

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS  
Deputy Attorney General  
4 State Bar No. 157464  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2578  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation Against:

11 **CITY OF ANGELS MEDICAL CENTER**  
12 **PHARMACY**  
1711 W. Temple Street  
13 Los Angeles, CA 90026  
Hospital Pharmacy Permit No. HSP 43766

14 and

15 **TERENCE W. P. LOK**  
16 2172 Bennington Court  
Thousand Oaks, CA 91360  
17 Pharmacist License No. RPH 48193

18 Respondents.  
19

Case No. 3139

OAH No. L-2009030940

**DEFAULT DECISION AND ORDER**

[Gov. Code, §11520]

20 **FINDINGS OF FACT**

21 1. On or about November 17, 2008, Complainant Virginia Herold, in her official  
22 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs,  
23 filed Accusation No. 3139 against City of Angels Medical Center Pharmacy (Respondent  
24 Pharmacy) and Terence W. P. Lok (Respondent Lok) before the Board of Pharmacy. This default  
25 does not pertain to Respondent Lok.

26 2. On or about January 20, 1999, the Board of Pharmacy (Board) issued Hospital  
27 Pharmacy Permit No. HSP 43766 to Respondent City of Angels Medical Center Pharmacy. The  
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1 Hospital Pharmacy Permit was in full force and effect at all times relevant to the charges brought  
2 herein, but was canceled on December 12, 2008.

3 3. On or about November 18, 2008, Teresa Sutton, an employee of the Department of  
4 Justice, served by Certified and First Class Mail a copy of the Accusation No. 3139, Statement to  
5 Respondent, Notice of Defense, Request for Discovery, and Government Code sections 11507.5,  
6 11507.6, and 11507.7 to Respondent Pharmacy's address of record with the Board, which was and  
7 is:

8 1711 W. Temple Street  
9 Los Angeles, CA 90026

10 4. Service of the Accusation was effective as a matter of law under the provisions of  
11 Government Code section 11505, subdivision (c).

12 On or about November 2, 2008, the U.S. Postal Service certified return receipt (green) card  
13 was returned via mail to the Office of the Attorney General. The first class mailing was not  
14 returned.

15 5. Government Code section 11506 states, in pertinent part:

16 (c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
17 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
18 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of respondent's  
19 right to a hearing, but the agency in its discretion may nevertheless grant a hearing.

20 6. Respondent failed to file a Notice of Defense within 15 days after service upon them  
21 of the Accusation, and therefore waived their right to a hearing on the merits of Accusation No.  
22 3139.

23 7. California Government Code section 11520 states, in pertinent part:

24 (a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
25 agency may take action based upon the respondent's express admissions or upon other evidence  
26 and affidavits may be used as evidence without any notice to respondent.



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vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on December 7, 2009.

It is so ORDERED January 6, 2010.

*Kenneth H. Schell*  
\_\_\_\_\_  
KENNETH H. SCHELL, BOARD PRESIDENT  
FOR THE BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS

DOJ docket number: LA2008600141

Attachment: Exhibit A: Accusation No.3139

Exhibit A

Accusation No. 3139

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE TULLENERS, State Bar No. 157464  
Deputy Attorney General  
4 300 So. Spring Street, Suite 1702  
Los Angeles, CA 90013  
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7 Attorneys for Complainant

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9 **BOARD OF PHARMACY**  
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11 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3139

12 **CITY OF ANGELS MEDICAL CENTER**  
13 **PHARMACY**

13 1711 W. Temple Street  
14 Los Angeles, CA 90026  
Hospital Pharmacy Permit No. HSP 43766

15 and

16 **TERENCE W.P. LOK**  
17 2172 Bennington Court  
18 Thousand Oaks, CA 91360  
Pharmacist License No. RPH 48193

19 Respondents.

**ACCUSATION**

20  
21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold (Complainant) brings this Accusation solely in her official  
24 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
25 2. On or about January 20, 1999, the Board of Pharmacy (Board) issued  
26 Hospital Pharmacy Permit Number HSP 43766 to Respondent City of Angels Medical Center  
27 Pharmacy ("Respondent Pharmacy"). The Hospital Pharmacy Permit was in full force and effect  
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1 at all times relevant to the charges brought herein, and will expire on January 1, 2009, unless renewed

2 3. On or about August 14, 1995, the Board of Pharmacy issued Pharmacist  
3 License Number RPH 48193 to Respondent Terence W.P. Lok ("Respondent Lok"). His  
4 Pharmacist License was in full force and effect at all times relevant to the charges brought herein,  
5 and will expire on July 31, 2009, unless renewed.

6 4. Respondent Terence W.P. Lok and Respondent City of Angels Medical  
7 Center Pharmacy will be referred to collectively as Respondents.

### 8 JURISDICTION

9 5. This Accusation is brought before the Board under the authority of the  
10 following laws. All section references are to the Business and Professions Code ("Code") unless  
11 otherwise indicated.

### 12 STATUTORY PROVISIONS

13 6. Code section 118, subdivision (b) provides that the suspension, expiration,  
14 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with  
15 a disciplinary action during the period within which the license may be renewed, restored,  
16 reissued or reinstated.

17 7. Section 4022 of the Code states:

18 "Dangerous drug" or "dangerous device" means any drug or device unsafe  
19 for self-use in humans or animals, and includes the following:

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

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

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

25 8. Section 4059.5 of the Code, subdivision (a) states:

26 Except as otherwise provided in this chapter, dangerous drugs or  
27 dangerous devices may only be ordered by an entity licensed by the board and  
shall be delivered to the licensed premises and signed for and received by a  
28 pharmacist. Where a licensee is permitted to operate through a designated  
representative, the designated representative may sign for and receive the delivery.

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9. Section 4081 of the Code states:

(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every . . . pharmacy, . . . or establishment holding a currently valid and unrevoked . . . license. . . [or] permit . . . who maintains a stock of dangerous drugs or dangerous devices.

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

10. Section 4113 of the Code, subdivision (b) states:

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

11. Section 4127.1 of the Code, subdivision (a) states:

A pharmacy shall not compound injectable sterile drug products in this state unless the pharmacy has obtained a license from the board pursuant to this section. . . .

12. Section 4300 of the Code provides that every license may be disciplined by the Board.

13. Section 4301 of the Code states:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . . Unprofessional conduct shall include, but is not limited to, any of the following:

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

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

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 *(Permitting Non-Pharmacists to Sign for Controlled Substances)*

3 22. Respondent Pharmacy is subject to disciplinary action under Code sections  
4 4059.5, subdivision (a), and 4301, subdivision (o), in that Respondent Pharmacy permitted non-  
5 pharmacists to sign for controlled substances, as set forth above in paragraphs 18-21.  
6 Complainant refers to and incorporates all the allegations set forth in paragraphs 18-21, as though  
7 set forth fully.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 *(Unlicensed Sterile Compounding)*

10 23. Respondent Pharmacy is subject to disciplinary action under Code sections  
11 4127.1, and 4301, subdivision (o), in that the unlicensed sterile compounding of drugs occurred  
12 on the premises of Respondent Pharmacy, as set forth above in paragraph 21. Complainant now  
13 refers to and incorporates all of the allegations in paragraph 21, as though set forth fully.

14 **SIXTH CAUSE FOR DISCIPLINE**

15 *(Failure to Maintain Adequate Records Regarding the*  
16 *Acquisition and Disposition of Dangerous Drugs)*

17 24. Respondent Pharmacy is subject to disciplinary action under Code section  
18 4081, subdivision (b), section 4301, subdivision (o), and California Code of Regulations, title 16,  
19 section 1718, for failing to maintain adequate records regarding the acquisition and disposition of  
20 dangerous drugs, as set forth above in paragraph 20. Complainant refers to and incorporates all  
21 of the allegations of paragraph 20, as though set forth fully.

22 **PRAYER**

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

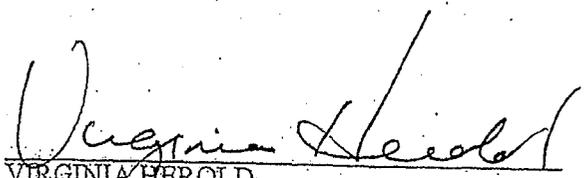
- 25 1. Revoking or suspending Hospital Pharmacy Permit Number HSP 43766,  
26 issued to Respondent Pharmacy;
- 27 2. Revoking or suspending Pharmacist License Number RPH 48193, issued  
28 to Respondent Lok;

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3. Ordering Respondents to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and

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

DATED: 11/17/08



VIRGINIA HEROLD  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant