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

In the Matter of the Accusation Against: **TERENCE W P LOK** 2172 Bennington Ct Thousand Oaks, CA 91360 Pharmacist License No. RPH 48193 Respondent.	Case No. 3139 OAH No. L-2009030940

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 January 6, 2010.

It is so ORDERED on December 7, 2009.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By Kenneth H. Schell

KENNETH H. SCHELL
Board President

EDMUND G. BROWN JR.
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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **CITY OF ANGELS MEDICAL CENTER PHARMACY** 1711 W. Temple Street Los Angeles, CA 90026 Hospital Pharmacy Permit No. HSP 43766 and **TERENCE W. P. LOK** 2172 Bennington Court Thousand Oaks, CA 91360 Pharmacist License No. RPH 48193 Respondents.	Case No. 3139 OAH No. L-2009030940 **STIPULATED SETTLEMENT AND DISCIPLINARY ORDER**

In the interest of a prompt and speedy settlement of this matter, consistent with the public interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be submitted to the Board for approval and adoption as the final disposition of the Accusation solely with respect to Terence W. P. Lok. It does not apply to City of Angels Medical Center Pharmacy.

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PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy. She brought this action solely in her official capacity and is represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California, by Desiree Tulleners, Deputy Attorney General.

2. Respondent Terence W. P. Lok is represented in this proceeding by attorney Benjamin Margolis, whose address is 1387 Monument Street, Pacific Palisades, CA 90272-2544.

3. On or about August 14, 1995, the Board of Pharmacy issued Pharmacist License No. RPH 48193 to Terence W. P. Lok (Respondent). The Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 3139, and will expire on July 31, 2011, unless renewed.

JURISDICTION

4. Accusation No. 3139 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondent Lok. The Accusation and all other statutorily required documents were properly served on Respondent on December 1, 2008. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 3139 is attached as Exhibit A, and incorporated herein by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 3139. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and

court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

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

CULPABILITY

8. Respondent admits the truth of each and every charge and allegation in Accusation No. 3139, except the Third Cause for Discipline and the allegations contained therein.

9. Respondent agrees that his Pharmacist License is subject to discipline, and he agrees to be bound by the Board of Pharmacy (Board)'s imposition of discipline as set forth in the Disciplinary Order below.

CONTINGENCY

10. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and settlement, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands and agrees that he may not withdraw its agreement or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall not be disqualified from further action by having considered this matter.

11. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

12. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

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DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 48193 issued to Respondent Terence W. P. Lok (Respondent) is revoked. However, the revocation is stayed, and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws**

Respondent shall obey all state and federal laws and regulations.

Respondent shall report any of the following occurrences to the board, in writing, within seventy-two (72) hours of such occurrence:

- 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
- a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.

Failure to timely report such occurrence shall be considered a violation of probation.

2. **Report to the Board**

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other requirements, respondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, if the final probation report is not made as directed, probation shall be automatically extended until such time as the final report is made and accepted by the board.

3. **Interview with the Board**

Upon receipt of reasonable prior notice, respondent shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

4. **Cooperate with Board Staff**

Respondent shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of their probation. Failure to cooperate shall be considered a violation of probation.

5. **Continuing Education**

Respondent shall provide evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the board or its designee.

6. **Notice to Employers**

During the period of probation, respondent shall notify all present and prospective employers of the decision in case number 3139 and the terms, conditions and restrictions imposed on respondent by the decision, as follows:

Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment, respondent shall cause their direct supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's tenure of employment) and owner to report to the board in writing acknowledging that the listed individual(s) has/have read the decision in case number 3139, and terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that their employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify their direct supervisor, pharmacist-in-charge, and owner at every entity licensed by the board of the terms and conditions of the decision in case number 3139 in advance

of the respondent commencing work at each licensed entity. A record of this notification must be provided to the board upon request.

Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen (15) days of respondent undertaking any new employment by or through a pharmacy employment service, respondent shall cause their direct supervisor with the pharmacy employment service to report to the board in writing acknowledging that they has read the decision in case number 3139 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure that their employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

Failure to timely notify present or prospective employer(s) or to cause that/those employer(s) to submit timely acknowledgments to the board shall be considered a violation of probation.

"Employment" within the meaning of this provision shall include any full-time, part-time, temporary, relief or pharmacy management service as a pharmacist or any position for which a pharmacist license is a requirement or criterion for employment, whether the respondent is an employee, independent contractor or volunteer.

7. **No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as Designated Representative-in-Charge, or Serving as a Consultant**

During the period of probation, respondent shall not supervise any intern pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the board nor serve as a consultant unless otherwise specified in this order. Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

8. **Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent shall pay to the board its costs of investigation and prosecution in the amount of five thousand dollars ($5,000). Respondent shall make said payments according to a payment schedule to be arranged with the Board's designee, with the entire sum to be paid in full within the first thirty (30) months of probation.

There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

The filing of bankruptcy by respondent shall not relieve respondent of their responsibility to reimburse the board its costs of investigation and prosecution.

9. **Probation Monitoring Costs**

Respondent shall pay any costs associated with probation monitoring as determined by the board each and every year of probation. Such costs shall be payable to the board on a schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall be considered a violation of probation.

10. **Status of License**

Respondent 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. Failure to maintain an active, current license shall be considered a violation of probation.

If respondent's license expires or is cancelled by operation of law or otherwise at any time during the period of probation, including any extensions thereof due to tolling or otherwise, upon renewal or reapplication respondent's license shall be subject to all terms and conditions of this probation not previously satisfied.

11. **License Surrender While on Probation/Suspension**

Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender their license to the board for surrender. The board or its designee 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, respondent will no longer be subject to the terms and conditions of probation. This surrender constitutes a record of discipline and shall become a part of the respondent's license history with the board.

Upon acceptance of the surrender, respondent shall relinquish their pocket and wall license to the board within ten (10) days of notification by the board that the surrender is accepted.

Respondent may not reapply for any license from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board, including any outstanding costs.

12. **Notification of a Change in Name, Residence Address, Mailing Address or Employment**

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

Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

13. **Tolling of Probation**

Except during periods of suspension, respondent shall, at all times while on probation, be employed as a pharmacist in California for a minimum of forty (40) hours per calendar month. Any month during which this minimum is not met shall toll the period of probation, i.e., the period of probation shall be extended by one month for each month during which this minimum is not met. During any such period of tolling of probation, respondent must nonetheless comply with all terms and conditions of probation.

Should respondent, regardless of residency, for any reason (including vacation) cease practicing as a pharmacist for a minimum of forty (40) hours per calendar month in California, respondent must notify the board in writing within ten (10) days of the cessation of practice, and must further notify the board in writing within ten (10) days of the resumption of practice. Any failure to provide such notification(s) shall be considered a violation of probation.

It is a violation of probation for respondent's probation to remain tolled pursuant to the provisions of this condition for a total period, counting consecutive and non-consecutive months, exceeding thirty-six (36) months.

"Cessation of practice" means any calendar month during which respondent is not practicing as a pharmacist for at least 40 hours, as defined by Business and Professions Code section 4000 et seq . "Resumption of practice" means any calendar month during which respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

Respondent is required to practice as a pharmacist in a licensed pharmacy setting that dispenses medication for a minimum of one year prior to the completion of probation. After the first year of probation, the board or its designee may consider a modification of this requirement. If respondent fails to comply with this requirement or a subsequent modification thereto, such failure shall be considered a violation of probation.

14. **Violation of Probation**

If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended, until all terms and conditions have been satisfied 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 that was stayed.

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction and the period of probation shall be automatically extended until the petition to revoke probation or accusation is heard and decided.

15. **Completion of Probation**

Upon written notice by the board or its designee indicating successful completion of probation, respondent's license will be fully restored.

16. **Community Services Program**

Within sixty (60) days of the effective date of this decision, respondent shall submit to the

board or its designee, for prior approval, a community service program in which respondent shall provide free health-care related services on a regular basis to a community or charitable facility or agency for at least two hundred and fifty (250) hours before the completion of the term of probation. Within thirty (30) days of board approval thereof, respondent shall submit documentation to the board demonstrating commencement of the community service program. A record of this notification must be provided to the board upon request. Respondent shall report on progress with the community service program in the quarterly reports. Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

17. **Remedial Education**

Within thirty (30) days of the effective date of this decision, respondent shall submit to the board or its designee, for prior approval, an appropriate program of remedial education related to securing the drug supply within a pharmacy. The program of remedial education shall consist of at least ten (10) hours, which shall be completed within one (1) year at respondent's own expense. All remedial education shall be in addition to, and shall not be credited toward, continuing education (CE) courses used for license renewal purposes.

Failure to timely submit or complete the approved remedial education shall be considered a violation of probation. The period of probation will be automatically extended until such remedial education is successfully completed and written proof, in a form acceptable to the board, is provided to the board or its designee.

Following the completion of each course, the board or its designee may require the respondent, at their own expense, to take an approved examination to test the respondent's knowledge of the course. If the respondent does not achieve a passing score on the examination, this failure shall be considered a violation of probation. Any such examination failure shall require respondent to take another course approved by the board in the same subject area.

18. **No Ownership of Licensed Premises**

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell

or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any additional business, firm, partnership, or corporation licensed by the board. If respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

19. **Report of Controlled Substances**

Respondent shall submit quarterly reports to the board detailing the total acquisition and disposition of such controlled substances as the board may direct. Respondent shall specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such controlled substances. Respondent shall report on a quarterly basis or as directed by the board. The report shall be delivered or mailed to the board no later than ten (10) days following the end of the reporting period. Failure to timely prepare or submit such reports shall be considered a violation of probation.

/ / /

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Benjamin Margolis. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order

/ / /

of the Board of Pharmacy.

DATED: 7/21/09

TERENCE W. P. LOK
Respondent

I have read and fully discussed with Respondent Terence W. P. Lok the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 7/21/09

BENJAMIN MARGOLIS
Attorney for Respondent

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: _____

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

of the Board of Pharmacy.

DATED: _____

TERENCE W. P. LOK
Respondent

I have read and fully discussed with Respondent Terence W. P. Lok the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____

BENJAMIN MARGOLIS
Attorney for Respondent

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: 7-22-09

Respectfully Submitted,

EDMUND G. BROWN JR.
Attorney General of California
GREGORY J. SALUTE
Supervising Deputy Attorney General

Desiree Tulleners

DESIREE TULLENERS
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Accusation No. 3139

EDMUND G. BROWN JR., Attorney General
of the State of California
GREGORY J. SALUTE
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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: **CITY OF ANGELS MEDICAL CENTER PHARMACY** 1711 W. Temple Street Los Angeles, CA 90026 Hospital Pharmacy Permit No. HSP 43766 and **TERENCE W.P. LOK** 2172 Bennington Court Thousand Oaks, CA 91360 Pharmacist License No. RPH 48193 Respondents.	Case No. 3139 **ACCUSATION**

Complainant alleges:

PARTIES

1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

2. On or about January 20, 1999, the Board of Pharmacy (Board) issued Hospital Pharmacy Permit Number HSP 43766 to Respondent City of Angels Medical Center Pharmacy ("Respondent Pharmacy"). The Hospital Pharmacy Permit was in full force and effect

at all times relevant to the charges brought herein, and will expire on January 1, 2009, unless renewed.

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

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

JURISDICTION

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

STATUTORY PROVISIONS

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

7. Section 4022 of the Code states:

> "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-use in humans or animals, and includes the following:
>
> (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without prescription," "Rx only," or words of similar import.
>
> (b) Any device that bears the statement: "Caution: federal law restricts 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 licensed to use or order use of the device.
>
> (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.

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

> Except as otherwise provided in this chapter, dangerous drugs or 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 pharmacist. Where a licensee is permitted to operate through a designated representative, the designated representative may sign for and receive the delivery.

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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CONTROLLED SUBSTANCES AND DANGEROUS DRUGS

14. Hydrocodone is a semi-synthetic opioid narcotic pain reliever. When mixed with acetaminophen, it is marketed under a number of trade names, including Vicodin and Norco. Hydrocodone with Acetaminophen is a Schedule III controlled substance, as designated by Health and Safety Code section 11056(e)(4), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

15. Valium is a brand name for the anti-anxiety drug known as diazepam. Diazepam is a Schedule IV controlled substance, as designated by Health and Safety Code section 11057, and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

REGULATORY PROVISIONS

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

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

. . . .

COST RECOVERY

17. Code Section 125.3 provides, in relevant part, that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Permitting Non-Pharmacists to Sign for Controlled Substances)

18. Respondent Lok is subject to disciplinary action under Code section 4113, subdivision (b), and section 4301, subdivisions (j) and (o), in conjunction with Code section 4059.5, subdivision (a), because non-pharmacists working on the premises of Respondent Pharmacy signed for the receipt of controlled substances while Respondent Lok was the pharmacist-in-charge.

19. The specific underlying factual circumstances occurred between approximately August 2005 and approximately May 2006, when non-pharmacists working on the premises of Respondent Pharmacy signed for the delivery of controlled substances on approximately 26 occasions for a total of approximately 115,300 tablets of controlled substances. The controlled substances included Norco and Valium.

SECOND CAUSE FOR DISCIPLINE

(Pharmacist-in-Charge Failing to Comply with Requirements for Adequate Acquisition and Disposition Records)

20. Respondent Lok is subject to disciplinary action under Code section 4113, subdivision (b), and Code section 4301, subdivisions (j) and (o), in conjunction with Code section 4081, and California Code of Regulations, title 16, section 1718, for failing to maintain adequate records documenting the acquisition and disposition of controlled substances. As pharmacist-in-charge, Respondent Lok failed to maintain enough acquisition and disposition records to indicate the location of 115,300 tablets of controlled substances. Between approximately August 2005 and approximately May 2006, approximately 115,300 tablets of controlled substances were received on the premises of Respondent Pharmacy, and then disappeared, never arriving at their proper storage location. The acquisition and disposition records were inadequate to locate the missing drugs.

THIRD CAUSE FOR DISCIPLINE

(Unlicensed Sterile Compounding)

21. Respondent Lok is subject to disciplinary action under Code section 4113, subdivision (b), section 4127.1, subdivision (a), and section 4301, subdivision (o), because unlicensed sterile compounding of drugs occurred on the premises of Respondent Pharmacy while Respondent Lok was the pharmacist-in-charge. A Board inspection on November 16, 2006, revealed that unlicensed sterile compounding was taking place on the premises of Respondent Pharmacy.

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FOURTH CAUSE FOR DISCIPLINE

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

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

FIFTH CAUSE FOR DISCIPLINE

(*Unlicensed Sterile Compounding*)

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

SIXTH CAUSE FOR DISCIPLINE

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

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

PRAYER

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

1. Revoking or suspending Hospital Pharmacy Permit Number HSP 43766, issued to Respondent Pharmacy;

2. Revoking or suspending Pharmacist License Number RPH 48193, issued to Respondent Lok;

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