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8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 BRIAN W. MCKILLIP, RPH  
13 1797 Rancho Cajon Place  
El Cajon, CA 92019  
14 Original Pharmacist License No. RPH 32896

15 and

16 UPAS PHARMACY INC., dba  
UPAS PHARMACY  
17 Brian McKillip, President  
3332 Third Avenue  
18 San Diego, CA 92103  
Original Pharmacy Permit No. PHY 36112

19  
20 Respondents.  
21

Case No. 2396

OAH No. L-2001100017

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
23 above-entitled proceedings that the following matters are true:

24 PARTIES

25 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
26 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
27 by Bill Lockyer, Attorney General of the State of California, by Susan Fitzgerald, Deputy  
28 Attorney General.







- 1                   2.     **Obey All Laws.** Respondent shall obey all federal and state laws and  
2 regulations substantially related or governing the practice of pharmacy.
- 3                   3.     **Reporting to the Board.** Respondent shall report to the Board or its  
4 designee quarterly. The report shall be made either in person or in writing, as directed. If the  
5 final probation report is not made as directed, probation shall be extended automatically until  
6 such time as the final report is made.
- 7                   4.     **Interview with the Board.** Upon receipt of reasonable notice,  
8 Respondent shall appear in person for interviews with the Board or its designee upon request at  
9 various intervals at a location to be determined by the Board or its designee. Failure to appear  
10 for a scheduled interview without prior notification to Board staff shall be considered a violation  
11 of probation.
- 12                  5.     **Cooperation with Board Staff.** Respondent shall cooperate with the  
13 Board's inspection program and in the Board's monitoring and investigation of the Respondent's  
14 compliance with the terms and conditions of Male probation. Failure to cooperate shall be  
15 considered a violation of probation.
- 16                  6.     **Peer Review.** Respondent shall submit to peer review as deemed  
17 necessary by the Board.
- 18                  7.     **Continuing Education.** Respondent shall provide evidence of efforts to  
19 maintain skill and knowledge as a pharmacist as directed by the Board.
- 20                  8.     **Notice to Employers.** Respondent shall notify all present and prospective  
21 employers of the decision in Accusation No. 2396 and the terms, conditions and restrictions  
22 imposed on Respondent by the decision. Within thirty (30) days of the effective date of this  
23 decision, and within fifteen (15) days of Respondent undertaking new employment, Respondent  
24 shall cause his employer to report to the Board in writing acknowledging the employer has read  
25 the decision in Accusation No. 2396.
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1           If Respondent works for or is employed by or through a pharmacy employment  
2 service, Respondent must notify the pharmacist-in-charge and/or owner at every pharmacy at  
3 which he is to employed or used of the fact and terms of the decision in Accusation No. 2396 in  
4 advance of the Respondent commencing work at the pharmacy.

5           "Employment" within the meaning of this provision shall include any full-time,  
6 part-time, temporary or relief service or pharmacy management service as a pharmacist, whether  
7 the Respondent is considered an employee or independent contractor.

8           9.     **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
9 **Charge.** Respondent shall not supervise any intern pharmacist or perform any of the duties of a  
10 preceptor. Respondent may be a pharmacist-in-charge; however, Respondent shall retain an  
11 independent consultant at his or her own expense who shall be responsible for reviewing  
12 pharmacy operations on a monthly basis for compliance by Respondent with state and federal  
13 laws and regulations governing pharmacy and for compliance by Respondent with the  
14 obligations of a pharmacist-in-charge. The consultant shall be a pharmacist licensed by and not  
15 on probation to the Board and whose name shall be submitted to the Board for its approval  
16 within thirty (30) days of the effective date of this decision. Respondent shall not be a  
17 pharmacist-in-charge at more than one pharmacy or any pharmacy of which he is not the sole  
18 owner.

19           10.    **Reimbursement of Board Costs.** Respondent shall pay to the Board its  
20 costs of investigation and prosecution in the amount of \$4,153.00. Respondent shall make said  
21 payments on a quarterly basis over the first two years of probation. If Respondent fails to pay  
22 the costs as specified by the Board and on or before the date(s) determined by the Board, the  
23 Board shall, without affording the Respondent notice and the opportunity to be heard, revoke  
24 probation and carry out the disciplinary order that was stayed.

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1           11.     **Probation Monitoring Costs.** Respondent shall pay the costs associated  
2 with probation monitoring as determined by the Board each and every year of probation. Such  
3 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs  
4 shall be considered a violation of probation.

5           12.     **Status of License.** Respondent shall, at all times while on probation,  
6 maintain an active current license with the Board, including any period during which suspension  
7 or probation is tolled. If Respondent's license expires by operation of law or otherwise, upon  
8 renewal or reapplication, Respondent's license shall be subject to all terms of this probation not  
9 previously satisfied.

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

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

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

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1           It is a violation of probation for Respondent's probation to remain tolled pursuant  
2 to the provisions of this condition for a period exceeding a consecutive period of [three] years.

3           **15. Tolling of Suspension.** If Respondent leaves California to reside or  
4 practice outside this state, or for any period exceeding ten (10),days (including vacation),  
5 Respondent must notify the Board in writing of the dates of departure and return. Periods of  
6 residency or practice outside the state - or any absence exceeding a period of ten (10) days shall  
7 not apply to the reduction of the suspension period.

8           Respondent shall not practice pharmacy upon returning to this state until  
9 notification by the Board the period of suspension has been completed.

10           **16. Violation of Probation.** If Respondent violates probation in any respect,  
11 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation  
12 and carry out the disciplinary order which was stayed. If a Petition to Revoke Probation or an  
13 Accusation is filed against Respondent during probation, the Board shall have continuing  
14 jurisdiction, and the period of probation shall be extended, until the Petition to Revoke Probation  
15 and/or Accusation is heard and decided. If a Respondent has not complied with any term or  
16 condition of probation, the Board shall have continuing jurisdiction over Respondent, and  
17 probation shall automatically be extended until all terms and conditions have been met or the  
18 Board has taken other action as deemed appropriate to treat the failure to comply as a violation of  
19 probation, to terminate probation, and to impose the penalty which was stayed.

20           **17. Completion of Probation.** Upon successful completion of probation,  
21 Respondent's license will be fully restored.

22           **18. Rehabilitation Program.** Pharmacist Recovery Program (PRP)  
23 Respondent's participation in the Pharmacist Recovery Program is now  
24 mandatory, as of the date this decision is effective. Respondent shall successfully participate in  
25 and complete his/her current contract and any subsequent addendums with the PRP. Probation  
26 shall be extended until Respondent successfully completes his/her treatment contract.

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1                   19.       **Random Fluid Testing.** Respondent shall immediately submit, with or  
2 without prior notice, to biological fluid testing, at Respondent's expense, upon the request of the  
3 Board or its designee. The length and frequency of this testing requirement will be determined  
4 by the Board. This testing is in addition to any testing which is part of his PRP program.

5                   20.       **Abstain From Drug Use.** Respondent shall abstain completely from the  
6 personal use or possession of controlled substances and dangerous drugs. This order does not  
7 apply in instances where medications are lawfully prescribed to the Respondent for a legitimate  
8 illness or condition by a physician, dentist or podiatrist and where Respondent, upon request of  
9 the Board or its designee, provides documentation from the treating physician, dentist or  
10 podiatrist that the prescription was legitimately issued and is a necessary part of the treatment of  
11 the Respondent.

12                   21.       **Abstain from Alcohol Use.** Respondent shall abstain completely from  
13 the use of alcoholic beverages.

14                   IT IS HEREBY ORDERED that Original Pharmacy Permit No. PHY 36112  
15 issued to Upas Pharmacy, Inc. dba Upas Pharmacy, President Brian McKillip is revoked.  
16 However, the revocation is stayed and Respondent Upas is placed on probation for three (3)  
17 years on the following terms and conditions:

18                   1.       **Status of Permit.** Respondent shall, at all times while on probation,  
19 maintain an current license with the Board. If Respondent submits an application to the Board,  
20 and the application is approved, for a change of location, change or permit or change of  
21 ownership, the Board shall retain continuing jurisdiction over the license, and the Respondent  
22 shall remain on probation as determined by the Board or its designee.

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

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1                   3.       **Supervision of the Pharmacy.** The pharmacy consultant required by  
2 probationary condition #9 of RPH McKillip's probation shall also, at Respondent's expense,  
3 inspect and inventory the pharmacy and monitor it on a monthly basis. Further, this consultant  
4 shall submit monthly reports to the Board which includes not only the information required by  
5 condition #9 of RPH McKillip's probation but also his or her inventory results regarding Class II  
6 controlled substances by count and Class III, IV, and V controlled substances by standard  
7 estimation for the duration of probation. Respondent is responsible to assure that the  
8 consultant's monthly reports are sent to the Board on schedule.

9                   4.       **Notice to Employees.** Respondent shall, upon or before the effective date  
10 of this decision, ensure that all employees involved in permit operations are made aware of all  
11 the terms and conditions of probation, either by posting a notice of the conditions of the terms  
12 and conditions, circulating such notice, or both. If the notice required by this provision is posted,  
13 it shall be posted in a prominent place and shall remain posted throughout probation.  
14 Respondent shall ensure that any employees hired or used after the effective date of this decision  
15 are made aware of all the terms and conditions by posting a notice, circulating a notice, or both.  
16 "Employees" as used in this provision includes all full-time, part-time, temporary and relief  
17 employees and independent contractors employed or hired at any time during probation.

18                   5.       **Violation of Probation.** If Respondent violates probation in any respect,  
19 the Board, after giving Respondent notice and an opportunity to be heard, may revoke probation  
20 and carry out the disciplinary order which was stayed on the pharmacy permit. If a Petition to  
21 Revoke Probation or an Accusation is filed against Respondent during probation, the Board shall  
22 have continuing jurisdiction, and the period of probation shall be extended, until the Petition to  
23 Revoke Probation and/or Accusation is heard and decided. If Respondent has not complied with  
24 any term or condition of probation, the Board shall have continuing jurisdiction over  
25 Respondent, and probation shall automatically be extended until all terms and conditions have  
26 been met or the Board has taken other action as deemed appropriate to treat the failure to comply  
27 as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

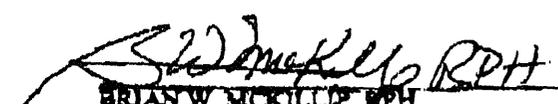
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1 6. Completion of Probation. Upon successful completion of probation.  
2 Respondent's license will be fully restored.

3 **ACCEPTANCE**

4 I have carefully read the above Stipulated Settlement and Disciplinary Order and  
5 have fully discussed it with my attorney, Carlo Coppo, Esq.. I understand the stipulation and the  
6 effect it will have on my Original Pharmacial License. I enter into this Stipulated Settlement  
7 and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
8 Decision and Order of the Board of Pharmacy.

9 DATED: February 13<sup>th</sup>, 2002.

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11   
12 **BRIAN W. MCKILLIP, RPH**  
13 Respondent RPH and on behalf of  
14 UPAS PHARMACY, INC. dba Upas  
15 Pharmacy

16 I have read and fully discussed with Respondent Brian W. McKillip the terms and  
17 conditions and other matters contained in the above Stipulated Settlement and Disciplinary  
18 Order. I approve its form and content.

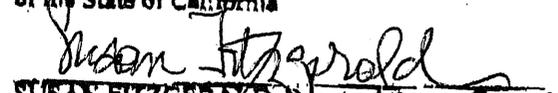
19 DATED: February 6, 2002.

20   
21 **CARLO COPPO, ESQ.**  
22 Attorney for Respondent

23 **ENDORSEMENT**

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

26 DATED: February 14, 2002.

27 **BILL LOCKYER, Attorney General**  
28 of the State of California  
  
**SUSAN FITZGERALD, Deputy Attorney General**  
Attorneys for Complainant

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

In the Matter of the Accusation Against:

BRIAN W. MCKILLIP, RPH  
1797 Rancho Cajon Place  
El Cajon, CA 92019  
Original Pharmacist License No. RPH 32896

and

UPAS PHARMACY INC., dba  
UPAS PHARMACY  
Brian McKillip, President  
3332 Third Avenue  
San Diego, CA 92103  
Original Pharmacy Permit No. PHY 36112

Respondents.

Case No. 2396

OAH No. L-2001100017

**DECISION AND ORDER**

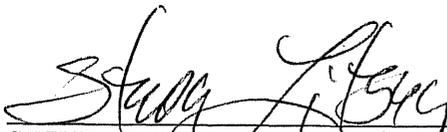
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on April 28, 2002.

It is so ORDERED March 29, 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 SUSAN FITZGERALD, State Bar No. 112278  
Deputy Attorney General  
3 California Department of Justice  
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San Diego, California 92186-5266.  
6 Telephone: (619) 645-2066  
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7 Attorneys for Complainant  
8

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

12 In the Matter of the Accusation Against:

Case No. 2396

13 BRIAN W. MCKILLIP, RPH  
14 1797 Rancho Cajon Place  
El Cajon, CA 92019

**A C C U S A T I O N**

15 Original Pharmacist License No. RPH 32896

16 and

17 UPAS PHARMACY INC. dba UPAS  
18 PHARMACY  
President Brian McKillip  
19 3332 Third Avenue  
San Diego, CA 92103

20 Original Pharmacy Permit No. PHY 36112

21 Respondents.  
22

23 Complainant alleges:

24 PARTIES

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

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(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 Business and Professions Code or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

...

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

8. Section 4081 of the Code states, in pertinent part, that:

(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, podiatrists, 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 3 (commencing with Section 1620) of Division 2 of, Chapter 2 (commencing with Section 2300) of Division 3 of, or Part 2 (commencing with Section 5699) of Division 6 of, Welfare and Institutions Code who maintains a stock of dangerous drugs or 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, for maintaining the records and inventory described in this section.

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1           9.       Section 4116 states, in pertinent part, that:

2           (a) No person other than a pharmacist, an intern pharmacist, an authorized officer  
3 of the law, or a person authorized to prescribe shall be permitted in that area, place, or  
4 premises described in the license issued by the board wherein controlled substances or  
5 dangerous drugs or dangerous devices are stored, possessed, prepared, manufactured,  
6 derived, compounded, dispensed, or repackaged...

7           10.      Section 4302 states, in pertinent part, that:

8           The board may deny, suspend, or revoke any license of a corporation where  
9 conditions exist in relation to any officer or director of the corporation that would constitute  
10 grounds for disciplinary action against a licensee.

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

15          12.      Title 16, section 1718 of the California Code of Regulations states  
16 "Current Inventory" as used in Section 4232 of the Business and Professions Code shall be  
17 considered to include complete accountability for all dangerous drugs handled by every licensee  
18 enumerated in Section 4232.

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

22          13.      This Accusation is brought before the Board of Pharmacy under the  
23 authority of Section 11158(a) of the California Health & Safety Code ("H&S Code") that states  
24 that no controlled substances shall be dispensed without a prescription.

25                                 DRUGS

26          14.      At all times mentioned herein, the following drugs were and are dangerous  
27 drug within the meaning of Code section 4022 and controlled substances under the California  
28 Health & Safety Code ("H&S Code"), as noted:



1 G.E. in early 2000 when he filled one of her empty prescription bottles for regular Vicodin with  
2 Vicodin ES (extra strength) without any current prescription for Vicodin ES or any authorization  
3 to do as he did.

4 **THIRD CAUSE FOR DISCIPLINE**

5 **(Unprofessional Conduct: Illegally Furnishing Dangerous Drugs -  
6 Percocet, Roxicet, Tussionex, Ativan)**

7 24. Respondent McKillip is subject to disciplinary action under section  
8 4301(j) in conjunction with section 4059 in that he illegally furnished Percocet, Tussionex, and  
9 lorazepam to G.E. in early 2000 when she had no valid prescriptions for any of these drugs.

10 **FOURTH CAUSE FOR DISCIPLINE**

11 **(Unprofessional Conduct: Violation of Laws Governing Controlled Substances)**

12 25. Respondent McKillip is subject to disciplinary action under section 4301(j)  
13 in conjunction with H&S Code section 11158 in that he illegally dispensed Percocet, Tussionex,  
14 and lorazepam to G.E. in early 2000 when she had no valid prescriptions for any of these  
15 controlled substances.

16 **FIFTH CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct: Allowing Unauthorized Person In Pharmacy)**

18 26. Respondent McKillip is subject to disciplinary action under section 4301(j)  
19 in conjunction with section 4116 in that on at least three occasions in early 2000, respondent  
20 allowed his customer, G.E., into the restricted area of the pharmacy where she was not authorized  
21 to be. He gave her a tour of the restricted area of the pharmacy and allowed her to count out  
22 Percocet or Roxicet tablets, some of which she took for herself with McKillip's knowledge. On  
23 another occasion when respondent allowed her in the pharmacy, G.E. stole a bottle of morphine  
24 sulfate.

25 **SIXTH CAUSE FOR DISCIPLINE**

26 **(Unprofessional Conduct: Moral Turpitude)**

27 27. Respondent McKillip is subject to disciplinary action under section  
28 4301(f) in that some of his acts and/or omissions with G.E. constituted moral turpitude. The

1 particular circumstances are as follows:

2 a. McKillip had a patient drug profile on G.E. available to him in the  
3 pharmacy. Additionally, he had been filling prescriptions for a variety of controlled substances  
4 for her for months before early 2000.

5 b. When McKillip first gave G.E. tour of the pharmacy, he pointed out to her  
6 various controlled substances and told her what the various drugs would do to her if she took  
7 them.

8 c. When McKillip gave G.E. Tussionex, he did so in response to her request  
9 for something that would get her "real high."

10 d. McKillip saw that when G.E. was counting Percocet or Roxicet with a  
11 tablet counter than he allowed her to use, she took some of the tablets and put them in her empty  
12 Vicodin bottle. McKillip did not stop G.E. or say anything to her.

13 e. McKillip had every reason to suspect that G.E. was a substance abuser,  
14 yet he illegally provided her with controlled substances, gave her access to controlled substances  
15 in his pharmacy on multiple occasions, educated her as to how various psycho tropic drugs  
16 would make her feel, and looked the other way when she stole Percocet or Roxicet.

17 **SEVENTH CAUSE FOR DISCIPLINE**

18 **(Unprofessional Conduct: Drug Audit)**

19 28. Respondent McKillip is subject to disciplinary action under section  
20 4301(j) in conjunction with section 4081 in that he failed to maintain a current inventory of  
21 controlled substances, as required by law and regulation. The circumstances are as follows:

22 a. A Board inspector conducted a drug audit at respondent Upas of the  
23 controlled substances listed in paragraphs 15-20 for the period December 6, 1999 to March 23,  
24 2000.

25 b. The audit showed a shortage of 245 tablets of Vicodin, 140 tablets of  
26 Vicodin ES, 175 tablets of Percocet, and 189 tablets of morphine sulfate.

27 c. The audit shows an overage of 200 hydrocodone with acetaminophen  
28 7.5/500.

1 **EIGHTH CAUSE FOR DISCIPLINE**

2 **(Pharmacy Liability for McKillip's Acts/Omissions)**

3 29. By virtue of McKillip's violation of section 4301(j) in conjunction with  
4 section 4081 and CCR section 1718, the pharmacy permit of respondent Upas is also subject to  
5 discipline, pursuant to section 4301(j) in conjunction with 4081(b).

6 30. By virtue of McKillip's violations of Board law and regulation as alleged  
7 above, the pharmacy permit of Upas Pharmacy, Inc., which is a corporation with McKillip as its  
8 president, is subject to discipline, pursuant to section 4302.

9 **PRAYER**

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

- 12 1. Revoking or suspending Original Pharmacist License Number RPH  
13 32896, issued to Brian W. McKillip, RPH;
- 14 2. Revoking or suspending Original Pharmacy Permit Number PHY 36112,  
15 issued to Upas Pharmacy Inc. dba Upas Pharmacy President Brian McKillip;
- 16 3. Ordering Brian W. McKillip, RPH and/or Upas Pharmacy Inc. dba Upas  
17 Pharmacy, President Brian McKillip, to pay the Board of Pharmacy the reasonable costs of the  
18 investigation and enforcement of this case, pursuant to Business and Professions Code section  
19 125.3;
- 20 4. Taking such other and further action as deemed necessary and proper.

21 DATED: 8/24/01

22  
23  
24 P. F. Harris  
25 PATRICIA F. HARRIS  
26 Executive Officer  
27 Board of Pharmacy  
28 Department of Consumer Affairs  
State of California  
Complainant