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8 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:
12
13 IDA BLEICH
969 Eton Court
14 Chula Vista, CA 91910
15 License No. RPH 28797
16 Respondent.

Case No. 2639
OAH No. L-2003120063
**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

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

19 PARTIES

20 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter
22 by Bill Lockyer, Attorney General of the State of California, by Rita Lane Medellin, Deputy
23 Attorney General.

24 2. Respondent IDA BLEICH is represented in this proceeding by attorney
25 Donald B. Brown, Esq., whose address is Law Offices of Donald B. Brown, 3848 Carson Street,
26 Suite 206, Torrance, CA 90503.

27 3. On or about April 28, 1974, the Board of Pharmacy issued License No.
28 RPH 28797 to IDA BLEICH (Respondent). The Pharmacist License was in full force and effect

1 at all times relevant to the charges brought in Accusation No. 2639 and will expire on September
2 30, 2004, unless renewed.

3 JURISDICTION

4 4. Accusation No. 2639 was filed before the Board of Pharmacy (Board),
5 Department of Consumer Affairs, and is currently pending against Respondent. The Accusation
6 and all other statutorily required documents were properly served on Respondent on August 26,
7 2003. Respondent timely filed her Notice of Defense contesting the Accusation. A copy of
8 Accusation No. 2639 is attached as Exhibit A and incorporated herein by reference.

9 ADVISEMENT AND WAIVERS

10 5. Respondent has carefully read, fully discussed with counsel, and
11 understands the charges and allegations in Accusation No. 2639. Respondent has also carefully
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and
13 Disciplinary Order.

14 6. Respondent is fully aware of her legal rights in this matter, including the
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by
16 counsel at her own expense; the right to confront and cross-examine the witnesses against her;
17 the right to present evidence and to testify on her own behalf; the right to the issuance of
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to
19 reconsideration and court review of an adverse decision; and all other rights accorded by the
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up
22 each and every right set forth above.

23 CULPABILITY

24 8. Respondent admits the truth of each and every charge and allegation in
25 Accusation No. 2639.

26 9. Respondent agrees that her License is subject to discipline and she agrees
27 to be bound by the Board's imposition of discipline as set forth in the Disciplinary Order below.

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1 Respondent shall report any of the following occurrences to the Board, in writing,
2 within 72 hours of such occurrence:

- 3 • an arrest or issuance of a criminal complaint for violation of any provision of the
4 Pharmacy Law, state and federal food and drug laws, or state and federal
5 controlled substances laws
- 6 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
7 any criminal complaint, information or indictment
- 8 • a conviction of any crime
- 9 • discipline, citation, or other administrative action filed by any state and federal
10 agency which involves Respondent's license or which is related to the practice
11 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
12 or charging for any drug, device or controlled substance.

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

19 3. **Interview with the Board.** Upon receipt of reasonable notice,
20 Respondent shall appear in person for interviews with the Board upon request at various
21 intervals at a location to be determined by the Board. Failure to appear for a scheduled
22 interview without prior notification to Board staff shall be considered a violation of probation.

23 4. **Cooperation with Board Staff.** Respondent shall cooperate with the
24 Board's inspectional program and in the Board's monitoring and investigation of Respondent's
25 compliance with the terms and conditions of her probation. Failure to comply shall be
26 considered a violation of probation.

27 5. **Continuing Education.** Respondent shall provide evidence of efforts
28 to maintain skill and knowledge as a pharmacist as directed by the Board.

1 6. **Notice to Employers.** Respondent shall notify all present and
2 prospective employers of the decision in Case Number 2639 and the terms, conditions and
3 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of
4 this decision, and within 15 days of Respondent undertaking new employment, Respondent
5 shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in
6 writing acknowledging the employer has read the decision in Case Number 2639.

7 If Respondent works for or is employed by or through a pharmacy employment
8 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at
9 every pharmacy of the and terms conditions of the decision in Case Number 2639 in advance
10 of the Respondent commencing work at each pharmacy.

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

14 7. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
15 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
16 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
17 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this
18 order.

19 8. **Reimbursement of Board Costs.** Respondent shall pay to the Board
20 its costs of investigation and prosecution in the amount of \$6,000.00. Respondent shall be
21 permitted to pay these costs in a payment plan approved by the Board, with payments to be
22 completed no later than three months prior to the end of the probation term.

23 The filing of bankruptcy by Respondent shall not relieve Respondent of her
24 responsibility to reimburse the Board its costs of investigation and prosecution.

25 9. **Probation Monitoring Costs.** Respondent shall pay the costs
26 associated with probation monitoring as determined by the Board each and every year of
27 probation. Such costs shall be payable to the Board at the end of each year of probation.
28 Failure to pay such costs shall be considered a violation of probation.

1 10. **Status of License.** Respondent shall, at all times while on probation,
2 maintain an active current license with the Board, including any period during which
3 suspension or probation is tolled.

4 If Respondent's license expires or is canceled by operation of law or otherwise,
5 upon renewal or reapplication, Respondent's license shall be subject to all terms and
6 conditions of this probation not previously satisfied.

7 11. **License Surrender while on Probation/Suspension.** Following the
8 effective date of this decision, should Respondent cease practice due to retirement or health, or
9 be otherwise unable to satisfy the terms and conditions of probation, Respondent may tender
10 her license to the Board for surrender. The Board shall have the discretion whether to grant
11 the request for surrender or take any other action it deems appropriate and reasonable. Upon
12 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
13 terms and conditions of probation.

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

19 12. **Notification of Employment/Mailing Address Change.** Respondent
20 shall notify the Board in writing within 10 days of any change of employment. Said
21 notification shall include the reasons for leaving and/or the address of the new employer,
22 supervisor or owner and work schedule if known. Respondent shall notify the Board in
23 writing within 10 days of a change in name, mailing address or phone number.

24 13. **Tolling of Probation.** Should Respondent, regardless of residency, for
25 any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in
26 California, Respondent must notify the Board in writing within 10 days of cessation of the
27 practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time
28 shall not apply to the reduction of the probation period. It is a violation of probation for

1 Respondent's probation to remain tolled pursuant to the provisions of this condition for a
2 period exceeding three years.

3 "Cessation of practice" means any period of time exceeding 30 days in which
4 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of
5 the Business and Professions Code.

6 Respondent shall work at least 40 hours in each calendar month as a pharmacist
7 and at least an average of 80 hours per month in any six consecutive months. Failure to do so
8 will be a violation of probation. If Respondent has not complied with this condition during
9 the probationary term, and Respondent has presented sufficient documentation of her good
10 faith efforts to comply with this condition, and if no other conditions have been violated, the
11 Board, in its discretion, may grant an extension of Respondent's probation period up to one
12 year without further hearing in order to comply with this condition.

13 **14. Violation of Probation.** If Respondent violates probation in any
14 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke
15 probation and carry out the disciplinary order which was stayed. If a petition to revoke
16 probation or an accusation is filed against Respondent during probation, the Board shall have
17 continuing jurisdiction and the period of probation shall be extended, until the petition to
18 revoke probation or accusation is heard and decided.

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

24 **15. Completion of Probation.** Upon successful completion of probation,
25 Respondent's license will be fully restored.

26 **16. No Ownership of Premises.** Respondent shall not own, have any legal
27 or beneficial interest in, or serve as a manager, administrator, member, officer, director,
28 associate, or partner of any business, firm, partnership, or corporation currently or hereinafter

1 licensed by the Board. Respondent shall sell or transfer any legal or beneficial interest in any
2 entity licensed by the Board within 90 days following the effective date of this decision and
3 shall immediately thereafter provide written proof thereof to the Board.

4 ACCEPTANCE

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

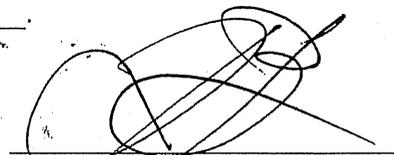
10 DATED: 5-1-04.

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13 IDA BLEICH
14 Respondent

15 I have read and fully discussed with Respondent IDA BLEICH the terms and
16 conditions and other matters contained in the above Stipulated Settlement and Disciplinary
17 Order. I approve its form and content.

18 DATED: APR 21 2004.

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21 DONALD B. BROWN, ESQ.
22 Attorney for Respondent

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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: 5-7-04

BILL LOCKYER, Attorney General
of the State of California



RITA LANE MEDELLIN
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:

IDA BLEICH
969 Eton Court
Chula Vista, CA 91910

License No. RPH 28797

Respondent.

Case No. 2639

OAH No. L-2003120063

DECISION AND ORDER

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

This Decision shall become effective on July 8, 2004.

It is so ORDERED June 8, 2004.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



JOHN D. JONES
Board President

Exhibit A
Accusation No. 2639

1 BILL LOCKYER, Attorney General
of the State of California
2 TIMOTHY L. NEWLOVE, State Bar No. 73428
Deputy Attorney General
3 California Department of Justice
110 West "A" Street, Suite 1100
4 San Diego, CA 92101

5 P.O. Box 85266
San Diego, CA 92186-5266
6 Telephone: (619) 645-3034
Facsimile: (619) 645-2061

7 Attorneys for Complainant
8

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

12 In the Matter of the Accusation Against:

Case No. 2439

13 IDA BLEICH
969 Eton Court
14 Chula Vista, CA 91910

ACCUSATION

15 Pharmacist License No. RPH 28797

16 Respondent.

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18 The Complainant, Patricia F. Harris, for cause of accusation against IDA
19 BLEICH, alleges as follows:

20 PARTIES

21 1. The Complainant, Patricia F. Harris, is the Executive Officer of the
22 California Board of Pharmacy (hereinafter the "Board") and makes this Accusation solely in her
23 official capacity.

24 2. On or about April 28, 1974, the Board issued Original Pharmacist License
25 Number RPH 28797 to respondent IDA BLEICH (hereinafter respondent "BLEICH"). At all
26 times material herein, respondent BLEICH was and currently is licensed by the Board as a
27 registered pharmacist. The license expires on September 30, 2004, unless renewed.

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1 and Professions Code section 4022 as a dangerous drug, and is used as a narcotic analgesic in the
2 relief of pain.

3 11. At all times material herein, Xanax was and is a trade name for the generic
4 drug alprazolam which is designated by Health and Safety Code section 11057(d)(1) as a
5 Schedule IV controlled substance and by Business and Professions Code section 4022 as a
6 dangerous drug, and is used in the treatment of anxiety.

7 12. At all times material herein, Viagra was and is a trade name for the generic
8 drug sildenafil which is dangerous drug within the meaning of Business and Professions Code
9 section 4022, and used for erectile dysfunction.

10 PHARMACY BOARD INVESTIGATION

11 13. From on or about January 31, 2002 to March 4, 2003, a Board Inspector
12 conducted an investigation of SCVMCOP and respondent BLEICH. Findings from this
13 investigation are described in paragraphs 14 through 25 hereinbelow.

14 14. During the investigation, the Board Inspector performed an audit of
15 SCVMCOP concerning the handling of Vicodin, Xanax 0.25 mg., Xanax 0.50 mg., Viagra 50
16 mg., and Viagra 100 mg. On or about February 5, 2002, the Board Inspector requested
17 respondent BLEICH to produce records of acquisition and disposition maintained by SCVMCOP
18 for the foregoing drugs. On or about February 20, 2002, the Board Inspector received the
19 requested records. The Board Inspector then prepared tabulations concerning the acquisition and
20 disposition by SCVMCOP of said drugs. The tabulations showed numerous discrepancies. On
21 or about May 2, 2002, the Board Inspector requested from Cardinal Health documents relating to
22 drug purchases of Vicodin, Xanax 0.25 mg., Xanax 0.50 mg., Viagra 50 mg. and Viagra 100 mg.
23 by SCVMCOP. On May 10, 2002, the Board Inspector received the requested documents from
24 Cardinal Health. A comparison of the records of acquisition provided by respondent BLEICH
25 for SCVMCOP and the records of purchases provided by Cardinal Health showed the following
26 discrepancies for the period from January 1, 1999 to January 31, 2002:

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	<u>DRUG</u>	<u>SCVMCOP</u>	<u>CARDINAL HEALTH</u>	<u>DIFFERENCE</u>
2	Vicodin	73,800	88,300	14,500
3	Xanax 0.25 mg.	5,600	6,900	1,300
4	Xanax 0.50 mg.	3,000	5,500	2,500
5	Viagra 50 mg.	60	150	90
6	Viagra 100 mg.	390	690	300

7 15. Respondent BLEICH, on behalf of SCVMCOP, failed to provide the
8 Board Inspector with records of acquisition by SCVMCOP of 14,500 tablets of Vicodin, 1,300
9 tablets of Xanax 0.25 mg., 2,500 tablets of Xanax 0.50 mg., 90 tablets of Viagra 50 mg., and 300
10 tablets of Viagra 100 mg., as described in paragraph 14 hereinabove.

11 16. The Board Inspector performed an audit of Vicodin handled at SCVMCOP
12 for the period from March 29, 1999 to January 31, 2002. The audited totals were as follows:

	<u>AUDIT STEP</u>	<u>SOURCE</u>	<u>VICODIN</u>
14	Beginning Inventory	DEA Biennial Inventory (March 29, 1999)	1,353
16	Acquisitions During Audited Period	Cardinal Health Invoices	82,300
17	SUBTOTAL		83,653
18	Less Dispositions	Tabulation of Prescriptions	79,932
19	Amount to be Accounted for		3,721
21	Less Current Inventory	Stock on Hand (January 31, 2002)	905
22	Shortage		2,816

24 17. The Board Inspector performed an audit of Xanax 0.25 mg., handled at
25 SCVMCOP for the period from March 29, 1999 to January 31, 2002. The audited totals were as
26 follows:

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<u>AUDIT STEP</u>	<u>SOURCE</u>	<u>XANAX 0.25 mg.</u>
Beginning Inventory	DEA Biennial Inventory (March 29, 1999)	245
Acquisitions During Audited Period	Cardinal Health Invoices	6,300
SUBTOTAL		6,545
Less Dispositions	Tabulations of Prescriptions	6,316
Amount of be Accounted for		229
Less Current Inventory	Stock on Hand (January 31, 2002)	40
Shortage		189

18. The Board Inspector performed an audit of Xanax 0.50 mg., handled at SCVMCOP for the period from March 29, 1999 to February 5, 2002. The audited totals were as follows:

<u>AUDIT STEP</u>	<u>SOURCE</u>	<u>XANAX 0.50 mg.</u>
Beginning Inventory	DEA Biennial Inventory (March 29, 1999)	850
Acquisitions During Audited Period	Cardinal Health Invoices	4,000
SUBTOTAL		4,850
Less Dispositions	Tabulation of Prescriptions	2,866
Amount to be Accounted for		1,984
Less Current Inventory	Stock on Hand (February 5, 2002)	444
Shortage		1,540

19. The Board Inspector performed an audit of Viagra 100 mg., handled by SCVMCOP for the period January 1, 2000 to February 5, 2002. The audited totals were as follows:

	<u>AUDIT STEP</u>	<u>SOURCE</u>	<u>VIAGRA 100 mg.</u>
1			
2	Beginning Inventory		0
3	Acquisitions During Audit Period	Cardinal Health Invoices	690
4	SUBTOTAL		690
5	Less Disposition	Drug Usage & Detail Report	510
6	Amount to be Accounted for		180
7			
8	Less Current Inventory	Stock on Hand (February 5, 2002)	17
9			
10	Shortage		163

20. During the investigation, the Board inspector requested and received the Controlled Substance Logs maintained by SCVMCOP pursuant to 21 C.F.R. section 1306.22(b)(3), for the period from March 29, 1999 to February 5, 2002. The Controlled Substance Logs provided by SCVMCOP were signed by respondent BLEICH. From the Controlled Substance Logs, the Inspector prepared a Prescription Tabulation setting forth the prescriptions for Vicodin, Xanax 0.25 mg. and Xanax 0.50 mg., dispensed by SCVMCOP during the same time period. In the Prescription Tabulation, the Inspector noted numerous discrepancies which showed that prescriptions and refills were filled twice within a short period of time, thereby suggesting the practice of excessive prescribing of controlled substances. Thereafter, the Board Inspector requested SCVMCOP to provide the original documents for the prescriptions set forth in the Prescription Tabulation, and to explain the discrepancies noted therein. Respondent BLEICH failed to produce all of the requested prescriptions. The prescriptions that respondent failed to produce are set forth in paragraph 21 hereinbelow. Respondent also failed to explain the discrepancies noted by the Board Inspector, stating only that the discrepancies were caused by a "computer glitch."

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1 21. Respondent BLEICH failed to provide original prescription documents for
2 the following prescriptions requested by the Board Inspector:

3	<u>RX</u>	<u>DRUG</u>
4	412280	Vicodin
5	404257	Vicodin
6	431937	Vicodin
7	424966	Vicodin
8	414776	Vicodin
9	420152	Xanax 0.50 mg.
10	385369	Vicodin
11	396060	Xanax 0.25 mg.
12	407672	Xanax 0.25 mg.
13	412626	Xanax 0.25 mg.
14	417198	Xanax 0.25 mg.
15	424045	Xanax 0.25 mg.
16	431098	Vicodin
17	412330	Vicodin
18	432356	Vicodin
19	432439	Vicodin
20	433135	Vicodin
21	433929	Vicodin
22	434194	Vicodin
23	390862	Vicodin
24	408876	Vicodin
25	413660	Vicodin
26	425228	Vicodin
27	429901	Vicodin

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22. Based upon the Controlled Substance Logs and original prescription documents, during the period from March 29, 1999 to February 5, 2002, SCVMCOP filled and refilled the following prescriptions in a manner that constitutes the clearly excessive prescribing of a controlled substance:

	<u>RX</u>	<u>DRUG</u>	<u>FILLED/REFILLED</u>
5			
6	431913	Vicodin	6/7/00, 6/9/00
7	421467	Vicodin	4/7/01, 4/8/01
8	394419	Vicodin	10/15/99, 10/16/99
9	412280	Vicodin	11/17/00, 11/18/00
10	427344	Xanax 0.50 mg.	3/20/01, 3/23/01, 3/24/01
11	404257	Vicodin	2/21/00, 2/22/00
12	431937, 431938	Vicodin	Both prescriptions for the same patient filled on 6/8/00
13	435706	Vicodin	8/17/01, 8/18/01
14	425143	Vicodin	2/24/01, 2/26/01
15	414481	Vicodin	Both prescriptions for the same patient
16	414483		filled on 9/3/00
17	424966, 424967	Vicodin	Both prescriptions for the same patient filled on 2/9/01
18	414776	Vicodin	8/15/00, 8/16/00
19	420152	Xanax 0.50 mg.	11/18/00, 11/20/00, 12/13/00, 12/14/00, 12/15/00
20			
21	435786	Vicodin	8/17/00, 8/18/00
22	425210	Vicodin	2/14/01, 2/15/01
23	435408	Vicodin	8/13/01, 8/14/01
24	385369	Vicodin	5/27/99, 6/3/99, 6/5/99, 6/9/99, 6/12/99, 6/13/99
25	396060	Xanax 0.25 mg.	1/18/00 (prescription filled four times)
26	407672, 412626	Xanax 0.25 mg.	Both prescriptions for the same patient filled on 7/6/00
27			
28	///		

1	412626	Xanax 0.25 mg.	7/6/00, 7/20/00, 7/26/00, 8/28/00, 9/3/00, 9/15/00 (3 times), 1/28/01, 2/25/01
2			
3	417198	Xanax 0.25 mg.	9/27/00, 9/29/00, 11/6/00, 12/18/00, 12/19/00, 1/5/01, 3/6/01, 3/24/01
4			
5	424045	Xanax 0.25 mg.	1/26/01, 2/11/01, 2/12/01, 2/13/01, 2/19/01, 3/5/01, 3/24/01, 4/9/01
6	431098	Vicodin	5/24/01, 5/25/01
7	412330	Vicodin	6/30/00, 7/1/00, 7/3/00
8	434795	Vicodin	11/21/01, 11/22/01
9	414327	Vicodin	8/8/00, 5/11/01 (filled along with Rx # 414382 for the same patient)
10	420646	Vicodin	11/28/00, 12/1/00
11	432356	Vicodin	6/18/01, 6/23/01, 6/25/01, 6/28/01, 6/29/01, 6/30/01, 7/16/01
12			
13	432439	Vicodin	6/18/01 (filled along with Rx # 432356 for the same patient)
14	433135	Vicodin	6/30/01 (filled along with Rx #s 432356 and 432833 for the same patient). 7/5/01, 7/9/01, 7/16/01, 7/17/01, 7/21/01, 7/24/01, 7/28/01, 8/9/01
15			
16			
17	433929	Vicodin	7/16/01 (filled along with Rx # 433135 for the same patient), 7/20/01, 7/21/01 (filled along with Rx # 433135), 7/24/01 (filled twice)
18			
19	434194	Vicodin	7/19/01, 7/21/01 (filled along with Rx #s 433135 and 433929 for the same patient, 7/24/01 (filled along with Rx #s 433135 and 433929)
20			
21			
22	390862	Vicodin	8/22/99, 8/23/99 (filled twice), 8/25/99
23			
24	399142, 399143	Vicodin	Both prescriptions for the same patient filled on the same day.
25	408876	Vicodin	4/28/00, 5/13/00, 6/20/00, 6/30/00, 7/1/00, 7/3/00, 7/13/00, 3/21/01
26			
27	413660	Vicodin	7/26/00, 8/19/00, 9/3/00, 9/5/00, 9/13/00, 9/25/00, 1/28/01, 2/25/01
28			

1	424433	Vicodin	2/14/01, 2/15/01
2	425228	Vicodin	2/14/01, 2/15/01
3	429901	Vicodin	5/7/01, 5/21/01, 6/10/01, 6/14/01, 6/23/01, 7/12/01, 7/16/01 (filled three times)
4			
5	434470	Vicodin	7/26/01, 8/10/01, 8/24/01, 9/5/01, 10/3/01, 10/29/01
6			

7 23. From March 29, 1989 to February 5, 2002, SCVMCOP dispensed or
8 refilled the following prescriptions for controlled substances more than six months after the
9 original prescription and/or more than five times:

10	<u>RX</u>	<u>DRUG</u>	<u>DISPENSING HISTORY</u>
11	385369	Vicodin	Original Rx filled on 5/27/99. Refilled six times.
12	412626	Xanax 0.25 mg.	Original Rx filled on 7/26/00. Refilled nine times. Last refill on 2/25/01.
13			
14	417198	Xanax 0.25 mg.	Original Rx filled on 9/27/00. Refilled seven times.
15			
16	424045	Xanax 0.25 mg.	Original Rx filled on 1/26/01. Refilled seven times.
17			
18	414327	Vicodin	Original Rx filled on 8/8/00. Refilled on 5/11/01.
19	432356	Vicodin	Original Rx filled on 6/18/01. Refilled six times.
20			
21	433135	Vicodin	Original Rx filled on 6/30/01. Refilled eight times.
22	408876	Vicodin	Original Rx filled on 4/28/00. Refilled seven times. Last refill on 3/21/01.
23			
24	413660	Vicodin	Original Rx filled on 7/26/00. Refilled seven times. Last refill on 2/25/01.
25			
26	429901	Vicodin	Original Rx filled on 5/7/01. Refilled eight times.

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1 Pharmacy, SCVMCOP was guilty of unprofessional conduct within the meaning of Business and
2 Professions Code section 4301(d), for the clearly excessive furnishing of controlled substances,
3 as described in paragraph 22 hereinabove.

4 FOURTH CAUSE FOR DISCIPLINE

5 (Excessive Refills)

6 40. Complainant incorporates herein by this reference the preamble and each
7 of the allegations set forth in paragraphs 1 through 25, 29 and 30 hereinabove.

8 41. Health and Safety Code section 11200(a) provides that no person shall
9 dispense or refill a controlled substance prescription more than six months after the date thereof.
10 Health and Safety Code section 11200(b) provides, in pertinent part, that no prescription for a
11 Schedule III or IV controlled substance may be refilled more than five times.

12 42. The pharmacist license held by respondent BLEICH is subject to discipline
13 under business and Professions Code section 4113(b) and Board Regulation 1709.1, in that,
14 while acting as the pharmacist-in-charge for Sharp Chula Vista Medical Center Outpatient
15 Pharmacy, SCVMCOP was guilty of unprofessional conduct within the meaning of Business and
16 Professions code sections 4301(j) and 4301(o), through a violation of Health and Safety Code
17 sections 11200(a) and 11200(b), by refilling prescriptions more than six months after the filling
18 of the original prescription, and refilling prescriptions more than five times, as described in
19 paragraphs 22 and 23 hereinabove.

20 FIFTH CAUSE FOR DISCIPLINE

21 (Inaccurate Controlled Substance Logs)

22 43. Complainant incorporates herein by this reference the preamble and each
23 of the allegations set forth in paragraphs 1 through 25, 29 and 30 hereinabove.

24 44. Rules governing the issuance, filling and filing of prescriptions are set
25 forth in 21 Code of Federal Regulations at section 1306.01 et seq. Regarding the refilling of
26 prescriptions, 21 C.F.R. section 1306.22(b) provides that a pharmacy may use an automated data
27 processing system for the storage and retrieval of refill information for prescriptions relating to
28 Schedule III and IV controlled substances. Section 1306.22(b)(3) further provides as follows:

1 OWNERSHIP PROHIBITION

2 52. Business and Professions Code section 4307(a) provides, in pertinent part,
3 that any person whose license has been revoked or is under suspension shall be prohibited from
4 serving as a manager, administrator, owner, member, officer, director, associate or partner of a
5 licensee.

6 Pursuant to Business and Professions Code section 4307(a), in the event that the
7 license issued to respondent BLEICH is revoked or placed on suspension, respondent BLEICH
8 shall be prohibited from serving as a manager, administrator, owner, member, officer, director,
9 associate or partner of any licensee with rights issued by the Board.

10 COST RECOVERY

11 53. Business and Professions Code section 125.3 provides that, in any order
12 issued in resolution of a disciplinary proceeding before any board within the Department of
13 Consumer Affairs, the board may request the Administrative law Judge to direct a licentiate
14 found to have committed a violation or violations of the licensing act to pay a sum not to exceed
15 the reasonable costs of the investigation and enforcement of the case.

16 54. Under Business and Professions Code section 101(d), the California State
17 Board of Pharmacy was and is a board within the Department of Consumer Affairs of the State of
18 California. Pursuant to Business and Professions Code section 125.3, the Board hereby requests
19 the Administrative Law Judge who issues a Proposed Decision in this matter to include an Order
20 which provides for the recovery by the Board of the costs of investigation and enforcement of
21 this case against respondent BLEICH, according to proof.

22 WHEREFORE, Complainant prays that a hearing be had and that the Board of
23 Pharmacy make its Order:

24 1. Revoking or suspending Pharmacist License Number RPH 28797 issued to
25 respondent IDA BLEICH.

26 2. Prohibiting respondent IDA BLEICH from serving as a manager,
27 administrator, owner, member, officer, director, associate, or partner of a licensee, pursuant to
28 the provisions of Business and Professions Code section 4307(a).

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3. Directing respondent IDA BLEICH to pay the California State Board of Pharmacy the reasonable costs of the investigation and prosecution of this matter pursuant to Business and Professions Code section 125.3, according to proof.

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

DATED: 8/20/03



PATRICIA F. HARRIS
Executive Officer
California State Board of Pharmacy
Department of consumer Affairs

Attorneys for Complainant