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

11 In the Matter of the Accusation Against:

Case No. 4774

12 **RIVERSIDE PHARMACY &**
13 **COMPOUNDING SHOP; EUNHYE PARK**
14 **11655 Riverside Dr.**
15 **North Hollywood, CA 91602**

DEFAULT DECISION AND ORDER AS
TO RESPONDENT REBECCA M.
SCHNERINGER ONLY

16 **Pharmacy Permit No. PHY 46371,**

17 **EUNHYE PARK**
18 **12344 Moorpark Street, #3**
19 **Studio City, CA 91604**

[Gov. Code, §11520]

20 **Pharmacist License No. RPH 48602,**

21 **TAERYONG PARK**
22 **12344 Moorpark St. #3**
23 **Studio City, CA 91604**

24 **Pharmacy Technician Registration No. TCH**
25 **32183,**

26 **and**

27 **REBECCA M. SCHNERINGER**
28 **1792 Alviso St.**
Simi Valley, CA 93065

Pharmacy Technician Registration No. TCH
96891

Respondents.

FINDINGS OF FACT

1. On or about November 4, 2013, Complainant Virginia Herold, in her official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, filed Accusation No. 4774 against Rebecca M. Schneringer ("Respondent"), and others, before the Board of Pharmacy. (Accusation attached as Exhibit A.)

2. On or about March 30, 2010, the Board of Pharmacy ("Board") issued Pharmacy Technician Registration No. TCH 96891 to Respondent. The Pharmacy Technician Registration expired on April 30, 2013, and has not been renewed. However, pursuant to Business and Professions Code section 4300.1, this lapse in licensure does not deprive the Board of its authority to institute or continue this disciplinary proceeding.

3. On or about November 22, 2013, Respondent was served by Certified and First Class Mail with copies of the Accusation No. 4774, Statement to Respondent, Notice of Defense, Request for Discovery, and Discovery Statutes (Government Code sections 11507.5, 11507.6, and 11507.7) at Respondent's address of record which, pursuant to Business and Professions Code section 4100, is required to be reported and maintained with the Board. Respondent's address of record was and is: 1792 Alviso St., Simi Valley, CA 93065.

4. Service of the Accusation was effective as a matter of law under the provisions of Government Code section 11505, subdivision (c) and/or Business & Professions Code section 124.

5. On or about December 5, 2013, the aforementioned documents in Paragraph 3 that were served by Certified Mail were returned by the U.S. Postal Service marked "Unclaimed." The documents that were served by U.S. Mail were returned by the U.S. Postal Service marked "Not Deliverable As Addressed Unable to Forward." The address on the documents was the same as the address on file with the Board. Respondent failed to maintain an updated address with the Board and the Board has made attempts to serve the Respondent at the address on file. Respondent has not made herself available for service and therefore, has not availed herself of her right to file a notice of defense and appear at hearing.

6. Government Code section 11506 states, in pertinent part:

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

7. Respondent failed to file a Notice of Defense within 15 days after service upon her of the Accusation, and therefore waived her right to a hearing on the merits of Accusation No. 4774.

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

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

9. Pursuant to its authority under Government Code section 11520, the Board finds Respondent is in default. The Board will take action without further hearing and, based on the relevant evidence contained in the Default Decision Evidence Packet in this matter, as well as taking official notice of all the investigatory reports, exhibits and statements contained therein on file at the Board's offices regarding the allegations contained in Accusation No. 4774, finds that the charges and allegations in Accusation No. 4774, are separately and severally, found to be true and correct by clear and convincing evidence.

10. Taking official notice of its own internal records, pursuant to Business and Professions Code section 125.3, it is hereby determined that Respondent's one quarter share of the reasonable costs for enforcement is \$631.25 as of December 17, 2013.

DETERMINATION OF ISSUES

1. Based on the foregoing findings of fact, Respondent Rebecca M. Schneringer has subjected her Pharmacy Technician Registration No. TCH 96891 to discipline.

2. The agency has jurisdiction to adjudicate this case by default.

3. The Board of Pharmacy is authorized to revoke Respondent's Pharmacy Technician Registration based upon the following violations alleged in the Accusation which are supported by the evidence contained in the Default Decision Evidence Packet in this case:

(a) Business and Professions Code section 4301, subdivision (f) on the grounds of unprofessional conduct in that Respondent committed a dishonest act when on or about June 25,

1 2010, she took hydrocodone/APAP from The Prescription Center, a pharmacy where she was
2 employed.

3 (b) Business and Professions Code sections 4059 and 4301, subdivision (o) on the
4 grounds of unprofessional conduct in that on or about June 25, 2010, Respondent violated the
5 Pharmacy Law when she unlawfully furnished to herself a 500 size bottle of hydrocodone/APAP
6 for which she did not have a prescription.

7 (c) Business and Professions Code sections 4060 and 4301, subdivision (o) on the
8 grounds of unprofessional conduct in that on or about June 25, 2010, Respondent violated the
9 Pharmacy Law by possessing a controlled substance, to wit, hydrocodone/APAP, without a
10 prescription.

11 (d) Business and Professions Code section 4301, subdivision (j) and Health and
12 Safety Code sections 11350, subdivision (a) and 11170 on the grounds of unprofessional conduct
13 in that on or about June 25, 2010, Respondent violated California rules regulating controlled
14 substances when she unlawfully possessed and self-furnished hydrocodone/APAP without a
15 prescription.

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ORDER

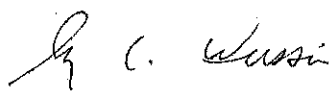
IT IS SO ORDERED that Pharmacy Technician Registration No. TCH 96891, heretofore issued to Respondent Rebecca M. Schneringer, is revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 10, 2014.

It is so ORDERED February 7, 2014.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA


By _____
STAN C. WEISSER
Board President

51422206.DOC
DOJ Matter ID:LA2013510075

Attachment:
Exhibit A: Accusation

Exhibit A

Accusation

1 KAMALA D. HARRIS
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7 Attorneys for Complainant

8 BEFORE THE
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9 DEPARTMENT OF CONSUMER AFFAIRS
10 STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 4774

12 RIVERSIDE PHARMACY &
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ACCUSATION

14 Pharmacy Permit No. PHY 46371,

15 EUNHYE PARK
16 12344 Moorpark Street, #3
Studio City, CA 91604

17 Pharmacist License No. RPH 48602,

18 TAERYONG PARK
19 12344 Moorpark St. #3
Studio City, CA 91604

20 Pharmacy Technician Registration No. TCH
21 32183,

22 and

23 REBECCA M. SCHNERINGER
1792 Alyiso St.
24 Simi Valley, CA 93065

25 Pharmacy Technician Registration No. TCH
26 96891

27 Respondents.
28

1 Complainant alleges:

2 PARTIES

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

5 2. On or about May 8, 2003, the Board of Pharmacy issued Pharmacy Permit Number
6 PHY 46371 to Riverside Pharmacy & Compounding Shop ("Respondent Riverside Pharmacy")
7 with Eunhye (Grace) Park as the Pharmacist-in-Charge. The Pharmacy Permit was in full force
8 and effect at all times relevant to the charges brought herein and will expire on May 1, 2014,
9 unless renewed.

10 3. On or about March 12, 1996, the Board of Pharmacy issued Pharmacist License
11 Number RPH 48602 to Eunhye Park ("Respondent PIC Park"). The Pharmacist License was in
12 full force and effect at all times relevant to the charges brought herein and will expire on May 31,
13 2015, unless renewed.

14 4. On or about February 27, 2000, the Board of Pharmacy issued Pharmacy Technician
15 Registration Number TCH 32183 to Respondent Taeryong (Tyler) Park ("Respondent TCH
16 Park"). The Pharmacy Technician Registration was in full force and effect at all times relevant to
17 the charges brought herein and will expire on December 31, 2013, unless renewed.

18 5. On or about March 30, 2010, the Board of Pharmacy issued Pharmacy Technician
19 Registration Number TCH 96891 to Respondent Rebecca M. Schneringer ("Respondent TCH
20 Schneringer"). The Pharmacy Technician Registration was in full force and effect at all times
21 relevant to the charges brought herein. The license expired on April 30, 2013, has not been
22 renewed, and is canceled.

23 JURISDICTION

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

27 7. Section 4300.1 of the Code states:
28

1 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
2 operation of law or by order or decision of the board or a court of law, the placement of a license
3 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
4 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
5 proceeding against, the licensee or to render a decision suspending or revoking the license."

6 8. Section 4300 of the Code states, in pertinent part:

7 "(a) Every license issued may be suspended or revoked.

8 "(b) The board shall discipline the holder of any license issued by the board, whose default
9 has been entered or whose case has been heard by the board and found guilty, by any of the
10 following methods:

11 "(1) Suspending judgment.

12 "(2) Placing him or her upon probation.

13 "(3) Suspending his or her right to practice for a period not exceeding one year.

14 "(4) Revoking his or her license.

15 "(5) Taking any other action in relation to disciplining him or her as the board in its
16 discretion may deem proper.

17 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
18 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
19 shall have all the powers granted therein. The action shall be final, except that the propriety of the
20 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
21 Procedure."

22 STATUTORY PROVISIONS

23 9. Section 4036.5 of the Code states:

24 "'Pharmacist-in-charge' means a pharmacist proposed by a pharmacy and approved by the
25 board as the supervisor or manager responsible for ensuring the pharmacy's compliance with all
26 state and federal laws and regulations pertaining to the practice of pharmacy."

27 10. Section 4058 of the Code states:

1 "Every person holding a license issued under this chapter to operate a premises shall display
2 the original license and current renewal license upon the licensed premises in a place where it
3 may be clearly read by the public."

4 11. Section 4059, subdivision (a) of the Code states:

5 "(a) A person may not furnish any dangerous drug, except upon the prescription of a
6 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
7 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
8 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
9 3640.7."

10 12. Section 4060 of the Code states:

11 "No person shall possess any controlled substance, except that furnished to a person upon
12 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
13 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
14 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
15 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
16 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
17 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
18 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
19 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
20 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
21 labeled with the name and address of the supplier or producer.

22 "Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
23 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
24 devices."

25 13. Section 4076 of the Code states, in pertinent part:

26 "(a) A pharmacist shall not dispense any prescription except in a container that meets the
27 requirements of state and federal law and is correctly labeled with all of the following:

28 ///

1 "(11)

2 "(A) Commencing January 1, 2006, the physical description of the dispensed
3 medication, including its color, shape, and any identification code that appears on the tablets or
4 capsules, except as follows:

5 "(i) Prescriptions dispensed by a veterinarian.

6 "(ii) An exemption from the requirements of this paragraph shall be granted to a
7 new drug for the first 120 days that the drug is on the market and for the 90 days during which the
8 national reference file has no description on file.

9 "(iii) Dispensed medications for which no physical description exists in any
10 commercially available database.

11 "(B) This paragraph applies to outpatient pharmacies only.

12 "(C) The information required by this paragraph may be printed on an auxiliary label
13 that is affixed to the prescription container.

14 "(D) This paragraph shall not become operative if the board, prior to January 1, 2006,
15 adopts regulations that mandate the same labeling requirements set forth in this paragraph."

16 14. Section 4081 of the Code states, in pertinent part:

17 "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs
18 or dangerous devices shall be at all times during business hours open to inspection by authorized
19 officers of the law, and shall be preserved for at least three years from the date of making. A
20 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-
21 animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
22 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
23 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
24 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
25 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

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

1 15. Section 4104 of the Code states, in pertinent part:

2 "(a) Every pharmacy shall have in place procedures for taking action to protect the public
3 when a licensed individual employed by or with the pharmacy is discovered or known to be
4 chemically, mentally, or physically impaired to the extent it affects his or her ability to practice
5 the profession or occupation authorized by his or her license, or is discovered or known to have
6 engaged in the theft, diversion, or self-use of dangerous drugs.

7 "(b) Every pharmacy shall have written policies and procedures for addressing chemical,
8 mental, or physical impairment, as well as theft, diversion, or self-use of dangerous drugs, among
9 licensed individuals employed by or with the pharmacy. . . . "

10 16. Section 4301 of the Code states:

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

14

15 "(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
16 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
17 whether the act is a felony or misdemeanor or not.

18

19 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
20 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
21 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
22 to the extent that the use impairs the ability of the person to conduct with safety to the public the
23 practice authorized by the license.

24

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

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

5 17. Health and Safety Code section 11170 states, "[n]o person shall prescribe, administer,
6 or furnish a controlled substance for himself."

7 18. Health and Safety Code section 11350, subdivision (a) states:

8 "(a) Except as otherwise provided in this division, every person who possesses (1) any
9 controlled substance specified in subdivision (b) or (c), or paragraph (1) of subdivision (f) of
10 Section 11054, specified in paragraph (14), (15), or (20) of subdivision (d) of Section 11054, or
11 specified in subdivision (b) or (c) of Section 11055, or specified in subdivision (h) of Section
12 11056, or (2) any controlled substance classified in Schedule III, IV, or V which is a narcotic
13 drug, unless upon the written prescription of a physician, dentist, podiatrist, or veterinarian
14 licensed to practice in this state, shall be punished by imprisonment pursuant to subdivision (h) of
15 Section 1170 of the Penal Code."

16 **FEDERAL AND STATE REGULATORY PROVISIONS**

17 19. Code of Federal Regulations, title 21, section 1304.04, subdivision (h) states, in
18 pertinent part:

19 "(h) Each registered pharmacy shall maintain the inventories and records of controlled
20 substances as follows:

21 "(1) Inventories and records of all controlled substances listed in Schedule I and II
22 shall be maintained separately from all other records of the pharmacy.

23

24 "(3) Inventories and records of Schedules III, IV, and V controlled substances shall be
25 maintained either separately from all other records of the pharmacy or in such form that the
26 information required is readily retrievable from ordinary business records of the pharmacy. . . ."

27 20. Code of Federal Regulations, title 21, section 1304.11 states in pertinent part:

28

1 "(b) Initial inventory date. Every person required to keep records shall take an inventory of
2 all stocks of controlled substances on hand on the date he/she first engages in the manufacture,
3 distribution, or dispensing of controlled substances, in accordance with paragraph (e) of this
4 section as applicable. In the event a person commences business with no controlled substances on
5 hand, he/she shall record this fact as the initial inventory.

6 "(c) After the initial inventory is taken, the registrant shall take a new inventory of all stocks
7 of controlled substances on hand at least every two years. The biennial inventory may be taken on
8 any date which is within two years of the previous biennial inventory date. . . ."

9 21. California Code of Regulations, title 16, section 1714, states, in pertinent part:

10

11 "(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and
12 equipment so that drugs are safely and properly prepared, maintained, secured and distributed.
13 The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice
14 of pharmacy.

15

16 "(d) Each pharmacist while on duty shall be responsible for the security of the prescription
17 department, including provisions for effective control against theft or diversion of dangerous
18 drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy
19 where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

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

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

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

4 "The controlled substances inventories required by Title 21, CFR, Section 1304 shall be
5 available for inspection upon request for at least 3 years after the date of the inventory."

6 23. California Code of Regulations, title 16, section 1735.3, subdivision (a) states:

7 "(a) For each compounded drug product, the pharmacy records shall include:

8 "(1) The master formula record.

9 "(2) The date the drug product was compounded.

10 "(3) The identity of the pharmacy personnel who compounded the drug product.

11 "(4) The identity of the pharmacist reviewing the final drug product.

12 "(5) The quantity of each component used in compounding the drug product.

13 "(6) The manufacturer, expiration date and lot number of each component. If the
14 manufacturer name is demonstrably unavailable, the name of the supplier may be substituted.
15 Exempt from the requirements in this paragraph are sterile products compounded on a one-time
16 basis for administration within seventy-two (72) hours and stored in accordance with standards
17 for "Redispensed CSPS" found in Chapter 797 of the United States Pharmacopeia--National
18 Formulary (USP-NF) (35th Revision, Effective May 1, 2012), hereby incorporated by reference,
19 to an inpatient in a health care facility licensed under section 1250 of the Health and Safety Code.

20 "(7) A pharmacy assigned reference or lot number for the compounded drug product.

21 "(8) The expiration date of the final compounded drug product.

22 "(9) The quantity or amount of drug product compounded."

23 24. California Code of Regulations, title 16, section 1793.7, subdivision (d) states:

24 "(d) Any pharmacy employing or using a pharmacy technician shall develop a job
25 description and written policies and procedures adequate to ensure compliance with the
26 provisions of Article 11 of this Chapter, and shall maintain, for at least three years from the time
27 of making, records adequate to establish compliance with these sections and written policies and
28 procedures."

1 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS**

2 25. Hydrocodone/APAP is a combination of hydrocodone and acetaminophen is a
3 Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision
4 (e)(4) and is a dangerous drug pursuant to Business and Professions Code section 4022.

5 26. Testosterone is a Schedule III controlled substance pursuant to Health and Safety
6 Code section 11056, subdivision (f)(30) and is a dangerous drug pursuant to Business and
7 Professions Code section 4022.

8 **COST RECOVERY**

9 27. Section 125.3 of the Code states, in pertinent part, that the Board may request the
10 administrative law judge to direct a licensee found to have committed a violation or violations of
11 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
12 enforcement of the case.

13 **FIRST CAUSE FOR DISCIPLINE**

14 **(Commission of Dishonest Act)**

15 28. Respondent TCH Schneringer is subject to disciplinary action under Code section
16 4301, subdivision (f) on the grounds of unprofessional conduct in that Respondent TCH
17 Schneringer committed a dishonest act when on or about June 25, 2010, she took
18 hydrocodone/APAP from The Prescription Center, a pharmacy where she was employed. The
19 circumstances are as follows:

20 (a) On or about June 25, 2010, while working at The Prescription Center as a
21 registered pharmacy technician, another registered pharmacy technician observed Respondent
22 TCH Schneringer putting something in her purse. A relief pharmacist heard shaking pills in
23 Respondent TCH Schneringer's purse and the pharmacist asked Respondent TCH Schneringer to
24 open her purse. The Pharmacist-in-Charge seized a sealed 500 size bottle of hydrocodone/APAP
25 10-325. Respondent TCH Schneringer did not have a prescription for this drug.

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1 Respondent PIC Park violated the Pharmacy Law by failing to maintain Respondent Riverside
2 Pharmacy in such a manner so that drugs are safely and properly maintained and secured. The
3 circumstances are as follows:

4 (a) On or about June 7, 2011, a Board inspector conducted a routine inspection of
5 Respondent Riverside Pharmacy which was where Respondent TCH Schneringer was working at
6 the time.

7 (b) The Board inspector conducted a "zero-based" audit on five controlled
8 substances for a one year period from June 8, 2010 to June 7, 2011. Based on the audit, from
9 June 8, 2010 to June 7, 2011, Respondent Riverside Pharmacy and Respondent PIC Park failed to
10 maintain and secure approximately 2,578 tablets of hydrocodone/APAP.

11 SIXTH CAUSE FOR DISCIPLINE

12 (DEA Inventory)

13 33. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
14 action under Code sections 4301, subdivisions (j) and (o), in conjunction with Code of Federal
15 Regulations, title 21, section 1304.11, subdivisions (c) and (h)(1) and (h)(3) and California Code
16 of Regulations, title 16, section 1718, on the grounds of unprofessional conduct in that
17 Respondent Riverside Pharmacy and Respondent PIC Park violated federal and state rules and
18 regulations by failing to maintain a proper DEA inventory of controlled substances. The
19 circumstances are as follows:

20 (a) On or about June 7, 2011, during an inspection of Respondent Riverside
21 Pharmacy, a Board inspector found that only Schedule II controlled substance inventories had
22 been taken for 2005, 2007, and 2011. No Schedule III, IV, or V controlled substance inventories
23 had been taken. No 2009 DEA inventory was taken for any type of controlled substance.

24 SEVENTH CAUSE FOR DISCIPLINE

25 (Tablet Identification on Patient Medication Container Label)

26 34. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
27 action under Code sections 4076, subdivision (a)(11)(A) and 4301, subdivision (o) on the grounds
28 of unprofessional conduct in that on or about June 7, 2011, Respondent Riverside Pharmacy and

1 Respondent PIC Park violated the Pharmacy Law by having the physical description of certain
2 dispensed medication on the patient monograph and not as part of the label on the container.

3 **EIGHTH CAUSE FOR DISCIPLINE**

4 **(Theft/Impairment Policy and Procedure)**

5 35. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
6 action under Code sections 4104, subdivisions (a) and (b) and 4301, subdivision (o) on the
7 grounds of unprofessional conduct in that on or about June 7, 2011, Respondent Riverside
8 Pharmacy and Respondent PIC Park violated the Pharmacy Law by failing to have in place proper
9 written policies and procedures regarding theft, diversion, or self-use of dangerous drugs, and
10 employee impairment.

11 **NINTH CAUSE FOR DISCIPLINE**

12 **(Key to Pharmacy)**

13 36. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
14 action under Code section 4301, subdivision (o), in conjunction with California Code of
15 Regulations, title 16, section 1714, subdivisions (d) and (e), on the grounds of unprofessional
16 conduct in that on or about June 7, 2011, Respondent Riverside Pharmacy and Respondent PIC
17 Park violated the Pharmacy Law by allowing Respondent TCH Park, the co-owner of Respondent
18 Riverside Pharmacy and a registered pharmacy technician – not a pharmacist, to have possession
19 of a key to Respondent Riverside Pharmacy that was not in a tamper-evident container.

20 **TENTH CAUSE FOR DISCIPLINE**

21 **(Pharmacy Permit Not Readable to Public)**

22 37. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
23 action under Code sections 4058 and 4301, subdivision (o) on the grounds of unprofessional
24 conduct in that on or about June 7, 2011, Respondent Riverside Pharmacy and Respondent PIC
25 Park violated the Pharmacy Law by failing to display the original pharmacy permit and renewal
26 permit in a place where it was clearly readable to the public. The circumstances are as follows:
27
28

1 (a) On or about August 5, 2003, during an inspection of Respondent Riverside
2 Pharmacy, a Board inspector noted "Recommend moving pharmacy permit to location where
3 public can read it. Currently in back of pharmacy high on shelf."

4 (b) On or about June 7, 2011, during an inspection of Respondent Riverside
5 Pharmacy, a Board inspector noted that the pharmacy permits were still located in the back of the
6 pharmacy and high on a shelf.

7 **ELEVENTH CAUSE FOR DISCIPLINE**

8 **(Pharmacy Technician Written Policies and Procedures)**

9 38. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
10 action under Code section 4301, subdivision (o), in conjunction with California Code of
11 Regulations, title 16, section 1793.7, subdivision (d), on the grounds of unprofessional conduct in
12 that on or about June 7, 2011, Respondent Riverside Pharmacy and Respondent PIC Park violated
13 the Pharmacy Law by failing to have adequate written policies and procedures regarding the
14 employment of pharmacy technicians.

15 **TWELFTH CAUSE FOR DISCIPLINE**

16 **(Records of Compounded Drug Products)**

17 39. Respondent Riverside Pharmacy and Respondent PIC Park are subject to disciplinary
18 action under Code section 4301, subdivision (o), in conjunction with California Code of
19 Regulations, title 16, section 1735.3, subdivision (a), on the grounds of unprofessional conduct in
20 that on or about June 7, 2011, Respondent Riverside Pharmacy and Respondent PIC Park violated
21 the Pharmacy Law by not having adequate records regarding compounded drugs. The
22 circumstances are as follows:

23 (a) On or about June 7, 2011, during an inspection of Respondent Riverside
24 Pharmacy, a Board inspector noted that for each compounded drug product, Respondent Riverside
25 Pharmacy did not have: (1) a master formula record; (2) the identity of the pharmacist viewing the
26 final drug product; (3) the quantity of each component used in compounding the drug product; (4)
27 the manufacturer and lot number of each component used in compounding the drug product; (5)
28

1 the equipment used in compounding the drug product; (6) the expiration date of the final
2 compounded drug product; and (7) and quantity or amount of the drug product compounded.

3 **FOURTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Records)**

5 40. Respondent PIC Park is subject to disciplinary action under Code sections 4081,
6 subdivision (b) and 4301, subdivision (o), in conjunction with California Code of Regulations,
7 title 16, section 1718, on the grounds of unprofessional conduct in that Respondent PIC Park
8 violated the Pharmacy Law by failing to maintain accurate records and complete accountability of
9 approximately 2,578 tablets of hydrocodone/APAP between June 8, 2010 to June 7, 2011.
10 Complainant incorporates by reference Paragraph 32 subparagraph (b), as though fully set forth
11 herein.

12 **FIFTEENTH CAUSE FOR DISCIPLINE**

13 **(Furnishing Controlled Substance without a Prescription)**

14 41. Respondent TCH Park is subject to disciplinary action under Code sections 4059 and
15 4301, subdivision (o) on the grounds of unprofessional conduct in that on or about June 7, 2011
16 Respondent TCH Park violated the Pharmacy Law when he unlawfully furnished to himself
17 approximately 30 ml of testosterone 15% with lipoderm. The circumstances are as follows:

18 (a) On or about June 7, 2011 during an inspection of Respondent Riverside
19 Pharmacy, a Board inspector observed Respondent TCH Park place an amber syringe in his
20 leather valise in the back office of the pharmacy. The inspector instructed Respondent TCH Park
21 to pull the item out of the valise and she collected the amber syringe. When questioned regarding
22 the contents of the syringe, Respondent TCH Park admitted that it contained testosterone with
23 lipoderm. Respondent TCH Park had made the medication for a customer and he admitted to
24 keeping the leftover medication to use on himself.

25 **SIXTEENTH CAUSE FOR DISCIPLINE**

26 **(Possession of a Controlled Substance without a Prescription)**

27 42. Respondent TCH Park is subject to disciplinary action under Code sections 4060 and
28 4301, subdivision (o) on the grounds of unprofessional conduct in that on or about June 7, 2011

1 Respondent TCH Park violated the Pharmacy Law by possessing a controlled substance, to wit,
2 testosterone, without a prescription. Complainant incorporates by reference Paragraph 41,
3 subparagraph (a), as though fully set forth herein.

4 **SEVENTEENTH CAUSE FOR DISCIPLINE**

5 **(Violation of State Statutes Regulating Controlled Substances)**

6 43. Respondent TCH Park is subject to disciplinary action under Code section 4301,
7 subdivision (j) and Health and Safety Code sections 11350, subdivision (a) and 11170 on the
8 grounds of unprofessional conduct in that on or about June 7, 2011, Respondent TCH Park
9 violated California rules regulating controlled substances when he unlawfully possessed and self-
10 furnished testosterone without a prescription. Complainant incorporates by reference Paragraph
11 41, subparagraph (a), as though fully set forth herein.

12 **PRAYER**

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

15 1. Revoking or suspending Pharmacy Permit Number PHY 46371, issued to Riverside
16 Pharmacy & Compounding Shop with Eunhye Park as the Pharmacist-in-Charge;

17 2. Revoking or suspending Pharmacist License Number RPH 48602, issued to Eunhye
18 Park;

19 3. Revoking or suspending Pharmacy Technician Registration Number TCH 32183,
20 issued to Taeryong Park;

21 4. Revoking or suspending Pharmacy Technician Registration Number TCH 96891,
22 issued to Rebecca M. Schneringer;

23 5. Ordering Riverside Pharmacy & Compounding Shop, Eunhye Park, Taeryong Park,
24 and Rebecca M. Schneringer to pay the Board of Pharmacy the reasonable costs of the
25 investigation and enforcement of this case, pursuant to Business and Professions Code section
26 125.3; and

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6. Taking such other and further action as deemed necessary and proper.

DATED: 11/4/13 Virginia Herold

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

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