regarding his rights in this pending agency action.

22 6. Respondent, Manor Drug Store #4 withdraws the Notice of Defense  
23 previously filed in this matter, and agrees to be bound by the terms of this Stipulation, and of the  
24 Decision and Order, and freely and voluntarily waives any rights he may have in this proceeding  
25 to a hearing on the charges and allegations contained in the Accusation, to reconsideration, to  
26 appeal, to judicial review, and to all other rights which he may have under the California  
27 Administrative Procedures Act and the laws and regulations of the State of California.

28 **BASIS FOR DISCIPLINE**

1 Respondent Manor Drug Store #4 is subject to disciplinary action as specifically  
2 outlined herein.

3 Respondent Jeffery knowingly filled false prescriptions for her friends and family  
4 members: Marcus Falkner, Anexiaul Jeffery, Doris Jeffery, Eula Jeffery, Loretta Jeffery, and  
5 Patricia Jeffery, Howard Divers and Pam McReynolds.

6 Respondent Pharmacy Technician Natasha Jeffery mailed a prescription for  
7 diazepam to Anexiaul Jeffery. After questioning TCH Jeffery about the prescription, the original  
8 prescription document disappeared from the store file. Ms. Novotny had printed two duplicate  
9 labels both dated October 15, 1998, one before and one after the discussion with TCH Jeffery.  
10 The first label said the physician was Dr. Simon, the patient address was, "Caribou Peak Way,  
11 Elk Grove, 95758" and the comment field said, "PT. HAS MOVED BACK TO NEW MEXICO  
12 MAIL 11/1/98 MEDS TO". The second duplicate label said the physician was Dr. Braunstein,  
13 the patient address was "3415 SUMMER PARK DR., SACRAMENTO, CA 95834." And the  
14 comment field said, "NATASHA'S SISTER."

15 RX 810841 for Ambien 10 mg #30 for A. Jeffery was a telephone transfer on  
16 October 27, 1998, from Walgreen's in New Mexico to Manor. TCH Jeffery knowingly  
17 and without authorization transcribed the transfer prescription. RPH Econome wrote only his  
18 initials in red ink.

19 This prescription (RX 810841) violated Bus. & Prof. Code section 4052(a)(2) in  
20 conjunction with California Code of Regulations, section 1717(f) for the failure of a pharmacist  
21 to transcribe a transfer prescription from another pharmacy; Bus. & Prof. Code section 4115(f)  
22 for failing to supervise the duties of a technician by allowing the technician to transcribe a  
23 prescription transferred from another pharmacy; and Bus. & Prof. Code section 4113(b) for the  
24 failure to ensure Manor was compliant with all laws and regulations pertaining to the practice of  
25 pharmacy.

26 RX's 807011 and 807012 for Anexiaul Jeffery, all on one document, were not  
27 initiated by the dispensing pharmacist. Rx 807011 was written for cimetidine 300 mg #30, one  
28 tablet at bedtime. Attached to the Rx document was a computer generated label for cimetidine

1 300 mg. #30. The patient's profile said Rx 807011 was cimetidine 800 mg. #90, one tablet three  
2 times a day.

3 This prescription violated California Code of Regulations, section 1717(b)(1) the  
4 failure to ensure the date and name or initials of the dispensing pharmacist are maintained on  
5 each prescription; Bus. & Prof. 4081(b) for the failure to maintain accurate records of disposition  
6 and Bus. & Prof. 4077(b)(1) for dispensing prescriptions with incorrect instructions for use and  
7 quantity.

8 Rx's 778360, 778375, 778376, 778377, 778377(repeated), 778379, 778380, and  
9 778381 were new, telephonically transmitted prescriptions. Respondent TCH Jeffery wrote the  
10 patient name. Rx 778375 was telephoned by Dr. Spangler and Dr. Olsen's name was entered in  
11 Manor's computer as the prescriber. There is no indication of who entered the order. For  
12 Rx 778381, TCH Jeffery knowingly wrote, "may repeat X3". There were no initials posted  
13 regarding a transcribing pharmacist.

14 This conduct violated California Code of Regulations, section 1717(c) in  
15 conjunction with California Code of Regulations, section 1793.1(a) for the failure of a  
16 pharmacist to receive, initial and to ensure that only a pharmacist receive an orally transmitted  
17 prescription; California Code of Regulations, section 1716 for failure to use the correct  
18 prescriber's name and Bus. & Prof. Code section 4115(f) for failure to ensure a pharmacist  
19 directly supervise and control the work of a technician.

20 RX 807754, Motrin 800mg, was a transfer prescription from an unidentified  
21 Walgreen's. TCH Jeffery knowingly transcribed the prescription and RHP Econome wrote only  
22 his initials in the box used to indicate the transcribing pharmacist. RPH Econome did not  
23 transcribe the prescription nor did he write any of the items on the prescription.

24 Respondent, Econome violated California Code of Regulations, section 1717(f),  
25 the failure of a pharmacist to transcribe a transfer prescription from another pharmacy, California  
26 Code of Regulations, section 1793.1(g), the failure to responsibly supervise a technician's work  
27 and Bus. & Prof. Code section 4115(f), the failure to supervise the duties of a technician by  
28 unknowingly allowing her to transcribe a prescription transferred from another pharmacy.

1 Respondent TCH Jeffery falsely and without authorization, filled the following  
 2 prescriptions for Natasha Jeffery:

3 **Prescriptions for Natasha Jeffery**

4	<b>Date</b>	<b>Drug</b>	<b>Qty.</b>	<b>MD</b>	<b>BOP Comments</b>
5	05/16/1997	Dilacor XR	100	Small	MRx6
6	05/16/1997	Tagamet 800 mg	0	Small	T.O. MH for 80 tabs. NR
7	07/14/1997	Tagamet 800 mg	30	Small	½ of Rx
8	08/07/1997	Tagamet 800 mg	30	Small	2 <sup>nd</sup> half of Rx
9	09/17/1997	Tagamet 800 mg	30	Small	
10	09/30/1997	Tagamet 800 mg	30	Small	Mrx3 per NJ
11	01/08/1998	Tagamet 800 mg	30	Small	Rx1 per DN
12	07/03/1997	Actifed	100	Small	MRx4 per NJ
13	09/18/1998	Actifed	100	Small	MRx2 per DN
14	09/08/1997	Anaprox DS	30	Small	To per DN MD not Small.NR
15	09/24/1997	Anaprox DS	30	Small	
16	10/31/1997	Anaprox DS	30	Small	
17	11/21/1997	Anaprox DS	30	Small	MRx2 per DN
18	01/20/1998	Anaprox DS	30	Small	MRx3 per DN
19	07/27/1998	Anaprox DS	30	Small	MRx1 per DN
20	09/18/1998	Anaprox DS	30	Small	MRx1 per DN
21	09/28/1998	Ibuprofen 800	100	Small	RPH denied initials his on Rx

21 Respondent TCH Jeffery falsely and without authorization filled the following  
 22 prescriptions for friend Marcus Faulkner. Dr. Mines last saw the patient on December 19, 1996.

23	<b>Date</b>	<b>Drug</b>	<b>Quantity</b>	<b>MD</b>	<b>MD Comment</b>	<b>BOP Comments</b>
24	09/30/1997	Actifed	100	Mines	No	To by MH MRx3
25	01/06/1998	Actifed	100	Mines	No	R1
26	03/18/1998	Actifed	100	Mines	No	R2
27	04/25/1998	Actifed	100	Mines	No	R3
28	06/19/1998	Actifed	100	Mines	No	MRx1 per DN

1	08/14/1998	Actifed	60	Mines	No	MRx1 per DN
2	11/18/1998	Actifed	40	Mines	No	balance of prescription
3	09/30/1997	Diphedryl Exlix	120 ml	Mines	No	To by MH MRx3
4	10/28/1997	Diphedryl Exlix	120 ml	Mines	No	R1
5	11/19/1997	Diphedryl Exlix	120ml	Mines	No	R2
6	12/05/1997	Diphedryl Exlix	120ml	Mines	No	R3
7	01/06/1998	Diphedryl Exlix	120ml	Mines	No	MRx1 per NJ
8	01/20/1998	Diphedryl Exlix	120ml	Mines	No	MRx1 per BC
9	02/04/1998	Diphedryl Exlix	120ml	Mines	No	MRx2 per DN
10	06/19/1998	Diphedryl Exlix	120ml	Mines	No	R2
11	07/21/1998	Diphedryl Exlix	120ml	Mines	No	MRx2 per DN
12	07/21/1998	Nystatin Cream	1	Mines	No	
13	08/29/1998	Nystatin Cream	1	Mines	No	
14	10/08/1997	Tussin DM	120ml	Mines	No	To By DN, Fill MH NR
15	10/28/1997	Tussin DM	120ml	Mines	No	MRx2 per NJ
16	11/13/1997	Tussin DM	240ml	Mines	No	R2 Quantity Changed
17	01/15/1998	Tussin DM	240ml	Mines	No	MRx2 per NJ

Respondent TCH Jeffery falsely and without authorization, filled the following prescription refills for Keflex Susp. 150 ml, for friend Natalie Atkinson, as follows:

///

	<b>Date</b>	<b>Drug</b>	<b>Quantity</b>	<b>MD</b>	<b>MD Comment</b>	<b>BOP Comments</b>
1						
2	1/06/1998	Keflex Susp	1	Hart	No	May Refill x 1/DN/NJ
3	03/27/1998	Keflex Susp	1	Hart	No	May Refill x 1/N/BC
4	05/16/1998	Keflex Susp	1	Hart	No	May Refill x 1 /DN
5	06/29/1998	Keflex Susp	1	Hart	No	May Refill x 1 /DN
6	07/27/1998	Keflex Susp	1	Hart	No	May Refill x 1 /DN

7 Respondent TCH Jeffery falsely and without authorization filled the following  
8 prescription for friend, Pam McReynolds as follows:

	<b>Date</b>	<b>Drug</b>	<b>Qty</b>	<b>MD</b>	<b>MD Comment</b>	<b>BOP Comments</b>
9						
10	11/24/98	Lorcet	50	Duffy	Not Authorized see chart note	May refill x 1 per no. initials (Lisa)
11	06/04/98	Vicodin	50	Duffy	No authorization given 6/6/98 to Bill	May Refill x 1 per (blank)
12						
13	06/25/98	Vicodin	50	Duffy	Not Authorized	May Refill
14	07/13/98	Vicodin	50	Duffy	Not Authorized	
15	07/17/98	Vicodin	50	Duffy	Not Authorized	May Refill
16	07/21/98	Vicodin	50	Duffy	Not Authorized	May Refill
17	08/04/98	Vicodin	50	Duffy	Not Authorized	TO by unk. Fill by MH. No Refill
18	08/07/98	Vicodin	50	Duffy	Not Authorized	
19	09/10/98	Vicodin	50	Duffy	Not Authorized	Refill 1 of 3
20	09/17/98	Vicodin	50	Duffy	Not Authorized	Refill 2 of 3
21	09/21/98	Vicodin	50	Duffy	Not Authorized	Refill 3 of 3
22	10/08/98	Vicodin	50	Duffy	Not Authorized	TO by unk (no initials) May Refill x 4
23	10/13/98	Vicodin	50	Duffy	Not Authorized	Refill 2 of 4
24	10/16/98	Vicodin	50	Duffy	Not Authorized	Refill 3 of 4
25	10/24/98	Vicodin	50	Duffy	Not Authorized	Refill 4 of 4

26 On Rx. 808319, diazepam 10 mg. #30 for Anexiaul Jeffery, Respondent TCH  
27 Jeffery transcribed the prescriptions without authorization and in the absence of a pharmacist.  
28

1 This violated California Code of Regulations, Title 16, section 1717 in conjunction with section  
2 1793.1(a), because only a pharmacist may receive an orally transcribed order.

3 On Rx 782408, Keflex suspension was refilled by Respondent TCH Jeffery  
4 without authorization and in the absence of a pharmacist in violation of Bus. & Prof. Code  
5 section 4059(a) for dispensing a dangerous drug without a prescription and Bus. & Prof. Code  
6 section 4324(a), forging a prescription.

7 On Rx 805557 refill prescription for Vicodin #50 for Pam McReynolds, the  
8 prescription was in respondent Jeffery's handwriting. This violated Health and Safety Code  
9 section 11152 because the prescription was filled without authorization and Bus. & Prof. Code  
10 section 4063 as the prescription was refilled without authorization.

11 Respondent, Gregory Econome, (RPH 45345), unknowingly and without  
12 authorization allowed to be filled, and dispensed the prescriptions listed on the Patient Profile  
13 Summary marked as Attachment A. The filling of these prescriptions was a violation of Health  
14 and Safety Code section 11522 because Pharmacist In Charge Novotny unknowingly allowed  
15 TCH Jeffery to fill nonconforming prescriptions, violated Bus. & Prof. Code section 4059(a) in  
16 dispensing a dangerous drug without a prescription and Bus. & Prof. Code section 4063 when  
17 Pharmacist In Charge Novotny unknowingly refilled and allowed TCH Jeffery to refill  
18 prescription without a physician's authorization. (See Attachment A.)

19 Prescriptions, Rx's 808319, 778034, 810383 and 810382 were requested by Board  
20 personnel and not retrievable, a violation of Bus. & Prof. Code section 4105.

21 Rx 782408 was dispensed six times, the dispensing pharmacist's initials were not  
22 on the prescription, a violation of California Code of Regulations, section 1717(b)(1) because  
23 PIC Novotny failed to ensure the date and name or initials of the dispensing pharmacist are  
24 maintained on each prescription on file. PIC Novotny violated Bus. & Prof. Code section  
25 4077(b)(1) because the prescription was unknowingly dispensed with the wrong physician name.  
26 This violated California Code of Regulations, section 1716 for variation from Dr. Hart to Dr.  
27 Marcella as the prescriber.

28 ///

1 **Violations charged against Manor Drug Store #4 PHY 42063:**

2 **Bus. & Prof. Code section, 4301** - Unprofessional conduct as outlined in this  
3 pleading.

4 **Bus. & Prof. Code section 4115(f)** as it relates to and in conjunction with;  
5 **California Code of Regulations, section 1793.1(g)** - Respondents RPH  
6 Econome and PIC Novotny failed to responsibly supervise Technician Jeffery's work, by  
7 unknowingly allowing her to transcribe all or part of new or transfer prescriptions. This resulted  
8 in the filling of the false and unauthorized prescriptions as listed in Attachment A.

9 **California Code of Regulations, section 1717(f)** - Respondents RPH Econome  
10 and PIC Novotny failed, as the pharmacist, to transcribe transfer prescriptions and unknowingly  
11 allowed TCH Natasha Jeffery to transcribe transfer prescriptions from pharmacies. This resulted  
12 in the filling of the false and unauthorized prescriptions as listed in Attachment A.

13 **Board, section 4077(b)(1)** - in conjunction with California Code of Regulations,  
14 Section 1716 - RPH Econome and PIC Novotny unknowingly dispensed prescriptions with the  
15 wrong physician name, instructions or quantity on the label as outlined herein.

16 **DECISION AND ORDER**

17  
18 **Manor Drug Store #4:**

19 A Public Reprimand is issued against Pharmacist Certificate No. PHY 42063  
20 issued to Manor Drug Store #4. Manor Drug Store #4 is ordered to pay \$2,000 as the costs of  
21 investigation to the Board within 60 days of the effective date of this decision. The failure to pay  
22 the full amount within 60 days will cause the license to be placed on probation until the full  
23 amount is paid.

24 **ACCEPTANCE**

25 I hereby state that I have read and understand the legal significance and  
26 consequence of this Stipulation, and I fully understand all of , and agree to be bound by, the  
27 terms of this document. I understand that I have certain rights under the California  
28 Administrative Procedure Act and the laws and regulations of the State of California in regard to

1 this matter, and I knowingly and intelligently waive those rights.

2 I understand my right to retain legal counsel to advise me in this matter. To the  
3 extent that I have not exercised that right, I have done so knowingly and voluntarily.

4 I also understand that once I sign this Stipulation, I shall not be permitted to  
5 withdraw from it unless it is rejected by the Board.

6 I further understand that this Stipulation may not be accepted by the California  
7 Board of Pharmacy of the Department of Consumer Affairs, State of California, in which case it  
8 is of no effect.

9 I understand that, in deciding whether to adopt this Stipulation, the Board may  
10 receive oral and written communication from its staff and the Attorney General's Office.  
11 Communications pursuant to this paragraph shall not disqualify the Board or other persons from  
12 future participation in this or any other matter affecting Respondent. In the event this Stipulation  
13 is not adopted by the Board, the Stipulation is of no effect.

14 I have carefully read the above Stipulated Settlement and Disciplinary Order, and  
15 I fully understand the terms and conditions and other matters contained therein, I understand the  
16 effect this stipulation will have on my pharmacist license. I enter into this Stipulated Settlement  
17 voluntarily, knowingly and intelligently and agree to be bound by the Disciplinary Order and  
18 Decision of the Board of Pharmacy of the Department of Consumer Affairs, State of California.

19 ///

20 ///

21

22

23

24

25

26

27

28

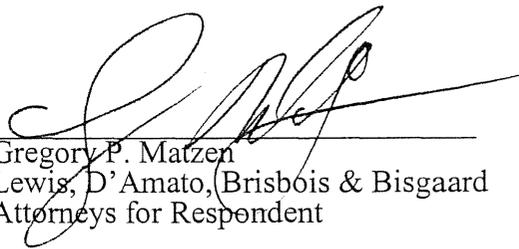
1 I further agree that a facsimile copy of this Stipulated Settlement and Disciplinary Order,  
2 including facsimile copies of signatures, may be used with the same force and effect as the  
3 originals.

4 DATED: 12-01-01

5   
6 Manor Drug Store #4, Respondent  
7 License Number PHY 42063

7 APPROVED AS TO FORM:

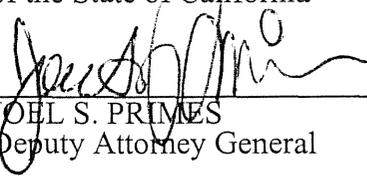
8 DATED: 12/5/01

9   
10 Gregory P. Matzen  
11 Lewis, D'Amato, Brisbois & Bisgaard  
12 Attorneys for Respondent

13 **ENDORSEMENT**

14 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
15 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

16 DATED: Dec. 7, 2001

17 BILL LOCKYER, Attorney General  
18 of the State of California  
19   
20 JOEL S. PRIMES  
21 Deputy Attorney General

22  
23 AG Docket Number: 03579110-SA1999AD1328

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

In the Matter of the Accusation Against:

RONHAM MANAGEMENT, INC.,  
DBA MANOR DRUG STORE #4  
2361 Northgate Blvd.  
Sacramento, CA  
License Number PHY 42063

GREGORY B. ECONOME,  
3121 Bertis Drive  
Sacramento, CA 95821  
License Number RPH 45345

DONALD J. NOVOTNY,  
6490 Chiquita Way  
Carmichael, CA 95608  
License Number RPH 21292

and

NATASHA LYNN JEFFERY  
3415 Summer Park Drive, Suite #219  
Sacramento, CA 95834  
License Number TCH 20968

Respondent.

Case No. 2322

OAH No. N2001070579

**DECISION AND ORDER**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in the above entitled matter.

This Decision shall become effective on April 7, 2002.

It is so ORDERED March 8, 2002.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STEVE LITSEY  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JOEL S. PRIMES, State Bar Number 42568  
Deputy Attorney General  
3 California Department of Justice  
1300 I Street, Suite 125  
4 P.O. Box 944255  
Sacramento, California 94244-2550  
5 Telephone: (916) 324-5340  
Facsimile: (916) 324-5567

6 Attorneys for Complainant  
7

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

11 In the Matter of the Accusation Against:

Case Number 2322

12 Ronham Management, Inc.  
dba Manor Drug Store #4  
13 2361 Northgate Blvd.  
Sacramento, CA  
14 License Number PHY 42063

15 Gregory B. Econome  
3121 Bertis Drive  
16 Sacramento, CA 95821  
License Number RPH 45345

17 Donald J. Novotny  
18 6490 Chiquita Way  
Carmichael, CA 95608  
19 License Number RPH 21292

20 Natasha Lynn Jeffery  
3415 Summer Park Drive, Suite #219  
21 Sacramento, CA 95834  
License Number TCH 20968

22 Respondents.  
23

**ACCUSATION**

24 Complainant alleges:

25 **PARTIES**

26 1. Patricia F. Harris ("Complainant") brings this Accusation solely in her  
27 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
28 Affairs.



1 her absence, another pharmacist designated by the  
2 pharmacist-in-charge. Where a licensee is permitted to operate  
3 through an exemptee, the exemptee may sign for and receive the  
4 delivery.

5 9. Section 4063 of the Bus. & Prof. Code states:

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

11 10. Section 4077(b)(1) of the Bus. & Prof. Code states:

12 (b) Physicians, dentists, podiatrists, and veterinarians may  
13 personally furnish any dangerous drug prescribed by them to the  
14 patient for whom prescribed, provided that the drug is properly  
15 labeled to show all information required in Section 4076 except the  
16 prescription number.

17 11. Section 4081 of the Bus. & Prof. Code states:

18 (a) All records of manufacture and of sale, acquisition, or  
19 disposition of dangerous drugs or dangerous devices shall be at all  
20 times during business hours open to inspection by authorized  
21 officers of the law, and shall be preserved for at least three years  
22 from the date of making. A current inventory shall be kept by  
23 every manufacturer, wholesaler, pharmacy, medical device retailer,  
24 veterinary food-animal drug retailer, physician, dentist, podiatrist,  
25 veterinarian, laboratory, clinic, hospital, institution, or  
26 establishment holding a currently valid and unrevoked certificate,  
27 license, permit, registration, or exemption under Division 2  
28 (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.

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

(c) The pharmacist-in-charge or exemptee shall not be criminally  
responsible for acts of the owner, officer, partner, or employee that  
violate this section and of which the pharmacist-in-charge or  
exemptee had no knowledge, or in which he or she did not  
knowingly participate.

///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

12. Section 4105 of the Bus. & Prof. Code states:

(a) All records or other documentation of the acquisition and disposition of dangerous drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed premises in a readily retrievable form.

(b) The licensee may remove the original records or documentation from the licensed premises on a temporary basis for license-related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises.

(c) The records required by this section shall be retained on the licensed premises for a period of three years from the date of making.

(d) Any records that are maintained electronically shall be maintained so that the pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not on duty, or, in the case of a veterinary food-animal drug retailer, medical device retailer, or wholesaler, the exemptee, shall, at all times during which the licensed premises are open for business, be able to produce a hard copy and electronic copy of all records of acquisition or disposition or other drug or dispensing-related records maintained electronically.

(e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon written request, grant to a licensee a waiver of the requirements that the records described in subdivisions (a), (b), and (c) be kept on the licensed premises.

(2) A waiver granted pursuant to this subdivision shall not affect the board's authority under this section or any other provision of this chapter.

13. Section 4113(b) of the Bus. & Prof. Code states:

(b) 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.

14. Section 4301 of the Bus. & Prof. Code states:

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:

- (a) Gross immorality.
- (b) Incompetence.
- (c) Gross negligence.

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

3 (e) The clearly excessive furnishing of controlled substances in  
4 violation of subdivision (a) of Section 11153.5 of the Health and  
5 Safety Code. Factors to be considered in determining whether the  
6 furnishing of controlled substances is clearly excessive shall  
7 include, but not be limited to, the amount of controlled substances  
8 furnished, the previous ordering pattern of the customer (including  
9 size and frequency of orders), the type and size of the customer,  
and where and to whom the customer distributes its product.

(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.

10 (g) Knowingly making or signing any certificate or other document  
11 that falsely represents the existence or nonexistence of a state of  
facts.

12 (h) The administering to oneself, of any controlled substance, or  
13 the use of any dangerous drug or of alcoholic beverages to the  
14 extent or in a manner as to be dangerous or injurious to oneself, to  
15 a person holding a license under Chapter 9 (commencing with  
16 Section 4000) of the Bus. & Prof. Code, or to any other person or  
to the public, or to the extent that the use impairs the ability of the  
person to conduct with safety to the public the practice authorized  
by the license.

17 (i) Except as otherwise authorized by law, knowingly selling,  
18 furnishing, giving away, or administering or offering to sell,  
furnish, give away, or administer any controlled substance to an  
addict.

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

21 (k) The conviction of more than one misdemeanor or any felony  
22 involving the use, consumption, or self-administration of any  
dangerous drug or alcoholic beverage, or any combination of those  
substances.

23 (l) The conviction of a crime substantially related to the  
24 qualifications, functions, and duties of a licensee under Chapter 9  
25 (commencing with Section 4000) of the Bus. & Prof. Code. The  
26 record of conviction of a violation of Chapter 13 (commencing  
27 with Section 801) of Title 21 of the United States Code regulating  
28 controlled substances or of a violation of the statutes of this state  
regulating controlled substances or dangerous drugs shall be  
conclusive evidence of unprofessional conduct. In all other cases,  
the record of conviction shall be conclusive evidence only of the  
fact that the conviction occurred. The board may inquire into the  
circumstances surrounding the commission of the crime, in order

1 to fix the degree of discipline or, in the case of a conviction not  
2 involving controlled substances or dangerous drugs, to determine if  
3 the conviction is of an offense substantially related to the  
4 qualifications, functions, and duties of a licensee under Chapter 9  
5 (commencing with Section 4000) of the Bus. & Prof. Code. A plea  
6 or verdict of guilty or a conviction following a plea of nolo  
7 contendere is deemed to be a conviction within the meaning of this  
8 provision. The board may take action when the time for appeal has  
9 elapsed, or the judgment of conviction has been affirmed on appeal  
10 or when an order granting probation is made suspending the  
11 imposition of sentence, irrespective of a subsequent order under  
12 Section 1203.4 of the Penal Code allowing the person to withdraw  
13 his or her plea of guilty and to enter a plea of not guilty, or setting  
14 aside the verdict of guilty, or dismissing the accusation,  
15 information, or indictment.

9 (m) The cash compromise of a charge of violation of Chapter 13  
10 (commencing with Section 801) of Title 21 of the United States  
11 Code regulating controlled substances. The record of the  
12 compromise is conclusive evidence of unprofessional conduct.

12 (n) The revocation, suspension, or other discipline by another state  
13 of a license to practice pharmacy, operate a pharmacy, or do any  
14 other act for which a license is required by Chapter 9 (commencing  
15 with Section 4000) of the Bus. & Prof. Code.

14 (o) Violating or attempting to violate, directly or indirectly, or  
15 assisting in or abetting the violation of or conspiring to violate any  
16 provision or term of Chapter 9 (commencing with Section 4000) of  
17 the Bus. & Prof. Code or of the applicable federal and state laws  
18 and regulations governing pharmacy, including regulations  
19 established by the board.

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

19 (q) Engaging in any conduct that subverts or attempts to subvert an  
20 investigation of the board.

21 15. Section 4077 of the Business and Professions Code states, in pertinent  
22 part, that except as provided in subdivisions (b) and (c) of this section, no person shall dispense  
23 any dangerous drug upon prescription except in a container correctly labeled with the information  
24 required by section 4076.

25 16. Section 4324 of the Bus. & Prof. Code states:

26 (a) Every person who signs the name of another, or of a fictitious  
27 person, or falsely makes, alters, forges, utters, publishes, passes, or  
28 attempts to pass, as genuine, any prescription for any drugs is  
guilty of a forgery and upon conviction thereof shall be punished

///

1 by imprisonment in the state prison, or by imprisonment in the  
2 county jail for not more than one year.

3 (b) Every person who has in his or her possession any drugs  
4 secured by a forged prescription shall be punished by  
5 imprisonment in the state prison, or by imprisonment in the county  
6 jail for not more than one year.

7 17. Section 4059 of the Bus. & Prof. Code states:

8 (a) No person shall furnish any dangerous drug, except upon the  
9 prescription of a physician, dentist, podiatrist, optometrist, or  
10 veterinarian. No person shall furnish any dangerous device, except  
11 upon the prescription of a physician, dentist, podiatrist,  
12 optometrist, or veterinarian.

13 (b) This section shall not apply to the furnishing of any dangerous  
14 drug or dangerous device by a manufacturer, wholesaler or  
15 pharmacy to each other or to a physician, dentist, podiatrist, or  
16 veterinarian, or to a laboratory under sales and purchase records  
17 that correctly give the date, the names and addresses of the supplier  
18 and the buyer, the drug or device and its quantity. This section  
19 shall not apply to the furnishing of any dangerous device by a  
20 manufacturer, wholesaler, or pharmacy to a physical therapist  
21 acting within the scope of his or her license under sales and  
22 purchase records that correctly provide the date the device is  
23 provided, the names and addresses of the supplier and the buyer,  
24 and a description of the device and the quantity supplied.

25 (c) A pharmacist, or a person exempted pursuant to Section 4054,  
26 may distribute dangerous drugs and dangerous devices directly to  
27 dialysis patients pursuant to regulations adopted by the board. The  
28 board shall adopt any regulations as are necessary to ensure the  
safe distribution of these drugs and devices to dialysis patients  
without interruption thereof. A person who violates a regulation  
adopted pursuant to this subdivision shall be liable upon order of  
the board to surrender his or her personal license. These penalties  
shall be in addition to penalties that may be imposed pursuant to  
Section 4301. If the board finds any dialysis drugs or devices  
distributed pursuant to this subdivision to be ineffective or unsafe  
for the intended use, the board may institute immediate recall of  
any or all of the drugs or devices distributed to individual patients.

(d) Home dialysis patients who receive any drugs or devices  
pursuant to subdivision (c) shall have completed a full course of  
home training given by a dialysis center licensed by the State  
Department of Health Services. The physician prescribing the  
dialysis products shall submit proof satisfactory to the  
manufacturer or wholesaler that the patient has completed the  
program.

(e) A pharmacist may furnish a dangerous drug authorized for use  
pursuant to Section 2620.3 to a physical therapist or may furnish  
topical pharmaceutical agents authorized for use pursuant to  
paragraph (5) of subdivision (a) of Section 3041 to an optometrist.

1 A record containing the date, name and address of the buyer, and  
2 name and quantity of the drug shall be maintained. This  
3 subdivision shall not be construed to authorize the furnishing of a  
4 controlled substance.

5 (f) A medical device retailer shall dispense, furnish, transfer, or sell  
6 a dangerous device only to another medical device retailer, a  
7 pharmacy, a physician, a licensed health care facility, a licensed  
8 physical therapist, or a patient or his or her personal representative.

9 (g) A pharmacist may furnish electroneuromyographic needle  
10 electrodes or hypodermic needles used for the purpose of placing  
11 wire electrodes for kinesiological electromyographic testing to  
12 physical therapists who are certified by the Physical Therapy  
13 Examining Committee of California to perform tissue penetration  
14 in accordance with Section 2620.5.

15 (h) Nothing in this section shall be construed as permitting a  
16 licensed physical therapist to dispense or furnish a dangerous  
17 device without a prescription of a physician, dentist, podiatrist, or  
18 veterinarian.

19 (i) A veterinary food-animal drug retailer shall dispense, furnish,  
20 transfer, or sell veterinary food-animal drugs only to another  
21 veterinary food-animal drug retailer, a pharmacy, a veterinarian, or  
22 to a veterinarian's client pursuant to a prescription from the  
23 veterinarian for food-producing animals.

24 18. California Code of Regulations, section 1717(b)(1) state:

25 (b) In addition to the requirements of Section 4036, Bus. & Prof.  
26 Code, the following information shall be maintained for each  
27 prescription on file and shall be readily retrievable:

28 (1) The date dispensed, and the name or initials of the dispensing  
pharmacist. All prescriptions filled or refilled by an intern  
pharmacist must also be initialed by the preceptor before they are  
dispensed.

19. California Code of Regulations, section 1717(c) state:

(c) Promptly upon receipt of an orally transmitted prescription, the  
pharmacist shall reduce it to writing, and initial it, and identify it as  
an orally transmitted prescription. If the prescription is then  
dispensed by another pharmacist, the dispensing pharmacist shall  
also initial the prescription to identify him or herself.

All orally transmitted prescriptions shall be received and  
transcribed by a pharmacist prior to compounding, filling,  
dispensing, or furnishing.

20. California Code of Regulations, section 1717(f) states:

(f) A pharmacist may transfer a prescription for Schedule III, IV or  
V controlled substances to another pharmacy for refill purposes in  
accordance with Title 21, Code of Federal Regulations, 1306.26.

1 Prescriptions for other dangerous drugs which are not controlled  
2 substances may also be transferred by direct communication  
3 between pharmacists or by the receiving pharmacist's access to  
4 prescriptions or electronic files that have been created or verified  
5 by a pharmacist at the transferring pharmacy. The receiving  
6 pharmacist shall create a written prescription; identifying it as a  
7 transferred prescription; and record the date of transfer and the  
8 original prescription number. When a prescription transfer is  
9 accomplished via direct access by the receiving pharmacist, the  
10 receiving pharmacist shall notify the transferring pharmacy of the  
11 transfer. A pharmacist at the transferring pharmacy shall then  
12 assure that there is a record of the prescription as having been  
13 transferred, and the date of transfer. Each pharmacy shall maintain  
14 inventory accountability and pharmacist accountability and  
15 dispense in accordance with the provisions of Section 1716.  
16 Information maintained by each pharmacy shall at least include:  
17 (1) Identification of pharmacist(s) transferring information;  
18 (2) Name and identification code or address of the pharmacy from  
19 which the prescription was received or to which the prescription  
20 was transferred, as appropriate;  
21 (3) Original date and last dispensing date;  
22 (4) Number of refills and date originally authorized;  
23 (5) Number of refills remaining but not dispensed;  
24 (6) Number of refills transferred.

### 25 Drug Classifications

26 **Ambien** (Zolpiem) is a schedule IV controlled substance listed under Code of  
27 Federal Regulations, section 1308.14(c), a dangerous drug as defined in Section 4022 of the Bus.  
28 & Prof. Code and is a hypnotic used in the treatment of insomnia.

**Keflex** (Cephalexin) is a dangerous drug as defined in Section 4022 of the Bus. &  
Prof. Code and is an antibiotic used to treat infections of the ears and respiratory tract.

**Lorcet** (Acetaminophen with Hydrocodone 500mg/5mg) is a schedule III  
narcotic, controlled substance, listed under Health and Safety Code 11056(e)(4), a dangerous  
drug as defined in Section 4022 of the Bus. & Prof. Code and is an analgesic used to treat pain.

**Valium** (Diazepam) is schedule IV controlled substance, listed under Health and  
Safety Code 11057(d) (8), a dangerous drug as defined in Section 4022 of the Bus. & Prof. Code  
and is a benzodiazepine used in the treatment of anxiety, as a hypnotic, anticonvulsant and  
muscle relaxant.

///

///

1                   **Vicodin** (Hydrocodone 5mg with Acetaminophen 500 mg) is a Schedule III  
2 narcotic, controlled substance as defined in Health and Safety Code, Section 11056(e)(4), a  
3 dangerous drug as defined in Section 4022 of the Bus. & Prof. Code and is an analgesic used to  
4 treat pain.

5                   21.       Respondents Manor, Econome, Novotny, and Jeffery are subject to  
6 disciplinary action as specifically outlined herein.

7                   Respondent Jeffery filled false prescriptions for her friends and family members:  
8 Marcus Falkner, Anexial Jeffery, Doris Jeffery, Eula Jeffery, Loretta Jeffery, and Patricia  
9 Jeffery, Howard Divers and Pam McReynolds.

10                  Dr. Casey Hart wrote RX 782408. It was dispensed six times using Dr. Marcella Lau as  
11 the prescriber. The dispensing pharmacist's initials were not on the prescription document. This  
12 was a violation of California Code of Regulations, section 1717(b)(1) in that PIC Novotny failed  
13 to ensure the date and name or initials of the dispensing pharmacist are maintained on each  
14 prescription on file, Bus. & Prof. Code section 4077(b)(1) in that a prescription was dispensed  
15 with the wrong physician name and California Code of Regulations, section 1716 for variation  
16 from Dr. Hart to Dr. Marcella as the prescriber.

17                  Respondent Pharmacy Technician Natasha Jeffery mailed a prescription for  
18 diazepam to Anexial Jeffery. After questioning TCH Jeffery about the prescription, the original  
19 prescription document disappeared from the store file. Ms. Novotny had printed two duplicate  
20 labels both dated October 15, 1998, one before and one after the discussion with TCH Jeffery.  
21 The first label said the physician was Dr. Simon, the patient address was, "Caribou Peak Way,  
22 Elk Grove, 95758" and the comment field said, "PT. HAS MOVED BACK TO NEW MEXICO  
23 MAIL 11/1/98 MEDS TO". The second duplicate label said the physician was Dr. Braunstein,  
24 the patient address was "3415 SUMMER PARK DR., SACRAMENTO, CA 95834." And the  
25 comment field said, "NATASHA'S SISTER."

26                  RX 810841 for Ambien 10 mg #30 for A. Jeffery was a telephone transfer on  
27 October 27, 1998, from Walgreen's in New Mexico to Manor. TCH Jeffery transcribed the  
28 transfer prescription. RPH Econome wrote only his initials in red ink.

1 This prescription (RX 810841) violated Bus. & Prof. Code section 4052(a)(2) in  
2 conjunction with California Code of Regulations, section 1717(f) for the failure of a pharmacist  
3 to transcribe a transfer prescription from another pharmacy; Bus. & Prof. Code section 4115(f)  
4 for failing to supervise the duties of a technician by allowing the technician to transcribe a  
5 prescription transferred from another pharmacy; and Bus. & Prof. Code section 4113(b) for the  
6 failure to ensure Manor was compliant with all laws and regulations pertaining to the practice of  
7 pharmacy.

8 RX's 807011 and 807012 for Anexiaul Jeffery, all on one document, were not  
9 initiated by the dispensing pharmacist. Rx 807011 was written for cimetidine 300 mg #30, one  
10 tablet at bedtime. Attached to the Rx document was a computer generated label for cimetidine  
11 300 mg. #30. The patient's profile said Rx 807011 was cimetidine 800 mg. #90, one tablet three  
12 times a day.

13 This prescription violated California Code of Regulations, section 1717(b)(1) the  
14 failure to ensure the date and name or initials of the dispensing pharmacist are maintained on  
15 each prescription; Bus. & Prof. 4081(b) for the failure to maintain accurate records of disposition  
16 and Bus. & Prof. 4077(b)(1) for dispensing prescriptions with incorrect instructions for use and  
17 quantity.

18 Rx's 778360, 778375, 778376, 778377, 778377(repeated), 778379, 778380, and  
19 778381 were new, telephonically transmitted prescriptions. Respondent TCH Jeffery wrote the  
20 patient name. Rx 778375 was telephoned by Dr. Spangler and Dr. Olsen's name was entered in  
21 Manor's computer as the prescriber. There is no indication of who entered the order. For  
22 Rx 778381, TCH Jeffery wrote, "may repeat X3". There were no initials posted regarding a  
23 transcribing pharmacist.

24 This conduct violated California Code of Regulations, section 1717(c) in  
25 conjunction with California Code of Regulations, section 1793.1(a) for the failure of a  
26 pharmacist to receive, initial and to ensure that only a pharmacist receive an orally transmitted  
27 prescription; California Code of Regulations, section 1716 for failure to use the correct

28 ///

1 prescriber's name and Bus. & Prof. Code section 4115(f) for failure to ensure a pharmacist  
2 directly supervise and control the work of a technician.

3 RX 807754, Motrin 800mg, was a transfer prescription from an unidentified  
4 Walgreen's. TCH Jeffery transcribed the prescription and RHP Econome wrote only his initials  
5 in the box used to indicate the transcribing pharmacist. RPH Econome did not transcribe the  
6 prescription nor did he write any of the items on the prescription.

7 Respondents Novotny, Econome and Jeffery violated California Code of  
8 Regulations, section 1717(f), the failure of a pharmacist to transcribe a transfer prescription from  
9 another pharmacy, California Code of Regulations, section 1793.1(g), the failure to responsibly  
10 supervise a technician's work and Bus. & Prof. Code section 4115(f), the failure to supervise the  
11 duties of a technician by allowing her to transcribe a prescription transferred from another  
12 pharmacy.

13 Respondent TCH Jeffery falsely and without authorization, filled the following  
14 prescriptions for Natasha Jeffery:

15 Prescriptions for Natasha Jeffery

16	Date	Drug	Qty.	MD	BOP Comments
17	05/16/1997	Dilacor XR	100	Small	MRx6
18	05/16/1997	Tagamet 800 mg	0	Small	T.O. MH for 80 tabs. NR
19	07/14/1997	Tagamet 800 mg	30	Small	½ of Rx
20	08/07/1997	Tagamet 800 mg	30	Small	2 <sup>nd</sup> half of Rx
21	09/17/1997	Tagamet 800 mg	30	Small	
22	09/30/1997	Tagamet 800 mg	30	Small	Mrx3 per NJ
23	01/08/1998	Tagamet 800 mg	30	Small	Rx1 per DN
24	07/03/1997	Actifed	100	Small	MRx4 per NJ
25	09/18/1998	Actifed	100	Small	MRx2 per DN
26	09/08/1997	Anaprox DS	30	Small	To per DN MD not Small.NR
27	09/24/1997	Anaprox DS	30	Small	
28	10/31/1997	Anaprox DS	30	Small	
	11/21/1997	Anaprox DS	30	Small	MRx2 per DN

1	01/20/1998	Anaprox DS	30	Small	MRx3 per DN
2	07/27/1998	Anaprox DS	30	Small	MRx1 per DN
3	09/18/1998	Anaprox DS	30	Small	MRx1 per DN
4	09/28/1998	Ibuprofen 800	100	Small	RPH denied initials his on Rx

5 Respondent TCH Jeffery falsely and without authorization filled the following  
6 prescriptions for friend Marcus Faulkner. Dr. Mines last saw the patient on December 19, 1996.

7	Date	Drug	Quantity	MD	MD Comment	BOP Comments
8	09/30/1997	Actifed	100	Mines	No	To by MH MRx3
9	01/06/1998	Actifed	100	Mines	No	R1
10	03/18/1998	Actifed	100	Mines	No	R2
11	04/25/1998	Actifed	100	Mines	No	R3
12	06/19/1998	Actifed	100	Mines	No	MRx1 per DN
13	08/14/1998	Actifed	60	Mines	No	MRx1 per DN
14	11/18/1998	Actifed	40	Mines	No	balance of prescription
15	09/30/1997	Diphedryl Exlix	120 ml	Mines	No	To by MH MRx3
16	10/28/1997	Diphedryl Exlix	120 ml	Mines	No	R1
17	11/19/1997	Diphedryl Exlix	120ml	Mines	No	R2
18	12/05/1997	Diphedryl Exlix	120ml	Mines	No	R3
19	01/06/1998	Diphedryl Exlix	120ml	Mines	No	MRx1 per NJ
20	01/20/1998	Diphedryl Exlix	120ml	Mines	No	MRx1 per BC
21	02/04/1998	Diphedryl Exlix	120ml	Mines	No	MRx2 per DN
22	06/19/1998	Diphedryl Exlix	120ml	Mines	No	R2
23	07/21/1998	Diphedryl Exlix	120ml	Mines	No	MRx2 per DN
24	07/21/1998	Nystatin Cream	1	Mines	No	

1	08/29/1998	Nystatin Cream	1	Mines	No	
2						
3	10/08/1997	Tussin DM	120ml	Mines	No	To By DN, Fill MH NR
4	10/28/1997	Tussin DM	120ml	Mines	No	MRx2 per NJ
5	11/13/1997	Tussin DM	240ml	Mines	No	R2 Quantity Changed
6						
7	01/15/1998	Tussin DM	240ml	Mines	No	MRx2 per NJ
8						

9 Respondent TCH Jeffery falsely and without authorization, filled the following  
 10 prescription refills for Keflex Susp. 150 ml, for friend Natalie Atkinson, as follows:

11	Date	Drug	Quantity	MD	MD Comment	BOP Comments
12	1/06/1998	Keflex Susp	1	Hart	No	May Refill x 1/DN/NJ
13	03/27/1998	Keflex Susp	1	Hart	No	May Refill x 1/N/BC
14	05/16/1998	Keflex Susp	1	Hart	No	May Refill x 1 /DN
15	06/29/1998	Keflex Susp	1	Hart	No	May Refill x 1 /DN
16	07/27/1998	Keflex Susp	1	Hart	No	May Refill x 1 /DN

17 Respondent TCH Jeffery falsely and without authorization filled the following  
 18 prescription for friend, Pam McReynolds as follows:

19	Date	Drug	Qty	MD	MD Comment	BOP Comments
20	11/24/98	Lorcet	50	Duffy	Not Authorized see chart note	May refill x 1 per no. initials (Lisa)
21						
22	06/04/98	Vicodin	50	Duffy	No authorization given 6/6/98 to Bill	May Refill x 1 per (blank)
23	06/25/98	Vicodin	50	Duffy	Not Authorized	May Refill
24	07/13/98	Vicodin	50	Duffy	Not Authorized	
25	07/17/98	Vicodin	50	Duffy	Not Authorized	May Refill
26	07/21/98	Vicodin	50	Duffy	Not Authorized	May Refill
27	08/04/98	Vicodin	50	Duffy	Not Authorized	TO by unk. Fill by MH. No Refill
28	08/07/98	Vicodin	50	Duffy	Not Authorized	

1	09/10/98	Vicodin	50	Duffy	Not Authorized	Refill 1 of 3
2	09/17/98	Vicodin	50	Duffy	Not Authorized	Refill 2 of 3
3	09/21/98	Vicodin	50	Duffy	Not Authorized	Refill 3 of 3
4	10/08/98	Vicodin	50	Duffy	Not Authorized	TO by unk (no initials) May Refill x 4
5	10/13/98	Vicodin	50	Duffy	Not Authorized	Refill 2 of 4
6	10/16/98	Vicodin	50	Duffy	Not Authorized	Refill 3 of 4
7	10/24/98	Vicodin	50	Duffy	Not Authorized	Refill 4 of 4

8  
9                   On Rx. 808319, diazepam 10 mg. #30 for Anexiaul Jeffery, Respondent TCH  
10 Jeffery transcribed the prescriptions in the absence of a pharmacist. This violated California  
11 Code of Regulations, Title 16, section 1717 in conjunction with section 1793.1(a), because only a  
12 pharmacist may receive an orally transcribed order.

13                   On Rx 782408, Keflex suspension was refilled by Respondent TCH Jeffery  
14 without authorization in violation of Bus. & Prof. Code section 4059(a) for dispensing a  
15 dangerous drug without a prescription and Bus. & Prof. Code section 4324(a), forging a  
16 prescription.

17                   On Rx 805557 refill prescription for Vicodin #50 for Pam McReynolds, the  
18 prescription was in respondent Jeffery's handwriting. This violated Health and Safety Code  
19 section 11152 because the prescription was filled without authorization and Bus. & Prof. Code  
20 section 4063 as the prescription was refilled without authorization.

21                   Respondents Manor Drug Store #4, (PHY 42063), Gregory Econome, (RPH  
22 45345), Donald Novotny (RPH 21292), and Natasha Jeffery (TCH 20968) falsely and without  
23 authorization falsely filled, and dispensed the prescriptions listed on the Patient Profile Summary  
24 marked as Attachment A. The filling of these prescriptions was a violation of Health and Safety  
25 Code section 11522 because Pharmacist In Charge Novotny filled and allowed TCH Jeffery to,  
26 fill nonconforming prescriptions, violated Bus. & Prof. Code section 4059(a) in dispensing a  
27 dangerous drug without a prescription and Bus. & Prof. Code section 4063 when Pharmacist In

28 ///

1 Charge Novotny refilled and allowed TCH Jeffery to refill prescription without a physician's  
2 authorization. (See Attachment A.)

3 Prescriptions, Rx's 808319, 778034, 810383 and 810382 were requested by Board  
4 personnel and not retrievable, a violation of Bus. & Prof. Code section 4105.

5 Rx 782408 was dispensed six times, the dispensing pharmacist's initials were not  
6 on the prescription, a violation of California Code of Regulations, section 1717(b)(1) because  
7 PIC Novotny failed to ensure the date and name or initials of the dispensing pharmacist are  
8 maintained on each prescription on file. PIC Novotny violated Bus. & Prof. Code section  
9 4077(b)(1) because the prescription was dispensed with the wrong physician name. This violated  
10 California Code of Regulations, section 1716 for variation from Dr. Hart to Dr. Marcella as the  
11 prescriber.

12 **Technician Natasha Jeffery TCH 20968:Violations:**

13 **Bus. & Prof. Code, section 4301(j)** - unprofessional conduct for filling the drugs  
14 listed in Attachment A.

15 **Bus. & Prof. Code section 4324(a)** - Forging a prescription. TCH Jeffery falsely  
16 made, altered or forged prescriptions for Keflex suspension as listed in Attachment A.

17 **Violations charged against Pharmacist Greg Econome (RPH 45345), PIC Donald Novotny**  
18 **(RPH 21292) and Manor Drug Store 4 PHY 42063:**

19 **Bus. & Prof. Code section, 4301** - Unprofessional conduct as outlined in this  
20 pleading.

21 **Bus. & Prof. Code section 4115(f)** as it relates to and in conjunction with;

22 **California Code of Regulations, section 1793.1(g)** - Respondents RPH  
23 Econome and PIC Novotny failed to responsibly supervise Technician Jeffery's work, by  
24 allowing her to transcribe all or part of new or transfer prescriptions. This resulted in the filling  
25 of the false and unauthorized prescriptions as listed in Attachment A.

26 **California Code of Regulations, section 1717(f)** - Respondents RPH Econome  
27 and PIC Novotny failed, as the pharmacist, to transcribe transfer prescriptions and allowed TCH

28 ///

1 Natasha Jeffery to transcribe transfer prescriptions from pharmacies. This resulted in the filing  
2 of the false and unauthorized prescriptions as listed in Attachment A.

3 **Board, section 4077(b)(1)** - in conjunction with California Code of Regulations,  
4 Section 1716 - RPH Econome and PIC Novotny dispensed prescriptions with the wrong  
5 physician name, instructions or quantity on the label as outlined herein.

6 **Violations charged to PIC Donald Novotny (RPH 21292)**

7 **and Manor Drug Store 4 (PHY 42063):**

8 **Bus. & Prof. Code, section 4301** - Unprofessional conduct as previously  
9 outlined.

10 **Bus. & Prof. Code, section 4059** - in conjunction with Health and Safety Code,  
11 Section 11152 - Pharmacist In Charge Novotny allowed Pharmacy Technician Jeffery to fill false  
12 and unauthorized controlled substance prescriptions as listed in Attachment A.

13 **Bus. & Prof. Code, section 4115(f)** - in conjunction with California Code of  
14 Regulations section 1793.1(g) - Pharmacist In Charge Novotny failed to properly supervise a  
15 technician's work allowing a technician to transcribe all or part of a new or transfer prescription.

16 **Bus. & Prof. Code, section 4059(a)** - RPH Novotny dispensed dangerous drugs  
17 without a prescription as listed in Attachment A.

18 **Bus. & Prof. Code, section 4063** - Novotny refilled prescriptions without a  
19 physician's authorization.

20 **California Code of Regulations, section 1717(c)** - in conjunction with California  
21 Code of Regulations, Section 1793.1(a) - Pharmacist In Charge Novotny failed to ensure that  
22 only pharmacists receive orally transmitted prescriptions from the prescriber, that a pharmacist  
23 initial orally transmitted prescriptions and that the dispensing pharmacist initials the prescription  
24 as outlined herein.

25 **Bus. & Prof. Code, section 4105** - Pharmacist In Charge Novotny failed to  
26 ensure that all records of disposition are on the licensed premises and readily retrievable. Rx's  
27 70713, 778034, 810383 and 810382 were not retrieved as requested. This constituted failure to

28 ///

1 maintain all records of disposition for the last 3 years and consequently violated Bus. & Prof.  
2 Code section 4105.

3 **California Code of Regulations, section 1717(b)(1)** - PIC Novotny failed to  
4 ensure the date and name or initials of the dispensing pharmacist were maintained on each  
5 prescription on file as outlined herein.

6 **Bus. & Prof. Code, section 4052(a) (2)** - in conjunction with California Code of  
7 Regulations, 1717(f) - PIC Novotny failed to ensure only a pharmacist receives transfer  
8 prescriptions from another pharmacy.

9 **Bus. & Prof. Code section 4113(b)** - PIC Novotny failed to ensure Manor was in  
10 compliance with all laws and regulations pertaining to the practice of pharmacy.

11 **Bus. & Prof. Code, section 4081(b)** - PIC Novotny failed to maintain accurate  
12 records of disposition.

13 **PRAYER**

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

16 1. Revoking or suspending Pharmacist Number PHY 42063, issued to  
17 Ronham Management Inc, doing business as Manor Drug Store #4;

18 2. Revoking or suspending Pharmacist Number RPH 45345, issued to  
19 Gregory B. Econome;

20 3. Revoking or suspending Pharmacist Number RPH 21292, issued to  
21 Donald J. Novotny;

22 4. Revoking or suspending Pharmacy Technician Number TCH 20968,  
23 issued to Natasha Lynn Jeffery;

24 ///

25 ///

26 ///

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5. Ordering Ronham Management, Inc., doing business as Manor Drug Store #4, RPH Gregory B. Econome, RPH Donald J. Novotny and TCH Natasha Lynn Jeffery to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Bus. & Prof. Code section 125.3;

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

DATED: 5/3/01

P. F. Harris  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant