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Attorneys for Complainant

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

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>RONHAM MANAGEMENT, INC.,<br>DBA MANOR DRUG STORE #4<br>2361 Northgate Blvd.<br>Sacramento, CA<br>License Number PHY 42063<br><br>GREGORY B. ECONOME,<br>3121 Bertis Drive<br>Sacramento, CA 95821<br>License Number RPH 45345<br><br>DONALD J. NOVOTNY,<br>6490 Chiquita Way<br>Carmichael, CA 95608<br>License Number RPH 21292<br><br>and<br><br>NATASHA LYNN JEFFERY<br>3415 Summer Park Drive, Suite #219<br>Sacramento, CA 95834<br>License Number TCH 20968<br><br>Respondents. | Case No. 2322<br><br>OAH No. N2001070579<br><br>**STIPULATED SETTLEMENT AND DISCIPLINARY ORDER** |

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

adoption as the final disposition of the Accusation.

1. Respondent Gregory B. Econome, (hereinafter "Respondent"), and Complainant, Patricia F. Harris, Executive Officer, Board of Pharmacy of the Department of Consumer Affairs, State of California, through his counsel, Deputy Attorney General, Joel S. Primes, hereby stipulate that the following matters are true.

2. On or about June 2, 1992, the Board of Pharmacy issued Pharmacist Number RPH 45345 to Gregory B. Econome ("Respondent Econome"). The Pharmacy License Number RPH 45345 was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2001, unless renewed.

3. Respondent Gregory B. Econome was duly served with Accusation in Case No. 2322, and accompanying documents. A copy of the Accusation is attached hereto as an exhibit and is incorporated by reference as though set forth at length herein. Respondent is subject to the jurisdiction of the Board in regard to the matters alleged in the Accusation.

**WAVER OF RIGHTS**

4. Respondent, Gregory B. Econome has read and understand the charges and allegations of violations of the Business and Professions Code contained in the Accusation and his rights under the Administrative Procedure Act.

5. Respondent, Gregory B. Econome has retained legal counsel to advise and represent him in this matter. Gregory P. Matzen of Lewis, D'Amato, Brisbois & Bisgaard has advised respondent regarding his rights in this pending agency action.

6. Respondent, Gregory B. Econome withdraws the Notice of Defense previously filed in this matter, and agrees to be bound by the terms of this Stipulation, and of the Decision and Order, and freely and voluntarily waives any rights he may have in this proceeding to a hearing on the charges and allegations contained in the Accusation, to reconsideration, to appeal, to judicial review, and to all other rights which he may have under the California Administrative Procedures Act and the laws and regulations of the State of California.

**BASIS FOR DISCIPLINE**

Respondent Gregory B. Econome is subject to disciplinary action as specifically

outlined herein.

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

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

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

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

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

times a day.

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

Rx's 778360, 778375, 778376,778377, 778377(repeated), 778379,778380, and 778381 were new, telephonically transmitted prescriptions. Respondent TCH Jeffery wrote the patient name. Rx 778375 was telephoned by Dr. Spangler and Dr. Olsen's name was entered in Manor's computer as the prescriber. There is no indication of who entered the order. For Rx778381, TCH Jeffery knowingly wrote, "may repeat X3". There were no initials posted regarding a transcribing pharmacist.

This conduct violated California Code of Regulations, section1717(c) in conjunction with California Code of Regulations, section 1793.1(a) for the failure of a pharmacist to receive, initial and to ensure that only a pharmacist receive an orally transmitted prescription; California Code of Regulations, section 1716 for failure to use the correct prescriber's name and Bus. & Prof. Code section 4115(f) for failure to ensure a pharmacist directly supervise and control the work of a technician.

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

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

Respondent TCH Jeffery falsely and without authorization, filled the following

prescriptions for Natasha Jeffery:

**Prescriptions for Natasha Jeffery**

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

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

| Date | Drug | Quantity | MD | MD Comment | BOP Comments |
|---|---|---|---|---|---|
| 09/30/1997 | Actifed | 100 | Mines | No | To by MH MRx3 |
| 01/06/1998 | Actifed | 100 | Mines | No | R1 |
| 03/18/1998 | Actifed | 100 | Mines | No | R2 |
| 04/25/1998 | Actifed | 100 | Mines | No | R3 |
| 06/19/1998 | Actifed | 100 | Mines | No | MRx1 per DN |
| 08/14/1998 | Actifed | 60 | Mines | No | MRx1 per DN |

| | | | | | |
|---|---|---|---|---|---|
| 11/18/1998 | Actifed | 40 | Mines | No | balance of prescription |
| 09/30/1997 | Diphedryl Exlix | 120 ml | Mines | No | To by MH MRx3 |
| 10/28/1997 | Diphedryl Exlix | 120 ml | Mines | No | R1 |
| 11/19/1997 | Diphedryl Exlix | 120ml | Mines | No | R2 |
| 12/05/1997 | Diphedryl Exlix | 120ml | Mines | No | R3 |
| 01/06/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx1 per NJ |
| 01/20/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx1 per BC |
| 02/04/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx2 per DN |
| 06/19/1098 | Diphedryl Exlix | 120ml | Mines | No | R2 |
| 07/21/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx2 per DN |
| 07/21/1998 | Nystatin Cream | 1 | Mines | No | |
| 08/29/1998 | Nystatin Cream | 1 | Mines | No | |
| 10/08/1997 | Tussin DM | 120ml | Mines | No | To By DN, Fill MH NR |
| 10/28/1997 | Tussin DM | 120ml | Mines | No | MRx2 per NJ |
| 11/13/1997 | Tussin DM | 240ml | Mines | No | R2 Quantity Changed |
| 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:

| **Date** | **Drug** | **Quantity** | **MD** | **MD Comment** | **BOP Comments** |
|---|---|---|---|---|---|
| 1/06/1998 | Keflex Susp | 1 | Hart | No | May Refill x 1/DN/NJ |

| | | | | | |
|---|---|---|---|---|---|
| 03/27/1998 | Keflex Susp | 1 | Hart | No | May Refill x 1/N/BC |
| 05/16/1998 | Keflex Susp | 1 | Hart | No | May Refill x 1 /DN |
| 06/29/1998 | Keflex Susp | 1 | Hart | No | May Refill x 1 /DN |
| 07/27/1998 | Keflex Susp | 1 | Hart | No | May Refill x 1 /DN |

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

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

On Rx. 808319, diazepam 10 mg. #30 for Anexiaul Jeffery, Respondent TCH Jeffery transcribed the prescriptions without authorization and in the absence of a pharmacist. This violated California Code of Regulations, Title 16, section 1717 in conjunction with section 1793.1(a), because only a pharmacist may receive an orally transcribed order.

On Rx 782408, Keflex suspension was refilled by Respondent TCH Jeffery

without authorization and in the absence of a pharmacist in violation of Bus. & Prof. Code section 4059(a) for dispensing a dangerous drug without a prescription and Bus. & Prof. Code section 4324(a), forging a prescription.

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

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

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

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

**Violations charged against Pharmacist Greg Econome (RPH 45345):**

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

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

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

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

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

## DECISION AND ORDER

**Gregory B. Econome:**

A Public Reprimand is issued against Pharmacist Certificate No. RPH 45345 issued to Gregory B. Econome. Gregory B. Econome is ordered to pay $1,000 as the costs of investigation to the Board within 60 days of the effective date of this decision. The failure to pay the full amount within 60 days will cause the license to be placed on probation until the full amount is paid.

## ACCEPTANCE

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

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

I also understand that once I sign this Stipulation, I shall not be permitted to

withdraw from it unless it is rejected by the Board.

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

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

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

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

DATED: 12/4/01

Gregory B. Econome, Respondent
License Number RPH 45345

APPROVED AS TO FORM:

DATED: 12/4/01

Gregory P. Matzen
Lewis, D'Amato, Brisbois & Bisgaard
Attorneys for Respondent

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## ENDORSEMENT

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

DATED: Dec. 7, 2001

BILL LOCKYER, Attorney General
of the State of California

JOEL S. PRIMES
Deputy Attorney General

AG Docket Number: 03579110-SA1999AD1328

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

| | |
|---|---|
| In the Matter of the Accusation Against:<br><br>RONHAM MANAGEMENT, INC.,<br>DBA MANOR DRUG STORE #4<br>2361 Northgate Blvd.<br>Sacramento, CA<br>License Number PHY 42063<br><br>GREGORY B. ECONOME,<br>3121 Bertis Drive<br>Sacramento, CA 95821<br>License Number RPH 45345<br><br>DONALD J. NOVOTNY,<br>6490 Chiquita Way<br>Carmichael, CA 95608<br>License Number RPH 21292<br><br>and<br><br>NATASHA LYNN JEFFERY<br>3415 Summer Park Drive, Suite #219<br>Sacramento, CA 95834<br>License Number TCH 20968<br><br>Respondent. | Case No. 2322<br><br>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
STEVE LITSEY
Board President

BILL LOCKYER, Attorney General
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Attorneys for Complainant

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

| In the Matter of the Accusation Against: | Case Number 2322 |
|---|---|
| Ronham Management, Inc.<br>dba Manor Drug Store #4<br>2361 Northgate Blvd.<br>Sacramento, CA<br>License Number PHY 42063<br><br>Gregory B. Econome<br>3121 Bertis Drive<br>Sacramento, CA 95821<br>License Number RPH 45345<br><br>Donald J. Novotny<br>6490 Chiquita Way<br>Carmichael, CA 95608<br>License Number RPH 21292<br><br>Natasha Lynn Jeffery<br>3415 Summer Park Drive, Suite #219<br>Sacramento, CA 95834<br>License Number TCH 20968<br><br>Respondents. | **A C C U S A T I O N** |

Complainant alleges:

**PARTIES**

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

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

3. On or about June 2, 1992, the Board of Pharmacy issued Pharmacist Number RPH 45345 to Gregory B. Econome ("Respondent Econome"). The Pharmacy License Number RPH 45345 was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2001, unless renewed.

4. On or about July 25, 1959, the Board of Pharmacy issued Pharmacist Number RPH 21292 to Donald J. Novotny ("Respondent Novotny"). The Pharmacist License Number RPH 21292 was in full force and effect at all times relevant to the charges brought herein and will expire on October 31, 2000, unless renewed.

5. On or about December 24, 1996, the Board of Pharmacy issued Pharmacy Technician Number TCH 20968 to Natasha Lynn Jeffery ("Respondent Jeffery"). The Pharmacy Technician License Number TCH 20968 was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2000, unless renewed.

## JURISDICTION

6. This Accusation is brought before the Board of Pharmacy ("Board"), under the authority of the following sections of the Business and Profession Code ("Bus. & Prof. Code").

7. Section 4052(a)(2) of the Bus. & Prof. Code states:

> (a) Notwithstanding any other provision of law, a pharmacist may:
>
> (2) Transmit a valid prescription to another pharmacist.

8. Section 4059.5(a) of the Bus. & Prof. Code states:

> (a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and must be delivered to the licensed premises and signed for and received by the pharmacist-in-charge or, in his or

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

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

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

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

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

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

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

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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.

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

(e) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in determining whether the furnishing of controlled substances is clearly excessive shall include, but not be limited to, the amount of controlled substances furnished, the previous ordering pattern of the customer (including 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.

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

(h) The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to oneself, to a person holding a license under Chapter 9 (commencing with 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.

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

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

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

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under Chapter 9 (commencing with Section 4000) of the Bus. & Prof. Code. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(c) A pharmacist, or a person exempted pursuant to Section 4054, may distribute dangerous drugs and dangerous devices directly to dialysis patients pursuant to regulations adopted by the board. The 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.

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

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

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

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

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

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

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

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

## Drug Classifications

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

**Keflex** (Cephalexin) is a dangerous drug as defined in Section 4022 of theBus. & 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.

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

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

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

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

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

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

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

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

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

Rx's 778360, 778375, 778376,778377, 778377(repeated), 778379,778380, and 778381 were new, telephonically transmitted prescriptions. Respondent TCH Jeffery wrote the patient name. Rx 778375 was telephoned by Dr. Spangler and Dr. Olsen's name was entered in Manor's computer as the prescriber. There is no indication of who entered the order. For Rx778381, TCH Jeffery wrote, "may repeat X3". There were no initials posted regarding a transcribing pharmacist.

This conduct violated California Code of Regulations, section1717(c) in conjunction with California Code of Regulations, section 1793.1(a) for the failure of a pharmacist to receive, initial and to ensure that only a pharmacist receive an orally transmitted prescription; California Code of Regulations, section 1716 for failure to use the correct

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

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

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

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

**Prescriptions for Natasha Jeffery**

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

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

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

| Date | Drug | Quantity | MD | MD Comment | BOP Comments |
|---|---|---|---|---|---|
| 09/30/1997 | Actifed | 100 | Mines | No | To by MH MRx3 |
| 01/06/1998 | Actifed | 100 | Mines | No | R1 |
| 03/18/1998 | Actifed | 100 | Mines | No | R2 |
| 04/25/1998 | Actifed | 100 | Mines | No | R3 |
| 06/19/1998 | Actifed | 100 | Mines | No | MRx1 per DN |
| 08/14/1998 | Actifed | 60 | Mines | No | MRx1 per DN |
| 11/18/1998 | Actifed | 40 | Mines | No | balance of prescription |
| 09/30/1997 | Diphedryl Exlix | 120 ml | Mines | No | To by MH MRx3 |
| 10/28/1997 | Diphedryl Exlix | 120 ml | Mines | No | R1 |
| 11/19/1997 | Diphedryl Exlix | 120ml | Mines | No | R2 |
| 12/05/1997 | Diphedryl Exlix | 120ml | Mines | No | R3 |
| 01/06/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx1 per NJ |
| 01/20/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx1 per BC |
| 02/04/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx2 per DN |
| 06/19/1098 | Diphedryl Exlix | 120ml | Mines | No | R2 |
| 07/21/1998 | Diphedryl Exlix | 120ml | Mines | No | MRx2 per DN |
| 07/21/1998 | Nystatin Cream | 1 | Mines | No | |

| | | | | | |
|---|---|---|---|---|---|
| 08/29/1998 | Nystatin Cream | 1 | Mines | No | |
| 10/08/1997 | Tussin DM | 120ml | Mines | No | To By DN, Fill MH NR |
| 10/28/1997 | Tussin DM | 120ml | Mines | No | MRx2 per NJ |
| 11/13/1997 | Tussin DM | 240ml | Mines | No | R2 Quantity Changed |
| 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:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Violations charged to PIC Donald Novotny (RPH 21292) and Manor Drug Store 4 (PHY 42063):**

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

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

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

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

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

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

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

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

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

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

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

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

## PRAYER

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

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

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

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

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

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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

JSP:cl
AG Docket No. 03583110SA2000AD1235
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