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

In the Matter of the Petition for Reinstatement of: HELEN KUEDITUKA IKE 1331 W. Flora Street Ontario, CA 91762 Petitioner.	OAH No. L2002070567

DECISION

On July 25, 2002, in San Diego, California, a quorum of the California State Board of Pharmacy ("the Board), comprised of Steve Litsey, Stanley Goldenberg, Caleb Zia, Clarence Hiura, John D. Jones, Donald Gubbins, Jr., and John Tilley, with Alan S. Meth, Administrative Law Judge, Office of Administrative Hearings, State of California, presiding, heard this matter.

Ronald Casino, Deputy Attorney General, represented the Attorney General.

Ronald Marks, Attorney at Law, represented petitioner.

The matter was submitted on July 25, 2002.

FACTUAL FINDINGS

1. On December 21, 1977, the Board issued license number RPH 31704 to petitioner. On September 16, 1988, the Board issued Permit No. RPH 31704 to petitioner as a sole proprietor doing business as Randall's Pharmacy at 11161 Crenshaw Blvd., Inglewood, CA. Petitioner served as pharmacist-in-charge.

2. On April 3, 1991, the Board's Executive Officer filed an accusation against petitioner alleging cause for disciplinary action in that petitioner engaged in acts involving moral turpitude, dishonesty, fraud, deceit or corruption during her conduct as a licensee. A

first supplemental accusation alleged she had been convicted of a crime substantially related to the qualifications, functions and duties of a licensed pharmacist.

3. Following a hearing on the merits, the Board revoked petitioner's license effective March 3, 1993. The Board found petitioner had been convicted of felony violations of former Insurance Code section 556(a) (presenting a false and fraudulent insurance claim) and Penal Code section 487(1) (grand theft), crimes involving moral turpitude which are substantially related to the qualifications, functions, and duties of a licensed pharmacist. The Board also found petitioner had engaged in conduct involving moral turpitude, dishonesty, or fraud while acting as a licensed pharmacist and pharmacy owner.

The Board found petitioner submitted about 31 false claims to Blue Cross of California, a health insurance carrier, for reimbursement of the purchase costs of infertility drugs. In fact, a physician had not prescribed such medications to petitioner. She paid neither the pharmacy charges nor the purchase costs claimed for the medications. Petitioner used her pharmacy license to obtain, dispense and administer the medications to herself without prescriptions from any physician and without paying for them as a patient. As a result, petitioner wilfully and unlawfully took $25,793 from Blue Cross.

4. The court suspended imposition of sentence and placed petitioner on probation for three years. She was ordered to make restitution of $25,793 to Blue Cross.

5. Petitioner began making periodic monthly restitution payments to the Probation Department in the amount of $150. On February 28, 1992, she was permitted to make such payments directly to Blue Cross. The court reduced her convictions to misdemeanors under Penal Code section 17 and converted her probation to summary probation. On June 4, 1993, the court modified her probation by ordering that restitution be paid "pursuant to civil judgment."

When paying Blue Cross directly, petitioner would simply send a check or money order for $150 with no explanation. She often received the check or money order back. In some cases, Blue Cross kept an unspecified amount. She made no further attempts to pay Blue Cross after June 3, 1993 and has not paid the full amount ordered by the Court.

6. Petitioner signed her Petition for Reinstatement on January 22, 2002 and submitted it to the Board. This is her fourth such petition. Her first petition was denied by the Board after a hearing, effective July 3, 1996. The Board was concerned that petitioner did not provide corroborative documentary evidence of the amount of restitution actually paid to Blue Cross, or any evidence that the restitution obligation had been deemed discharged.

Petitioner's second petition was dated June 26, 1997 but was refiled on June 23, 1998 because of inaccurate answers to certain questions. That petition resulted in a hearing before the Board on July 29, 1998. The Board denied the petition, primarily on the grounds respondent had not been able to show how much money Blue Cross had retained from all the

checks and money orders she had sent, and therefore respondent had not been able to establish she had paid restitution. The Board was also concerned that respondent had been unable to clearly account for the continuing education credits.

7. Between March 19, 2001 and April 4, 2001, respondent took 61.25 hours of continuing education classes.

8. Over the years, George Hightower, Attorney at Law, had represented petitioner and had attempted to work with the legal department of Blue Cross regarding respondent's restitution obligation. He had not been successful in achieving a method for her to pay her obligation.

In 2002, petitioner hired Mr. Marks to assist her in dealing with Blue Cross. Mr. Marks and petitioner met with Rina Pakula, an attorney in Blue Cross' legal department on February 13, 2002 in order to work out a plan for petitioner to make restitution payments. They agreed petitioner had a balance of $24,000.00 and she would pay a minimum of $150.00 a month until the amount was paid in full. Petitioner paid Blue Cross $75.00 by check at the time of the meeting. They further agreed that breach of this contract would give rise to a cause of action which could be pursued in civil court.

Thereafter, petitioner began making payments of $150.00 per month to Blue Cross. The first check was mailed through Mr. Marks' office.

9. Petitioner has worked for Harvard Healthcare Medical Associates, Inc. since March 1, 1999 as a billing and accounts receivable manager. She later assumed the duties of a project director of the Pizarro Treatment Center. She oversees all operations of the clinic.

LEGAL CONCLUSIONS

1. Cause to reinstate petitioner's pharmacy license was established by reason of Findings 7, 8 and 9.

2. Respondent has not practiced as a pharmacist since March 1993. In order to ensure that respondent has the requisite knowledge and skill to practice pharmacy safely, before the license will be reinstated, respondent must first take and pass the full board examination.

ORDER

The petition of petitioner Helen Kuedituka Ike for reinstatement of her revoked pharmacy license is hereby granted after she has taken and passed the full board examination. Upon her passing of the full board examination and issuance of her pharmacy license, petitioner's license shall be revoked, the revocation shall be stayed, and petitioner

will be placed on probation for a period of two (2) years on the following terms and conditions:

1. Petitioner shall obey all federal and state laws and regulations substantially related or governing the practice of pharmacy.

Petitioner shall report any of the following occurrences to the board, in writing, within 72 hours of such occurrence:

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

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

c. a conviction of any crime; and

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

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

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

4. Petitioner shall cooperate with the Board's inspectional program and in the Board's monitoring and investigation of petitioner's compliance with the terms and conditions of her probation. Failure to cooperate shall be considered a violation of probation.

5. Petitioner shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

6. Petitioner shall notify all present and prospective employers of the decision in case No. 1546 (the original case revoking her license in 1993) and OAH No.

L2002070567 (the present case) and the terms, conditions and restrictions imposed on petitioner by the decisions. Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of petitioner undertaking new employment, petitioner shall cause her direct supervisor, pharmacist-in-charge and/or owner to report to the Board in writing acknowledging he or she has read the decisions in the two cases.

If petitioner works for or is employed by or through a pharmacy employment service, petitioner must notify the direct supervisor, pharmacist-in-charge and/or owner at every pharmacy of the terms and condition of the two decisions in advance of petitioner commencing work at the pharmacy.

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

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

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

9. Petitioner shall, at all times while on probation, maintain an active current license with the Board, including any period during which suspension or probation is tolled.

If petitioner's license expires by operation of law or otherwise, upon renewal or reapplication, petitioner's license shall be subject to all terms of this probation not previously satisfied.

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

Upon acceptance of the surrender, petitioner shall relinquish her pocket license to the board within 10 days of notification that the surrender is accepted. Petitioner may not reapply for any license from the board for three years from the effective date of the surrender. Petitioner shall meet all requirements applicable to the license

sought as of the date the application for that license is submitted to the board.

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

12. Should petitioner, regardless of residency, for any reason cease practicing pharmacy for a minimum of 40 hours per calendar month in California, petitioner must notify the board in writing within 10 days of cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to the reduction of the probation period. It is a violation of probation for petitioner's probation to remain tolled pursuant to the provisions of this condition for a period exceeding three years.

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

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

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

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

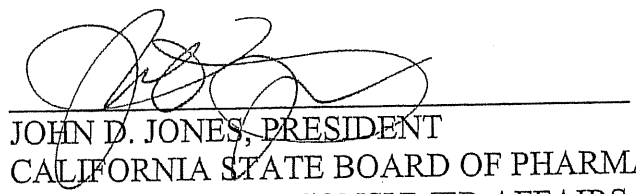
15. Petitioner shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the Board. Petitioner shall sell or transfer any legal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

16. Petitioner shall continue to make restitution payments to Blue Cross pursuant to the agreement previously reached between petitioner and Blue Cross, or pursuant to any future agreement between Blue Cross and petitioner. Petitioner shall make payments to Blue Cross by cashier's check and mail them by certified mail. Petitioner shall provide documentary proof to the board of payments made each month.

This decision shall become effective on the twentieth

of September, 2002.

IT IS SO ORDERED this 20th day of August, 2002.



JOHN D. JONES, PRESIDENT
CALIFORNIA STATE BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

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

In the Matter of the Accusation and First Supplemental Accusation Against: HELENE KUEDITUKA IKE 5405 South Chariton Avenue Los Angeles, CA 90056 Pharmacist Licentiate No. RPH-31704, and RANDALL'S PHARMACY 11161 South Crenshaw Boulevard Inglewood, CA 90303 Helene Kuedituka Ike, Sole Owner Pharmacy Permit No. PHY-35078, Respondents.	NO. 1546 L-56381

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 March 3, 1993.

IT IS SO ORDERED February 1, 1993.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By Stephen E. Dibble

STEPHEN E. DIBBLE
PRESIDENT

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

In the Matter of the Accusation and First Supplemental Accusation against: HELENE KUEDITUKA IKE 5405 South Chariton Avenue Los Angeles, CA 90056 Pharmacist Licentiate No. RPH-31704, and RANDALL'S PHARMACY 11161 South Crenshaw Boulevard Inglewood, CA 90303 Helene Kuedituka Ike, Sole Owner Pharmacy Permit No. PHY-35078, Respondents.	No. 1546 L-56381

PROPOSED DECISION

This matter was heard by Vincent Nafarrete, Administrative Law Judge of the Office of Administrative Hearings, at Los Angeles, California, on November 19, 1992. Complainant was represented by W. Lloyd Paris, Deputy Attorney General. Respondents Helene Kuedituka Ike and Randall's Pharmacy were represented by Darryl Alexander and Edmund Ike, Attorney at Law. Respondent Helene Kuedituka Ike was present throughout the hearing.

At the conclusion of the hearing, complainant's motion to amend the First Supplemental Accusation by interlineation to correct a typographical error was granted as follows: on page 1, line 27, paragraph 2, the number "8" was inserted as an additional paragraph.

Oral, documentary, and stipulated evidence having been received and the matter submitted for decision, the Administrative Law Judge finds as follows:

FINDINGS OF FACT

1. The Administrative Law Judge takes official notice that the Accusation and First Supplemental Accusation were made and filed on April 3, 1991, and December 2, 1991, respectively, by Patricia F. Harris solely in her official capacity as

Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State of California (hereafter Board).

2. (A) On December 21, 1977, the Board issued pharmacist licentiate or certificate of licensure no. RPH 31704 to Helene Kuedituka Ike (hereafter respondent Ike) to practice pharmacy in California. Said license expires on February 28, 1994, and is in full force and effect.

(B) On January 12, 1988, the Board issued permit no. PHY 34578 to respondent Ike as sole proprietor to do business as People's Pharmacy at 110 South La Brea Avenue, Inglewood, California. Respondent Ike was the pharmacist-in-charge of People's Pharmacy from January 12, 1988, until October 12, 1988, when a discontinuance of business form was filed with the Board.

(C) For an undetermined period of time prior to January 12, 1988, respondent Ike was the owner and pharmacist-in-charge of People's Pharmacy when it was located at 415 West Manchester Boulevard, No. 101, Inglewood, California, pursuant to a pharmacy permit issued by the Board.

(D) On September 16, 1988, the Board issued permit no. PHY 35078 to respondent Ike as sole proprietor to do business as Randall's Pharmacy at 11161 Crenshaw Boulevard, Inglewood, California. Since said date, respondent Ike is and has been the pharmacist-in-charge of Randall's Pharmacy. Said permit is in full force and effect until September 1, 1993.

3. On September 14, 1988, when the Board was conducting its investigation in this matter, respondent Ike entered into a written stipulation with the Board wherein she agreed that, in exchange for Board's issuance of said pharmacy permit for Randall's Pharmacy set forth in Finding 2(D) above, disciplinary charges arising from her activities or ownership and operation of People's Pharmacy could be filed and pursued against said pharmacy permit for Randall's Pharmacy.

4. (A) On August 13, 1991, before the Superior Court of the State of California, County of Los Angeles, in People v. Ike, case no. LA001221, respondent Ike was convicted on her plea of nolo contendere of violating former Insurance Code Section 556(a) (presenting a false and fraudulent insurance claim) and Penal Code Section 487(1) (grand theft of personal property), both felonies and crimes involving moral turpitude.

(B) As a result of the conviction, imposition of sentence was suspended and respondent Ike was placed on felony probation for three (3) years on condition, in part, that she pay restitution in the sum of $25,793 to Blue Cross of California, a health insurance carrier or company (hereafter Blue Cross).

(C) Said offenses of insurance fraud and grand theft are crimes substantially related to the qualifications, functions, or duties of a licensed pharmacist.

5. The facts and circumstances of respondent's offenses are as follows:

a. Beginning in or about October 1983, respondent Ike became a patient and began receiving treatment from Donald N. Adler, M.D. (hereafter Dr. Adler), for infertility. In or before August 1985, Dr. Adler prescribed the medications clomid and pergonal for respondent Ike in order to stimulate ovulation and facilitate conception. After August 1985, Dr. Adler did not prescribe clomid or pergonal for respondent Ike on any date. In fact, respondent Ike stopped coming to see and was not treated by Dr. Adler after August 1985.

b. Beginning on or about November 17, 1985, and continuing until on or about March 28, 1988, respondent Ike submitted approximately 31 claims to Blue Cross for the payment or reimbursement of the purchase costs of the prescription medications clomid and pergonal. Respondent Ike filed said claims as a beneficiary patient under her husband Edmund Ike's health insurance plan with Blue Cross. Said claims were false and fraudulent in that respondent Ike had not been prescribed said medications by a physician or paid the pharmacy charges or purchase costs claimed for said medications.

c. Respondent Ike was licensed as a pharmacist and permitted as a pharmacy owner at the times of her offenses and therefore had access to said medications. She used said license and permit to obtain, dispense, and administer said medications to herself without prescriptions from any physician and without paying for them as a patient.

d. As a result of respondent Ike's submittal of said false and fraudulent claims, Blue Cross issued repayment or reimbursement checks to her husband as the health plan subscriber. Said checks were largely endorsed by respondent Ike's husband or People's Pharmacy. Respondent Ike therefore willfully and unlawfully took $25,793 in money from Blue Cross.

6. Based on the facts and circumstances of her offenses, as set forth in Finding 5 above, respondent committed acts involving moral turpitude, dishonesty, or fraud, which were in the course of relations as a licensed pharmacist and pharmacy permittee.

7. (A) Respondent admits that she stopped seeing Dr. Adler in August 1985 but nevertheless claims that she had received prescriptions, including telephonic refills, for said medications clomid and pergonal from Dr. Adler or his medical

office for two years thereafter. Respondent Ike also claims that she was under the treatment and care of other physicians who prescribed said medications for her infertility problem. Respondent Ike's claims are not credible.

(B) Respondent further claims that she purchased said medications clomid and pergonal from other pharmacies in the regular course of her pharmacy business. She asserts that she has invoices and other records showing the proper acquisition and dispensation of said medications. Respondent's claims were not established by competent evidence but would not necessarily constitute mitigative or extenuating factors in the circumstances of this matter.

8. Respondent is not remorseful about her offenses. She believes that she did nothing wrong in taking said medications and then filing the claims with Blue Cross. She states she was only trying to conceive and have a child. Respondent adds that she did not submit claims to Blue Cross in earlier years even though she was eligible to receive reimbursement. Respondent states that everyone who testified against her did not tell the truth.

9. In 1985, respondent had wanted to conceive and have a child for some time. She began receiving medical treatment for infertility in 1980. Between 1980 and 1985, she saw several physicians, had three surgical operations, and spent over $40,000 in treating her infertility problem. Respondent began acquiring and taking said medications clomid and pergonal without written prescriptions from a physician in order to reduce her costs of medical treatment. She submitted the false and fraudulent claims to recoup her medical and pharmacy expenses.

10. (A) Respondent is currently making restitution payments of $150 per month. It was not established how much respondent Ike has paid of the court-ordered restitution of $25,793 to Blue Cross.

(B) On February 28, 1992, the Superior Court ordered that respondent Ike may begin making restitution payments directly to Blue Cross and that her offenses be deemed misdemeanors.

11. Respondent has been a licensed pharmacist for 15 years. She owned and operated People's Pharmacy for an undetermined period of time when it was located in North Hollywood before moving to the sites in Inglewood as described in Findings 2(B) and 2(C) above. Respondent has no prior disciplinary history in connection with said license or any pharmacy permit. She has been cooperative with the Board.

12. Respondent is 41 years old and has been married for 12 years. She and her husband adopted a child in November 1985.

* * * * * * *

Pursuant to foregoing findings of fact, the Administrative Law Judge makes the following determination of issues:

CONCLUSIONS OF LAW

1. Grounds exist to revoke or suspend respondent Ike's pharmacist's license and pharmacy permit pursuant to Business and Professions Code Sections 490 and 4354 in conjunction with Sections 4350, 4350.5, and 4359, for unprofessional conduct in that respondent Ike has been convicted of a crimes involving moral turpitude, which are substantially related to the qualifications, functions, or duties of a licensed pharmacist, as set forth in Findings 4, 5, and 9 above.

2. It was not established that respondent Ike is rehabilitated from her conviction, based on Findings 4(A), 7, 8, 9(A), and 10 above. Respondent Ike was convicted of serious offenses. Her conviction is still recent in time. She remains on criminal probation and has not made full restitution. Respondent Ike does not acknowledge the seriousness of her crimes or admit her offenses. Said respondent demonstrates no remorse.

3. Grounds also exist to revoke or suspend respondent Ike's pharmacist's license and pharmacy permit pursuant to Business and Professions Code Section 4350.5(c) in conjunction with Sections 4350 and 4359, for unprofessional conduct in that respondent Ike committed acts involving moral turpitude, dishonesty, or fraud, which were in the course of relations as a licensed pharmacist and permitted pharmacy owner, as set forth in Finding 6 above.

4. Grounds also exist to prohibit respondent Ike from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee, permittee, or registrant of the Board pursuant to Business and Professions Code Section 4367, in that respondent Ike has had a license or permit revoked or suspended, based on Conclusions of Law nos. 1 and 3 above.

* * * * * * *

WHEREFORE, THE FOLLOWING ORDER is hereby made:

ORDER

1. Certificate of Licensure no. RPH-31704 and certificate rights to practice pharmacy previously issued to respondent Helene Kuedituka Ike, 5405 South Chariton Avenue, Los Angeles, California, are revoked, based on Conclusions of Law nos. 1 and 2 and Conclusions of Law no. 3, separately and together.

2. Pharmacy permit no. PHY-35078 and permitting rights previously issued to respondent Helene Kuedituka Ike as sole owner or proprietor to do business as Randall's Pharmacy, 11161 South Crenshaw Boulevard, Inglewood, California, are revoked, based on Conclusions of Law nos. 1 and 2 and Conclusions of Law no. 3, separately and together.

3. Respondent Helene Kuedituka Ike shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee, permittee, or registrant of the Board until such time that her pharmacist certificate no. RPH-31704 or pharmacy permit no. PHY-35078 is issued or reinstated by the Board, based on Conclusions of Law no. 4.

DATED: Dec 21, 1992

VINCENT NAFARRETE
Administrative Law Judge
Office of Administrative Hearings

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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: HELENE KUEDITUKA IKE 5405 S. Chariton Ave. Los Angeles, California 90056 Pharmacist Licentiate No. RPH 31704 RANDALL'S PHARMACY 11161 S. Crenshaw Blvd. Inglewood, California 90303 Helene Kuedituka Ike, Sole Owner Pharmacy Permit No. PHY 35078 Respondents.	CASE NO. 1546 FIRST SUPPLEMENTAL ACCUSATION

Complainant, Patricia F. Harris, for further causes for discipline alleges:

1. She is the Executive Officer of the Board of Pharmacy of the Department of Consumer Affairs of the State of California (hereinafter referred to as the "board"), and makes and files this first supplemental accusation solely in her official capacity.

2. The allegations of paragraphs 2, 3, 4, 5, 6, 7, 9,

and 10 of the accusation heretofore filed are realleged as if fully set forth.

3. Pursuant to Business and Professions Code section 490 the Board of Pharmacy may suspend or revoke a license when it finds that the licensee has been convicted of a crime substantially related to the qualifications, functions or duties of a licensed pharmacist.

4. Pursuant to Business and Professions Code section 4354 the conviction of a crime substantially related to the qualifications, functions and duties of a licensed pharmacist constitutes unprofessional conduct.

5. Respondent Ike has further subjected her license to disciple under Business and Professions Code sections 490, 4350, 4350.5, 4354 and 4359, for unprofessional conduct with the scope of Business and Professions Code sections 4350.5 and 4354, by reason of the following facts:

A. On August 13, 1991, respondent Ike was convicted by the court following a plea of nolo contendere of violating Insurance Code section 556(a), presenting a false and fraudulent insurance claim, in the Superior Court of California, County of Los Angeles, case number LA001221, entitled <u>People of the State of California v. Helen K. Ike, aka Helen Ike, aka Helene Kimanimoka Kuedituka</u>.

B. On August 13, 1991, respondent Ike was convicted by the court following a plea of nolo contendere of violating Penal Code section 487(1),

grand theft of personal property, in the Superior Court of California, County of Los Angeles, case number LA001221, entitled People of the State of California v. Helen K. Ike, aka Helen Ike, aka Helene Kimanimoka Kuedituka.

WHEREFORE, complainant prays a hearing he had and that the Board of Pharmacy make its order:

1. Revoking or suspending Pharmacist Licentiate Number RPH 31704 issued to Helene Kuedituka Ike.

2. Revoking or suspending Pharmacy Permit Number PHY 35078 issued to Helene Kuedituka Ike, as sole owner doing business as Randall's Pharmacy.

3. Prohibiting Helene Kuedituka Ike from serving as an officer, director, associate, or partner of any licensee, permittee or registrant for a period of five (5) years until the license or permit is reissued or reinstated.

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

DATED: 12/2/91

P. F. Harris

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

Complainant

03583110-LA90AD1171

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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: HELENE KUEDITUKA IKE 5405 S. Chariton Los Angeles, California 90056 Pharmacist Licentiate No. RPH 31704 RANDALL'S PHARMACY 11161 So. Crenshaw Blvd. Inglewood, California 90303 Helene Kuedituka Ike, Sole Owner Pharmacy Permit No. PHY 35078 Respondents.	CASE NO. 1546 ACCUSATION

Complainant, Patricia F. Harris, for causes for discipline alleges:

1. She is the Executive Officer of the Board of Pharmacy of the Department of Consumer Affairs of the State of California (hereinafter referred to as the "board"), and makes and files this accusation solely in her official capacity.

2. On December 21, 1977, the board issued Pharmacist Licentiate Number RPH 31704 to Helene Kuedituka Ike (hereinafter referred to as "Ike") to practice pharmacy. At all times

mentioned herein, the license was in full force and effect, and is in full force and effect until February 29, 1992.

3. On September 16, 1988, the board issued Pharmacy Permit Number PHY 35078 to Helene Kuedituka Ike, Pharmacist Licentiate Number RPH 31704, as sole owner to do business as Randall's Pharmacy (hereinafter referred to as "Randall's"), 11161 So. Crenshaw Boulevard, Inglewood, California 90303. At all times mentioned herein, the permit was in full force and effect, and is in full force and effect until September 1, 1991. Ike was the pharmacist-in-charge of Randall's from September 16, 1988 to the present.

4. Business and Professions Code section 4350 provides that every certificate, license, permit, registration or exemption issued by the board may be suspended or revoked.

5. Business and Professions Code section 4359 provides that the board may discipline a license holder who has been found guilty by the board by placing her on probation, suspending her right to practice for a period not exceeding one year, revoking her license, or taking other action as the board in its discretion deems proper.

6. Business and Professions code section 4350.5 provides that the board shall take action against any holder of a license or permit who is guilty of unprofessional conduct.

7. Business and Professions Code section 4350.5(c) provides that unprofessional conduct is 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.

8. Respondents Ike and Randall's are subject to disciplinary action under Business and Professions Code sections 4350, 4350.5 and 4359, for unprofessional conduct within the scope of Business and Professions Code section 4350.5(c), by reason of the following facts:

A. During the period of November 7, 1985 to March 28, 1988 Ike submitted numerous false or fraudulent insurance claims for the payment of a loss under a contract of insurance with Blue Cross of California in violation of Insurance Code sections 556 (repealed 1989) and 1871.1.

B. During the period of November 7, 1985 to March 28, 1988 Ike did wilfully and unlawfully take money and personal property of a value exceeding Four Hundred Dollars ($400.00) belonging to Blue Cross of California in violation of Penal Code section 487.

9. Business and Professions Code section 4367 provides, in pertinent part, that any person whose license or permit has been revoked or placed under suspension, shall be prohibited from serving as an officer, director, associate, or partner of a licensee, permittee or registrant.

10. Pursuant to the provisions of Business and Professions Code section 4367, in the event the licentiate issued to Ike is revoked or placed on suspension, Ike shall be

prohibited from serving as an officer, director, associate or partner of any licensee, permittee or registrant.

WHEREFORE, complainant prays a hearing be had and that the Board of Pharmacy make its order:

1. Revoking or suspending Pharmacist Licentiate Number RPH 31704 issued to Helene Kuedituka Ike.

2. Revoking or suspending Pharmacy Permit Number PHY 35078 issued to Helene Kuedituka Ike, as sole owner doing business as Randall's Pharmacy.

3. Prohibiting Helene Kuedituka Ike from serving as an officer, director, associate, or partner of any licensee, permittee or registrant for a period of five (5) years until the license or permit is reissued or reinstated.

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

DATED: 4/3/91

P. F. Harris

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

Complainant

03583110-LA90AD1171