

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

In the Matter of the Accusation Against:

EAGLE ROCK PHARMACY
5048 Eagle Rock Blvd.
Los Angeles, CA 90041
STEPHEN SAYLOR, President
JANICE SAILOR, Vice President/Secretary
Pharmacy Permit No. PHY 39318

STEPHEN LEWIS SAYLOR
3720 The Strand
Manhattan Beach, CA 90266
Pharmacist License No. RPH 25245,

Respondents.

Case No.: 2486

OAH No.: L2003070798

DECISION

The attached Proposed Decision of the Administrative Law Judge is hereby adopted by the Board of Pharmacy as its Decision in the above-entitled matter.

This Decision shall become effective on October 10, 2004

IT IS SO ORDERED September 10, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



STANLEY W. GOLDENBERG
Board President

rfm

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PROPOSED DECISION

This matter came on regularly for hearing before Ralph B. Dash, Administrative Law Judge with the Office of Administrative Hearings, on July 14, 2004, at Los Angeles, California.

Michael W. Valentine, Deputy Attorney General, represented Complainant.

Donald B. Brown, Attorney at Law, represented Respondent.

The parties, by and through their respective counsel, entered into a stipulation placed on the record that, for purposes of these administrative proceedings only, Respondent would "stipulate to the Allegations contained in the Accusation, thereby obviating the necessity for proof thereof to be offered."¹

Oral and documentary evidence having been received and the matter submitted, the Administrative Law Judge makes the following Proposed Decision.

¹ The stipulation had previously been confirmed in a letter from Mr. Brown to Mr. Valentine. The letter was admitted into evidence as Exhibit 1. The stipulation contains certain "provisos" not relevant here.

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COMBINED FINDINGS OF FACT AND CONCLUSIONS OF LAW²

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

2. On or about July 9, 1993, the Board of Pharmacy issued Pharmacy Permit Number PHY 39318 to Eagle Rock Pharmacy Inc. to do business as Eagle Rock Pharmacy (Respondent Pharmacy) with Stephen L. Saylor, President, and Janice Saylor, Vice President and Secretary. Stephen L. Saylor has been the Pharmacist-In-Charge since July 9, 1993. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and was due to expire on July 1, 2004, unless renewed.

3. On or about August 21, 1967, the Board of Pharmacy issued Pharmacist License Number RPH 25245 to Stephen Lewis Saylor (Respondent Saylor). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on September 30, 2004, unless renewed.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Conduct Inventory)

4. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o), of the Business and Professions Code,³ in conjunction with Title 21, Code of Federal Regulations, section 1304.11(c), in that Respondent failed to conduct a biennial DEA inventory every two years as required by regulations. The circumstances are that on November 23, 1998, a Board inspector reviewed a DEA inventory report from Respondent dated May 1, 1995. On January 13, 1999, Respondent could only produce the DEA inventory report dated May 1, 1995. Respondent failed to produce a DEA inventory from May 1, 1997, two years after the May, 1, 1995 report.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Keep Records)

5. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j), (o) and (q), 4081(a) and (b), 4332, and 4333 of the Code, in conjunction with Title

² All Findings Fact and Conclusions of Law are based on the stipulation made by counsel, except with respect to issues dealing with mitigation, rehabilitation, and cost recovery. The stipulation does not extend to the Order set forth below. The Findings and Conclusions are taken verbatim from the Accusation and are set forth herein for convenience.

³ Unless otherwise noted, all code references are to the Business and Professions Code.

16, California Code of Regulations, section 1718, in that Respondents failed to keep required acquisition and disposition records. The circumstances are as follows:

(a) On or about November 23, 1998, a Board inspector verbally requested Respondent to produce acquisition and disposition records for review upon his return. When the inspector returned on January 13, 1999, the requested records were not available.

(b) On or about January 13, 1999, Board inspector made a second request for all records, in particular, all prescription documents from May 1, 1998 to November 23, 1998 for Doctor L. Gatus Medical Group, Leader Group, Daco Medical Group and Doctor Boyd; original prescriptions for patients K.D., D.Z., N.Z. and for Respondent for the last three years; and all records of acquisition and disposition from May 1, 1998 to November 23, 1998 for Demerol 50mg, Demerol 100mg, Tylenol #4, Vicodin ES, Adipex, Vicodin HP, Fioricet, Valium 10mg, Halcion .25mg, Fiorinal, Empirin #4, Fastin 30mg and Tussionex. These documents were to be available for review by Board inspectors no later than January 19, 1999.

(c) On or about January 19, 1999, the documents which had been requested on January 13, 1999 were not available for review. Board inspectors requested that they be made available for inspection no later than January 20, 1999. In addition, the Board inspectors requested all prescription documents for patients M.R., G. R. and M. F. for the last three years.

(d) On or about January 20, 1999, the documents which had been requested on January 19, 1999 were not available for review. Board inspectors again requested the prescription documents for patients K.D., D.Z, N.Z., M.F., G.R., M.R. and Respondent Saylor for the period of May 1, 1995 to January 17, 1999 be available for review on January 21, 1999. Also requested again were the acquisition and disposition records for the period of May 1, 1998 through November 23, 1998 for those drugs listed above in paragraph 26(b). These records were to be mailed by certified mail to Inspector Nurse no later than January 25, 1999.

(e) On or about January 21, 1999, the only documents provided by Respondent for review by the Board inspector were the prescription documents for patient D.Z.

(f) On or about January 26, 1999, Inspector Nurse received original prescription documents for patients K.D., M.F., G.R., M.R., and N.Z.

(g) Five prescriptions for Viagra, between April 1, 1999 and October 26, 1999, were missing or were not provided by Respondent. These are prescription numbers: 743293, 745022, 750341, 747381 and 747524.

(h) Analysis of the records of acquisition provided by Respondent Saylor for May 1, 1998 through November 23, 1998 revealed that Saylor had failed to provide 15 invoices for the acquisition of 3,000 tablets of Tylenol #4, 1,000 tablets of Diazepam 10mg, 200 tablets of Empirin #4, 500 tablets of Halcion .25mg, 2,365ml of Tussionex, and 4,500 tablets of Vicodin ES.

(i) Analysis of the prescription documents secured for the period of May 1, 1998 through November 23, 1998, and the records of acquisition and disposition for the period May 1, 1998 through November 23, 1998, reveal a shortage of 1,800 tablets of Empirin #4, 687 tablets of Tylenol #4, 684 tablets of Halcion .25mg, 162ml of Tussionex, and 76 tablets of Vicodin HP. There was an overage of 1,279 tablets of Valium 10mg, 6,145 tablets of Vicodin ES. A beginning inventory for this audit could not be obtained because Respondent failed to perform the required biennial DEA inventory.

(j) An audit of Viagra 50 and 100mg was performed for the period of April 1, 1999 through October 26, 1999. The audit revealed that:

(i) Respondent failed to provide seven of the eighteen relevant invoices;

(ii) Respondents Saylor and Pharmacy were short 295 tablets of Viagra 50mg and 55 tablets of Viagra 100mg. A beginning inventory for this audit could not be obtained because Respondent failed to perform the required biennial DEA inventory; [this audit was not available or requires] and

(iii) The following prescriptions, which were lacking required information, were dispensed by Respondent:

a. Prescription No. 721740 - Respondent dispensed Viagra 50mg though there was no indicated strength on the prescription, and failed to contact the issuing prescriber for clarification;

b. Prescription No.742145 - Respondent dispensed Viagra 100mg though there was no indicated strength on the prescription, and failed to contact the issuing prescriber for clarification;

c. Prescription No. 747528 - Respondent generated this prescription twice as a telephonic prescription for Viagra 100mg on August 9, 1999.

6. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j), (o) and (q), 4081(a) and (b), 4105, 4332, and 4333 of the Code in that Respondents failed to keep required acquisition and disposition records. The circumstances are as follows:

(a) On or about April 10, 2002, a Board inspector verbally requested Respondent to produce all prescription records listed on patient J. N.'s patient profile. Respondent Saylor was unable to locate documents for six new and 35 refill prescriptions.

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Secure Pharmacy)

7. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o) and 4116 of the Code in conjunction with Title 16, California Code of Regulations, section 1714(d) in that Respondents failed to secure the pharmacy area. The circumstances are as follows:

(a) Eagle Rock Pharmacy does not have a floor to ceiling barrier for a secure pharmacy area.

(b) On or about October 25, 1999, at approximately 11:50 a.m., Board Inspector Hokana observed Respondent Saylor enter his private automobile and leave the pharmacy. At approximately 12:10 p.m., the inspector observed Respondent's return to the pharmacy, approximately 20 minutes after leaving.

(c) On or about October 26, 1999, at approximately 8:00 a.m., Board Inspector Hokana observed Eagle Rock Pharmacy's locked front and rear doors. At approximately 9:00 a.m., one male and two female employees entered the pharmacy through the rear door. Board Inspector Hokana entered the pharmacy through the front door and was met by technician Viola Tafoya, her husband Joe Tafoya and clerk Debra Avila. No pharmacist was present and the Board inspector instructed the employees to leave the premises. The pharmacy was locked and the keys were secured by the inspector. Respondent contacted the inspector at 9:40 a.m. and was requested to have all exterior door locks to the pharmacy changed by October 26, 1999.

FOURTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Allowed Non-pharmacists to Sign for Deliveries)

8. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o) and 4059.5(a) of the Code in that Respondents allowed non-pharmacists to sign for drug deliveries. The circumstances are that upon review of Professional Wholesale, Inc.'s and McKesson Drug's proof of delivery forms, Respondent had allowed ancillary staff Gutierrez and Avila, non-pharmacists, to sign for drug deliveries.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Furnished Without Proper Prescription)

9. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o) and 4059(a) of the Code in conjunction Health and Safety Code sections 11152, 11153 and 11158 in that Respondents furnished dangerous drugs without proper prescriptions and from prescription nonconforming to pharmacy laws. The facts and circumstances are as follows:

(a) Patient K.D. had numerous unauthorized refills for Valium dispensed by Respondent Saylor. While Patient K.D. was hospitalized in 1997, Respondent Saylor furnished her with unauthorized Vicodin and Valium, though he was aware that she was receiving morphine. The hospital staff was not informed that Vicodin and Valium were being furnished to the patient by Respondent Saylor. After being discharged from the hospital Respondent Saylor furnished patient K.D. with Viagra twice a day, four times a week for two months without a prescription.

(b) Patient K.D. estimated she had been furnished from late 1997 until early December 1998, approximately 3,000 tablets of Vicodin, and 10-15 Valium 10mg per day. These drugs were furnished by Respondent Saylor and were unauthorized by any physician.

(c) Respondents Saylor and Pharmacy are subject to discipline under Code sections 4301(j) and (o), and 4059(a) in conjunction with Health and Safety Code sections 11152, 11153, and 11158 in that Respondent Saylor filled prescriptions which were not authorized by a physician. The facts and circumstances are as follows:

(i) Respondent Saylor furnished dangerous drugs without a proper prescription by filling two unauthorized prescriptions for Viagra for patient C.K. Though these prescriptions were purportedly issued by Doctor Corvalan, on or about December 21, 1999, the doctor verified that these two prescriptions were, in fact, not authorized by him.

(ii) Respondent Saylor furnished dangerous drugs without a proper prescription by filling 2,471 unauthorized prescriptions. Though the prescriptions were purportedly issued by Doctor Gatus, on or about October 28, 1999, the doctor verified that these 2,471 prescriptions filled at Eagle Rock Pharmacy were, in fact, not authorized by him.

(iii) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Doctor Korzelius, on or about November 10, 1999, the doctor verified that these prescriptions were, in fact, not authorized by him:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	671991	Vicodin ES
2	672315	Diazepam 5mg
3	672316	Vicodin ES
4	673867	Diazepam 5mg

(iv) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Doctor Leader, on or about March 9, 2000, the doctor verified that these prescriptions were, in fact, not authorized by him:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	714639	Tylenol #4
2	714734	Diazepam 10mg
3	717257	Vicodin ES
4	706759	Tylenol #4
5	728440	Tylenol #4
6	706303	Tussionex 16oz
7	710227	Tussionex 16oz
8	720031	Ampicillin 500mg
9	720035	Diazepam 10mg
10	720036	Fastin 30mg
11	724964	Prozac 20mg
12	718638	Diazepam 10mg

(v) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Doctor Wu, on or about October 28, 1999, the doctor verified that these prescriptions were, in fact, not authorized by him:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	654959	Ansaid 100mg
2	654960	Vicodin ES
3	659492	Diazepam 10mg
4	660338	Buspar 10mg
5	663480	Vicodin ES
6	666375	Diazepam 10mg
7	670565	Tylenol #3
8	676285	Diazepam 10mg
9	679514	Vicodin ES
10	660339	Vicodin ES.

(vi) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Doctors Lanson and Mirshojae, on October 28, 1999, a nurse manager for the doctors verified that these prescriptions were, in fact, not authorized by them:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	711212	Diazepam 10mg
2	711802	Fiorinal #3
3	687358 (second dispense)	Vicodin
4	711210 (was authorized, but filled with three more pills than prescribed)	Talwin NX

(vii) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Doctors Hjerpe and Yu, on October 28, 1999, the doctors verified that these prescriptions were, in fact, not authorized by them:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	705334	Soma 350mg #100
2	705817	Ambien 10mg #15
3	705999	Vicodin ES #30
4	706437	Cytotec 100mcg #60
5	706438	Vicodin ES #60
6	712666	Vicodin ES #20
7	726309	Vicodin HP #30
8	726430	Vicodin ES #30
9	726430 (refill on September 28, 1998)	Vicodin ES #30
10	726430 (refill on October 3, 1998)	Vicodin ES #30

(viii) Respondent Saylor furnished dangerous drugs without a proper prescription by filling 89 unauthorized Vicodin ES prescriptions. Though the prescriptions were purportedly issued by Doctor Tripodes, on October 29, 1999 the doctor verified that these 89 prescriptions filled at Eagle Rock Pharmacy were, in fact, not authorized by him.

(ix) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the unauthorized prescription Number 722713 for Diazepam 10mg #100. Though said prescription was purportedly issued by Doctor Ali, on November 3, 1999, the doctor verified that this prescriptions was, in fact, not authorized by him.

(x) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Doctor Adarme, on November 8, 1999, the doctor verified that these prescriptions were, in fact, not authorized by her:

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<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	691832	Vicodin ES #30
2	695471	Diazepam 10mg #30
3	695472	Vicodin ES #30
4	696825	Diazepam 10mg #30
5	696826	Vicodin ES #30
6	697968	Anusol HC Cream 30gm
7	697969	Vicodin HP #100
8	698831	Diazepam 10mg #100
9	707881	Vicodin ES #100
10	707882	Diazepam 10mg #100
11	709408	Phenergan with Codeine 480ml

(d) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Dr. Allen, on November 24, 1999, the doctor verified that these prescriptions were, in fact, not authorized by him:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	723145	Vicodin ES #40
2	723146	Flexeril 10mg #20
3	723147	Diazepam 10mg #10

(e) Respondent Saylor furnished dangerous drugs without a proper prescription by filling the following unauthorized prescriptions. Though the prescriptions described below were purportedly issued by Dr. Kaptien, on April 23, 2002, the doctor verified that these prescriptions were, in fact, not authorized by her.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	755452	Norvasc 10mg.
2	785681	Norvasc 10mg.
3	785682	Cozaar 25 mg.

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SIXTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Refilled Prescription Without Authorization)

10. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o) and 4063 of the Code in that Respondents refilled the following prescriptions 31 times on the following dates without authorization from the prescriber, Dr. Kaptien:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>	<u>Date</u>
1	756381	Cozaar 25mg	4/13/2000
2	756381	Cozaar 25mg	5/15/2000
3	756381	Cozaar 25mg	6/19/2000
4	756381	Cozaar 25mg	7/20/2000
5	756381	Cozaar 25mg	8/19/2000
6	756381	Cozaar 25mg	9/19/2000
7	756381	Cozaar 25mg	10/23/2000
8	756381	Cozaar 25mg	12/05/2000
9	756381	Cozaar 25mg	1/08/2001
10	756452	Norvasc 10mg.	2/09/2000
11	756452	Norvasc 10mg.	3/13/2000
12	756452	Norvasc 10mg.	4/13/2000
13	756452	Norvasc 10mg.	5/15/2000
14	756452	Norvasc 10mg.	6/19/2000
15	756452	Norvasc 10mg.	7/20/2000
16	756452	Norvasc 10mg.	8/19/2000
17	756452	Norvasc 10mg.	9/19/2000
18	756452	Norvasc 10mg.	10/23/2000
19	756452	Norvasc 10mg.	11/21/2000
20	756452	Norvasc 10mg.	12/22/2000
21	785681	Norvasc 10mg.	3/13/2001
22	785681	Norvasc 10mg.	4/17/2000
23	785681	Norvasc 10mg.	5/16/2000
24	785681	Norvasc 10mg.	6/14/2001
25	785681	Norvasc 10mg.	7/11/2001

26	785682	Cozaar 25mg	3/13/2001
27	785682	Cozaar 25mg	4/17/2001
28	785682	Cozaar 25mg	5/16/2001
29	785682	Cozaar 25mg	6/14/2001
30	785682	Cozaar 25mg	7/11/2001
31	814759	Cozaar 25mg	1/30/2002

SEVENTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Recognize)

11. Respondents Saylor and Pharmacy are subject to disciplinary action under section 4301(j) and (o) of the Code in conjunction with Health and Safety Code sections 11153(a) in that Respondents failed to recognize prescriptions being issued for illegitimate medical purposes. The circumstances are as follows

(a) Patient M.F.- From approximately May 24, 1995 to November 13, 1998, a total of 36 controlled substance prescriptions were dispensed before the prior prescription had expired. Examples of this practice are as follows:

(i) July 3, 1998 - a 33 day supply of Vicodin ES #100 was filled. Four days later an additional 33 day supply was filled.

(ii) July 10, 1998 - a 33 day supply of Diazepam 10mg #100 was filled. Eighteen days later an additional 33 day supply was filled.

(iii) September 1, 1998 - a 33 day supply of Vicodin ES #100 was filled. Fifteen days later an additional 33 day supply was filled.

(iv) September 16, 1998 - a 33 day supply of Vicodin ES #100 was filled. Fourteen days later an additional 33 day supply was filled.

(v) September 30, 1998 - a 33 day supply of Vicodin ES #100 was filled. Thirteen days later an additional 33 day supply was filled.

(vi) October 3, 1998 - a 25 day supply of Tylenol #4, #100 was filled. Two days later an additional 33 day supply was filled.

(vii) October 5, 1998 - a 33 day supply of Diazepam 10mg, #100 was filled. Twenty-four days later an additional 33 day supply was filled.

(viii) October 12, 1998 - a 33 day supply of Vicodin ES #100 was filled. Sixteen days later an additional 33 day supply was filled.

(ix) Between March 27, 1997 and November 13, 1998, forty-four prescriptions for Tylenol #4, #100, written by four different doctors, were dispensed. Fifteen prescriptions for Vicodin ES #100, written by four different doctors, were dispensed. These prescriptions were dispensed as concurrent therapy.

(b) Patient M.M. - From approximately August 17, 1998 to November 19, 1998, Prescription Numbers 723857 and 732471 for Tylenol #4, #200, a fifty day supply, with indicated directions as "1 tablet 4 times a day," were dispensed before the prior prescription had expired. Further, Patient M.M. had a Dallas, Texas address. Between May 7, 1998 and November 19, 1998, Respondent Saylor dispensed ten prescriptions for Tylenol #4, #200, using a Phoenix, Arizona physician. Respondent Saylor dispensed five prescriptions for Lorcet #40, using a Dallas, Texas physician on the same days as the dispensing of the Tylenol #4.

(c) Patient P.S. - Between May 1, 1998 and November 21, 1998, seven prescriptions were dispensed twice in one day for 12 Vicodin ES and prescriptions were dispensed every day or every other day for 12 Vicodin ES. As described above in paragraph 29(i), Doctor Tripodes did not authorize these 89 prescriptions, which resulted in the dispensing of 1,116 tablets of Vicodin ES.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Have a Quality Assurance Program)

12. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o) and 4125 of the Code in conjunction with Title 16, California Code of Regulations, section 1711 in that Respondents failed to establish a quality assurance plan to document and assess medical errors. The facts and circumstances are that Respondent Saylor was asked on or about April 10, 2002 for the quality assurance plan for the Respondent Pharmacy. Respondent Saylor replied that the pharmacy had was no such plan.

NINTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Dispensing Methadone)

13. Respondents Saylor and Pharmacy are subject to disciplinary action under section 4301(j) and (o) of the Code in conjunction with Health and Safety Code sections 11217 in that Respondents dispensed a narcotic controlled substance to treat an addiction to a controlled substance even though the treatment was not part of a program licensed by the State Department of Alcohol and Drug Programs, and the treatment was not taking place in a jail or licensed facility. The facts and circumstances are that between January 26, 2001 and

March 22, 2002, Respondent Saylor filed the following prescription for patient N.L. for methadone. Respondent Saylor stated that he knew that patient N.L. was no longer being treated in a methadone clinic at the time he filled the prescriptions:

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>	<u>Date</u>	<u>Quantity</u>
1	783335	Methadone HCL 10mg.	1/26/01	270
2	787744	Methadone HCL 10mg	2/22/01	270
3	792630	Methadone HCL 10mg	3/22/01	270
4	797404	Methadone HCL 10mg	4/19/01	270
5	802355	Methadone HCL 10mg	5/18/01	270
6	806148	Methadone HCL 10mg	6/15/01	270
7	810527	Methadone HCL 10mg	7/13/01	270
8	813538	Methadone HCL 10mg	8/10/01	270
9	815269	Methadone HCL 10mg	9/5/01	270
10	817106	Methadone HCL 10mg	10/5/01	270
11	818761	Methadone HCL 10mg	11/1/01	270
12	820634	Methadone HCL 10mg	11/29/01	270
13	822558	Methadone HCL 10mg	12/27/01	270
14	824335	Methadone HCL 10mg	1/25/02	270
15	826072	Methadone HCL 10mg	2/22/02	270
16	827873	Methadone HCL 10mg	3/22/02	270

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EVIDENCE OF MITIGATION AND REHABILITATION

14. Respondent has been licensed by the Board for 38 years and has owned his own pharmacy for 37 years. He has no prior disciplinary history. Respondent accepted full responsibility for his actions, and did not attempt to palliate or vitiate his conduct, or belittle its significance. He was very emotional while testifying, and expressed extreme remorse and regret for the acts delineated above. It was difficult for him to articulate what prompted his conduct, other than to state that he "tried to help people." This statement had little context until Respondent testified about his past emotional and psychiatric problems. Respondent explained that he had long suffered from undiagnosed bipolar disorder and, in 1998, with his marriage breaking up, his drinking out of control, and the manic phase of his illness at high pitch, he finally sought the help of a psychiatrist. Respondent first saw Dr. James A. MacCuish on November 6, 1998, and continued to see him on a weekly basis for the next four years. In his report of July 1, 2003 (updated on June 23, 2004), Dr. MacCuish described Respondent's condition, in part, as follows:

I first saw [Respondent] at my office on November 6, 1998. He appeared severely distraught, feeling very helpless and hopeless. His anxiety level was extremely high and he felt his life was in shambles. He went on to say he was spending extreme amounts of money on what sounded to be inappropriate things. He caused himself severe debt and his business, a pharmacy, was in financial trouble. His marriage was also in trouble as he was separated from his wife and family. Upon evaluation, it became quite clear that he was severely manic. His history revealed he had a lifetime history of bipolar disorder and would be diagnosed as Bipolar I. His presenting mania was extremely severe although not psychotic. He gives no history of any psychotic mania in the past. The absence of psychosis in no way diminishes the extreme severity of his manic reaction. His mania was associated with excessive drinking which is quite common with bipolar disorder. His mania was of euphoric type and he was quite grandiose and flamboyant. He would spend enormous amounts of money on dinners and items for people that he met in his life, always trying to be helpful but in an extreme and inappropriate manner. He would meet people in restaurants and bars and become way too close with them and then spend way too much money on them. These people seem of questionable background and were clearly taking advantage of him in his state of illness... [P]art of his way of his way of helping people was to help them with medications they said they needed or wanted. I do not believe that any of this irrational manic behavior was malevolent or profit motivated. Indeed the effect was quite the opposite.

15. Even during his therapy, Respondent engaged in some of the illicit behavior set forth above. However, Respondent was diligent in his work with Dr. MacCuish. As he kept up with his therapy and medication, he was able to repair his relationship with his wife, and the aberrant behavior diminished, then ceased. Dr. MacCuish concludes his 2003 report as follows:

At this point in time [Respondent] seems to be stabilized and able to carry on his professional and family life. There have been no episodes of mania and he is very diligent about taking his medications. This stability has been there for well over a year or two.

I have tried to describe his severe destructive manic episodes so that you can understand how he could have behaved the way he did. I have read thoroughly the accusations as listed on pages 9-21 of the court document [the Accusation herein]...even this extreme behavior is absolutely possible as a manifestation of severe Bipolar disorder. I do not believe that his behavior represents a personality disorder. It is an axis I diagnosis...I feel that he has proved himself to be a responsible professional again and against difficult odds...I do not think that he poses a risk to his profession.

16. On June 23, 2004, Dr. MacCuish added an addendum to his report, so that Respondent could provide more recent data regarding his rehabilitation. Dr. MacCuish writes: “[Respondent] has continued to see me since this [report] was first written....He is now and has been completely stable and has not had any manic episodes. He continues his meds, taking them as prescribed.” Dr. MacCuish concludes the addendum by reiterating his belief that Respondent does not pose a risk to the public.

17. In running his own pharmacy and being its sole pharmacist for the past 37 years, Respondent has worked 12 hours per day, six days per week. He is more than ready to slow down a bit, particularly since he recently has had painful shoulder surgery. He is currently in negotiations to sell his business to Walgreens, which is opening a large store directly across the street from Respondent’s pharmacy. Walgreens has offered Respondent a position on its staff. Not only would Respondent not have to work as hard as he has been, but he will not have to work alone, either. Two other pharmacists would always be on duty with him.

18. The Board has reasonably incurred expenses, including charges of the Attorney General, and costs of investigation, in the total sum of \$37,198.25. This is the total sum for which “back-up” material (billing records and declarations) were provided. However, for reasons not disclosed by the evidence, the Board has requested a lesser sum, \$34,143.25.⁴ Counsel for Respondent argued the amount of costs claimed was excessive, but offered no evidence of any kind to rebut Complainant’s prima facie showing of costs incurred. The Board is thus entitled to recoup from Respondent the sum of \$34,143.25, under the provisions of Business and Professions Code Section 125.3.

⁴ The declarations of the investigators show their costs to be a total of \$27,657.50; however, only \$24,602.50 was claimed on the Certification of Costs.

19. The stipulated Findings of Fact and Conclusions of Law support imposition of severe license discipline, including revocation. However, in light of the evidence regarding mitigation and rehabilitation, as set forth in Findings 14 through 17, the public interest will not be adversely affected if Respondent is permitted to remain licensed, provided the license is conditioned as set forth below.

* * * * *

ORDER

WHEREFORE, THE FOLLOWING ORDER is hereby made:

Pharmacist License No. RPH 25245, issued to respondent Stephen Lewis Saylor, and Pharmacy Permit No. PHY 39318 are revoked; however, the revocation is stayed and both respondents are placed on probation for five years upon the following terms and conditions:

1. Obey All Laws

Respondent shall obey all state and federal laws and regulations substantially related to or governing the practice of pharmacy. Respondent shall report any of the following occurrences to the board, in writing, within 72 hours of such occurrence:

a. an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws;

b. a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment;

c. a conviction of any crime;

d. discipline, citation, or other administrative action filed by any state and federal agency which involves respondent's license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for of any drug, device or controlled substance.

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2. Reporting to the Board

Respondent shall report to the board quarterly. The report shall be made either in person or in writing, as directed. Respondent shall state under penalty of perjury whether there has been compliance with all the terms and conditions of probation. If the final probation report is not made as directed, probation shall be extended automatically until such time as the final report is made and accepted by the board.

3. Interview with the Board

Upon receipt of reasonable notice, respondent shall appear in person for interviews with the board upon request at various intervals at a location to be determined by the board. Failure to appear for a scheduled interview without prior notification to board staff shall be considered a violation of probation.

4. Cooperation with Board Staff

Respondent shall cooperate with the board's inspectional program and in the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply shall be considered a violation of probation.

5. Continuing Education

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board.

6. Notice to Employers and Employees

Respondent Saylor shall notify all present and prospective employers of this decision and the terms, conditions and restrictions imposed on respondent by the decision. Within 30 days of the effective date of this decision, and within 15 days of respondent undertaking new employment, respondent shall cause his or her direct supervisor, pharmacist-in-charge and/or owner to report to the board in writing acknowledging the employer has read this decision.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at every pharmacy of the and terms and conditions of the decision in this case in advance of the respondent commencing work at each pharmacy. "Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist, whether the respondent is considered an employee or independent contractor.

Respondent Pharmacy shall, upon or before the effective date of this decision, ensure that all employees involved in permit operations are made aware of all the terms and conditions of probation, either by posting a notice of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout the probation period. Respondent shall ensure that any employees hired or used after the effective date of this decision are made aware of the terms and conditions by posting a notice, circulating a notice, or both.

"Employees" as used in this provision includes all full-time, part-time, temporary and relief employees and independent contractors employed or hired at any time during probation.

7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-Charge (PIC), or Serving as a Consultant

Respondent shall not supervise any intern pharmacist or perform any of the duties of a preceptor, nor shall respondent be the pharmacist-in-charge of any entity licensed by the board unless otherwise specified in this order.

8. Reimbursement of Board Costs

Respondent shall pay to the board its costs of investigation and prosecution in the amount of \$34,143.25. Respondent shall pay said amount as follows: Beginning with the first quarterly report required under Condition 2, and continuing thereafter with each quarterly report, Respondent shall pay the sum of \$1707.16, except the last payment, which shall be in the sum of \$1707.21.

The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to reimburse the board its costs of investigation and prosecution.

9. Probation Monitoring Costs

Respondent shall pay the costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board at the end of each year of probation. Failure to pay such costs shall be considered a violation of probation.

10. Status of License

Respondent shall, at all times while on probation, maintain an active current license with the board, including any period during which suspension or probation is tolled. If respondent's license expires or is cancelled by operation of law or otherwise, upon renewal or reapplication, respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

11. License Surrender while on Probation/Suspension

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

12. Notification of Employment/Mailing Address Change

Respondent shall notify the board in writing within 10 days of any change of employment. Said notification shall include the reasons for leaving and/or the address of the new employer, supervisor or owner and work schedule if known. Respondent shall notify the board in writing within 10 days of a change in name, mailing address or phone number.

13. Tolling of Probation

Should respondent, regardless of residency, for any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in California, respondent must notify the board in writing within 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years. "Cessation of practice" means any period of time exceeding 30 days in which respondent is not engaged in the practice of pharmacy as defined in Section 4052 of the Business and Professions Code.

14. Violation of Probation

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against

respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.

If respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

15. Mental Health Examination

In addition to Condition 16, within 30 days of the effective date of this decision, and on a periodic basis as may be required by the board, respondent shall undergo, at his or her own expense, psychiatric evaluation(s) by a board-appointed or board-approved psychiatrist or psychologist. Respondent shall sign a release authorizing the evaluator to furnish the board with a current diagnosis and a written report regarding the respondent's judgment and ability to function independently as a pharmacist with safety to the public. Respondent shall comply with all the recommendations of the evaluator if directed by the board.

If the psychiatrist or psychotherapist recommends, and the board directs, respondent shall undergo psychotherapy. Respondent shall, within 30 days of written notice of the need for psychotherapy, submit to the board for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at respondent's own expense, until further notice from the board. Respondent shall have the treating psychotherapist or psychiatrist submit written quarterly reports to the board as directed. If respondent is determined to be unable to practice safely, upon notification, respondent shall immediately cease practice and shall not resume practice until notified by the board. Upon approval of the board, the psychiatrist or psychotherapist may be the same person retained for purposes of therapy under Condition 16.

If recommended by the psychiatrist or psychotherapist and approved by the board, respondent shall be suspended from practicing pharmacy until the treating psychotherapist recommends, in writing, stating the basis therefor, that respondent can safely practice pharmacy, and the board approves said recommendation.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient consultation; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent shall not resume practice until notified by the board.

Respondent shall not engage in any activity that requires the professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or an exemptee for any entity licensed by the board. Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

16. Psychotherapy

In addition to Condition 15, within 30 days of the effective date of this decision, respondent shall submit to the board, for its prior approval, the name and qualifications of a licensed mental health practitioner of respondent's choice. Should respondent, for any reason, cease treatment with the approved licensed mental health practitioner, respondent shall notify the board immediately and, within 30 days of ceasing treatment, submit the name of a replacement psychotherapist or licensed mental health practitioner of respondent's choice to the board for its prior approval.

Therapy shall be at least once a week unless otherwise determined by the board. Respondent shall provide the therapist with a copy of the board's accusation and decision no later than the first therapy session. Respondent shall take all necessary steps to ensure that the treating therapist submits written quarterly reports to the board concerning respondent's fitness to practice, progress in treatment, and to provide such other information as may be required by the board. If the treating therapist finds that respondent cannot practice safely or independently, the therapist shall notify the board immediately by telephone and followed up by written letter within three working days.

Upon approval of the licensed mental health practitioner, respondent shall undergo and continue treatment with that therapist and at respondent's own expense, until the board deems that no further psychotherapy is necessary. The board may require respondent to undergo a mental health evaluation(s) by a board-appointed or board-approved licensed mental health practitioner. Upon approval by the board, the mental health practitioner may be the same person who conducts the psychiatric evaluation required by Condition 15.

17. Abstain from Drugs and Alcohol Use

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board, respondent shall provide documentation from the licensed practitioner that the prescription was legitimately issued and is a necessary part of the treatment of the respondent. Respondent shall ensure that he or she is not in the presence of or in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs.

18. Supervised Practice

Respondent shall practice only under the supervision of a pharmacist not on probation with the board. Respondent shall not practice until the supervisor is approved by the board. The supervision shall be, as required by the board, either:

Continuous - 75% to 100% of a work week

Substantial - At least 50% of a work week

Partial - At least 25% of a work week

Daily Review - Supervisor's review of probationer's daily activities within 24 hours

Within 30 days of the effective date of this decision, respondent shall have his or her supervisor submit notification to the board in writing stating the supervisor has read the decision in this case and is familiar with the level of supervision as determined by the board. If respondent changes employment, respondent shall have his or her new supervisor, within 15 days after employment commences, submit notification to the board in writing stating the direct supervisor and pharmacist-in-charge have read the decision in this case and is familiar with the level of supervision as determined by the board.

Within 10, days of leaving employment, respondent shall so notify the board in writing.

19. No Supervision

Respondent shall not supervise any ancillary personnel, including, but not limited to, registered pharmacy technicians or exemptees, of any entity licensed by the board. Respondent shall not supervise any intern pharmacist, perform any of the duties of a preceptor or serve as a consultant to any entity licensed by the board.

20. No Ownership of Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within 90 days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board.

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board.

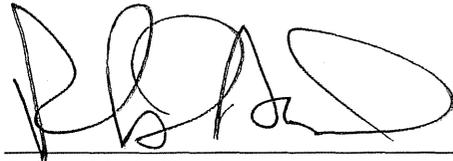
21. Tolling of Suspension

If respondent leaves California to reside or practice outside this state, for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state - or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period. Respondent shall not practice pharmacy upon returning to this state until notified by the board that the period of suspension has been completed.

22. Completion of Probation

Upon successful completion of probation, respondent's license will be fully restored.

Date: 8-2-04



RALPH B. DASH
Administrative Law Judge
Office of Administrative Hearings

1 BILL LOCKYER, Attorney General
of the State of California
2 LORRIE M. YOST, State Bar No. 119088
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6 Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
10

11 In the Matter of the Accusation Against:

Case No. 2486

12 EAGLE ROCK PHARMACY
5048 Eagle Rock Blvd.
13 Los Angeles, CA 90041
STEPHEN SAYLOR, President
14 JANICE SAILOR, Vice President/Secretary
Pharmacy Permit No. PHY 39318

OAH No.

A C C U S A T I O N

15
16 STEPHEN LEWIS SAYLOR,
3720 The Strand
17 Manhattan Beach, CA 90266
Pharmacist License No. RPH 25245

18 Respondents.
19

20 Complainant alleges:

21 PARTIES

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

25 2. On or about July 9, 1993, the Board of Pharmacy issued Pharmacy Permit
26 Number PHY 39318 to Eagle Rock Pharmacy Inc. to do business as Eagle Rock Pharmacy
27 (Respondent Pharmacy) with Stephen L. Saylor, President, and Janice Saylor, Vice President and
28 Secretary. Stephen L. Saylor has been the Pharmacist-In-Charge since July 9, 1993. The

1 Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein
2 and will expire on July 1, 2003, unless renewed.

3 3. On or about August 21, 1967, the Board of Pharmacy issued Pharmacist
4 License Number RPH 25245 to Stephen Lewis Saylor (Respondent Saylor). The Pharmacist
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on September 30, 2004, unless renewed.

7 JURISDICTION

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

10 5. Section 4301 of the Code states:

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

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

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

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

24 6. Section 4059 of the Code states:

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

1 7. Section 4059.5(a) of the Code states:

2 4059.5(a) Except as otherwise provided in this chapter, dangerous drugs or
3 dangerous devices may only be ordered by an entity licensed by the board and must be delivered
4 to the licensed premises and signed for and received by the pharmacist-in-charge or, in his or her
5 absence, another pharmacist designated by the pharmacist-in-charge. Where a licensee is
6 permitted to operate through an exemptee, the exemptee may sign for and receive the delivery.

7 8. Section 4081 of the Code states:

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

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

21 9. Section 4105 of the Code states in pertinent part that all records of the
22 acquisition and disposition of dangerous drugs and dangerous devices by a licensed entity shall
23 be retained on the licensed premises in a readily retrievable form.

24 10. Section 4116(a) of the Code states, no person other than a pharmacist, an
25 intern pharmacist, an authorized officer of the law, or a person authorized to prescribe shall be
26 permitted in that area, place, or premises described in the license issued by the board wherein
27 controlled substances or dangerous drugs or dangerous devices are stored, possessed, prepared,
28 manufactured, derived, compounded, dispensed, or repackaged. However, a pharmacist shall be

1 responsible for any individual who enters the pharmacy for the purposes of receiving
2 consultation from the pharmacist or performing clerical, inventory control, housekeeping,
3 delivery, maintenance, or similar functions relating to the pharmacy if the pharmacist remains
4 present in the pharmacy during all times as the authorized individual is present.

5 11. Section 4125 of the Code states in pertinent part that every pharmacy shall
6 establish a quality assurance program that shall document medical errors attributable in whole, or
7 in part, to the pharmacy or its personnel.

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

13 13. Section 4333 of the Code states, in pertinent part, that all prescriptions
14 filled by a pharmacy, and all other records required by Section 4081, shall be maintained on the
15 premises and available for inspection by authorized officers of the law for a period of at least
16 three years. In cases where the pharmacy discontinues business, these records shall be
17 maintained in a board-licensed facility for at least three years.

18 14. Section 11152 of the Health and Safety Code states that, no person shall
19 write, issue, fill, compound, or dispense a prescription that does not conform to this division.

20 15. Section 11153(a) of the Health and Safety Code states that, a prescription
21 for a controlled substance shall only be issued for a legitimate medical purpose by an individual
22 practitioner acting in the usual course of his or her professional practice. The responsibility for
23 the proper prescribing and dispensing of controlled substances is upon the prescribing
24 practitioner, but a corresponding responsibility rests with the pharmacist who fills the
25 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
26 an order purporting to be a prescription which is issued not in the usual course of professional
27 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
28 controlled substances, which is issued not in the course of professional treatment or as part of an

1 authorized narcotic treatment program, for the purpose of providing the user with controlled
2 substances, sufficient to keep him or her comfortable by maintaining customary use.

3 16. Section 11158(a) of the Health and Safety Code states that, except as
4 provided in Section 11159 or in subdivision (b) of this section, no controlled substance classified
5 in Schedule II shall be dispensed without a prescription meeting the requirements of this chapter.
6 Except as provided in Section 11159 or when dispensed directly to an ultimate user by a
7 practitioner, other than a pharmacist or pharmacy, no controlled substance classified in Schedule
8 III, IV, or V may be dispensed without a prescription meeting the requirements of this chapter.

9 17. Section 11208 of the Health and Safety Code states that, in a prosecution
10 under this division, proof that a defendant received or has had in his possession at any time a
11 greater amount of controlled substances than is accounted for by any record required by law or
12 that the amount of controlled substances possessed by the defendant is a lesser amount than is
13 accounted for by any record required by law is prima facie evidence of guilt.

14 18. Section 11217 of the Health and Safety Code states in pertinent part that
15 no person shall treat an addict for addiction to a narcotic drug except in a mental institution, jail,
16 prison, county facility, hospital, or licensed facility, and that a narcotic controlled substance shall
17 only be used as part of the treatment of an addict in those programs licensed by the state pursuant
18 to Article 3 of the Health and Safety Code.

19 19. Title 16, California Code of Regulations, section 1711 states in pertinent
20 part that each pharmacy shall establish or participate in an established quality assurance program
21 which documents and assesses medical errors. Said program shall be managed in accordance
22 with written policies and procedures maintained in an immediately retrievable form.

23 20. Title 16, California Code of Regulations, section 1714(d) states:

24 Each pharmacist while on duty shall be responsible for the security of the
25 prescription department, including provisions for effective control against theft or diversion of
26 dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the
27 pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a
28 pharmacist.

1 26. The following controlled substances are listed in Health and Safety Code
2 section 11056 and are included in Schedule III:

3 a. Empirin #4 (aspirin with codeine #4), is a dangerous drug as defined in
4 Business and Professions Code section 4022. Its indicated use is for the relief of pain.

5 b. Fiorinal #3 (butalbital 50mg, aspirin 325 mg, caffeine 40mg, codeine
6 30mg) is a dangerous drug as defined in Business and Professions Code section 4022. Its
7 indicated use is for vascular headaches.

8 c. Lorcet 5mg (hydrocodone 5mg/APAP 500mg) is a dangerous drug as
9 defined in Business and Professions Code section 4022. Its indicated use is for the relief of pain.

10 d. Tussionex (Chlorpheniramine 9mg, hydrocodone 10mg/teaspoonful) is a
11 dangerous drug as defined in Business and Professions Code section 4022. Its indicated use is
12 for the relief of coughing.

13 e. Tylenol #3 (acetaminophen with codeine) is a dangerous drug as defined
14 in Business and Professions Code section 4022. Its indicated use is for the relief of pain.

15 f. Tylenol #4 (acetaminophen 325mg with codeine 60mg) is a dangerous
16 drug as defined in Business and Professions Code section 4022. Its indicated use is for the relief
17 of pain.

18 g. Vicodin, Vicodin ES, Vicodin HP (hydrocodone 5, 7.5 or 10mg with
19 APAP) is a dangerous drug as defined in Business and Professions Code section 4022. Its
20 indicated use is for the relief of pain.

21 27. The following controlled substances are listed in Health and Safety Code
22 section 11057 and are included in Schedule IV:

23 a. Adipex Fastin (Phentermine 30mg) is a dangerous drug as defined in
24 Business and Professions Code section 4022. Its indicated use is for the relief of short-term
25 obesity.

26 b. Halcion (Triazolam) is a dangerous drug as defined in Business and
27 Professions Code section 4022. Its indicated use is for the relief of insomnia.

28 ///

- 1 c. Talwin NX (Pentazocine 50mg, Naloxone .5mg) is a dangerous drug as
2 defined in Business and Professions Code section 4022. Its indicated use is for the relief of pain.
- 3 d. Valium (diazepam) is a dangerous drug as defined in Business and
4 Professions Code section 4022. Its indicated use is for the relief of anxiety.
- 5 e. Xanax (Alprazolam) is a dangerous drug as defined in Business and
6 Professions Code section 4022. Its indicated use is for the relief of anxiety.
- 7 f. Ambien (Zolpidem) which is a dangerous drug as defined in Business and
8 Professions Code section 4022. Its indicated use is for the relief of insomnia.
- 9 28. The following controlled substance is listed in Health and Safety Code
10 section 11058 and is included in Schedule V. The drug is Phenergan with Codeine
11 (Promethazine 6.25mg and Codeine 10mg/teaspoonful). Its indicated use is for the relief of
12 coughing.
- 13 29. The following are dangerous drugs, as defined in Business and Professions
14 Code section 4022:
- 15 a. All drugs listed in Paragraphs 25 through 29, above.
- 16 b. Ampicillin is type of penicillin and is used to treat bacterial infections.
- 17 c. Ansaid (Fluribiprofen) is a type of non-steroidal anti-inflammatory used to
18 treat pain.
- 19 d. Anusol HC Cream (hydrocortisone acetate) is a corticosteroid anti-
20 inflammatory.
- 21 e. Buspar (Buspirone) is indicated for relief of anxiety.
- 22 f. Cozaar (Losartan) is used to treat high blood pressure.
- 23 g. Cytotec (Misoprostol) is an anti-ulcer agent.
- 24 h. Flexeril (Cyclobenzaprine) is a muscle relaxant.
- 25 i. Norvasc (Amlodipine) is a calcium channel blocker used to treat angina
26 and high blood pressure.
- 27 j. Prilosec (Omeprazole) is indicated for relief of ulcers and gastroesophageal
28 reflux.

- k. Prozac (Fluoxetine) is an antidepressant.
- l. Soma (Carisoprodol) is indicated for use as a skeletal muscle relaxant.
- m. Viagra (Sildenafil) is indicated for relief of erectile dysfunction.
- n. Zithromax (Azithromycin) is indicated for use as an antibiotic.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Conduct Inventory)

30. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o), in conjunction with Title 21 Code of Federal Regulations, section 1304.11(c), in that Respondent failed to conduct a biennial DEA inventory every two years as required by regulations. The circumstances are that on November 23, 1998, a Board inspector reviewed a DEA inventory report from Respondent dated May 1, 1995. On January 13, 1999, Respondent could only produce the DEA inventory report dated May 1, 1995. Respondent failed to produce a DEA inventory from May 1, 1997, two years after the May 1, 1995 report.

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Keep Records)

31. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j), (o) and (q), 4081(a) and (b), 4332, and 4333 of the Code, in conjunction with Title 16, California Code of Regulations, section 1718, in that Respondents failed to keep required acquisition and disposition records. The circumstances are as follows:

a. On or about November 23, 1998, a Board inspector verbally requested Respondent to produce acquisition and disposition records for review upon his return. When the inspector returned on January 13, 1999, the requested records were not available.

b. On or about January 13, 1999, Board inspector made a second request for all records, in particular, all prescription documents from May 1, 1998 to November 23, 1998 for Doctor L. Gatus Medical Group, Leader Group, Daco Medical Group and Doctor Boyd; original prescriptions for patients K.D., D.Z., N.Z. and for Respondent for the last three years; and all records of acquisition and disposition from May 1, 1998 to November 23, 1998 for Demerol 50mg, Demerol 100mg, Tylenol #4, Vicodin ES, Adipex, Vicodin HP, Fioricet, Valium 10mg,

1 Halcion .25mg, Fiorinal, Empirin #4, Fastin 30mg and Tussionex. These documents were to be
2 available for review by Board inspectors no later than January 19, 1999.

3 c. On or about January 19, 1999, the documents which had been requested on
4 January 13, 1999 were not available for review. Board inspectors requested that they be made
5 available for inspection no later than January 20, 1999. In addition, the Board inspectors
6 requested all prescription documents for patients M.R., G. R. and M. F. for the last three years.

7 d. On or about January 20, 1999, the documents which had been requested on
8 January 19, 1999 were not available for review. Board inspectors again requested the
9 prescription documents for patients K.D., D.Z, N.Z., M.F., G.R., M.R. and Respondent Saylor
10 for the period of May 1, 1995 to January 17, 1999 be available for review on January 21, 1999.
11 Also requested again were the acquisition and disposition records for the period of May 1, 1998
12 through November 23, 1998 for those drugs listed above in paragraph 31(b). These records were
13 to be mailed by certified mail to Inspector Nurse no later than January 25, 1999.

14 e. On or about January 21, 1999, the only documents provided by
15 Respondent for review by the Board inspector were the prescription documents for patient D.Z.

16 f. On or about January 26, 1999, Inspector Nurse received original
17 prescription documents for patients K.D., M.F., G.R., M.R., and N.Z.

18 g. Five prescriptions for Viagra, between April 1, 1999 and October 26,
19 1999, were missing or were not provided by Respondent. These are prescription numbers:
20 743293, 745022, 750341, 747381 and 747524.

21 h. Analysis of the records of acquisition provided by Respondent Saylor for
22 May 1, 1998 through November 23, 1998 revealed that Saylor had failed to provide 15 invoices
23 for the acquisition of 3,000 tablets of Tylenol #4, 1,000 tablets of Diazepam 10mg, 200 tablets of
24 Empirin #4, 500 tablets of Halcion .25mg, 2,365ml of Tussionex, and 4,500 tablets of Vicodin
25 ES.

26 i. Analysis of the prescription documents secured for the period of May 1,
27 1998 through November 23, 1998, and the records of acquisition and disposition for the period
28 May 1, 1998 through November 23, 1998, reveal a shortage of 1,800 tablets of Empirin #4, 687

1 tablets of Tylenol #4, 684 tablets of Halcion .25mg, 162ml of Tussionex, and 76 tablets of
2 Vicodin HP. There was an overage of 1,279 tablets of Valium 10mg, 6,145 tablets of Vicodin
3 ES. A beginning inventory for this audit could not be obtained because Respondent failed to
4 perform the required biennial DEA inventory.

5 j. An audit of Viagra 50 and 100mg was performed for the period of April 1,
6 1999 through October 26, 1999. The audit revealed that:

7 (i) Respondent failed to provide seven of the eighteen relevant invoices;

8 (ii) Respondents Saylor and Pharmacy were short 295 tablets of Viagra 50mg and 55
9 tablets of Viagra 100mg. A beginning inventory for this audit was not available or required and

10 (iii) the following prescriptions, which were lacking required information, were dispensed
11 by Respondent:

12 - Prescription No. 721740 - Respondent dispensed Viagra 50mg though there was no
13 indicated strength on the prescription, and failed to contact the issuing prescriber for
14 clarification;

15 - Prescription No. 742145 - Respondent dispensed Viagra 100mg though there was no
16 indicated strength on the prescription, and failed to contact the issuing prescriber for
17 clarification;

18 - Prescription No. 747528 - Respondent generated this prescription twice as a telephonic
19 prescription for Viagra 100mg on August 9, 1999.

20 32. Respondents Saylor and Pharmacy are subject to disciplinary action under
21 sections 4301(j), (o) and (q), 4081(a) and (b), 4105, 4332, and 4333 of the Code in that
22 Respondents failed to keep required acquisition and disposition records. The circumstances are
23 as follows:

24 a. On or about April 10, 2002, a Board inspector verbally requested
25 Respondent to produce all prescription records listed on patient J. N.'s patient profile.
26 Respondent Saylor was unable to locate documents for six new and 35 refill prescriptions.

27 ///

28 ///

1 THIRD CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct -Failure to Secure Pharmacy)

3 33. Respondents Saylor and Pharmacy are subject to disciplinary action under
4 sections 4301(j) and (o) and 4116 of the Code in conjunction with Title 16, California Code of
5 Regulations, section 1714(d) in that Respondents failed to secure the pharmacy area. The
6 circumstances are as follows:

7 a. Eagle Rock Pharmacy does not have a floor to ceiling barrier for a secure
8 pharmacy area.

9 b. On or about October 25, 1999, at approximately 11:50 a.m., Board
10 Inspector Hokana observed Respondent Saylor enter his private automobile and leave the
11 pharmacy. At approximately 12:10 p.m., the inspector observed Respondent's return to the
12 pharmacy, approximately 20 minutes after leaving.

13 c. On or about October 26, 1999, at approximately 8:00 a.m., Board
14 Inspector Hokana observed Eagle Rock Pharmacy's locked front and rear doors. At
15 approximately 9:00 a.m., one male and two female employees entered the pharmacy through the
16 rear door. Board Inspector Hokana entered the pharmacy through the front door and was met by
17 technician Viola Tafoya, her husband Joe Tafoya and clerk Debra Avila. No pharmacist was
18 present and the Board inspector instructed the employees to leave the premises. The pharmacy
19 was locked and the keys were secured by the inspector. Respondent contacted the inspector at
20 9:40 a.m. and was requested to have all exterior door locks to the pharmacy changed by October
21 26, 1999.

22 FOURTH CAUSE FOR DISCIPLINE

23 (Unprofessional Conduct - Allowed Non-pharmacists to Sign for Deliveries)

24 34. Respondents Saylor and Pharmacy are subject to disciplinary action under
25 sections 4301(j) and (o) and 4059.5(a) of the Code in that Respondents allowed non-pharmacists
26 to sign for drug deliveries. The circumstances are that upon review of Professional Wholesale,
27 Inc.'s and McKesson Drug's proof of delivery forms, Respondent had allowed ancillary staff
28 Gutierrez and Avila, non-pharmacists, to sign for drug deliveries.

FIFTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Furnished Without Proper Prescription)

35. Respondents Saylor and Pharmacy are subject to disciplinary action under sections 4301(j) and (o) and 4059(a) of the Code in conjunction Health and Safety Code sections 11152, 11153 and 11158 in that Respondents furnished dangerous drugs without proper prescriptions and from prescription nonconforming to pharmacy laws. The facts and circumstances are as follows:

a. Patient K.D. had numerous unauthorized refills for Valium dispensed by Respondent Saylor. While Patient K.D. was hospitalized in 1997, Respondent Saylor furnished her with unauthorized Vicodin and Valium, though he was aware that she was receiving morphine. The hospital staff was not informed that Vicodin and Valium were being furnished to the patient by Respondent Saylor. After being discharged from the hospital Respondent Saylor furnished patient K.D. with Viagra twice a day, four times a week for two months without a prescription.

b. Patient K.D. estimated she had been furnished from late 1997 until early December 1998, approximately 3,000 tablets of Vicodin, and 10-15 Valium 10mg per day. These drugs were furnished by Respondent Saylor and were unauthorized by any physician.

36. Respondents Saylor and Pharmacy are subject to discipline under Code sections 4301(j) and (o), and 4059(a) in conjunction with Health and Safety Code sections 11152, 11153, and 11158 in that Respondent Saylor filled prescriptions which were not authorized by a physician. The facts and circumstances are as follows:

a. Respondent Saylor furnished dangerous drugs without a proper prescription by filling two unauthorized prescriptions for Viagra for patient C.K. Though these prescriptions were purportedly issued by Doctor Corvalan, on or about December 21, 1999, the doctor verified that these two prescriptions were, in fact, not authorized by him.

b. Respondent Saylor furnished dangerous drugs without a proper prescription by filling 2,471 unauthorized prescriptions. Though the prescriptions were purportedly issued by Doctor Gatus, on or about October 28, 1999, the doctor verified that these

1 2,471 prescriptions filled at Eagle Rock Pharmacy were, in fact, not authorized by him.

2 c. Respondent Saylor furnished dangerous drugs without a proper
3 prescription by filling the following unauthorized prescriptions. Though the prescriptions
4 described below were purportedly issued by Doctor Korzelius, on or about November 10, 1999,
5 the doctor verified that these prescriptions were, in fact, not authorized by him.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
6 1	671991	Vicodin ES
7 2	672315	Diazepam 5mg
8 3	672316	Vicodin ES
9 4	673867	Diazepam 5mg

10
11 d. Respondent Saylor furnished dangerous drugs without a proper
12 prescription by filling the following unauthorized prescriptions. Though the prescriptions
13 described below were purportedly issued by Doctor Leader, on or about March 9, 2000, the
14 doctor verified that these prescriptions were, in fact, not authorized by him.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
15 1	714639	Tylenol #4
16 2	714734	Diazepam 10mg
17 3	717257	Vicodin ES
18 4	706759	Tylenol #4
19 5	728440	Tylenol #4
20 6	706303	Tussionex 16oz
21 7	710227	Tussionex 16oz
22 8	720031	Ampicillin 500mg
23 9	720035	Diazepam 10mg
24 10	720036	Fastin 30mg
25 11	724964	Prozac 20mg
26 12	718638	Diazepam 10mg

27 e. Respondent Saylor furnished dangerous drugs without a proper
28 prescription by filling the following unauthorized prescriptions. Though the prescriptions

1 described below were purportedly issued by Doctor Wu, on or about October 28, 1999, the
2 doctor verified that these prescriptions were, in fact, not authorized by him.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
3		
4	1	Ansaid 100mg
5	2	Vicodin ES
6	3	Diazepam 10mg
7	4	Buspar 10mg
8	5	Vicodin ES
9	6	Diazepam 10mg
10	7	Tylenol #3
11	8	Diazepam 10mg
12	9	Vicodin ES
13	10	Vicodin ES.

13 f. Respondent Saylor furnished dangerous drugs without a proper
14 prescription by filling the following unauthorized prescriptions. Though the prescriptions
15 described below were purportedly issued by Doctors Lanson and Mirshojae, on October 28,
16 1999, a nurse manager for the doctors verified that these prescriptions were, in fact, not
17 authorized by them.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>	
18			
19	1	Diazepam 10mg	
20	2	Fiorinal #3	
21	3	687358 (second dispense)	Vicodin
22	4	711210 (was authorized, but filled with three more pills than prescribed)	Talwin NX
23			

24 g. Respondent Saylor furnished dangerous drugs without a proper
25 prescription by filling the following unauthorized prescriptions. Though the prescriptions
26 described below were purportedly issued by Doctors Hjerpe and Yu, on October 28, 1999, the
27 doctors verified that these prescriptions were, in fact, not authorized by them.

28 ///

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
1	705334	Soma 350mg #100
2	705817	Ambien 10mg #15
3	705999	Vicodin ES #30
4	706437	Cytotec 100mcg #60
5	706438	Vicodin ES #60
6	712666	Vicodin ES #20
7	726309	Vicodin HP #30
8	726430	Vicodin ES #30
9	726430 (refill on September 28, 1998)	Vicodin ES #30
10	726430 (refill on October 3, 1998)	Vicodin ES #30

11 h. Respondent Saylor furnished dangerous drugs without a proper
12 prescription by filling 89 unauthorized Vicodin ES prescriptions. Though the prescriptions were
13 purportedly issued by Doctor Tripodes, on October 29, 1999 the doctor verified that these 89
14 prescriptions filled at Eagle Rock Pharmacy were, in fact, not authorized by him.

15 i. Respondent Saylor furnished dangerous drugs without a proper
16 prescription by filling the unauthorized prescription Number 722713 for Diazepam 10mg #100.
17 Though said prescription was purportedly issued by Doctor Ali, on November 3, 1999, the doctor
18 verified that this prescriptions was, in fact, not authorized by him.

19 j. Respondent Saylor furnished dangerous drugs without a proper
20 prescription by filling the following unauthorized prescriptions. Though the prescriptions
21 described below were purportedly issued by Doctor Adarme, on November 8, 1999, the doctor
22 verified that these prescriptions were, in fact, not authorized by her.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
23	691832	Vicodin ES #30
24	695471	Diazepam 10mg #30
25	695472	Vicodin ES #30
26	696825	Diazepam 10mg #30
27	696826	Vicodin ES #30
28		

1	6	697968	Anusol HC Cream 30gm
2	7	697969	Vicodin HP #100
3	8	698831	Diazepam 10mg #100
4	9	707881	Vicodin ES #100
5	10	707882	Diazepam 10mg #100
6	11	709408	Phenergan with Codeine 480ml

7 k. Respondent Saylor furnished dangerous drugs without a proper
8 prescription by filling the following unauthorized prescriptions. Though the prescriptions
9 described below were purportedly issued by Dr. Allen, on November 24, 1999, the doctor
10 verified that these prescriptions were, in fact, not authorized by him.

11	<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
12	1	723145	Vicodin ES #40
13	2	723146	Flexeril 10mg #20
14	3	723147	Diazepam 10mg #10

15 l. Respondent Saylor furnished dangerous drugs without a proper
16 prescription by filling the following unauthorized prescriptions. Though the prescriptions
17 described below were purportedly issued by Dr. Kaptien, on April 23, 2002, the doctor verified
18 that these prescriptions were, in fact, not authorized by her.

19	<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>
20	1	756452	Norvasc 10mg.
21	2	785681	Norvasc 10mg.
22	3	785682	Cozaar 25 mg.

23 SIXTH CAUSE FOR DISCIPLINE

24 (Unprofessional Conduct - Refilled Prescription Without Authorization)

25 37. Respondents Saylor and Pharmacy are subject to disciplinary action under
26 sections 4301(j) and (o) and 4063 of the Code in that Respondents refilled the following
27 prescriptions 31 times on the following dates without authorization from the prescriber, Dr.
28 Kaptien:

	<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>	<u>Date</u>
1				
2	1	756381	Cozaar 25mg	4/13/2000
3	2	756381	Cozaar 25mg	5/15/2000
4	3	756381	Cozaar 25mg	6/19/2000
5	4	756381	Cozaar 25mg	7/20/2000
6	5	756381	Cozaar 25mg	8/19/2000
7	6	756381	Cozaar 25mg	9/19/2000
8	7	756381	Cozaar 25mg	10/23/2000
9	8	756381	Cozaar 25mg	12/05/2000
10	9	756381	Cozaar 25mg	1/08/2001
11	10	756452	Norvasc 10mg.	2/09/2000
12	11	756452	Norvasc 10mg.	3/13/2000
13	12	756452	Norvasc 10mg.	4/13/2000
14	13	756452	Norvasc 10mg.	5/15/2000
15	14	756452	Norvasc 10mg.	6/19/2000
16	15	756452	Norvasc 10mg.	7/20/2000
17	16	756452	Norvasc 10mg.	8/19/2000
18	17	756452	Norvasc 10mg.	9/19/2000
19	18	756452	Norvasc 10mg.	10/23/2000
20	19	756452	Norvasc 10mg.	11/21/2000
21	20	756452	Norvasc 10mg.	12/22/2000
22	21	785681	Norvasc 10mg.	3/13/2001
23	22	785681	Norvasc 10mg.	4/17/2000
24	23	785681	Norvasc 10mg.	5/16/2000
25	24	785681	Norvasc 10mg.	6/14/2001
26	25	785681	Norvasc 10mg.	7/11/2001
27	26	785682	Cozaar 25mg	3/13/2001
28	27	785682	Cozaar 25mg	4/17/2001
	28	785682	Cozaar 25mg	5/16/2001
	29	785682	Cozaar 25mg	6/14/2001
	30	785682	Cozaar 25mg	7/11/2001
	31	814759	Cozaar 25mg	1/30/2002

1 of Alcohol and Drug Programs, and the treatment was not taking place in a jail or license facility.
2 The facts and circumstances are that between January 26, 2001 and March 22, 2002, Respondent
3 Saylor filed the following prescription for patient N.L. for methadone. Respondent Saylor stated
4 that he knew that patient N.L. was no longer being treated in a methadone clinic at the time he
5 filled the prescriptions.

<u>Number</u>	<u>Prescription Number</u>	<u>Drug Prescribed</u>	<u>Date</u>	<u>Quantity</u>
1	783335	Methadone HCL 10mg.	1/26/01	270
2	787744	Methadone HCL 10mg	2/22/01	270
3	792630	Methadone HCL 10mg	3/22/01	270
4	797404	Methadone HCL 10mg	4/19/01	270
5	802355	Methadone HCL 10mg	5/18/01	270
6	806148	Methadone HCL 10mg	6/15/01	270
7	810527	Methadone HCL 10mg	7/13/01	270
8	813538	Methadone HCL 10mg	8/10/01	270
9	815269	Methadone HCL 10mg	9/5/01	270
10	817106	Methadone HCL 10mg	10/5/01	270
11	818761	Methadone HCL 10mg	11/1/01	270
12	820634	Methadone HCL 10mg	11/29/01	270
13	822558	Methadone HCL 10mg	12/27/01	270
14	824335	Methadone HCL 10mg	1/25/02	270
15	826072	Methadone HCL 10mg	2/22/02	270
16	827873	Methadone HCL 10mg	3/22/02	270

21 PRAYER

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

24 1. Revoking or suspending Pharmacy Permit Number PHY 39318, issued to
25 Eagle Rock Pharmacy;

26 2. Revoking or suspending Pharmacist License Number RPH 25245, issued
27 to Stephen Lewis Saylor;

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3. Ordering Eagle Rock Pharmacy and Stephen Lewis Saylor to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;

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

DATED: 12/6/02

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

03583110-LA2001AD2535