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of the State of California  
2 JAMI L. CANTORE, State Bar No. 165410  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2569  
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

10 In the Matter of the Accusation Against:  
11 LOMA LINDA UNIVERSITY MEDICAL  
DBA LOMA LINDA UNIVERSITY  
12 HOSPITAL  
11223 Campus Street  
13 Loma Linda, CA 92354  
14 Hospital Pharmacy Permit No. HSP 13796  
15 and  
16 JAMES RICHARD VERT  
11937 Arliss Drive  
17 Grand Terrace, CA 92313  
18 Original Pharmacist License No. RPH 33357  
19 Respondents.

Case No. 2614  
OAH No. L-2003080368  
**STIPULATED SETTLEMENT  
AND ORDER**

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

23 PARTIES

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

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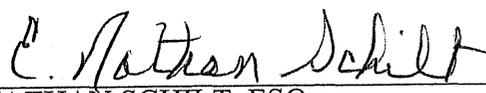




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I have read and fully discussed with Respondent James Richard Vert, the terms and conditions and other matters contained in the above Stipulated Settlement and Order. I approve of its form and content.

DATED: 4/13/04

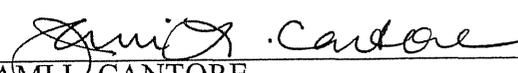
  
NATHAN SCHILT, ESQ.  
Attorney for Respondent

ENDORSEMENT

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

DATED: 4/19/04

BILL LOCKYER, Attorney General  
of the State of California

  
JAMI L. CANTORE  
Deputy Attorney General  
Attorneys for Complainant

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

In the Matter of the Accusation Against:

**James Richard Vert**  
11937 Arliss Dr  
Grand Terrace, CA 92313

Original Pharmacist License No. RPH 33357

Respondent.

Case No. 2614

OAH No. L-2003080368

**STIPULATED SETTLEMENT  
AND ORDER**

**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 September 10, 2004.

It is so ORDERED on August 11, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STANLEY W. GOLDENBERG  
Board President

**Exhibit A**  
**Accusation No. 2614**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JAMI L. CANTORE, State Bar No. 165410  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
Telephone: (213) 897-2569  
5 Facsimile: (213) 897-2804  
6 Attorneys for Complainant

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

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In the Matter of the Accusation Against:  
LOMA LINDA UNIVERSITY MEDICAL  
dba LOMA LINDA UNIVERSITY  
HOSPITAL  
11223 Campus Street  
Loma Linda, CA 92354  
Hospital Pharmacy Permit No. HSP 13796  
and  
JAMES RICHARD VERT  
11937 Arliss Drive  
Grand Terrace, CA 92313  
Original Pharmacist License No. RPH 33357  
Respondents.

Case No. 2614

**ACCUSATION**

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 (Board), Department of Consumer Affairs.

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//



1                   "(c) Gross negligence.

2                   .....

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

5                   .....

6                   "(o) Violating or attempting to violate, directly or indirectly, or assisting in or  
7 abetting the violation of or conspiring to violate any provision or term of this chapter or of  
8 the applicable federal and state laws and regulations governing pharmacy, including  
9 regulations established by the board."

10                   8.       California Code of Regulations, title 16, section 1716 states, in  
11 pertinent part:

12                   "Pharmacists shall not deviate from the requirements of a prescription except  
13 upon the prior consent of the prescriber or to select the drug product in accordance with  
14 Section 4073 of the Business and Professions Code."

15                   9.       Section 4022 states:

16                   "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for  
17 self-use, except veterinary drugs that are labeled as such, and includes the following:

18                   "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing  
19 without prescription,' 'Rx only,' or words of similar import.

20                   "(b) Any device that bears the statement: 'Caution: federal law restricts this  
21 device to sale by or on the order of a \_\_\_\_\_,' 'Rx only,' or words of similar import, the  
22 blank to be filled in with the designation of the practitioner licensed to use or order use of the  
23 device.

24                   "(c) Any other drug or device that by federal or state law can be lawfully  
25 dispensed only on prescription or furnished pursuant to Section 4006."

26                   10.       Section 4076 provides, in pertinent part, that a pharmacist shall not  
27 dispense any prescription except in a container that meets the requirement of state and federal  
28 law and is to be correctly labeled.



1 c. On or about July 23, 1999, J.M. died of multiorgan failure,  
2 staphylococcal septicemia, bone marrow suppression, and Methotrexate toxicity.

3 PRAYER

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

- 6 1. Revoking or suspending Hospital Pharmacy Permit No. HSP 13796,  
7 issued to Loma Linda University Medical, dba as Loma Linda University Hospital;  
8 2. Revoking or suspending Original Pharmacist License No. RPH 33357,  
9 issued to James Richard Vert;  
10 3. Ordering Loma Linda University Medical, doing business as Loma  
11 Linda University Hospital, and James Richard Vert to pay the Board of Pharmacy the  
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
13 Professions Code section 125.3;  
14 4. Taking such other and further action as deemed necessary and proper.

15 DATED: 7/14/03

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18 PATRICIA F. HARRIS  
19 Executive Officer  
20 Board of Pharmacy  
21 Department of Consumer Affairs  
22 State of California  
23 Complainant  
24  
25

26 03583110-LA2002AD2885  
27 Loma Linda.jlc.wpd  
28 prepared by cak (04/03)

**DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL**

(Separate Mailings)

In the Matter of the Accusation Against: Loma Linda University Medical and James Richard Vert  
Agency Case No. 2614  
Docket No. 03583110-LA2002AD2885

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On July 23, 2003, I served the attached **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** by placing a true copy thereof enclosed in a sealed envelope as certified mail with postage thereon fully prepaid and return receipt requested, and another true copy of the **Accusation, Statement to Respondent, Notice of Defense (2 copies), Request for Discovery and Discovery Statutes** was enclosed in a second sealed envelope as first class mail with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 300 So. Spring St., Los Angeles, CA 90013, addressed as follows:

**Loma Linda University Medical  
11223 Campus Street  
Loma Linda, CA 92354**

**Certified Mail No.  
7001 0360 0003 2711 5125**

**James Richard Vert  
11937 Arliss Drive  
Grand Terrace, CA 92313**

**Certified Mail No.  
7001 0360 0003 2711 5118**

**Kim deLong  
Enforcement Technician  
Board of Pharmacy  
400 R Street, Suite 4070  
Sacramento, CA 95814**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 23, 2003, at Los Angeles, California.

Maria-Elena Hernandez

Typed Name



Signature