

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

In the Matter of the Accusation Against:

Case No. 3919

**HANNAH MASON  
40215 Harris Ln., #108  
Palm Desert, CA 92211**

**Pharmacist License No. RPH 46923**

Respondent.

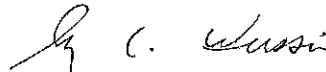
**DECISION AND ORDER**

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 April 22, 2015.

It is so ORDERED on April 15, 2015.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STAN C. WEISSER, Board President

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Supervising Deputy Attorney General  
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8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **STATE OF CALIFORNIA**

11 In the Matter of the Accusation Against:

Case No. 3919

12 **HANNAH MASON**  
40215 Harris Ln., #108  
13 Palm Desert, CA 92211

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 **Original Pharmacist License No. RPH 46923**  
15 Respondent.

16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.  
21 She brought this action solely in her official capacity and is represented in this matter by Kamala  
22 D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney  
23 General.

24 2. Respondent Hannah Mason ("Respondent") is representing herself in this proceeding  
25 and has chosen not to exercise her right to be represented by counsel.

26 3. On or about March 16, 1994, the Board of Pharmacy issued Original Pharmacist  
27 License No. RPH 46923 to Respondent. The Pharmacist License was in full force and effect at  
28 all times relevant to the charges brought in Accusation No. 3919 and will expire on July 31, 2015,

1 unless renewed. On or about April 23, 2012, pursuant to Case No. 4207, Respondent's license  
2 was revoked, stayed and placed on probation for four (4) years subject to certain terms and  
3 conditions. In a prior disciplinary action entitled *In the Matter of the Accusation Against Hannah*  
4 *Mason and PalmerRx, Inc. dba Acton Pharmacy* before the Board, in Case No. 4207, the Board  
5 placed Respondent on four (4) years probation pursuant to certain terms and conditions. A copy  
6 of the Decision is attached as Exhibit A and is incorporated herein by reference.

7 **JURISDICTION**

8 4. Accusation No. 3919 was filed before the Board of Pharmacy (Board), Department of  
9 Consumer Affairs, and is currently pending against Respondent. The Accusation and all other  
10 statutorily required documents were properly served on Respondent on March 7, 2014.  
11 Respondent timely filed her Notice of Defense contesting the Accusation. A copy of Accusation  
12 No. 3919 is attached as exhibit B and incorporated herein by reference.

13 **ADVISEMENT AND WAIVERS**

14 5. Respondent has carefully read, and understands the charges and allegations in  
15 Accusation No. 3919. Respondent has also carefully read, and understands the effects of this  
16 Stipulated Settlement and Disciplinary Order.

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

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

26 **CULPABILITY**

27 8. Respondent admits the truth of each and every charge and allegation in Accusation  
28 No. 3919.



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**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 contendere 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 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(s) 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,

1 or failure to appear for two (2) or more scheduled interviews with the board or its designee during  
2 the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

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

7 **5. Continuing Education**

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

10 **6. Notice to Employers**

11 During the period of probation, Respondent shall notify all present and prospective  
12 employers of the decision in case number 3919 and the terms, conditions and restrictions imposed  
13 on Respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
15 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
16 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
17 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
18 individual(s) has/have read the decision in case number 3919, and terms and conditions imposed  
19 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
20 supervisor(s) submit timely acknowledgment(s) to the board.

21 If Respondent works for or is employed by or through a pharmacy employment service,  
22 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
23 licensed by the board of the terms and conditions of the decision in case number 3919 in advance  
24 of the Respondent commencing work at each licensed entity. A record of this notification must  
25 be provided to the board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
27 (15) days of Respondent undertaking any new employment by or through a pharmacy  
28 employment service, Respondent shall cause her direct supervisor with the pharmacy

1 employment service to report to the board in writing acknowledging that she has read the decision  
2 in case number 3919 and the terms and conditions imposed thereby. It shall be Respondent's  
3 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely  
4 acknowledgment(s) to the board.

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

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

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

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

18 **8. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the  
20 board its costs of investigation and prosecution in the amount of \$3,264.00 (Three Thousand Two  
21 Hundred Sixty-Four Dollars). Respondent shall make payment on a plan approved by the Board.

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

25 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility  
26 to reimburse the board its costs of investigation and prosecution.

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1           **9. Probation Monitoring Costs**

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

6           **10. Status of License**

7           Respondent shall, at all times while on probation, maintain an active, current license with  
8 the board, including any period during which suspension or probation is tolled. Failure to  
9 maintain an active, current license shall be considered a violation of probation.

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

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

15           Following the effective date of this decision, should Respondent cease practice due to  
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
17 Respondent may tender her license to the board for surrender. The board or its designee shall  
18 have the discretion whether to grant the request for surrender or take any other action it deems  
19 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent  
20 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
21 record of discipline and shall become a part of the Respondent's license history with the board.

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

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

28           ///



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

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

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

10           **13. Tolling of Probation**

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

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

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

25           "Cessation of practice" means any calendar month during which Respondent is  
26           not practicing as a pharmacist for at least 40 (forty) hours, as defined by Business and  
27           Professions Code section 4000 et seq . "Resumption of practice" means any calendar  
28           month during which Respondent is practicing as a pharmacist for at least 40 (forty)

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hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

**14. Violation of Probation**

If 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.

**ACCEPTANCE**

I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the stipulation and the effect it will have on my Original 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: 3/09/2015 Hannah Mason  
HANNAH MASON  
Respondent

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///

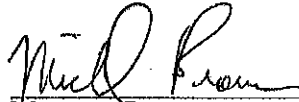
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

Dated: March 9, 2015

Respectfully submitted,  
KAMALA D. HARRIS  
Attorney General of California  
ARMANDO ZAMBRANO  
Supervising Deputy Attorney General

  
MICHAEL BROWN  
Deputy Attorney General  
*Attorneys for Complainant*

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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3919

12 **HANNAH MASON**  
13 **3701 WEST PONDERA STREET**  
**LANCASTER, CA 93535**

**ACCUSATION**

14 **Pharmacist License No. RPH 46923**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 16, 1994, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 46923 to Hannah Mason (Respondent Mason). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
24 2015, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.



1 of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to  
2 the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical  
3 therapist acting within the scope of his or her license under sales and purchase records that  
4 correctly provide the date the device is provided, the names and addresses of the supplier and the  
5 buyer, a description of the device, and the quantity supplied.”

6 10. Code section 4126.5, subdivision (a), provides:

7 “(a) A pharmacy may furnish dangerous drugs only to the following:

8 ...

9 “(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug  
10 that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to  
11 this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

12 “(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized  
13 by law.

14 ...

15 “(7) To another pharmacy under common control.”

16 11. Section 4160 of the Code states:

17 “(a) A person may not act as a wholesaler of any dangerous drug or dangerous device  
18 unless he or she has obtained a license from the board.”

19 12. Section 4301 of the Code states:

20 “The board shall take action against any holder of a license who is guilty of unprofessional  
21 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
22 Unprofessional conduct shall include, but is not limited to, any of the following:

23 ...

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

26 ....

27 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by  
2 the board.”

3 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licentiate found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
7 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
8 included in a stipulated settlement.

9 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

10 14. Section 4021 of the Code states:

11 “Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
12 11053) of Division 10 of the Health and Safety Code.”

13 15. Section 4022 of the Code states, in pertinent part:

14 “‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use,  
15 except veterinary drugs that are labeled as such, and includes the following:

16 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
17 prescription,’ ‘Rx only,’ or words of similar import.

18 ...

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

21 16. Fentanyl is a Schedule II controlled substance pursuant to Health and Safety Code  
22 section 11055(c)(8) and is a dangerous drug pursuant to Business and Professions Code section  
23 4022,

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Selling Dangerous Drugs without a Wholesaler License)

26 17. Respondent Mason is subject to disciplinary action under section 4301,  
27 subdivisions (j) and (o), and violating section 4160, subdivision (a) for selling dangerous drugs  
28 without a wholesaler license. The circumstances are as follows:

1 18. On or between August 12, 2009 and June 14, 2010, Respondent Mason sold  
 2 approximately \$107,641.41 worth of dangerous drugs to Moazzem H. Chowdhury dba Desert  
 3 Drugs (Desert Drugs) without a wholesaler license.

	Date	Invoice Record	Approximate Amount	
4				
5				
6	1	8/12/09	PO# A/P-8/12	\$279.63
7	2	8/12/09	PO# A/P to D/D-8/12	\$3,425.34
8	3	8/18/09	PO# A/P-8/18	\$203.02
9	4	8/25/09	PO# 139873415	\$400.48
10	5	10/8/09	PO# A/P-moaz	\$230.07
11	6	10/23/09	PO# jnyjyny	\$4,042.42
12	7	10/23/09	PO# A/P to D/D-10/23	\$504.67
13	8	10/28/09	PO# MAZZZZZZ	\$177.62
14	9	10/29/09	PO# A/P-MOZ	\$756.34
15	10	10/30/09	PO# A/P-moaz	\$317.06
16	11	11/6/09	PO# MAZ	Unknown
17	12	11/9/09	PO# Desert Drugs	Unknown
18	13	11/12/09	PO# A/P-moaz	\$3,034.52
19	14	11/13/09	PO# Mozzzzzz	\$1,401.89
20	15	11/16/09	PO# D/D-moaz	\$500.74
21	16	11/18/09	PO# A/P tp D/D-moaz	\$1,629.99
22	17	11/25/09	PO# Mozzzzzz	Unknown
23	18	11/25/09	PO# Mozzzzzz	Unknown
24	19	12/16/09	PO# Desert Drugs	\$5,011.74
25	20	12/17/09	PO# ANNNNNNN	\$1,767.82
26	21	12/21/09	PO# ANNNNNNN	Unknown
27	22	12/22/09	PO# Acton to D/D-moz	\$31.50
28	23	12/24/09	PO# Acton-moz	\$589.63
	24	1/4/10	PO# A/P-moaz	\$224.04
	25	1/4/10	PO# A/P-moaz	\$165.52
	26	1/7/10	PO# Acton-moz	\$16.14
	27	1/14/10	PO# A/P-moaz	\$923.38
	28	1/15/10	PO# A/P-moaz	\$508.84
	29	1/19/10	PO# A/P-moaz	\$89.62
	30	1/19/10	PO# Mozzzzz	\$871.80
	31	1/22/10	PO# MZZZZ	\$373.44
	32	1/25/10	PO# MZZZZ	\$2,257.94
	33	1/26/10	PO# MZZZZ	Unknown
	34	1/27/10	PO# Avelox	\$8,354.91



1	35	1/29/10	PO# A/P-moaz	\$73.89
	36	1/29/10	PO# A/P-moaz	\$101.30
2	37	2/1/10	PO# A/P to Moaz	\$1,822.66
3	38	2/1/10	PO# MOZZZ	Unknown
	39	3/3/10	PO# 03/03/10-Desert	\$748.02
4	40	3/5/10	PO# Desert03/05/2010	\$3,272.04
5	41	3/10/10	PO# Desert-03/10/10-00	\$3,742.25
	42	3/10/10	PO# Desert03/10/10	\$5,814.79
6	43	3/12/10	PO# 03/12/10-Desert	\$680.30
7	44	3/22/10	PO# 03/22/10Desert	\$5,026.26
	45	3/27/10	PO# 03/24/10Desert	\$4,239.91
8	46	4/5/10	PO# Desert04/05/2010	\$4,844.70
9	47	4/10/10	PO# 04/10/10Desert	\$5,208.62
	48	4/15/10	PO# Desert04/15/10	\$5,120.65
10	49	4/23/10	PO# Desert-04/23/10	\$3,880.40
11	50	4/26/10	PO# Desert04/26/10	\$4,970.63
	51	4/30/10	PO# Deset04/30/2010	\$341.60
12	52	4/30/10	PO# Desert04/30/10	\$2,255.60
13	53	5/7/10	PO# 05/07/10Desert	\$4,359.41
	54	5/14/10	PO# Desert-05/14/10	\$290.21
14	55	5/14/10	PO# Desert-05/14/10	\$99.40
15	56	5/17/10	PO# Desert05/17/2010	\$556.61
	57	5/21/10	PO# Desert05/21/10	\$1,293.22
16	58	5/21/10	PO# Desert05/21/2010	\$1,109.66
17	59	5/25/10	PO# Desert05/25/2010	\$3,707.91
	60	5/25/10	PO# 05/25/10-Desert	\$4,078.73
18	61	5/28/10	PO# 05/28/2010Desert	\$944.93
19	62	6/3/10	PO# Desert06/03/10	\$824.83
20	63	6/4/10	PO# Desert06/04/2010	\$142.77
	64	6/14/10	PO# ABC	Unknown
21				
22			Total	\$107,641.41

**SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Furnishing Dangerous Drugs with a Prescription)

19. Respondent Mason is subject to disciplinary action under section 4301, subdivisions (j) and (o) for violating section 4059, subdivision (b) in that Respondents furnished prescription medications without prescription. The circumstances are as follow:

///

20. On or between August 12, 2009 and June 14, 2010, Respondent Mason furnished approximately \$107,641.41 worth of dangerous drugs to Desert Pharmacy without proper sales records that correctly documented the date and the names and addresses of the supplier and buyer.

	Date	Invoice Record	Approximate Amount
1	8/12/09	PO# A/P-8/12	\$279.63
2	8/12/09	PO# A/P to D/D-8/12	\$3,425.34
3	8/18/09	PO# A/P-8/18	\$203.02
4	8/25/09	PO# 139873415	\$400.48
5	10/8/09	PO# A/P-moaz	\$230.07
6	10/23/09	PO# jnyjyny	\$4,042.42
7	10/23/09	PO# A/P to D/D-10/23	\$504.67
8	10/28/09	PO# MAZZZZZZ	\$177.62
9	10/29/09	PO# A/P-MOZ	\$756.34
10	10/30/09	PO# A/P-moaz	\$317.06
11	11/6/09	PO# MAZ	Unknown
12	11/9/09	PO# Desert Drugs	Unknown
13	11/12/09	PO# A/P-moaz	\$3,034.52
14	11/13/09	PO# Mozzzzzz	\$1,401.89
15	11/16/09	PO# D/D-moaz	\$500.74
16	11/18/09	PO# A/P tp D/D-moaz	\$1,629.99
17	11/25/09	PO# Mozzzzzz	Unknown
18	11/25/09	PO# Mozzzzzz	Unknown
19	12/16/09	PO# Desert Drugs	\$5,011.74
20	12/17/09	PO# ANNNNNNNN	\$1,767.82
21	12/21/09	PO# ANNNNNNNN	Unknown
22	12/22/09	PO# Acton to D/D-moz	\$31.50
23	12/24/09	PO# Acton-moz	\$589.63
24	1/4/10	PO# A/P-moaz	\$224.04
25	1/4/10	PO# A/P-moaz	\$165.52
26	1/7/10	PO# Acton-moz	\$16.14
27	1/14/10	PO# A/P-moaz	\$923.38
28	1/15/10	PO# A/P-moaz	\$508.84
29	1/19/10	PO# A/P-moaz	\$89.62
30	1/19/10	PO# Mozzzzz	\$871.80
31	1/22/10	PO# MZZZZ	\$373.44
32	1/25/10	PO# MZZZZ	\$2,257.94
33	1/26/10	PO# MZZZZ	Unknown
34	1/27/10	PO# Avelox	\$8,354.91

1	35	1/29/10	PO# A/P-moaz	\$73.89
	36	1/29/10	PO# A/P-moaz	\$101.30
2	37	2/1/10	PO# A/P to Moaz	\$1,822.66
3	38	2/1/10	PO# MOZZZ	Unknown
	39	3/3/10	PO# 03/03/10-Desert	\$748.02
4	40	3/5/10	PO# Desert03/05/2010	\$3,272.04
5	41	3/10/10	PO# Desert-03/10/10-00	\$3,742.25
	42	3/10/10	PO# Desert03/10/10	\$5,814.79
6	43	3/12/10	PO# 03/12/10-Desert	\$680.30
7	44	3/22/10	PO# 03/22/10Desert	\$5,026.26
	45	3/27/10	PO# 03/24/10Desert	\$4,239.91
8	46	4/5/10	PO# Desert04/05/2010	\$4,844.70
9	47	4/10/10	PO# 04/10/10Desert	\$5,208.62
10	48	4/15/10	PO# Desert04/15/10	\$5,120.65
	49	4/23/10	PO# Desert-04/23/10	\$3,880.40
11	50	4/26/10	PO# Desert04/26/10	\$4,970.63
12	51	4/30/10	PO# Deset04/30/2010	\$341.60
	52	4/30/10	PO# Desert04/30/10	\$2,255.60
13	53	5/7/10	PO# 05/07/10Desert	\$4,359.41
	54	5/14/10	PO# Desert-05/14/10	\$290.21
14	55	5/14/10	PO# Desert-05/14/10	\$99.40
15	56	5/17/10	PO# Desert05/17/2010	\$556.61
16	57	5/21/10	PO# Desert05/21/10	\$1,293.22
	58	5/21/10	PO# Desert05/21/2010	\$1,109.66
17	59	5/25/10	PO# Desert05/25/2010	\$3,707.91
18	60	5/25/10	PO# 05/25/10-Desert	\$4,078.73
	61	5/28/10	PO# 05/28/2010Desert	\$944.93
19	62	6/3/10	PO# Desert06/03/10	\$824.83
20	63	6/4/10	PO# Desert06/04/2010	\$142.77
	64	6/14/10	PO# ABC	Unknown
21				
22			Total	\$107,641.41

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1 DISCIPLINE CONSIDERATIONS

2 21. To determine the degree of discipline, if any, to be imposed on Respondent Mason,  
3 Complainant alleges that on or about November 28, 2011, in a prior disciplinary action entitled In  
4 the Matter of the Accusation Against Hannah Mason and PalmerRx, Inc. dba Acton Pharmacy  
5 before the Board of Pharmacy in Accusation Case Number 4207, Respondent Mason admitted the  
6 truth of the allegations pled against them in the Accusation and agreed that their pharmacy permit  
7 and pharmacist license were subject to discipline and bound by the Board's revoking  
8 Respondents' permit and pharmacy license. However the revocation is stayed for four years,  
9 ordered Respondent Mason to pay \$50,000.00 in civil penalties and additional terms of probation.

10 22. To determine the degree of discipline, if any, to be imposed on Respondent Mason,  
11 Complainant alleges that on or about January 16, 2008, in a prior action, the Board of Pharmacy  
12 issued Citation Number CI 2006 34043 and CI 2007 35033 and ordered Respondent Mason to pay  
13 a civil penalty of \$4,500.00 and immediately take such measures as are necessary to practice at an  
14 acceptable standard of care. That Citation is now final and is incorporated by reference as if fully  
15 set forth.

16 PRAYER

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

19 1. Revoking or suspending Pharmacist License Number RPH 46923, issued to Hannah  
20 Mason;

21 2. Ordering Hannah Mason to pay the Board of Pharmacy the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3; and

24 3. Taking such other and further action as deemed necessary and proper.

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DATED: 2/17/14

*Virginia Herold*

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

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**Exhibit A**

**Decision No. 4207**

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

In the Matter of the Accusation Against:

Case No. 4207

HANNA MASON  
3701 West Pondera Street  
Lancaster, CA 93535  
Original Pharmacist License No. RPH 46923

AND

PALMERRX, INC. DBA ACTON  
PHARMACY; HANNAH MASON  
3630 Smith Avenue  
Acton, CA 93510  
Original Permit No. PHY 48219

Respondent.

DECISION AND ORDER

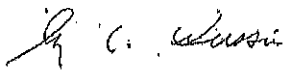
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on April 23, 2012.

It is so ORDERED on March 23, 2012.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STANLEY C. WEISSER  
Board President

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
3 MICHAEL BROWN  
Deputy Attorney General  
4 State Bar No. 231237  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2095  
6 Facsimile: (213) 897-2804  
E-mail: MichaelB.Brown@doj.ca.gov  
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4207

12 HANNAH MASON  
3701 West Pondera Street  
13 Lancaster, CA 93535  
Original Pharmacist License No. RPH 46923

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

14 Respondent.

15 AND

16 PALMERRX, INC. DBA ACTON  
17 PHARMACY; HANNAH MASON  
3630 Smith Avenue  
18 Acton, CA 93510  
Original Permit No. PHY 48219

19 Respondent.  
20

21  
22 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
23 interest and the responsibility of the Board of Pharmacy, Department of Consumer Affairs, the  
24 parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will be  
25 submitted to the Board of Pharmacy for approval and adoption as the final disposition of  
26 Accusation No. 4207 filed against Respondents PalmerRx, Inc. dba Acton Pharmacy and Hannah  
27 Mason,  
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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 Kamala D. Harris, Attorney General of the State of California, by Michael Brown, Deputy Attorney General.

2. Respondent PalmerRx, Inc. dba Acton Pharmacy and Hannah Mason (Respondents) are representing themselves in this proceeding and have chosen not to exercise its right to be represented by counsel.

3. On or about October 30, 2006, the Board of Pharmacy issued Original Permit No. PHY 48219 to PalmerRx, Inc. dba Acton Pharmacy; Hannah Mason (Respondent PalmerRx). The Original Permit was in full force and effect at all times relevant to the charges brought in Accusation No. 4207 and expired on October 1, 2011, and has not been renewed.

4. On or about March 16, 1994, the Board of Pharmacy issued Original Pharmacist License Number RPH 46923 to Hannah Mason (Respondent Mason). The Original Pharmacist License was in full force and effect at all times relevant to the charges brought in Accusation No. 4207 and expired on July 11, 2011, and has not been renewed.

5. The Board records indicate Respondent Mason is and has been the Pharmacist-in-Charge for Respondent PalmerRx since October 30, 2006.

JURISDICTION

6. Accusation No. 4207 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs, and is currently pending against Respondents. The Accusation and all other statutorily required documents were properly served on Respondents on November 30, 2011. Respondents timely filed its Notice of Defense contesting the Accusation.

A copy of Accusation No. 4207 is attached as exhibit A and incorporated herein by reference.

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1 be inadmissible in any legal action between the parties, and the Board of Pharmacy shall not be  
2 disqualified from further action by having considered this matter.

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

6 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
7 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
8 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
9 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
10 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
11 writing executed by an authorized representative of each of the parties.

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

15 ORDER

16 IT IS HEREBY ORDERED that Citation Nos. CI 2008 39142 and CI 2009 42198 issued on  
17 or about January 5, 2010 to Respondent PalmerRx and Respondent Mason, respectively, as well  
18 as the abatements and fines ordered by those Citations, are withdrawn and/or dismissed.

19 IT IS HEREBY ORDERED that Respondent PalmerRx is jointly and responsible for the  
20 truth of each and every charge and allegation in Accusation No. 4207. Respondent PalmerRx is  
21 jointly, responsible and liable for the civil penalties to the Board of Pharmacy in the amount of  
22 \$50,000.00 (Fifty Thousand Dollars).

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Pharmacy License No. PHY 48219, issued to PalmerRx,  
25 Inc. dba Acton Pharmacy is revoked, and Pharmacist License No. RPH 46923, issued to Hanna  
26 Mason, is also revoked. However, each revocation is stayed and each Respondent is placed on  
27 probation for four (4) years on the following terms and conditions.

28 ///

TERMS APPLICABLE TO RESPONDENT  
HANNAH MASON

1  
2           1.    Payment of Civil Penalties

3           Respondent Mason shall pay civil penalties to the Board of Pharmacy in the amount and on  
4 such terms as specified below. Respondent Mason understands and agrees that such civil  
5 penalties are administrative fines pursuant to 11 U.S.C. § 523(a)(7), and as such are not  
6 dischargeable in bankruptcy. Respondent Mason further understand and agree that the filing of  
7 bankruptcy by Respondent Mason shall not relieve Respondent Mason of the obligation to pay  
8 the balance of the civil penalties to the Board. Respondent Mason shall be liable for payment to  
9 the Board of \$50,000.00 (Fifty Thousand Dollars) in civil penalties. Respondent Mason shall pay  
10 \$5,000.00 (Five Thousand Dollars) on or before the effective date of this decision, and shall  
11 thereafter make twelve (12) quarterly payments of \$3,750.00 (Three Thousand Seven Hundred  
12 Fifty Dollars) every ninety (90) days until the entire balance is paid in full. Respondent Mason  
13 may pay the full remaining balance due at any time, and may make extra payments. Aside from  
14 such expedited payment, there shall be no deviation from this schedule absent prior written  
15 approval by the Board of Pharmacy or its designee. Failure to pay the civil penalties by the  
16 deadlines as directed shall be considered a violation of probation.

17           Further, absent prior written approval by the Board or its designee, Respondent Mason may  
18 successfully complete probation until this amount is paid in full. Each Respondent is responsible  
19 for payment of the full amount and neither may claim to owe only a portion or a share.

20           2.    Community Services Program - Testimonial

21           Respondent Mason has authored a letter describing her incentives to participate and her  
22 level of participation in filling and/or dispensing internet prescriptions, and detailing the  
23 consequences of this participation for her, her family, the public health, and the profession, what  
24 she has learned from this experience, and what she would advise others who are approached to fill  
25 or dispense internet prescriptions. The letter is attached hereto as Exhibit "B", is incorporated  
26 herein by reference, and is part of Respondent Mason's public record of discipline with the Board  
27 of Pharmacy. The Board of Pharmacy may print, reprint, quote, or make other use of this letter in  
28 its communications and/or on its website.

1 Further, upon provision of reasonable notice, Respondent Mason shall appear for and take  
2 part in a video recording of Respondent Mason reading the letter, at a time and place arranged by  
3 the Board or its designee. The video recording shall be similarly subject to use by the Board of  
4 Pharmacy in its communications and/or on its website. Failure by Respondent Mason, upon  
5 reasonable notice, to timely appear for and participate in such videotaping shall be considered a  
6 violation of probation.

7 **3. Obey All Laws**

8 Respondent Mason shall obey all state and federal laws and regulations. Respondent  
9 Mason shall report any of the following occurrences to the board, in writing, within seventy-two  
10 (72) hours of such occurrence:

- 11 • an arrest or issuance of a criminal complaint for violation of any provision of the  
12 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
substances laws
- 13 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
14 criminal complaint, information or indictment
- 15 • a conviction of any crime
- 16 • discipline, citation, or other administrative action filed by any state or federal agency  
17 which involves either of Respondents' licenses 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.

18 Failure to timely report such occurrence(s) shall be considered a violation of probation.

19 **4. Report to the Board**

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

1           **5. Interview with the Board**

2           Upon receipt of reasonable prior notice, Respondent Mason shall appear in person for  
3 interviews with the Board of Pharmacy or its designee, at such intervals and locations as are  
4 determined by the Board of Pharmacy or its designee. The owner or officer of Respondent  
5 Pharmacy shall make the appearance on behalf of Respondent PalmerRx. Failure to appear for  
6 any scheduled interview without prior notification to the Board of Pharmacy staff, or failure to  
7 appear for two (2) or more scheduled interviews during the period of probation, shall be  
8 considered a violation of probation.

9           **6. Cooperate with Board Staff**

10           Respondent Mason shall cooperate with the Board of Pharmacy's inspection program and  
11 with the Board of Pharmacy's monitoring and investigation of Respondents' compliance with the  
12 terms and conditions of their probation(s). Failure to cooperate shall be considered a violation of  
13 probation.

14           **7. Reimbursement of Board Costs**

15           Reimbursement of costs per Business and Professions Code section 125.3 is waived.

16           **8. Probation Monitoring Costs**

17           Respondent Mason shall pay all costs associated with probation monitoring as determined  
18 by the Board of Pharmacy each and every year of probation. Such costs shall be payable to the  
19 Board of Pharmacy on a schedule as directed by the Board of Pharmacy or its designee. Failure  
20 to pay such costs by the deadline as directed shall be considered a violation of probation.

21           **9. Status of License**

22           Respondent Mason at all times while on probation, maintain an active, current license with  
23 the Board of Pharmacy, including any period during which suspension or probation is tolled.  
24 Failure to maintain an active, current license shall be considered a violation of probation. If  
25 Respondent Mason's license expires or is cancelled by operation of law or otherwise at any time  
26 during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
27 renewal or reapplication that Respondent Mason's license shall be subject to all terms and  
28 conditions of this probation not previously satisfied,

1           **10. License Surrender While on Probation/Suspension**

2           Following the effective date of this decision, should Respondent Mason cease to practice  
3 due to retirement or health, or be otherwise unable to satisfy the terms and conditions of  
4 probation, that Respondent Mason may tender its license to the Board of Pharmacy for surrender.  
5 The Board of Pharmacy or its designee shall have the discretion whether to grant the request for  
6 surrender or take any other appropriate and reasonable action. Upon formal acceptance of the  
7 surrender of the license, Respondent Mason will no longer be subject to the terms and conditions  
8 of probation. This surrender constitutes a record of discipline and shall become a part of the  
9 Respondent Mason's license history with the Board of Pharmacy.

10           Within ten (10) days of notification by the Board of Pharmacy that the surrender is  
11 accepted, Respondent Mason shall relinquish its pocket and wall licenses to the Board of  
12 Pharmacy. Upon surrender, Respondent Mason may not reapply for any license from the Board  
13 of Pharmacy for three (3) years from the effective date of the surrender. Respondent Mason shall  
14 meet all requirements applicable to the license sought as of the date of submitted to the Board of  
15 Pharmacy, including any outstanding costs.

16           **11. Violation of Probation**

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

22           If Respondent Mason violates probation in any respect, the Board of Pharmacy, after giving  
23 Respondent Mason notice and an opportunity to be heard, may revoke probation as to that  
24 Respondent and carry out the disciplinary order that was stayed. If a petition to revoke probation  
25 or an accusation is filed during probation, the Board of Pharmacy shall have continuing  
26 jurisdiction and the period of probation shall be automatically extended until the petition to  
27 revoke probation or accusation is heard and decided.

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1           **12. Completion of Probation**

2           Upon written notice by the Board of Pharmacy or its designee indicating successful  
3 completion of probation, the successfully-completing Respondent Mason's license will be fully  
4 restored.

5           **13. Continuing Education**

6           Respondent Mason shall provide evidence of efforts to maintain skill and knowledge as a  
7 Pharmacist as directed by the Board of Pharmacy or its designee.

8           **14. Notice to Employers**

9           During the period of probation, Respondent Mason shall notify all present and prospective  
10 employers of the decision in Accousation No. 4207 and the terms, conditions, and restrictions  
11 imposed on Respondent by the decision, as follows:

12           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13 Respondent Mason undertaking any new employment, Respondent Mason shall cause her direct  
14 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during  
15 Respondent's tenure of employment) and owner to report to the Board of Pharmacy in writing  
16 acknowledging that the listed individual(s) has/have read the decision in Accousation No. 4207  
17 and all the terms and conditions imposed thereby. It shall be Respondent Mason's responsibility  
18 to ensure that her employer(s) and/or supervisor submit the timely acknowledgments to the Board  
19 of Pharmacy. If Respondent Mason works for or is employed by or through a pharmacy  
20 employment service, Respondent Mason must notify her direct supervisor, pharmacist-in-charge,  
21 and owner at every entity licensed by the Board of Pharmacy of the terms and conditions of the  
22 decision in Accousation No. 4207 in advance of Respondent Mason commencing work at each  
23 licensed entity. A record of this notification must be provided to the Board of Pharmacy upon  
24 request.

25           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
26 (15) days of Respondent Mason undertaking any new employment by or through a pharmacy  
27 employment service, Respondent Mason shall cause her direct supervisor with the pharmacy  
28 employment service to report to the Board of Pharmacy in writing acknowledging he/she has read



1 the decision in Accousation No. 4207 and the terms and conditions imposed thereby. It shall be  
2 Respondent Mason's responsibility to ensure her employer(s) and/or supervisor(s) submit timely  
3 acknowledgment(s). "Employment" within the meaning of this provision shall include any full-  
4 time, part-time, temporary, relief or pharmacy management service as a pharmacist or any  
5 position for which a pharmacist license is a requirement or criterion for employment, whether the  
6 respondent is an employee, independent contractor or volunteer.

7 Failure to timely notify present or prospective employer(s) or to cause those employer(s) to  
8 submit timely acknowledgments to the Board of Pharmacy shall be considered a violation of  
9 probation.

10 **15. Notification of a Change in Employment, Name, Address, or Phone**

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

16 Failure to timely notify the Board of Pharmacy of any change in employer, name, address  
17 or phone number shall be considered a violation of probation.

18 **16. Tolling of Probation**

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

25 Should Respondent Mason, regardless of residency, for any reason (including vacation)  
26 cease practicing as a pharmacist for a minimum of forty (40) hours per calendar month in  
27 California, Respondent Mason must notify the Board of Pharmacy in writing within ten (10) days  
28 of the cessation of practice, and must further notify the Board of Pharmacy in writing within ten

1 (10) days of the resumption of practice. Any failure to provide such notification(s) shall be  
2 considered a violation of probation.

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

6 "Cessation of practice" means any calendar month during which Respondent is not  
7 practicing as a pharmacist for at least forty (40) hours, as defined by Business and  
8 Professions Code section 4000 et seq.

8 "Resumption of practice" means any calendar month during which Respondent  
9 practices as a pharmacist for at least forty (40) hours as a pharmacist as defined by  
10 Business and Professions Code section 4000 et seq.

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

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

17 **18. Pharmacist Recovery Program (PRP)**

18 Within thirty (30) days of the effective date of this decision, Respondent Mason shall  
19 contact the Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter  
20 enroll, successfully participate in, and complete the treatment contract and any subsequent  
21 addendums as recommended and provided by the PRP and as approved by the board or its  
22 designee. The costs for PRP participation shall be borne by the Respondent Mason.

23 If Respondent Mason is currently enrolled in the PRP, said participation is now mandatory  
24 and as of the effective date of this decision is no longer considered a self-referral under Business  
25 and Professions Code section 4362(o)(2). Respondent Mason shall successfully participate in and  
26 complete her current contract and any subsequent addendums with the PRP.

27 Failure to timely contact or enroll in the PRP, or successfully participate in and complete  
28 the treatment contract and/or any addendums, shall be considered a violation of probation.

1 Probation shall be automatically extended until Respondent Mason successfully completes  
2 the PRP. Any person terminated from the PRP program shall be automatically suspended by the  
3 board. Respondent Mason may not resume the practice of pharmacy until notified by the board in  
4 writing.

5 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
6 licensed practitioner as part of a documented medical treatment shall result in the automatic  
7 suspension of practice by Respondent Mason and shall be considered a violation of probation.  
8 Respondent Mason may not resume the practice of pharmacy until notified by the board in  
9 writing.

10 During suspension, Respondent Mason shall not enter any pharmacy area or any portion  
11 of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other  
12 distributor of drugs which is licensed by the board; or any manufacturer, or where dangerous  
13 drugs and devices or controlled substances are maintained. Respondent Mason shall not practice  
14 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,  
15 compounding, dispensing or patient consultation; nor shall Respondent Mason manage,  
16 administer, or be a consultant to any licensee of the board, or have access to or control the  
17 ordering, manufacturing or dispensing of dangerous drugs and controlled substances. Respondent  
18 Mason shall not resume practice until notified by the board.

19 During suspension, Respondent Mason shall not engage in any activity that requires the  
20 professional judgment of a pharmacist. Respondent Mason shall not direct or control any aspect  
21 of the practice of pharmacy. Respondent Mason shall not perform the duties of a pharmacy  
22 technician or a designated representative for any entity licensed by the board.

23 Subject to the above restrictions, Respondent Mason may continue to own or hold an  
24 interest in any licensed premises in which she holds an interest at the time this decision becomes  
25 effective unless otherwise specified in this order.

26 Failure to comply with this suspension shall be considered a violation of probation.  
27 Respondent Mason shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
28

1 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid  
2 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

3 **19. No Ownership of Licensed Premises**

4 Respondent Mason shall not own, have any legal or beneficial interest in, or serve as a  
5 manager, administrator, member, officer, director, trustee, associate, or partner of any business,  
6 firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent  
7 Mason shall sell or transfer any legal or beneficial interest in any entity licensed by the board  
8 within ninety (90) days following the effective date of this decision and shall immediately  
9 thereafter provide written proof thereof to the board. Failure to timely divest any legal or  
10 beneficial interest(s) or provide documentation thereof shall be considered a violation of  
11 probation.

12 **20. Ethics Course**

13 Within sixty (60) calendar days of the effective date of this decision, Respondent Mason  
14 shall enroll in a course in ethics, at Respondent Mason's expense, approved in advance by the  
15 board or its designee. Failure to initiate the course during the first year of probation, and  
16 complete it within the second year of probation, is a violation of probation.

17 Respondent Mason shall submit a certificate of completion to the board or its designee  
18 within five days after completing the course.

19 **21. Discontinuance of Business**

20 Respondent owner shall, within seven (7) days of the effective date of this decision,  
21 arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board  
22 of all controlled substances and dangerous drugs and devices. Respondent owner shall provide  
23 written proof of such disposition, submit a completed Discontinuance of Business form for  
24 PalmerRx, Inc. dba Acton Pharmacy and return the wall and renewal license to the board within  
25 five days of disposition.

26 **22. Testify**

27 If requested to do so, Respondent Mason shall honestly testify to the facts and  
28 circumstances against Desert Drugs, Valley Pharmacy, The Medicine Shoppe #821, Moazzem

1 Chowdhury, Taqee Hasan, Stephen Cherman and Willon Henderson. Should Respondent  
2 Mason refuse or fail to testify if requested to do so, should she testify dishonestly, then  
3 Respondent Mason shall be considered to be in violation of her probation.

4 ACCEPTANCE

5 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
6 stipulation and the effect it will have on my Pharmacy License and Original Pharmacist License.  
7 I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and  
8 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

9  
10  
11 DATED: 12/2/2011 Hannah Mason  
12 PALMBERRX, INC. DBA ACTON PHARMACY;  
13 HANNAH MASON  
14 Respondent

15 DATED: 12/2/2011 Hannah Mason  
16 HANNAH MASON  
17 Respondent

18 ENDORSEMENT

19 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
20 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

21 Dated: November \_\_\_\_, 2011

Respectfully submitted,

22 KAMALA D. HARRIS  
23 Attorney General of California  
24 GLORIA A. BARRIOS  
25 Supervising Deputy Attorney General

26 MICHAEL BROWN  
27 Deputy Attorney General  
28 *Attorneys for Complainant*

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1 Chowdhury, Tachee Hasan, Stephen Cherman and Willon Henderson. Should Respondent  
2 Mason refuse or fail to testify if requested to do so, should she testify dishonestly, then  
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8 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.


9  
10  
11 DATED: \_\_\_\_\_ PALMERRX, INC. DBA ACTON PHARMACY;  
12 HANNAH MASON  
13 Respondent

14 DATED: \_\_\_\_\_ HANNAH MASON  
15 Respondent

16  
17 ENDORSEMENT

18 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
19 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

20 Dated: <sup>December</sup> November 2, 2011  
21 Respectfully submitted,  
22 KAMALA D. HARRIS  
23 Attorney General of California  
24 GLORIA A. BARRIOS  
25 Supervising Deputy Attorney General

26   
27 MICHAEL BROWN  
28 Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 4207**

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA A. BARRIOS  
Supervising Deputy Attorney General  
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E-mail: MichaelB.Brown@doj.ca.gov  
7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:  
12 HANNAH MASON  
3701 West Pondera Street  
13 Lancaster, CA 93535  
Original Pharmacist License No. RPH 46923  
14 Respondent.  
15  
16 AND  
17 PALMERRX, INC. DBA ACTON  
PHARMACY; HANNAH MASON  
3630 Smith Avenue  
18 Acton, CA 93510  
Original Permit No. PHY 48219  
19 Respondent.  
20

Case No. 4207  
**ACCUSATION**

21 Complainant alleges:

22 **PARTIES**

- 23 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
24 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.  
25 2. On or about October 30, 2006, the Board of Pharmacy issued Original Permit  
26 Number PHY 48219 to PalmerRx, Inc. dba Acton Pharmacy; Hannah Mason (Respondent  
27 PalmerRx). The Original Permit was in full force and effect at all times relevant to the charges  
28 brought herein and expired on October 1, 2011, and has not been renewed.





1 canceled in this fashion may not be reissued but will instead require a new application to seek  
2 reissuance.

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

7 STATUTORY AND REGULATORY PROVISIONS

8 13. Section 4301 of the Code states:

9 "The board shall take action against any holder of a license who is guilty of unprofessional  
10 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
11 Unprofessional conduct shall include, but is not limited to, any of the following:

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

14  
15 "(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
16 violation of or conspiring to violate any provision or term of this chapter or of the applicable  
17 federal and state laws and regulations governing pharmacy, including regulations established by  
18 the board or by any other state or federal regulatory agency."

19 14. Section 4067(a) of the Code provides, in pertinent part, that no person or entity shall  
20 dispense or furnish, or cause to be dispensed or furnished, dangerous drugs or dangerous devices,  
21 as defined in Section 4022 of the Code, on the Internet for delivery to any person in this state  
22 without a prescription issued pursuant to a good faith prior examination of a human or animal for  
23 whom the prescription is meant if the person or entity either knew or reasonably should have  
24 known that the prescription was not issued pursuant to a good faith prior examination of a human  
25 or animal, or if the person or entity did not act in accordance with Section 1761 of Title 16 of the  
26 California Code of Regulations. A "good faith prior examination" includes the requirements for a  
27 physician and surgeon in Section 2242 of the Code and the requirements for a veterinarian in  
28 Section 2032.1 of Title 16 of the California Code of Regulations.

1 15. Title 16 of the California Code of Regulations, section 1711 states, in pertinent part:

2  
3 "(c)(1) Each quality assurance program shall be managed in accordance with written  
4 policies and procedures maintained in the pharmacy in an immediately retrievable form.

5 16. California Code of Regulations, Title 16, section 1714, states in pertinent part:

6  
7 (d) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and  
8 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.  
9 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice  
10 of pharmacy.

11 (e) The pharmacy owner, the building owner or manager, or a family member of a  
12 pharmacist owner (but not more than one of the aforementioned) may possess a key to the  
13 pharmacy that is maintained in a tamper evident container for the purpose of 1) delivering the key  
14 to a pharmacist or 2) providing access in case of emergency. An emergency would include fire,  
15 flood or earthquake. The signature of the pharmacist-in-charge shall be present in such a way that  
16 the pharmacist may readily determine whether the key has been removed from the container.

17 17. California Code of Regulations, title 16, section 1761, states:

18 "(a) No pharmacist shall compound or dispense any prescription which contains any  
19 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any  
20 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to  
21 validate the prescription.

22 (b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense  
23 a controlled substance prescription where the pharmacist knows or has objective reason to know  
24 that said prescription was not issued for a legitimate medical purpose."

25 18. Section 4067(b) of the Code provides, in pertinent part, that a violation of Code  
26 section 4067 subjects a person or entity to either a fine of up to twenty-five thousand dollars  
27 (\$25,000) per occurrence pursuant to a citation issued by the board or a civil penalty of twenty-  
28 five thousand dollars (\$25,000) per occurrence,

1 19. Title 21 of the Code of Federal Regulations, section 1304.11 requires that a pharmacy  
2 keep a complete and accurate inventory record of all controlled substances on hand.

3 20. Section 125.3 of the Code provides, in pertinent part, that the  
4 Board/Registrar/Director may request the administrative law judge to direct a licensee found to  
5 have committed a violation or violations of the licensing act to pay a sum not to exceed the  
6 reasonable costs of the investigation and enforcement of the case.

7 CONTROLLED SUBSTANCES / DANGEROUS DRUGS

8 21. Section 4021 of the Code provides that a "controlled substance" means any substance  
9 listed in Schedules I through V contained in Health and Safety Code section 11053 et seq.

10 22. 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:

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

13 (b) Any device that bears the statement: "Caution: federal law restricts this device  
14 to sale by or on the order of a \_\_\_\_\_," "Rx only," or words of similar import, the  
15 blank to be filled in with the designation of the practitioner licensed to use or order  
16 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.

17 23. Hydrocodone/APAP is the generic name for Vicodin, a combination narcotics used  
18 to relieve moderate to severe pain, and is a Schedule III controlled substance as listed in Health  
19 and Safety Code section 11056(e)(4).

20 24. Ibuprofen was and is the generic name for the trade name drug Motrin 600, which is  
21 designated as a dangerous drug by Business and Professions Code section 4022. Ibuprofen is a  
22 non-steroidal, anti-inflammatory drug and is used for the treatment of fever, pain, inflammation,  
23 and stiffness.

24 25. Codeine/APAP is a brand name for Codeine with acetaminophen and a Schedule III  
25 controlled substance pursuant to Health and Safety Code section 11056(e) and a dangerous drug  
26 pursuant to Business and Professions Code section 4022.

27 26. Alprazolam, also known under the brand name Xanax, is a Schedule IV controlled  
28 substance as designated by Health and Safety Code section 11057(d)(1), and is a drug of the  
benzodiazepine class used to treat anxiety and panic attacks.

1 27. Diazepam, also known as Valium, is a Schedule IV controlled substance pursuant to  
2 Health and Safety Code section 11057(d)(9) and a dangerous drug pursuant to Business and  
3 Professions Code section 4022. Valium is indicated for the management of anxiety disorders or  
4 for the short-term relief of the symptoms of anxiety.

5 28. Floricet is a brand name and made from the combination of Butalbital a barbiturate,  
6 Acetaminophen, and Caffeine. It is a dangerous drug pursuant to Business and Professions  
7 Code section 4022 and is used to treat tension headaches that are caused by muscle contractions.

8 29. Soma is a brand name for Carisoprodol, a centrally-acting skeletal muscle relaxant  
9 and a dangerous drug pursuant to Business and Professions Code section 4022.

10 **CAUSES FOR DISCIPLINE, AS TO BOTH RESPONDENTS**

11 **FIRST CAUSE FOR DISCIPLINE**

12 (Improper Dispensing or Furnishing Dangerous Drugs on the Internet)

13 30. Respondents are subject to discipline under Code section 4067(a), in that between on  
14 or about July 30, 2007 and December 11, 2007, Respondents dispensed, furnished, or caused to  
15 be dispensed or furnished, dangerous drugs, as defined in Code section 4022, on the Internet for  
16 delivery to persons in the state of California without a prescription issued pursuant to a good faith  
17 prior examination, and the Respondents knew or reasonably should have known that the  
18 prescription was not issued pursuant to a good faith prior examination, or the Respondents did  
19 not act in accordance with Section 1761 of Title 16 of the California Code of Regulations;

20 a. Dispensing or furnishing two hundred fifty-six (256) prescriptions for dangerous  
21 drugs, including Hydrocodone/APAP, Ibuprofen, APAP/Codeine, Alprazolam; Diazepam,  
22 Floricet and Soma.

23 **SECOND CAUSE FOR DISCIPLINE**

24 (Dispensing of Erroneous or Uncertain Prescriptions(s))

25 31. Respondents are each and severally subject to discipline under section(s) 4301(j), (o),  
26 and/or 4113(e) of the Code, and/or California Code of Regulations, title 16, section 1761, in that  
27 between on or about July 30, 2007 and December 11, 2007, Respondents dispensed, attempted to  
28 dispense, assisted or abetted the dispensing of, and/or conspired to dispense, prescription(s)

1 containing one or more significant errors, omissions, irregularities, uncertainties, ambiguities or  
2 alterations, without contacting the prescriber to validate the prescription, and/or having objective  
3 reason(s) to know that the prescription(s) was/were not issued for a legitimate medical purpose.

4 THIRD CAUSE FOR DISCIPLINE

5 (Unauthorized Access to Pharmacy)

6 32. Respondents are subject to disciplinary action pursuant to section 4300 and 4301(j)  
7 and (o) for violation of Code of Regulations, title 16, section 1714 in that Respondents allowed  
8 access to Acton Pharmacy and its supply of dangerous drugs to an unauthorized individual.

9 FOURTH CAUSE FOR DISCIPLINE

10 (No Quality Assurance Program)

11 33. Respondents failed to develop a Quality Assurance Program, the pharmacist, clerk,  
12 and technician could not find a Quality Assurance policy and procedure at Acton Pharmacy in  
13 violation of Code sections 4301(j), (o) and California Code of Regulations section 1711. No  
14 Quality Assurance Program was discovered during the audit and inspection of Acton Pharmacy  
15 on May 20, 2009.

16 FOURTH CAUSE FOR DISCIPLINE

17 (No DEA Inventory)

18 34. Respondents failed to undertake a DEA inventory of controlled substances and  
19 dangerous drugs at least bi-annually while Pharmacist-In-Charge of Acton Pharmacy in violation  
20 of Code sections 4301 sections (j), (o), and Title 21, Code of Federal Regulations 1304.11(o).  
21 During the inspection of the Acton Pharmacy on May 20, 2009, by the Board investigator, the  
22 latest DEA inventory found was completed on January 2007.

23 DISCIPLINARY CONSIDERATION

24 35. To determine the degree of discipline, if any, to be imposed on Respondents,  
25 Complainant alleges that on or about January 16, 2008, in a prior action, the Board of Pharmacy  
26 issued Citation Number CI 2006 34043 and CI 2007 35033 and ordered Respondents to pay a  
27 civil penalty of \$4,500.00 and immediately take such measures as are necessary to practice at an  
28 acceptable standard of care. That Citation is now final and is incorporated by reference as if fully

1 set forth.

2 PRAYER

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

5 1. Revoking or suspending Original Permit Number PHY 48219, issued to PalmerRx,  
6 Inc. dba Acton Pharmacy; Hannah Mason (Respondent PalmerRx);

7 2. Revoking or suspending Original Pharmacist License Number RPH 46923 issued to  
8 Hannah Mason (Respondent Mason);

9 3. Ordering Respondent PalmerRx and Respondent Mason to jointly and severally pay  
10 the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,  
11 pursuant to Business and Professions Code section 125.3; and

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

13  
14  
15 DATED: *November 28, 2011*

*VL for*  
16 VIRGINIA HEROLD  
17 Executive Officer  
18 Board of Pharmacy  
19 Department of Consumer Affairs  
20 State of California  
21 Complainant

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**Exhibit B**

**Accusation No. 3919**



1 KAMALA D. HARRIS  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3919.

12 **HANNAH MASON  
3701 WEST PONDERA STREET  
13 LANCASTER, CA 93535**

**ACCUSATION**

14 **Pharmacist License No. RPH 46923**

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 16, 1994, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 46923 to Hannah Mason (Respondent Mason). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on July 31,  
24 2015, unless renewed.

25 **JURISDICTION**

26 3. This Accusation is brought before the Board of Pharmacy (Board), Department of  
27 Consumer Affairs, under the authority of the following laws. All section references are to the  
28 Business and Professions Code unless otherwise indicated.



1 of the supplier and the buyer, the drug or device, and its quantity. This section does not apply to  
2 the furnishing of any dangerous device by a manufacturer, wholesaler, or pharmacy to a physical  
3 therapist acting within the scope of his or her license under sales and purchase records that  
4 correctly provide the date the device is provided, the names and addresses of the supplier and the  
5 buyer, a description of the device, and the quantity supplied.”

6 10. Code section 4126.5, subdivision (a), provides:

7 “(a) A pharmacy may furnish dangerous drugs only to the following:

8 ...

9 “(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a dangerous drug  
10 that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to  
11 this paragraph may only furnish a quantity sufficient to alleviate the temporary shortage.

12 “(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized  
13 by law.

14 ...

15 “(7) To another pharmacy under common control.”

16 11. Section 4160 of the Code states:

17 “(a) A person may not act as a wholesaler of any dangerous drug or dangerous device  
18 unless he or she has obtained a license from the board.”

19 12. Section 4301 of the Code states:

20 “The board shall take action against any holder of a license who is guilty of unprofessional  
21 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.  
22 Unprofessional conduct shall include, but is not limited to, any of the following:

23 ...

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

26 ....

27 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the  
28 violation of or conspiring to violate any provision or term of this chapter or of the applicable

1 federal and state laws and regulations governing pharmacy, including regulations established by  
2 the board.”

3 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the  
4 administrative law judge to direct a licentiate found to have committed a violation or violations of  
5 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being  
7 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be  
8 included in a stipulated settlement.

9 **CONTROLLED SUBSTANCES / DANGEROUS DRUGS**

10 14. Section 4021 of the Code states:

11 “Controlled substance’ means any substance listed in Chapter 2 (commencing with Section  
12 11053) of Division 10 of the Health and Safety Code.”

13 15. Section 4022 of the Code states, in pertinent part:

14 “Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self-use,  
15 except veterinary drugs that are labeled as such, and includes the following:

16 “(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without  
17 prescription,’ ‘Rx only,’ or words of similar import.

18 ...  
19 “(c) Any other drug or device that by federal or state law can be lawfully dispensed only on  
20 prescription or furnished pursuant to Section 4006.”

21 16. Fentanyl is a Schedule II controlled substance pursuant to Health and Safety Code  
22 section 11055(c)(8) and is a dangerous drug pursuant to Business and Professions Code section  
23 4022.

24 **FIRST CAUSE FOR DISCIPLINE**

25 (Selling Dangerous Drugs without a Wholesaler License)

26 17. Respondent Mason is subject to disciplinary action under section 4301,  
27 subdivisions (j) and (o), and violating section 4160, subdivision (a) for selling dangerous drugs  
28 without a wholesaler license. The circumstances are as follows:

1 18. On or between August 12, 2009 and June 14, 2010, Respondent Mason sold  
 2 approximately \$107,641.41 worth of dangerous drugs to Moazzem H. Chowdhury dba Desert  
 3 Drugs (Desert Drugs) without a wholesaler license.

	Date	Invoice/Receipt	Approximate Amount
4			
5			
6	1	8/12/09 PO# A/P-8/12	\$279.63
7	2	8/12/09 PO# A/P to D/D-8/12	\$3,425.34
8	3	8/18/09 PO# A/P-8/18	\$203.02
9	4	8/25/09 PO# 139873415	\$400.48
10	5	10/8/09 PO# A/P-moaz	\$230.07
11	6	10/23/09 PO# jnyjny	\$4,042.42
12	7	10/23/09 PO# A/P to D/D-10/23	\$504.67
13	8	10/28/09 PO# MAZZZZZZ	\$177.62
14	9	10/29/09 PO# A/P-MOZ	\$756.34
15	10	10/30/09 PO# A/P-moaz	\$317.06
16	11	11/6/09 PO# MAZ	Unknown
17	12	11/9/09 PO# Desert Drugs	Unknown
18	13	11/12/09 PO# A/P-moaz	\$3,034.52
19	14	11/13/09 PO# Mozzzzz	\$1,401.89
20	15	11/16/09 PO# D/D-moaz	\$500.74
21	16	11/18/09 PO# A/P tp D/D-moaz	\$1,629.99
22	17	11/25/09 PO# Mozzzzz	Unknown
23	18	11/25/09 PO# Mozzzzz	Unknown
24	19	12/16/09 PO# Desert Drugs	\$5,011.74
25	20	12/17/09 PO# ANNNNNNN	\$1,767.82
26	21	12/21/09 PO# ANNNNNNN	Unknown
27	22	12/22/09 PO# Acton to D/D-moz	\$31.50
28	23	12/24/09 PO# Acton-moz	\$589.63
	24	1/4/10 PO# A/P-moaz	\$224.04
	25	1/4/10 PO# A/P-moaz	\$165.52
	26	1/7/10 PO# Acton-moz	\$16.14
	27	1/14/10 PO# A/P-moaz	\$923.38
	28	1/15/10 PO# A/P-moaz	\$508.84
	29	1/19/10 PO# A/P-moaz	\$89.62
	30	1/19/10 PO# Mozzzzz	\$871.80
	31	1/22/10 PO# MZZZZZ	\$373.44
	32	1/25/10 PO# MZZZZ	\$2,257.94
	33	1/26/10 PO# MZZZZ	Unknown
	34	1/27/10 PO# Avelox	\$8,354.91

1	35	1/29/10	PO# A/P-moaz	\$73.89
	36	1/29/10	PO# A/P-moaz	\$101.30
2	37	2/1/10	PO# A/P to Moaz	\$1,822.66
	38	2/1/10	PO# MOZZZ	Unknown
3	39	3/3/10	PO# 03/03/10-Desert	\$748.02
	40	3/5/10	PO# Desert03/05/2010	\$3,272.04
4	41	3/10/10	PO# Desert-03/10/10-00	\$3,742.25
	42	3/10/10	PO# Desert03/10/10	\$5,814.79
5	43	3/12/10	PO# 03/12/10-Desert	\$680.30
	44	3/22/10	PO# 03/22/10Desert	\$5,026.26
6	45	3/27/10	PO# 03/24/10Desert	\$4,239.91
	46	4/5/10	PO# Desert04/05/2010	\$4,844.70
7	47	4/10/10	PO# 04/10/10Desert	\$5,208.62
	48	4/15/10	PO# Desert04/15/10	\$5,120.65
8	49	4/23/10	PO# Desert-04/23/10	\$3,880.40
	50	4/26/10	PO# Desert04/26/10	\$4,970.63
9	51	4/30/10	PO# Deset04/30/2010	\$341.60
	52	4/30/10	PO# Desert04/30/10	\$2,255.60
10	53	5/7/10	PO# 05/07/10Desert	\$4,359.41
	54	5/14/10	PO# Desert-05/14/10	\$290.21
11	55	5/14/10	PO# Desert-05/14/10	\$99.40
	56	5/17/10	PO# Desert05/17/2010	\$556.61
12	57	5/21/10	PO# Desert05/21/10	\$1,293.22
	58	5/21/10	PO# Desert05/21/2010	\$1,109.66
13	59	5/25/10	PO# Desert05/25/2010	\$3,707.91
	60	5/25/10	PO# 05/25/10-Desert	\$4,078.73
14	61	5/28/10	PO# 05/28/2010Desert	\$944.93
	62	6/3/10	PO# Desert06/03/10	\$824.83
15	63	6/4/10	PO# Desert06/04/2010	\$142.77
	64	6/14/10	PO# ABC	Unknown
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22			Total	\$107,641.41

**SECOND CAUSE FOR DISCIPLINE**

(Unprofessional Conduct - Furnishing Dangerous Drugs with a Prescription)

19. Respondent Mason is subject to disciplinary action under section 4301, subdivisions (j) and (o) for violating section 4059, subdivision (b) in that Respondents furnished prescription medications without prescription. The circumstances are as follow:

///

20. On or between August 12, 2009 and June 14, 2010, Respondent Mason furnished approximately \$107,641.41 worth of dangerous drugs to Desert Pharmacy without proper sales records that correctly documented the date and the names and addresses of the supplier and buyer.

	Date	Invoice Record	Approximate Amount
1	8/12/09	PO# A/P-8/12	\$279.63
2	8/12/09	PO# A/P to D/D-8/12	\$3,425.34
3	8/18/09	PO# A/P-8/18	\$203.02
4	8/25/09	PO# 139873415	\$400.48
5	10/8/09	PO# A/P-moaz	\$230.07
6	10/23/09	PO# jnyjyny	\$4,042.42
7	10/23/09	PO# A/P to D/D-10/23	\$504.67
8	10/28/09	PO# MAZZZZZZ	\$177.62
9	10/29/09	PO# A/P-MOZ	\$756.34
10	10/30/09	PO# A/P-moaz	\$317.06
11	11/6/09	PO# MAZ	Unknown
12	11/9/09	PO# Desert Drugs	Unknown
13	11/12/09	PO# A/P-moaz	\$3,034.52
14	11/13/09	PO# Mozzzzz	\$1,401.89
15	11/16/09	PO# D/D-moaz	\$500.74
16	11/18/09	PO# A/P tp D/D-moaz	\$1,629.99
17	11/25/09	PO# Mozzzzz	Unknown
18	11/25/09	PO# Mozzzzz	Unknown
19	12/16/09	PO# Desert Drugs	\$5,011.74
20	12/17/09	PO# ANNNNNNNN	\$1,767.82
21	12/21/09	PO# ANNNNNNNN	Unknown
22	12/22/09	PO# Acton to D/D-moz	\$31.50
23	12/24/09	PO# Acton-moz	\$589.63
24	1/4/10	PO# A/P-moaz	\$224.04
25	1/4/10	PO# A/P-moaz	\$165.52
26	1/7/10	PO# Acton-moz	\$16.14
27	1/14/10	PO# A/P-moaz	\$923.38
28	1/15/10	PO# A/P-moaz	\$508.84
29	1/19/10	PO# A/P-moaz	\$89.62
30	1/19/10	PO# Mozzzzz	\$871.80
31	1/22/10	PO# MZZZZZ	\$373.44
32	1/25/10	PO# MZZZZ	\$2,257.94
33	1/26/10	PO# MZZZZ	Unknown
34	1/27/10	PO# Avelox	\$8,354.91

1	35	1/29/10	PO# A/P-moaz	\$73.89
	36	1/29/10	PO# A/P-moaz	\$101.30
2	37	2/1/10	PO# A/P to Moaz	\$1,822.66
3	38	2/1/10	PO# MOZZZ	Unknown
	39	3/3/10	PO# 03/03/10-Desert	\$748.02
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5	41	3/10/10	PO# Desert-03/10/10-00	\$3,742.25
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6	43	3/12/10	PO# 03/12/10-Desert	\$680.30
7	44	3/22/10	PO# 03/22/10Desert	\$5,026.26
	45	3/27/10	PO# 03/24/10Desert	\$4,239.91
8	46	4/5/10	PO# Desert04/05/2010	\$4,844.70
9	47	4/10/10	PO# 04/10/10Desert	\$5,208.62
	48	4/15/10	PO# Desert04/15/10	\$5,120.65
10	49	4/23/10	PO# Desert-04/23/10	\$3,880.40
11	50	4/26/10	PO# Desert04/26/10	\$4,970.63
	51	4/30/10	PO# Deset04/30/2010	\$341.60
12	52	4/30/10	PO# Desert04/30/10	\$2,255.60
13	53	5/7/10	PO# 05/07/10Desert	\$4,359.41
	54	5/14/10	PO# Desert-05/14/10	\$290.21
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15	56	5/17/10	PO# Desert05/17/2010	\$556.61
	57	5/21/10	PO# Desert05/21/10	\$1,293.22
16	58	5/21/10	PO# Desert05/21/2010	\$1,109.66
17	59	5/25/10	PO# Desert05/25/2010	\$3,707.91
	60	5/25/10	PO# 05/25/10-Desert	\$4,078.73
18	61	5/28/10	PO# 05/28/2010Desert	\$944.93
19	62	6/3/10	PO# Desert06/03/10	\$824.83
	63	6/4/10	PO# Desert06/04/2010	\$142.77
20	64	6/14/10	PO# ABC	Unknown
21				
22			Total	\$107,641.41

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1 DISCIPLINE CONSIDERATIONS

2 21. To determine the degree of discipline, if any, to be imposed on Respondent Mason,  
3 Complainant alleges that on or about November 28, 2011, in a prior disciplinary action entitled In  
4 the Matter of the Accusation Against Hannah Mason and PalmerRx, Inc. dba Acton Pharmacy  
5 before the Board of Pharmacy in Accusation Case Number 4207, Respondent Mason admitted the  
6 truth of the allegations pled against them in the Accusation and agreed that their pharmacy permit  
7 and pharmacist license were subject to discipline and bound by the Board's revoking  
8 Respondents' permit and pharmacy license. However the revocation is stayed for four years,  
9 ordered Respondent Mason to pay \$50,000.00 in civil penalties and additional terms of probation.

10 22. To determine the degree of discipline, if any, to be imposed on Respondent Mason,  
11 Complainant alleges that on or about January 16, 2008, in a prior action, the Board of Pharmacy  
12 issued Citation Number CI 2006 34043 and CI 2007 35033 and ordered Respondent Mason to pay  
13 a civil penalty of \$4,500.00 and immediately take such measures as are necessary to practice at an  
14 acceptable standard of care. That Citation is now final and is incorporated by reference as if fully  
15 set forth.

16 PRAYER

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

- 19 1. Revoking or suspending Pharmacist License Number RPH 46923, issued to Hannah  
20 Mason;
- 21 2. Ordering Hannah Mason to pay the Board of Pharmacy the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3; and
- 24 3. Taking such other and further action as deemed necessary and proper.

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DATED: 2/17/14

*Virginia Herold*

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

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