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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 No. 2332

12 SILOAM PHARMACY
2528 West Olympic Blvd., No. 102
13 Los Angeles, CA 90006

OAH No. L-2001020251

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 Original Pharmacy Permit No. PHY 43105

15 and

16 MI NE NA
446 Oliveta Place
17 La Canada, CA 91001

18 Original Pharmacy License No. RPH 44616
19 Respondents.

20
21 In the interest of a prompt and speedy settlement of this matter, consistent with
22 the public interest and the responsibility of the Board of Pharmacy of the Department of
23 Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and
24 Disciplinary Order which will be submitted to the Board for approval and adoption as the final
25 disposition of the Accusation and First Supplemental Accusation against Siloam Pharmacy and
26 Mi Ne Na.

27 PARTIES

28 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of

1 to the issuance of subpoenas to compel the attendance of witnesses and the production of
2 documents; the right to reconsideration and court review of an adverse decision; and all other
3 rights accorded by the California Administrative Procedure Act and other applicable laws.

4 7. Respondents voluntarily, knowingly, and intelligently waive and give up
5 each and every right set forth above.

6 CULPABILITY

7 8. Respondents understand that the charges and allegations in the
8 Accusation, if proven at a hearing, constitute cause for imposing discipline upon their permits.

9 9. For purposes of resolving the Accusations without the expense
10 and uncertainty of further proceedings, Respondents agree that , at a hearing, Complainant could
11 establish a factual basis for the charges in the Accusations, and that Respondents hereby give up
12 their rights to contest those charges.

13 10. Respondents agree that Pharmacist License Number RPH 44616 and
14 Pharmacy Permit Number PHY43105 are subject to discipline and they agree to be bound by the
15 Board's imposition of discipline as set forth in the Order below.

16 11. The admissions made by Respondents herein are only for the purposes of
17 this proceeding, or any other proceeding in which the Board or other professional licensing
18 agency is involved, and shall not be admissible in any other criminal or civil proceeding.

19 CONTINGENCY

20 12. This stipulation shall be subject to approval by the Board. Respondents
21 understand and agree that the Board of Pharmacy's staff and counsel for Complainant may
22 communicate directly with the Board regarding this stipulation and settlement, without notice to
23 or participation by Respondents or their counsel. By signing the stipulation, Respondents
24 understand and agree that they may not withdraw their agreement or seek to rescind the
25 stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this
26 stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of
27 no force or effect, except for this paragraph, it shall be inadmissible in any legal action between
28 the parties, and the Board shall not be disqualified from further action by having considered this

1 matter.

2 13. The parties understand and agree that facsimile copies of this Stipulated
3 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
4 force and effect as the originals.

5 14. In consideration of the foregoing admissions and stipulations, the parties
6 agree that the Board may, without further notice or formal proceeding, issue and enter the
7 following Disciplinary Order:

8 **DISCIPLINARY ORDER**

9 IT IS HEREBY ORDERED that Pharmacist License Number RPH 44616 issued
10 to Respondent Mi Ne Na and Pharmacy Permit Number PHY 43105 are Revoked. However, the
11 revocations are stayed and respondents are placed on probation for three (3) years on the
12 following terms and conditions.

13 1. **Actual Suspension - Pharmacist.** As part of probation, Respondent Mi
14 Ne Na is suspended from the practice of pharmacy for thirty (30) days beginning the effective
15 date of this decision.

16 During suspension, Respondent Mi Ne Na shall not enter any pharmacy area or
17 any portion of the licensed premises of a wholesaler, medical device retailer or any other
18 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
19 drugs, controlled substances or legend drugs are maintained. Respondent Mi Ne Na shall not
20 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
21 compounding, dispensing or patient consultation; nor shall Respondent Mi Ne Na manage,
22 administer, or be a consultant to any licensee of the Board, or have access to or control the
23 ordering, manufacturing or dispensing of dangerous drugs or controlled substances. Respondent
24 Mi Ne Na shall not direct or control any aspect of the practice of pharmacy. Subject to the
25 above restrictions, Respondent Mi Ne Na may continue to own or hold an interest in any
26 pharmacy in which he or she holds an interest at the time this decision becomes effective.

27 2. **Obey All Laws.** Respondents shall obey all federal and state laws and
28 regulations substantially related or governing the practice of pharmacy.

1 3. **Reporting to the Board.** Respondents shall report to the Board or its
2 designee quarterly. The report shall be made either in person or in writing, as directed. If the
3 final probation report is not made as directed, probation shall be extended automatically until
4 such time as the final report is made.

5 4. **Interview with the Board.** Upon receipt of reasonable notice,
6 Respondents shall appear in person for interviews with the Board or its designee upon request at
7 various intervals at a location to be determined by the Board or its designee. Failure to appear
8 for a scheduled interview without prior notification to Board staff shall be considered a violation
9 of probation.

10 5. **Cooperation with Board Staff.** Respondents shall cooperate with the
11 Board's inspectional program and in the Board's monitoring and investigation of the
12 Respondents' compliance with the terms and conditions of probation. Failure to cooperate shall
13 be considered a violation of probation.

14 6. **Peer Review.** Respondent Mi Ne Na shall submit to peer review as
15 deemed necessary by the Board.

16 7. **Continuing Education.** Respondent Mi Ne Na shall provide evidence of
17 efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

18 8. **Notice to Employers.** Respondent Mi Ne Na shall notify all present and
19 prospective employers of the decision in case No. 2332 and the terms, conditions and
20 restrictions imposed on Respondents by the decision. Within thirty (30) days of the effective
21 date of this decision, and within fifteen (15) days of Respondent Mi Ne Na undertaking new
22 employment, Respondent Mi Ne Na shall cause her employer to report to the Board in writing
23 acknowledging the employer has read the decision in case No. 2332.

24 If Respondent Mi Ne Na works for or is employed by or through a pharmacy
25 employment service, Respondent Mi Ne Na must notify the pharmacist-in-charge and/or owner
26 at every pharmacy at which she is to employed or used of the fact and terms of the decision in
27 case number 2332 in advance of Respondent Mi Ne Na commencing work at the pharmacy.

28 "Employment" within the meaning of this provision shall include any full-time,

1 part-time, temporary or relief service or pharmacy management service as a pharmacist, whether
2 the Respondent is considered an employee or independent contractor.

3 9. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
4 **Charge.**

5 Respondent Mi Ne Na shall not supervise any intern pharmacist or perform any
6 of the duties of a preceptor. Respondent Mi Ne Na may be a pharmacist-in-charge; however,
7 Respondent Mi Ne Na shall, retain an independent consultant who shall be responsible for
8 reviewing pharmacy operations on a quarterly basis during the first year of probation for
9 compliance by Respondent with state and federal laws and regulations governing pharmacy and
10 for compliance by Respondent Mi Ne Na with the obligations of a pharmacist-in-charge . The
11 consultant shall be a pharmacist licensed by and not on probation to the Board and whose name
12 shall be submitted to the Board for its approval within thirty (30) days of the effective date of
13 this decision. Respondent Mi Ne Na shall not be a pharmacist-in-charge at more than one
14 pharmacy or any pharmacy of which he/she is not the sole owner.

15 10. **Reimbursement of Board Costs.** Respondents shall pay to the Board its
16 costs of investigation and prosecution in the amount of \$4,500.00 during the first two years of
17 probation. If Respondents fail to pay the costs as specified by the Board and on or before the
18 date(s) determined by the Board, the Board shall, without affording the Respondents notice and
19 the opportunity to be heard, revoke probation and carry out the disciplinary order that was
20 stayed.

21 11. **Probation Monitoring Costs.** Respondents shall pay the costs associated
22 with probation monitoring as determined by the Board each and every year of probation. Such
23 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs
24 shall be considered a violation of probation.

25 12. **Status of License.** Respondents shall, at all times while on probation,
26 maintain an active current licenses with the Board, including any period during which suspension
27 or probation is tolled. If Respondents' licenses expire by operation of law or otherwise, upon
28 renewal or reapplication, Respondents' licenses shall be subject to all terms of this probation not

1 previously satisfied.

2 Respondent Siloam Pharmacy shall, at all times while on probation, maintain an
3 current license with the Board. If Respondent Siloam Pharmacy submits an application to the
4 Board, and the application is approved, for a change of location, change or permit or change of
5 ownership, the Board shall retain continuing jurisdiction over the license, and the Respondent
6 shall remain on probation as determined by the Board or its designee.

7 13. **Notification of Employment/Mailing Address Change.** Within ten (10)
8 days of a change in employment -- either leaving or commencing employment -- Respondent Mi
9 Ne Na shall so notify the Board in writing, including the address of the new employer; within ten
10 (10) days of a change of mailing address, Respondent Mi Ne Na shall notify the Board in
11 writing. If Respondent Mi Ne Na works for or is employed through a pharmacy employment
12 service, Respondent Mi Ne Na shall, as requested, provide to the Board or its designee with a
13 work schedule, indicating dates and location of employment.

14 14. **Tolling of Probation.** If Respondent Mi Ne Na leaves California to
15 reside or practice outside this state, Respondent Mi Ne Na must notify the Board in writing of the
16 dates of departure and return within ten (10) days of departure or return. Periods of residency,
17 except such periods where the Respondent Mi Ne Na is actively practicing pharmacy within
18 California, or practice outside California shall not apply to reduction of the probationary period.

19 Should Respondent Mi Ne Na, regardless of residency, for any reason cease
20 practicing pharmacy in California, Respondent Mi Ne Na must notify the Board in writing within
21 ten (10) days of cessation of the practice of pharmacy or resuming the practice of pharmacy.
22 "Cessation of practice" means any period of time exceeding thirty (30) days in which Respondent
23 Mi Ne Na is not engaged in the practice of pharmacy as defined in section 4052 of the Business
24 and Professions Code.

25 It is a violation of probation for Respondent Mi Ne Na's probation to remain
26 tolled pursuant to the provisions of this condition for a period exceeding a consecutive period of
27 three years.

28 15. **Tolling of Suspension.** If Respondent Mi Ne Na leaves California to

1 reside or practice outside this state, or for any period exceeding ten (10),days (including
2 vacation), Respondent Mi Ne Na must notify the Board in writing of the dates of departure and
3 return. Periods of residency or practice outside the state - or any absence exceeding a period of
4 ten (10) days shall not apply to the reduction of the suspension period.

5 Respondent Mi Ne Na shall not practice pharmacy upon returning to this state
6 until notification by the Board that the period of suspension has been completed.

7 16. **Notice to Employees.** Respondents shall, upon or before the effective
8 date of this decision, ensure that all employees involved in permit operations are made aware of
9 all the terms and conditions of probation, either by posting a notice of the conditions of the terms
10 and conditions, circulating such notice, or both. If the notice required by this provision is posted,
11 it shall be posted in a prominent place and shall remain posted throughout probation.

12 Respondents shall ensure that any employees hired or used after the effective date of this
13 decision are made aware of all the terms and conditions by posting a notice, circulating a notice,
14 or both. "Employees" as used in this provision includes all full-time, part-time, temporary and
15 relief employees and independent contractors employed or hired at any time during probation.

16 17. **Owners and Officers: Knowledge of the Law.** Respondent Siloam
17 Pharmacy shall provide, within thirty (30) days after the effective date of this decision, signed
18 and dated statements from its owners, including any owner or holder of 10% or more of the
19 interest in Respondent or Respondent's stock, and any officer, stating said individuals have read
20 and are familiar with federal and state laws and regulations governing the practice of pharmacy.

21 18. **No New Ownership of Premises.** If Respondent Mi Ne Na currently
22 owns or has any legal or beneficial interest in , or serves as a manager, administrator, member,
23 officer, director, associate, or partner of any business, firm, partnership or corporation currently
24 or hereinafter licensed by the Board, Respondent Mi Ne Na shall not acquire any new
25 ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer,
26 director, associate, or partner of any additional business, firm, partnership, or corporation.

27
28 19. **Violation of Probation.** If Respondents violate probation in any respect,

1 the Board, after giving Respondents notice and an opportunity to be heard, may revoke probation
2 and carry out the disciplinary order which was stayed. If a petition to revoke probation or an
3 accusation is filed against Respondent(s) during probation, the Board shall have continuing
4 jurisdiction, and the period of probation shall be extended, until the petition to revoke probation
5 is heard and decided. If Respondent(s) have not complied with any term or condition of
6 probation, the Board shall have continuing jurisdiction over Respondents, and probation shall
7 automatically be extended until all terms and conditions have been met or the Board has taken
8 other action as deemed appropriate to treat the failure to comply as a violation of probation, to
9 terminate probation, and to impose the penalty which was stayed.

10 20. **Completion of Probation.** Upon successful completion of probation,
11 Respondents' license will be fully restored.

12 21. **Adoption of Stipulation.** It is understood that, in deciding whether to
13 adopt this stipulation, the Board may receive oral and written presentation from, and make
14 inquiries of, complainant, respondents' attorneys, the Board's attorneys, consulting experts, and
15 the Board's enforcement committee.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Herbert L. Weinberg. I understand the stipulation and the effect it will have on my Pharmacist License and the Pharmacy Permit for Siloam Pharmacy. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: Nov-1-01



MI NE NAME
Respondent, individually and on behalf of
SILOAM PHARMACY

Approved:

DATED: 11/02/01



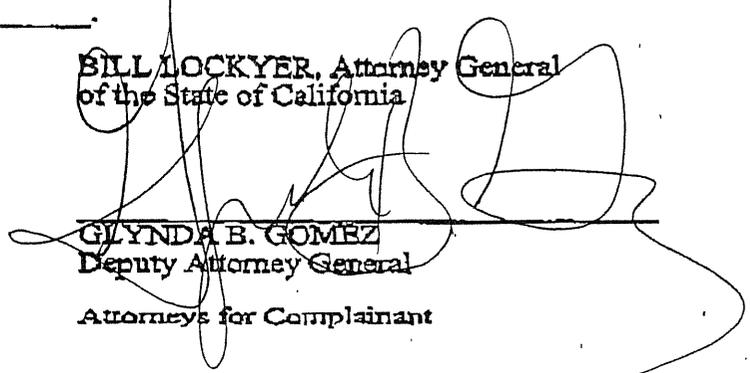
HERBERT L. WEINBERG
Attorney for Respondent

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: 11/7/01

BILL LOCKYER, Attorney General
of the State of California



GLYNDA B. GOMEZ
Deputy Attorney General
Attorneys for Complainant

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

SILOAM PHARMACY
2528 West Olympic Blvd., No. 102
Los Angeles, CA 90006

Original Pharmacy Permit No. PHY 43105

and

MI NE NA
446 Oliveta Place
La Canada, CA 91001

Original Pharmacy License No. RPH 44616

Respondents.

Case No. 2332

OAH No. L2001020251

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 this matter.

This Decision shall become effective on March 17, 2002.

It is so ORDERED February 15, 2002.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STEVE LITSEY
Board President

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of the State of California
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 2332

12 SILOAM PHARMACY
2528 West Olympic Boulevard, No. 102
13 Los Angeles, California 90006

**FIRST SUPPLEMENTAL
ACCUSATION**

14 Original Pharmacy Permit No. PHY 43105

15 and

16 MI NE NA
446 Oliveta Place
17 La Canada, CA 91001

18 Original Pharmacy License No. RPH 44616

19 Respondents.

20

21 Complainant, Patricia F. Harris, is the Executive Officer of the Board of
22 Pharmacy ("Board") of the Department of Consumer Affairs of the State of California and brings
23 this First Supplemental Accusation solely in her official capacity and supplements the
24 Accusation filed on January 5, 2001 in this matter, and for cause for discipline further alleges:

25 20. On or about June 12, 1997, the Board of Pharmacy issued Original
26 Pharmacy Permit Number PHY 43105 to Respondent Pharmacy. The Original Pharmacy Permit
27 was in full force and effect at all times relevant to the charges brought herein and will expire on
28 June 1, 2002, unless renewed.

1 21. On or about August 17, 1991, the Board of Pharmacy issued Original
2 Pharmacy License Number RPH 44616 to Respondent Na. The Original Pharmacy License was
3 in full force and effect at all times relevant to the charges brought herein and will expire on
4 February 28, 2003, unless renewed.

5 22. Paragraphs four (4) through nineteen (19) are incorporated herein by
6 reference as if fully set forth.

7 23. Section 4076(a) (9) of the Code states that a pharmacist shall not dispense
8 any prescription except in a container that meets the requirements of state and federal law and is
9 correctly labeled with the expiration date of the effectiveness of the drug dispensed.

10 24. Section 4077 of the Code states, in pertinent part, that except as provided
11 in subdivisions (b) and (c) of this section, no person shall dispense any dangerous drug upon
12 prescription except in a container correctly labeled with the information required by Sections
13 4076.

14 25. Section 4078(a)(1) of the Code states that no person shall place a false or
15 misleading label on a prescription.

16 26. Section 4342(a) of the Code states, in pertinent part, that the Board may
17 institute any action or actions as may be provided by law and that, in its discretion, are necessary,
18 to prevent the sale of pharmaceutical and drugs that do not conform to the standard and tests as to
19 quality and strength, provide in the latest edition of the United States Pharmacopoeia or the
20 National Formulary.

21 27. DANGEROUS DRUG

22 “Polytrim Ophthalmic Solution” (generic for Trimethoprim and Polymixin B
23 oph.) is a combination of two antibacterial drugs used in topical infections of the eye. It is
24 categorized as a dangerous drug pursuant to section 4022 of the Code.

25 CAUSE FOR DISCIPLINE

26 (Furnishing Expired Dangerous Drugs)

27 28. Respondents Na and Pharmacy are subject to disciplinary action under
28 sections 4300, 4301(j) (o) on the grounds of unprofessional conduct for violating sections

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

DATED: 9/27/01

P. F. Harris

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

1 BILL LOCKYER, Attorney General
of the State of California
2 WILLIAM G. SCHUBERTH, State Bar No. 67450
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6 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2332

13 SILOAM PHARMACY
2528 West Olympic Boulevard, No. 102
14 Los Angeles, California 90006

A C C U S A T I O N

15 Original Pharmacy Permit No. PHY 43105

16 and

17 MI NE NA
446 Oliveta Place
18 La Canada, CA 91001

19 Original Pharmacy License No. RPH 44616

20 Respondents.

21
22 Complainant alleges:

23 PARTIES

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

27 2. On or about June 12, 1997, the Board of Pharmacy issued Original
28 Pharmacy Permit Number PHY 43105 to Mi Ne Na, to do business as Siloam Pharmacy

1 ("Respondent Pharmacy"). The Original Pharmacy Permit was in full force and effect at all
2 times relevant to the charges brought herein and will expire on June 1, 2001, unless renewed.
3 Further, Mi Ne Na, RPH 44616 has been the Pharmacist-in-Charge since June 12, 1997.

4 3. On or about August 17, 1991, the Board of Pharmacy issued Original
5 Pharmacy License Number RPH 44616 to Mi Ne Na ("Respondent Na"). The Original
6 Pharmacy License was in full force and effect at all times relevant to the charges brought herein
7 and will expire on February 28, 2001, unless renewed.

8
9 JURISDICTION

10 4. This Accusation is brought before the Board of Pharmacy ("Board"),
11 under the authority of the following sections of the Business and Professions Code ("Code").

12 5. Section 4300 of the Code permits the Board to take disciplinary action to
13 suspend or revoke a license issued by the Board.

14 6. Section 4301 of the Code states:

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

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

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

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
25 abetting the violation of or conspiring to violate any provision or term of Chapter 9
26 (commencing with Section 4000) of the Business and Professions Code or of the
27 applicable federal and state laws and regulations governing pharmacy, including
28

1 regulations established by the board.

2 7. Section 4059 of the Code states, in pertinent part, that no person shall
3 furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist,
4 optometrist or veterinarian. No person shall furnish any dangerous device, except upon the
5 prescription of a physician, dentist, podiatrist, optometrist, or veterinarian.

6 8. Section 4081(a) of the Code states, in pertinent part, that all records of
7 manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices
8 shall be at all times during business hours open to inspection by authorized officers of the law,
9 and shall be preserved for at least three years from the date of making.

10 9. Section 4059.5(e) of the Code states, in pertinent part, that a dangerous
11 drug shall not be transferred, sold, or delivered to any person outside this state, whether foreign
12 or domestic, unless the transfer, seller, or deliver does so in compliance with the laws of this state
13 and of the United States and of the state or country to which the drugs are to be transferred, sold,
14 or delivered.

15 10. Section 4160 of the Code states:

16 (a) No person shall act as a wholesaler of any dangerous drug or dangerous device
17 unless he or she has obtained a license from the board. Upon approval by the board and
18 the payment of the required fee, the board shall issue a license to the applicant.

19 11. Section 4332 of the Code states that any person who fails, neglects, or
20 refuses to maintain the records required by Section 4081 or who, when called upon by an
21 authorized officer or a member of the board fails, neglects, or refuses to produce or provide the
22 records within a reasonable time, or who willfully produces or furnishes records that are false, is
23 guilty of a misdemeanor.

24 12. Title 16, California Code of Regulations, section 1718 states:

25 "Current Inventory" as used in Section 4232 of the Business and Professions
26 Code shall be considered to include complete accountability for all dangerous drugs
27 handled by every licensee enumerated in Section 4232.
28

1 The controlled substances inventories required by Title 21, CFR, Section 1304
2 shall be available for inspection upon request for at least 3 years after the date of the
3 inventory.

4 13. Section 125.3 of the Code states, in pertinent part, that the Board may
5 request the administrative law judge to direct a licentiate found to have committed a violation or
6 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation
7 and enforcement of the case.

8 14. DANGEROUS DRUG

9 "Viagra", a brand name for the generic drug Sildenafil Citrate is
10 categorized as a dangerous drug pursuant to section 4022 of the Code.

11 FIRST CAUSE FOR DISCIPLINE

12 (Violating Statutes of this State)

13 15. Respondents are subject to disciplinary action under sections 4300 and
14 4301 (j) on the grounds of unprofessional conduct for violating section 4059.5(e). During an
15 inspection of Respondent Pharmacy on June 9, 1999 by an inspector for the Board, he requested
16 Respondent Na to submit all acquisition and dispositions of Viagra 50mg and 100mg. The
17 records submitted by Respondent Na revealed that from on or about September 8, 1998 through
18 on or about January 27, 1999, Respondent Na dispensed Viagra tablets to individuals and/or
19 businesses in Japan. Orders were faxed to Respondents Pharmacy and Na. From those orders,
20 Respondent Na would package the Viagra for shipment to Japan, to the addresses listed on the
21 orders. The drug, Viagra, has not been approved by Japan and it is illegal to import the drug into
22 Japan.

23 SECOND CAUSE FOR DISCIPLINE

24 ((Failure to Maintain Current Records))

25 16. Respondents are further subject to disciplinary action under sections 4300
26 and 4301 (o) on the grounds of unprofessional conduct for violating sections 4081(a) and 4332 of
27
28

1 FOURTH CAUSE FOR DISCIPLINE

2 (Wholesale Of A Dangerous Drug Without A Permit)

3 18. Respondents are further subject to disciplinary action under sections 4300
4 and 4301(o) of the Code for violating section 4160 of the Code in that Respondents were selling
5 Viagra to individuals and businesses outside the United States. Respondent Na admitted to the
6 inspector that she sold Viagra to individuals and businesses in Japan and Korea.

7
8 OTHER MATTERS

9 19. Business and Professions Code section 4307 provides, in pertinent part, that
10 any person whose license or permit has been revoked or is under suspension, or who has been
11 placed on probation, and while acting as the manager, administrator, owner, member, officer,
12 director, associate, or partner has knowledge of or knowingly participated in any conduct for
13 which the license was denied, revoked, suspended, or placed on probation, shall be prohibited
14 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
15 of a licensee.

16
17 PRAYER

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

20 1. Revoking or suspending Original Pharmacy Permit Number PHY 43105,
21 issued to Siloam Pharmacy;

22 2. Revoking or suspending Original Pharmacy License Number RPH 44616,
23 issued to Mi Ne Na;

24 3. Ordering Siloam Pharmacy and Mi Ne Na to pay the Board of Pharmacy
25 the reasonable costs of the investigation and enforcement of this case, pursuant to Business and
26 Professions Code section 125.3;

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

DATED: 1/5/01

P. J. Harris

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

03583110-LA2000AD1576
CML 09/20/2000