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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2630

12 J & R PHARMACY  
RICHARD C. DODGE, OWNER  
11120 East Whittier Blvd.  
Whittier, CA 90606

OAH No.

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

13 Original Pharmacy Permit No. PHY 32695

14 and

15 RICHARD CARVEL DODGE  
4652 Prelude Drive  
16 Huntington Beach, CA 92649-2217

17 Original Pharmacist License No. RPH 25955

18 Respondent.  
19

20  
21 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
22 proceeding that the following matters are true:

23 PARTIES

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

28 2. Respondent Richard Carvel Dodge (Respondent Dodge) is 1



1 by the California Administrative Procedure Act and other applicable laws.

2 8. On behalf of both Respondent Pharmacy and himself, Respondent Dodge  
3 voluntarily, knowingly, and intelligently waives and gives up each and every right set forth  
4 above.

5 CULPABILITY

6 9. On behalf of both Respondent Pharmacy and himself, Respondent Dodge  
7 admits the truth of each and every charge and allegation in Accusation No. 2630, agrees that  
8 cause exists for discipline and hereby surrenders Original Pharmacy Permit No. PHY 32695 and  
9 Original Pharmacist License No. RPH 25955 for the Board's formal acceptance.

10 10. Respondent Dodge understand that by signing this stipulation he enables  
11 the Board to issue an order accepting the surrender of his Original Pharmacy Permit and Original  
12 Pharmacist License without further process.

13 CONTINGENCY

14 11. This stipulation shall be subject to approval by the Board of Pharmacy.  
15 On behalf of both Respondent Pharmacy and himself, Respondent Dodge understands and agrees  
16 that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly  
17 with the Board regarding this stipulation and settlement, without notice to or participation by  
18 Respondents. By signing the stipulation on behalf of both Respondent Pharmacy and himself,  
19 Respondent Dodge understands and agrees that he may not withdraw his agreement or seek to  
20 rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to  
21 adopt this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order  
22 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
23 between the parties, and the Board shall not be disqualified from further action by having  
24 considered this matter.

25 12. The parties understand and agree that facsimile copies of this Stipulated  
26 Surrender of License and Order, including facsimile signatures thereto, shall have the same force  
27 and effect as the originals.

28 13. In consideration of the foregoing admissions and stipulations, the parties

1 agree that the Board may, without further notice or formal proceeding, issue and enter the  
2 following Order:

3 **ORDER**

4 IT IS HEREBY ORDERED that Original Pharmacy Permit No. PHY 32695,  
5 issued to Respondent J & R Pharmacy, Richard C. Dodge Owner, and Original Pharmacist  
6 License No. RPH 25955, issued to Respondent Richard Carvel Dodge, are surrendered and  
7 accepted by the Board of Pharmacy.

8 14. The surrender of Respondents' Original Pharmacy Permit and Original  
9 Pharmacist License and the acceptance of the surrendered licenses by the Board shall constitute  
10 the imposition of discipline against Respondents. This stipulation constitutes a record of the  
11 discipline and shall become a part of Respondents' license history with the Board.

12 15. Respondents shall lose all rights and privileges as a Pharmacy and  
13 Pharmacist in California as of the effective date of the Board's Decision and Order.

14 16. Respondents shall cause to be delivered to the Board both the wall and  
15 pocket license certificates on or before the effective date of the Decision and Order.

16 17. Respondents understand and agree that if they ever apply for licensure or  
17 petition for reinstatement in the State of California, the Board shall treat it as a new application  
18 for licensure. Respondents must comply with all the laws, regulations and procedures for  
19 licensure in effect at the time the application or petition is filed, and all of the charges and  
20 allegations contained in Accusation No. 2630 shall be deemed to be true, correct, and admitted  
21 by Respondents when the Board determines whether to grant or deny the application or petition.

22 18. Respondents shall not re-apply for licensure or petition for reinstatement  
23 in the State of California for at least three years from the effective date of this order.

24 19. Respondents shall pay the Board its costs of investigation and enforcement  
25 in the amount of \$7,000.00 prior to issuance of a new or reinstated license.

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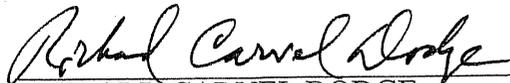
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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Original Pharmacy Permit No. PHY 32695 and Original Pharmacist License No. RPH 25955. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 1-6-04

  
RICHARD CARVEL DODGE  
for Respondent RICHARD CARVEL DODGE  
and  
for Respondent J & R PHARMACY,  
Richard C. Dodge, Owner

ENDORSEMENT

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

DATED: \_\_\_\_\_

BILL LOCKYER, Attorney General  
of the State of California

\_\_\_\_\_  
JULIE A. CABOS  
Deputy Attorney General

Attorneys for Complainant

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ACCEPTANCE

I have carefully read the Stipulated Surrender of License and Order. I understand the stipulation and the effect it will have on my Original Pharmacy Permit No. PHY 32695 and Original Pharmacist License No. RPH 25955. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_

\_\_\_\_\_  
RICHARD CARVEL DODGE  
for Respondent RICHARD CARVEL DODGE  
and  
for Respondent J & R PHARMACY,  
Richard C. Dodge, Owner

ENDORSEMENT

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

DATED: 2/3/04

\_\_\_\_\_  
BILL LOCKYER, Attorney General  
of the State of California

\_\_\_\_\_  
JULIE A. CABOS  
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:

J & R PHARMACY  
RICHARD C. DODGE, OWNER  
11120 East Whittier Blvd.  
Whittier, CA 90606

Original Pharmacy Permit No. PHY 32695

and

RICHARD CARVEL DODGE  
4652 Prelude Drive  
Huntington Beach, CA 92649-2217

Original Pharmacist License No. RPH 25955

Respondent.

Case No. 2630

OAH No.

**DECISION AND ORDER**

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

This Decision shall become effective on April 18, 2004.

It is so ORDERED March 19, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
JOHN D. JONES  
Board President

**Exhibit A**

**Accusation No. 2630**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JULIE A. CABOS, State Bar No. 162356  
Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

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11 In the Matter of the Accusation Against:  
12 J & R PHARMACY  
RICHARD C. DODGE, OWNER  
13 11120 East Whittier Blvd.  
Whittier, CA 90606  
14 Original Pharmacy Permit No. PHY 32695  
15 and  
16 RICHARD CARVEL DODGE  
17 11120 E. Whittier Blvd.,  
Whittier, CA 90606  
18 Original Pharmacist License No. RPH 25955  
19 Respondents.  
20

Case No. 2630  
**ACCUSATION**

21  
22 Complainant alleges:

23 PARTIES

- 24 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
25 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
26 Affairs.  
27 2. On or about March 18, 1986, the Board of Pharmacy issued Original  
28 Pharmacy Permit Number PHY 32695 to J & R Pharmacy, Richard C. Dodge, Owner

1 (Respondent Pharmacy). The Original Pharmacy Permit was in full force and effect until March  
2 1, 2003, when the permit became delinquent.

3 Richard C. Dodge RPH 25955 is the Pharmacist-in-Charge since March 18, 1986.

4 3. On or about February 27, 1969, the Board of Pharmacy issued Original  
5 Pharmacist License Number RPH 25955 to Richard Carvel Dodge (Respondent Dodge). The  
6 Original Pharmacist License was in full force and effect at all times relevant to the charges  
7 brought herein and will expire on April 30, 2004, unless renewed.

8 JURISDICTION

9 4. This Accusation is brought before the Board of Pharmacy (Board),  
10 Department of Consumer Affairs, under the authority of the following laws.

11 5. Business and Professions Code section 4300, subdivision (a), states: "  
12 Every license issued may be suspended or revoked."

13 6. Business and Professions Code section 4301 states:  
14 "The board shall take action against any holder of a license who is guilty of  
15 unprofessional conduct or whose license has been procured by fraud or misrepresentation or  
16 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
17 following:

18 . . . .

19 "(d) The clearly excessive furnishing of controlled substances in violation of  
20 subdivision (a) of Section 11153 of the Health and Safety Code.

21 "(e) The clearly excessive furnishing of controlled substances in violation of  
22 subdivision (a) of Section 11153.5 of the Health and Safety Code. Factors to be considered in  
23 determining whether the furnishing of controlled substances is clearly excessive shall include,  
24 but not be limited to, the amount of controlled substances furnished, the previous ordering  
25 pattern of the customer (including size and frequency of orders), the type and size of the  
26 customer, and where and to whom the customer distributes its product.

27 . . . .

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

3                   .....

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

8                   "(p) Actions or conduct that would have warranted denial of a license."

9                   7.       Business and Professions Code section 4059, subdivision (a) states:

10                   "A person may not furnish any dangerous drug except upon the prescription of a  
11 physician, dentist, podiatrist, optometrist, or veterinarian. A person may not furnish any  
12 dangerous device, except upon the prescription of a physician, dentist, podiatrist, optometrist, or  
13 veterinarian."

14                   8.       Business and Professions Code section 4076, subdivision (a), states:

15                   "A pharmacist shall not dispense any prescription except in a container that meets  
16 the requirements of state and federal law and is correctly labeled with all of the following:

17                   "(1) Except where the prescriber or the certified nurse-midwife who functions  
18 pursuant to a standardized procedure or protocol described in Section 2746.51, the nurse  
19 practitioner who functions pursuant to a standardized procedure described in Section 2836.1, or  
20 protocol, or the physician assistant who functions pursuant to Section 3502.1 orders otherwise,  
21 either the manufacturer's trade name of the drug or the generic name and the name of the  
22 manufacturer. Commonly used abbreviations may be used. Preparations containing two or more  
23 active ingredients may be identified by the manufacturer's trade name or the commonly used  
24 name or the principal active ingredients.

25                   "(2) The directions for the use of the drug.

26                   "(3) The name of the patient or patients.

27                   "(4) The name of the prescriber and, if applicable, the certified nurse-midwife  
28 who functions pursuant to a standardized procedure or protocol described in Section 2746.51, the

1 nurse practitioner who functions pursuant to a standardized procedure described in Section  
2 2836.1, or protocol, or the physician assistant who functions pursuant to Section 3502.1.

3 "(5) The date of issue.

4 "(6) The name and address of the pharmacy, and prescription number or other  
5 means of identifying the prescription.

6 "(7) The strength of the drug or drugs dispensed.

7 "(8) The quantity of the drug or drugs dispensed.

8 "(9) The expiration date of the effectiveness of the drug dispensed.

9 "(10) The condition for which the drug was prescribed if requested by the patient  
10 and the condition is indicated on the prescription."

11 9. Business and Professions Code section 4081 states:

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

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

25 10. Business and Professions Code section 4113, subdivision (b), states:

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

28 ///

1                   11. Business and Professions Code section 4332 states:

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

6                   12. Business and Professions Code section 4333, subdivision (a) states:

7                    "All prescriptions filled by a pharmacy and all other records required by Section  
8 4081 shall be maintained on the premises and available for inspection by authorized officers of  
9 the law for a period of at least three years. In cases where the pharmacy discontinues business,  
10 these records shall be maintained in a board-licensed facility for at least three years."

11                  13. Business and Professions Code section 4342, subdivision (a), states:

12                  "The board may institute any action or actions as may be provided by law and  
13 that, in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and drugs  
14 that do not conform to the standard and tests as to quality and strength, provided in the latest  
15 edition of the United States Pharmacopoeia or the National Formulary, or that violate any  
16 provisions of the Sherman Food, Drug and Cosmetic Law (Part 5 (commencing with Section  
17 109875) of Division 104 of the Health and Safety Code.)"

18                  14. Health and Safety Code section 111430, states: "A drug or device is  
19 misbranded if it was manufactured in an establishment not duly registered with the Secretary of  
20 Health, Education, and Welfare of the United States."

21                  15. Health and Safety Code section 11158, subdivision (a) states, in pertinent  
22 part:

23                  "Except as provided in section 11159 or when dispensed directly to an ultimate  
24 user by a practitioner, other than a pharmacist or pharmacy, no controlled substance classified in  
25 Schedule III, IV, or V may be dispensed without a prescription meeting the requirements of this  
26 chapter [chapter 4, commencing with section 11150]."

27                  16. California Code of Regulations, title 16, section 1707.1, subdivision (a),  
28 states, in pertinent part:

1 "A pharmacy shall maintain medication profiles on all patients who have  
2 prescriptions filled in that pharmacy except when the pharmacist has reasonable belief that the  
3 patient will not continue to obtain prescription medications from that pharmacy."

4 17. Health and Safety Code section 11200, states:

5 "(a) No person shall dispense or refill a controlled substance prescription more  
6 than six months after the date thereof.

7 "(b) No prescription for a Schedule III or IV substance may be refilled more than  
8 five times and in an amount, for all refills of that prescription taken together, exceeding a  
9 120-day supply.

10 "(c) No prescription for a Schedule II substance may be refilled."

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

12 "'Current Inventory' as used in Sections 4081 and 4332 of the Business and  
13 Professions Code shall be considered to include complete accountability for all dangerous drugs  
14 handled by every licensee enumerated in Sections 4081 and 4332.

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

17 19. Business and Professions Code section 118, subdivision (b) states:

18 "The suspension, expiration, or forfeiture by operation of law of a license issued  
19 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or  
20 by order of a court of law, or its surrender without the written consent of the board, shall not,  
21 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board  
22 of its authority to institute or continue a disciplinary proceeding against the licensee upon any  
23 ground provided by law or to enter an order suspending or revoking the license or otherwise  
24 taking disciplinary action against the licensee on any such ground."

25 20. Business and Professions Code section 125.3, subdivision (a), states, in  
26 pertinent part:

27 "Except as otherwise provided by law, in any order issued in resolution of a  
28 disciplinary proceeding before any board within the department . . . the board may request the

1 administrative law judge to direct a licensee found to have committed a violation or violations  
2 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
3 enforcement of the case."

4 21. CONTROLLED SUBSTANCES

5 a. "Diazepam," generic for the brand name Valium 10 mg, a benzodiazepam  
6 derivative, is a Schedule IV controlled substance as designated by Health and Safety Code  
7 section 11057(d)(8) and is categorized as a dangerous drug pursuant to Business and Professions  
8 Code section 4022.

9 b. "Hydrocodone / acetaminophen," a generic drug for Vicodin Vicodin ES,  
10 Anexsia, Loret, Loret Plus, and Norco, is a Schedule III controlled substance as defined in Health  
11 and Safety Code section 11056(e)(4) and is categorized as dangerous drugs according to Business  
12 and Professions Code section 4022.

13 c. "Phenergan with Codeine," a brand name for Promethazine with Codeine,  
14 is a Schedule V controlled substance as designated by Health and Safety Code section  
15 11058(c)(1) and is categorized as a dangerous drug pursuant to Business and Professions Code  
16 section 4022.

17 d. "Tylenol #3" and "Tylenol #4," brand names for acetaminophen with  
18 Codeine, 30 mg for Tylenol #3, 60 mg for Tylenol #4, with 500 mg acetaminophen, is a Schedule  
19 III controlled substance as designated by Health and Safety Code section 11056(e)(2) and is  
20 categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

21 22. DANGEROUS DRUGS

22 a. "Micronase" is a dangerous drug pursuant to Business and Professions  
23 Code section 4022.

24 b. "Zestril" is a dangerous drug pursuant to Business and Professions Code  
25 section 4022.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Furnishing Dangerous Drugs Without Prescription)

3 23. Respondents Pharmacy and Dodge are subject to disciplinary action under  
4 Business and Professions Code section 4300 and section 4301, subdivisions (j), (o) and (p), on the  
5 grounds of unprofessional conduct for violating Business and Professions Code section 4059 and  
6 Health and Safety Code section 11158, subdivision (a), in that Respondents dispensed dangerous  
7 drugs and controlled substances without a prescription. The circumstances are as follows:

8 a. From about 1997 to about December 2001, Respondent Dodge furnished  
9 Vicodin, Vicodin ES, Micronase, Tylenol #3, Tylenol #4, Phenergan with Codeine, Diazepam,  
10 and Valium to Robert P.<sup>1</sup>, without a prescription. Respondent Dodge admitted to the inspector  
11 for the Board that for approximately two years, he had been dispensing scheduled controlled  
12 substances and dangerous drugs to Robert P., without first calling Robert P.'s physician.

13 b. On or about December 21, 2001, Respondent Dodge dispensed Zestril  
14 20mg., 20 tablets for Mary B., without a prescription.

15 SECOND CAUSE FOR DISCIPLINE

16 (Furnishing Drugs Not Authorized For Use By the United States)

17 24. Respondents Pharmacy and Dodge are subject to disciplinary action under  
18 Business and Professions Code section 4300 and section 4301, subdivisions (j), (o) and (p), on  
19 the grounds of unprofessional conduct for violating Business and Professions Code 4342,  
20 subdivision (a), and Health and Safety Code section 111430, in that Respondents furnished  
21 foreign drugs not authorized for use in the United States. On or about December 21, 2001, an  
22 inspector for the Board conducted an inspection of Respondent Pharmacy's premises. The  
23 inspector found a drawer with foreign drugs, as follows:

24 a. One box of Artridol, a dangerous drug manufactured in Mexico.

25 b. Two boxes of Duals (combination of aspirin, phenacetin and caffeine), not  
26 authorized for use in the United States.

27 \_\_\_\_\_  
28 1. The identify of the individual will be made available during the course of discovery.

- 1 c. Two bottles of Calcigenol Doble (calcium phosphate suspension), not  
2 authorized for use in the United States.
- 3 d. Three boxes of Emplasto Monopolis, not authorized for use in the United  
4 States.
- 5 e. Two boxes of Graneodin B (benzocaine lozenges) and not authorized for  
6 use in the United States.
- 7 f. Two boxes of Graneodin D (benzocaine with phenylephrine and  
8 phenylpropranolamine), not authorized for use in the United States.
- 9 g. One box of Nordinet (acetophenetidine, phenylacetidine, and  
10 trimethylxanthine), not authorized for use in the United States.
- 11 h. Ten tins of Sulfatiazole with penicillin, a dangerous drug manufactured in  
12 Mexico and not authorized for use in the United States.
- 13 i. Five tins of Penicillin ointment, a dangerous drug manufactured in Mexico  
14 and not authorized for use in the United States.
- 15 j. Two boxes of Synalar Simple, a dangerous drug manufactured in Mexico,  
16 requires a prescription in Mexico and not authorized in the United States.
- 17 k. Three boxes of Sydolil, a dangerous drug manufactured in Mexico and not  
18 authorized for use in the United States.
- 19 l. One box of Sedalmerck, a dangerous drug manufactured in Mexico and  
20 not authorized for use in the United States.
- 21 m. One jar of Unguento Veterinario (red mercuric oxide ointment), not  
22 authorized for use in the United States.
- 23 n. Two bottles of Viternum, a dangerous drug manufactured in Mexico,  
24 requiring a prescription in Mexico and not authorized in the United States.

25 THIRD CAUSE FOR DISCIPLINE

26 (Failure to Maintain Current Records )

27 25. Respondents Pharmacy and Dodge are subject to disciplinary action under  
28 Business and Professions Code section 4300 and section 4301, subdivisions (j), (o) and (p), on

1 the grounds of unprofessional conduct for violating Business and Professions Code sections  
 2 4081, subdivision (a), 4332, and 4333, in conjunction with California Code of Regulations, title  
 3 16, section 1718, in that Respondents failed to maintain complete and accurate records of the  
 4 current inventory on the premises. The circumstances are as follows:

5 a. On or about July 16, 2002, an inspector for the Board conducted an  
 6 inventory of controlled substances purchased by Respondents for the period May 1, 2001 to  
 7 December 21, 2001. Using the DEA Biennial Report as the starting inventory, the inspector  
 8 compared the invoices from Respondents' wholesaler with the prescriptions provided by  
 9 Respondents.

10 The inventory revealed the following:

11 Drug	As of 5/1/2001 Amt	Amount Ordered	Total Amount	Amount Dispensed	Stock On Hand	Shortage
13 Vicodin	150	9,500	9,650	120	100	9,430
14 Vicodin ES	410	20,200	20,610	1,160	237	19,213
15 Tylenol #3	220	4,300	4,520	608	77	3,835
16 Tylenol #4	350	9,500	9,850	1,380	120	8,350
17 Ritalin SR20	20	500	520	0	40	480
18 Ritalin 10mg.	40	400	440	0	60	380
19 Phenergan w/Codeine	240	4,320	4,560	480	300	3,780 <sup>2</sup>

20  
 21 b. On or about December 28, 2001, the inspector for the Board requested that  
 22 Respondent Dodge provide the Board with records of all acquisitions and dispositions for  
 23 Vicodin, Vicodin ES, Tylenol #3, Tylenol #4, Ritalin SR20 and Ritalin 10 for the period May 1,  
 24 2001 through December 21, 2001. Respondent did not provide invoices for 200 tablets of  
 25 Vicodin, 100 tablets of Tylenol #4, 200 tablets of Ritalin SR20, 200 tablets of Ritalin 10mg., and  
 26 480cc (1 pint) of Phenergan with Codeine.

27  
 28 2. For the period May 1, 2001 to December 28, 2001.



1 The circumstances are as follows:

2 a. Robert P. received, without a prescription, an excessive amount of  
3 controlled substances from Respondents, which included, but was not limited to the following  
4 drugs:

- 5 1. Container of 13 tablets of Hydrocodone with APAP 10/650; 5 tablets of  
6 Tylenol #4; and 5 tablets of generic Vicodin
- 7 2. Container of 40 tablets, diazepam 10mg
- 8 3. Container of 17 tablets, generic Vicodin
- 9 4 One envelope 20 tablets, diazepam 10mg
- 10 5. One envelope labeled as Tylenol #4 x 20
- 11 6. One envelope labeled Valium 10 x 20
- 12 7. One envelope labeled 19 tablets of Hydrocodone APAP 5/500.
- 13 8. One envelope labeled Micronase 5 mg

14 b. From on or about September 13, 2000 to on or about September 21, 2001,  
15 for more than six months after the initial prescription date, Respondents filled prescription Rx  
16 138884E, Tylenol #4 (a schedule III controlled substance), 84 tablets, 11 times for patient Jenny  
17 W.

18 c. From on or about March 31, 1999 to on or about August, 2001, for more  
19 than six months after the initial prescription date, Respondents filled prescription Rx 137974A  
20 for Tylenol #3 (a schedule III controlled substance), 100 tablets, 11 times for patient Gary J.

21 d. From on or about October 15, 1999 to on or about June 19, 2001, for more  
22 than six months after the initial prescription date, Respondents filled prescription Rx 138324 for  
23 Vicodin ES (a schedule III controlled substance), 100 tablets, 18 times for patient Dianne M.

24 e. From on or about July 31, 2001 to on or about December 13, 2001,  
25 Respondents refilled prescription Rx 139301E for Vicodin ES (a schedule III controlled  
26 substance), 45 tablets, seven times for patient Evelyn G.

27 f. From on or about April 18, 2001 to on or about November 20, 2001, for  
28 more than six months after the initial prescription date Respondent refilled prescription Rx

1 139212A for Tylenol #4 (a schedule III controlled substance), 100 tablets, six times for patient  
2 Helen H.

3 SIXTH CAUSE FOR DISCIPLINE

4 (Failure to Maintain Medication Profiles)

5 28. Respondents are subject to disciplinary action under Business and  
6 Professions Code section 4300 and section 4301, subdivisions (j), (o), and (p), on the grounds of  
7 unprofessional conduct for violating California Code of Regulations, title 16; section 1707.1, in  
8 that Respondents failed to maintain medication profiles, as follows:

9 a. The last entry on the medication profile for Robert P. was in the year 1997.  
10 Robert P. continued to obtain prescription medications from Respondents until the year 2001.  
11 Respondents were not able to furnish the inspector for the Board with a more recent medication  
12 profile for Robert P.

13 b. The medication profile for Mary B. did not list a prescription for Zestril  
14 20mg.

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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 Original Pharmacy Permit Number PHY 32695, issued to J & R Pharmacy, Richard C. Dodge, Owner;
2. Revoking or suspending Original Pharmacist License Number RPH 25955, issued to Richard Carvel Dodge;
3. Ordering J & R Pharmacy and Richard Carvel Dodge 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: 10/22/03

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

Complainant

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CML (07/21/2003); jac (9/8/03); rse rev (9/9/03); jac final (9/9/03)