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

In the Matter of the Accusation Against: **BEVERLY HILLS MEDICAL PLAZA PHARMACY** 150 N. Robertson Blvd. Beverly Hills, CA 90211 Original Pharmacy Permit No. PHY 38179 PAUL R. GOLDSTEIN, Non-Licensed Owner, **RX UNLIMITED** 8641 Wilshire Blvd #120 Beverly Hills, CA 90211 Original Pharmacy Permit No. PHY 40827 PAUL R. GOLDSTEIN, Non-Licensed Owner, **RONALD A. BARNES** 18834 Celtic Street Northridge, CA 91326 Pharmacist License No. RPH 22924, **RUSSELL D. LUBRANI** 8685 Wilshire Blvd., #1 Beverly Hills, CA 90211 Pharmacist License No. RPH 46299, and **PAUL ALAN CUMMINGS** 11967 Nebraska Ave. #4 Los Angeles, CA 90025 Pharmacist License No. RPH 44852 Respondents.	Case No. 2560 OAH No. L-2003010806 **DECISION AND ORDER** **(Beverly Hills Medical Plaza Pharmacy and RX Unlimited)**

The attached First Amended 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 March 19, 2004.

It is so ORDERED February 18, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By _____
JOHN D. JONES
Board President

BILL LOCKYER, Attorney General
of the State of California
MICHEL W. VALENTINE, State Bar No. 153078
Deputy Attorney General
California Department of Justice
300 So. Spring Street, Suite 1702
Los Angeles, CA 90013
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Attorneys for Complainant

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

In the Matter of the Accusation Against: **BEVERLY HILLS MEDICAL PLAZA PHARMACY** 150 N. Robertson Blvd. Beverly Hills, CA 90211 Original Pharmacy Permit No. PHY 38179 PAUL R. GOLDSTEIN, Non-Licensed Owner, **RX UNLIMITED** 8641 Wilshire Blvd #120 Beverly Hills, CA 90211 Original Pharmacy Permit No. PHY 40827 PAUL R. GOLDSTEIN, Non-Licensed Owner, **RONALD A. BARNES** 18834 Celtic Street Northridge, CA 91326 Pharmacist License No. RPH 22924, **RUSSELL D. LUBRANI** 8685 Wilshire Blvd., #1 Beverly Hills, CA 90211 Pharmacist License No. RPH 46299, and **PAUL ALAN CUMMINGS** 11967 Nebraska Ave. #4 Los Angeles, CA 90025 Pharmacist License No. RPH 44852 Respondents.	Case No. 2560 OAH No. L-2003010806 **FIRST AMENDED STIPULATED SETTLEMENT AND DISCIPLINARY ORDER** **(Beverly Hills Medical Plaza Pharmacy and RX Unlimited)**

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

PARTIES

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

2. Respondent Beverly Hills Medical Plaza Pharmacy (Respondent Beverly Hills) and RX Unlimited (Respondent RX Unlimited) are represented in this proceeding by attorney Herbert L. Weinberg whose address is Van Etten, Suzumoto & Becker, 1620 26th Street North, Suite 6000, Santa Monica, CA 90404.

3. On or about February 2, 1993, the Board of Pharmacy issued Original Pharmacy Permit No. PHY 38179 to Beverly Hills Medical Plaza Pharmacy, Paul R. Goldstein, Non-Licensed Owner, (Respondent Beverly Hills). The permit was in full force and effect at all times relevant to the charges brought in Accusation No. 2560 and will expire on February 1, 2004, unless renewed.

4. On or about May 12, 1995, the Board of Pharmacy issued Original Pharmacy Permit No. PHY 40827 to RX Unlimited, Paul R. Goldstein, Non-Licensed Owner (Respondent RX Unlimited). The permit was in full force and effect at all times relevant to the charges brought in Accusation No. 2560 and will expire on May 1, 2004, unless renewed.

JURISDICTION

5. Accusation No. 2560 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 19, 2002. Respondents timely filed their Notices of Defense contesting the Accusation. A copy of Accusation No. 2560 is attached as exhibit A and incorporated herein by reference.

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ADVISEMENT AND WAIVERS

6. Respondents Beverly Hills and RX Unlimited have carefully read, fully discussed with counsel Herbert L. Weinberg, and understand the charges and allegations in Accusation No. 2560. Respondents Beverly Hills and RX Unlimited have also carefully read, fully discussed with counsel, and understand the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondents are fully aware of their legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at its own expense; the right to confront and cross-examine the witnesses against them; the right to present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

9. For purposes of resolving the accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the accusation and Respondent hereby gives up the right to contest these charges.

10. Respondent agrees that his permit/license is subject to discipline and he agrees to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

RESERVATION

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

or civil proceeding.

CONTINGENCY

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

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

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

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that:

1. The Board of Pharmacy withdraw its Accusation No. 2560 filed against Respondents.

2. The Board of Pharmacy issue a citation to Beverly Hills Medical Plaza Pharmacy, Original Pharmacy Permit No. PHY 38179, with civil penalties in the amount of $2,500.00.

3. The Board of Pharmacy issue a citation to RX Unlimited, Original Pharmacy Permit No. PHY 40827, with civil penalties in the amount of $2,500.00.

ACCEPTANCE

We Beverly Hills Medical Pharmacy and RX Unlimited have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with our attorney, Herbert L. Weinberg. We understand the stipulation and the effect it will have on our permits. We enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 12/18/03.

PAUL R. GOLDSTEIN, Owner
BEVERLY HILLS MEDICAL PLAZA PHARMACY
Respondent

DATED: 12/18/03.

PAUL R. GOLDSTEIN, Owner
RX UNLIMITED
Respondent

I have read and fully discussed with Respondents Beverly Hills Medical Plaza Pharmacy and RX Unlimited the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 12/19/03.

HERBERT L. WEINBERG
Attorney for Respondents

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ENDORSEMENT

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

DATED: 12/24/07.

BILL LOCKYER, Attorney General
of the State of California

MICHEL W. VALENTINE
Deputy Attorney General

Attorneys for Complainant

DOJ DN: 03583110-LA2002AD1353

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Exhibit A

Accusation No. 2560

BILL LOCKYER, Attorney General
of the State of California
MICHEL W. VALENTINE, State Bar No. 153078
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California Department of Justice
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Attorneys for Complainant

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BOARD OF PHARMACY
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In the Matter of the Accusation Against:	Case No. 2560
BEVERLY HILLS MEDICAL PLAZA PHARMACY 150 N. Robertson Blvd Beverly Hills, CA 90211 Original Pharmacy Permit Number PHY 38179 PAUL R. GOLDSTEIN, Owner and RX UNLIMITED 8641 Wilshire Blvd., #120 Beverly Hills, CA 90211 Original Pharmacy Permit Number PHY 40827 PAUL R. GOLDSTEIN, Non-Licensed Owner and RONALD BARNES 188834 Celtic Street Northridge, CA 91326 Pharmacist License Number RPH 22924 and RUSSELL D LUBRANI 8685 Wilshire Blvd., #1 Beverly Hills, CA 90211 Pharmacist License Number RPH 46299 and /// ///	**ACCUSATION**

PAUL ALAN CUMMINGS
11967 Nebraska Avenue, #4
Los Angeles, CA 90025
Pharmacist License Number RPH 44852

and

JORGE ALVAREZ
423 Laxford Street
Glendora, CA 91740
Pharmacy Technician License Number TCH 15209

Respondents.

Complainant alleges:

PARTIES

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

2. On or about February 2, 1993, the Board of Pharmacy issued Pharmacy Permit Number PHY 38179 to Paul R. Goldstein, owner, to do business as Beverly Hills Medical Plaza Pharmacy, ("Respondent Beverly Hills"). Ronald A. Barnes is the Pharmacist-in-Charge since December 27, 1999. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on February 1, 2003, unless renewed.

3. On or about May 12, 1995, the Board of Pharmacy issued Pharmacy Permit Number PHY 40827 to Paul R. Goldstein, owner, to do business as RX Unlimited, ("Respondent RX Unlimited"). From on or about November 2, 1998 through August 5, 2000, Russell Lubrani was the Pharmacist-in-Charge. On or about August 7, 2000 through May 16, 2001, Paul Alan Cummings was the Pharmacist-in-Charge. On or about July 2, 2001 to present, Irwin Reiner has been the Pharmacist-in-Charge. The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on February 1, 2003, unless renewed.

4. On or about July 22, 1963, the Board of Pharmacy issued Pharmacist License Number RPH 22924 to Ronald A. Barnes ("Respondent Barnes"). The Pharmacist

License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2003, unless renewed.

5. On or about August 10, 1993, the Board of Pharmacy issued Pharmacist License Number RPH 46299 to Russell D. Lubrani ("Respondent Lubrani"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2003, unless renewed.

6. On or about September 3, 1991, the Board of Pharmacy issued Pharmacist License Number RPH 44852 to Paul Alan Cummings ("Respondent Cummings"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on August 31, 2003, unless renewed.

7. On or about January 1, 2001, the Board of Pharmacy issued Pharmacy Technician License Number TCH 15209 to Jorge Alvarez ("Respondent Alvarez"). The Pharmacy Technician License was in full force and effect at all times relevant to the charges brought herein and will expire on January 1, 2003, unless renewed.

JURISDICTION

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

9. Section 4301 of the Code states:

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

. . .

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

"(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 this chapter or of the

applicable federal and state laws and regulations governing pharmacy, including regulations established by the board.

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

10. Section 4051(a) of the Code states:

"Except as otherwise provided in this chapter, it is unlawful for any person to manufacture, compound, furnish, sell, or dispense any dangerous drug or dangerous device, or to dispense or compound any prescription pursuant to Section 4040 of a prescriber unless he or she is a pharmacist under this chapter."

11. Section 4081 of the Code states:

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

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

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

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12. Section 4113(b) of the Code states:

The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

13. Section 4332 of the Code states:

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

14. California Code of Regulations, title 16 ("CCR"), section 1709.1, states, in pertinent part:

The pharmacist-in-charge of a pharmacy shall be employed at that location and shall have responsibility for the daily operation of the pharmacy.

15. California Code of Regulations, title 16, section 1717, states:

. . .

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

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

"Chart orders as defined in Section 4036.1 of the Business and Professions Code are not subject to the provisions of this subsection.

. . .

"(e) No licensee shall participate in any arrangement or agreement, whereby prescriptions, or prescription medications, may be left at, picked up from, accepted by, or delivered to any place not licensed as a retail pharmacy.

16. California Code of Regulations, title 16, section 1718, states:

"Current Inventory" as used in Section 4232 of the Business and Professions

Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Section 4232.

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

17. California Code of Regulations, title 16, section 1793.1 states, in pertinent part:

Only a registered pharmacist, or an intern pharmacist acting under the supervision of a registered pharmacist, may:

(a) Receive a new prescription order orally from a prescriber or other person authorized by law.

18. California Code of Regulations, title 22, section 51478 states, in pertinent part:

"No provider shall offer, give, furnish, or deliver any rebate, refund, commission preference, patronage dividend, discount, or any other gratuitous consideration, in connection with the rendering of health care service to any Medi-Cal beneficiary. No provider shall solicit, request, accept, or receive, any rebate, refund, commission, preference, patronage dividend, discount, or any other gratuitous consideration, in connection with the rendering of health care service to any Medi-Cal beneficiary."

19. California Code of Regulations, title 22, section 51479 states, in pertinent part:

"No provider shall dispense prescription drugs or devices in an amount different from that prescribed without the prescriber's authorization."

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

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DRUG CLASSIFICATION

21. Serostim (generic Somatropin) is a dangerous drug pursuant to Business and Professions Code section 4022, and is a human growth hormone used in the treatment of protein wasting in advanced cases of AIDS.

FIRST CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Failure to Keep Records)

22. Respondents Beverly Hills, RX Unlimited, Barnes, Cummings and Lubrani are subject to disciplinary action under section 4301(o) and (q) and 4081 for unprofessional conduct, in that they failed to have acquisition and disposition records available for inspection and failed to have a current inventory available. The circumstances are described below in as follows:

a. On or about June 13, 2001, Board Inspector Venegas requested the following documents from both RX Unlimited and Beverly Hills: all acquisition and disposition records of Serostim, the dispensing log for Serostim and hard copies of Serostim prescriptions from October 1, 1999 to June 13, 2001, and patient profiles for all patients on the dispensing log.

b. On or about June 19, 2002, Inspector Grimm returned to Respondent Beverly Hills to inspect the requested documents. Respondent provided to the inspector: no Bergen Brunswig invoices, a printout from Cardinal Health and six months of invoices, prescriptions, dispensing logs for Serostim 4, 5, and 6 mg and patient profiles.

c. On or about June 19, 2002, Inspector Venegas returned to Respondent RX Unlimited to inspect the requested documents. Respondent provided to the inspector: prescriptions, a printout from Bergen Brunswig for October 1, 1999 through April 1, 2001, a printout from Cardinal Health, patient profiles, one page of a dispensing log for Serostim for a period not indicated and no original invoices from the wholesalers. On June 20, 2002, Inspector Venegas returned to Respondent Beverly Hills and obtained additional patient profiles.

d. Since the acquisition records (invoices from wholesalers) provided by Respondent Beverly Hills were incomplete, Inspector Venegas used the invoices from March 1, 2000 to December 31, 2000 and the patient profiles to tabulate inventory discrepancies. During

that specific period, Respondent Beverly Hills was unable to account for the following amounts for various Serostim inventories:

Serostim 4mg	
Purchased	3,318
Dispensed	4,524
On-hand inventory	105
Short	1,311
Serostim 5mg	
Purchased	112
Dispensed	56
On-hand inventory	91
overage	35
Serostim 6mg	
Purchased	19,530
Dispensed	23,521
On-hand inventory	595
short	4,586

e. Since the acquisition records (invoices from wholesalers) provided by Respondent RX Unlimited were incomplete, Inspector Venegas used the invoices from March 1, 2000 to December 31, 2000 and the patient profiles to tabulate inventory shortages. During that specific period, Respondent RX Unlimited was unable to account for the following amounts for various Serostim inventories:

Serostim 4mg	
Purchased	364
Dispensed	513
On-hand inventory	14
Short	163

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Serostim 5mg	
Purchased	420
Dispensed	630
On-hand inventory	42
short	252
Serostim 6mg	
Purchased	13,727
Dispensed	15,932
On-hand inventory	252
short	2,457

SECOND CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Fail, Neglect or Refuse to Maintain Records)

23. Respondents Beverly Hills, RX Unlimited, Barnes, Cummings and Lubrani are subject to disciplinary action under sections 4301(o) and (q), 4332, and 4081 of the Code, for unprofessional conduct in that they failed, neglected or refused to maintain required records. The circumstances are described in paragraph 22(a) through (e).

THIRD CAUSE FOR DISCIPLINE

(Unprofessional Conduct - Moral Turpitude, Dishonesty, Fraud and Deceit)

24. Respondents Beverly Hills, RX Unlimited, Barnes, Cummings and Lubrani are subject to disciplinary action under sections 4301(f) and (o) of the Code and California Code of Regulations, title22, section 51478 and 51479 in that they dispensed lesser amounts of drugs than prescribed on prescriptions. The circumstances are as follows:

a. On or about August 29, 2001, Inspector Venegas received a facsimile from the bookkeeper at Respondent Beverly Hills, which showed patient names, prescription numbers and fill dates of patients that never received their Serostim but where Medi-Cal was still billed.

b. On or about September 13, 2001, Respondent Lubrani authored a letter to Inspector Venegas which stated that an employee of Doctor Del Rosario would pick up dispensed prescriptions of Serostim. Patients of this doctor often complained that they were

missing vials of Serostim when they picked up the dispensed vials at the doctor's office. Respondent Lubrani also stated that he was authorized by Respondent RX Unlimited's owner's wife to dispense the number of vials patients complained they did not receive, which he complied with.

FOURTH CAUSE FOR DISCIPLINE

(Failure to Show Complete Accountability for a Dangerous Drug)

25. Respondents Beverly Hills, RX Unlimited, Barnes, Cummings and Lubrani are subject to disciplinary action under California Code of Regulations, title 16, sections 1718, in that they failed to show complete accountability for a dangerous drug. The circumstances are described above in paragraph 23(d) and (e).

FIFTH CAUSE FOR DISCIPLINE

(Wrongful Participation With A Non-Licensed Retail Pharmacy to Dispense Drugs)

26. Respondents Beverly Hills, RX Unlimited, Barnes, Cummings and Lubrani are subject to disciplinary action under CCR section 1717(e), in that they participated in an arrangement with Doctor Del Rosario and his employees. The circumstances are described above in paragraph 24 (a) and (b), as well as on or about June 20, 2001, in review of patient profiles obtained from Respondents Beverly Hills and RX Unlimited, Inspector Venegas noted that addresses for patients were listed as doctors' offices. Respondent Barnes stated to the inspector that an arrangement had been made for the dangerous drugs to be delivered to the doctors' offices and left for the patients.

SIXTH CAUSE FOR DISCIPLINE

(Improper Dispensing of a Dangerous Drug)

27. Respondents RX Unlimited and Cummings are subject to disciplinary action under section 4301(f) and (o) of the Code in conjunction with California Code of Regulations, title 22, sections 51478 and 51479, in that they dispensed lesser amounts of drugs than prescribed on the prescription. The circumstances are that on or about September 19, 2001, Respondent Cummings authored a letter to Board Inspector Venegas stating that Respondent RX Unlimited had an arrangement with an AIDs patient who was unable to pay the co-pay amounts

for their prescriptions of Serostim. Respondents would dispense lesser amounts of the drug to cover the co-pay amount.

SEVENTH CAUSE FOR DISCIPLINE

(Improper Handling of a Telephonic Prescription)

28. Respondents Beverly Hills Medical Plaza Pharmacy, Barnes and Alvarez are subject to disciplinary action under section 4301(o) of the Code in conjunction with California Code of Regulations, title16, sections 1717(c) and 1793.1, in that Respondents failed to properly reduce telephonic prescriptions into writing. The circumstances are that on or about June 13, 2001, Respondent Alvarez, a pharmacy technician, identified to Board Inspector Venegas, three telephonic prescriptions which were written in his personal handwriting. Respondent Barnes, the Pharmacist-in-Charge failed to transcribe the orally transmitted prescription into writing.

EIGHTH CAUSE FOR DISCIPLINE

(Unprofessional Conduct)

29. Respondents Barnes, Cummings and Lubrani are subject to disciplinary action under sections 4301(o), 4113 of the Code for unprofessional conduct in conjunction with CCR section 1709, in that Respondents failed to be responsible for the pharmacies' compliance with state and federal laws and their daily activities. The circumstances are those described above in paragraphs 22 through 28.

PRAYER

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

1. Revoking or suspending Pharmacy Permit Number PHY 38179, issued to Beverly Hills Medical Plaza Pharmacy, Paul Goldstein, Owner;

2. Revoking or suspending Pharmacy Permit Number PHY 40827, issued to RX Unlimited, Paul Goldstein, Owner;

3. Revoking or suspending Pharmacist License Number RPH 22924, issued to Ronald A. Barnes;

4. Revoking or suspending Pharmacist License Number RPH 46299, issued to Russell D. Lubrani ;

5. Revoking or suspending Pharmacist License Number RPH 44852, issued to Paul Alan Cummings;

6. Revoking or suspending Pharmacy Technician License Number TCH 15209, issued to Jorge Alvarez;

7. Ordering Beverly Hills Medical Plaza Pharmacy, RX Unlimited, Ronald A. Barnes, Russell D. Lubrani , Paul Alan Cummings, and Jorge Alvarez 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;

8. 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

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