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

In the Matter of the Accusation Against:

Case No. 4942

George M. Arragg P.O. Box 27 Montebello, CA 90640 Pharmacist License No. RPH 19827

Respondent.

DECISION AND ORDER

The attached Stipulated Surrender of License and 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 May 13, 2015.

It is so ORDERED on May 6, 2015.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

	JJ
1 2 3 4 5 6	KAMALA D. HARRIS Attorney General of California LINDA K. SCHNEIDER Senior Assistant Attorney General THOMAS L. RINALDI Supervising Deputy Attorney General State Bar No. 206911 300 So. Spring Street, Suite 1702 Los Angeles, CA 90013 Telephone: (213) 897-2541 Facsimile: (213) 897-2804 Attorneys for Complainant
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8	BOARD OF PHARMACY
. 9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 4942
12	GEORGE M. ARRAGG STIPULATED SURRENDER OF P.O. Box 27 LICENSE AND ORDER
12	P.O. Box 27 Montebello, CA 90640 Pharmacist License No. RPH 19827
14	Respondent.
15	
16	IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
17	entitled proceedings that the following matters are true:
18	PARTIES
19	1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
20	She brought this action solely in her official capacity and is represented in this matter by Kamala
21	D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney
22	General.
23	2. George M. Arragg (Respondent) is represented in this proceeding by attorney Nicole
24	D. Hendrickson, whose address is 3835 North Freeway Blvd., Suite 228, Sacramento, CA 95834.
25	3. On or about January 28, 1957, the Board of Pharmacy issued Pharmacist License No.
26	RPH 19827 to Respondent. The Pharmacist License was in full force and effect at all times
27	relevant to the charges brought in Accusation No. 4942 and will expire on November 30, 2015,
28	unless renewed.
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1 | 1 5 Stipulated Surrender of License (Case No. 4942)¹

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1	JURISDICTION
2	4. Accusation No. 4942 was filed before the Board of Pharmacy (Board), Department of
3	Consumer Affairs, and is currently pending against Respondent. The Accusation and all other
4	statutorily required documents were properly served on Respondent on July 29, 2014.
5	Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation
6	No. 4942 is attached as Exhibit A and incorporated by reference.
7	ADVISEMENT AND WAIVERS
8	5. Respondent has carefully read, fully discussed with counsel, and understands the
9	charges and allegations in Accusation No. 4942. Respondent also has carefully read, fully
10	discussed with counsel, and understands the effects of this Stipulated Surrender of License and
11	Order.
12	6. Respondent is fully aware of his legal rights in this matter, including the right to a
13	hearing on the charges and allegations in the Accusation; the right to be represented by counsel, at
14	his own expense; the right to confront and cross-examine the witnesses against him; the right to
15	present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel
16	the attendance of witnesses and the production of documents; the right to reconsideration and
17	court review of an adverse decision; and all other rights accorded by the California
18	Administrative Procedure Act and other applicable laws.
19	7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
20	every right set forth above.
21	<u>CUĹPABILITY</u>
22	8. Respondent understands and agrees that the charges and allegations in Accusation
23	No. 4942, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist
24	License (RPH 19827).
25	9. For the purpose of resolving the Accusation without the expense and uncertainty of
26	further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual
27	basis for the charges in the Accusation, and that Respondent hereby gives up his right to contest
28	those charges.
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	Stipulated Surrender of License (Case No. 4942)

10. Respondent understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Pharmacist License without further process.

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CONTINGENCY

11. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 4 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may communicate directly with the Board regarding this stipulation and surrender, without notice to or participation by Respondent or his counsel. By signing the stipulation, Respondent understands 7 and agrees that he may not withdraw his agreement or seek to rescind the stipulation prior to the 8 time the Board considers and acts upon it. If the Board fails to adopt this stipulation as its 9 Decision and Order, the Stipulated Surrender and Disciplinary Order shall be of no force or 10 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties, 11 and the Board shall not be disqualified from further action by having considered this matter. 12

The parties understand and agree that Portable Document Format (PDF) and facsimile 12. 13 copies of this Stipulated Surrender of License and Order, including Portable Document Format 14 (PDF) and facsimile signatures thereto, shall have the same force and effect as the originals. 15

This Stipulated Surrender of License and Order is intended by the parties to be an 13. 16 integrated writing representing the complete, final, and exclusive embodiment of their agreement. 17 It supersedes any and all prior or contemporaneous agreements, understandings, discussions, 18 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order 19 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing 20 executed by an authorized representative of each of the parties. 21

14. In consideration of the foregoing admissions and stipulations, the parties agree that 22 the Board may, without further notice or formal proceeding, issue and enter the following Order: 23

ORDER

IT IS HEREBY ORDERED that Pharmacist License No. RPH 19827, issued to Respondent 25 George M. Arragg, is surrendered and accepted by the Board of Pharmacy. 26

The surrender of Respondent's Pharmacist License and the acceptance of the 1 27 surrendered license by the Board shall constitute the imposition of discipline against Respondent. 28

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This stipulation constitutes a record of the discipline and shall become a part of Respondent's
 license history with the Board of Pharmacy.

2. Respondent shall lose all rights and privileges as a pharmacist in California as of the
effective date of the Board's Decision and Order.

3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
issued, his wall certificate on or before the effective date of the Decision and Order.

4. Respondent understands and agrees that if he ever files an application an application for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a new application for licensure.

5. Respondent may not apply for any license, permit, or registration from the Board for 10 three years from the effective date of this decision. Respondent stipulates that should he apply for 11 any license from the Board on or after the effective date of this decision, all allegations set forth 12 in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Board 13 determines whether or not to grant or deny the application. Respondent shall satisfy all 14 requirements applicable to that license as of the date the application is submitted to the Board, 15 including, but not limited to taking and passing the California Pharmacist Licensure Examination 16 prior to the issuance of a new license. Respondent is required to report this surrender as 17 disciplinary action. 18

Respondent further stipulates that should he apply for any license from the Board on
 or after the effective date of this decision the investigation and enforcement costs in the amount
 of \$2,805.00 shall be paid to the Board prior to issuance of the new reinstated license.

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ACCEPTANCE.

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Nicole D. Hendrickson. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

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Stipulated Surrender of License (Case No. 4942)

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	1	DATED: March 29, 2015 GEORGE MARAGG
	2	Respondent
	3	I have read and fully discussed with Respondent George M. Arragg the terms and
	4	conditions and other matters contained in this Stipulated Surrender of License and Order. I
	5	approve its form and content.
	6	DATED: 3/30/2075 Nivole Hendrickson
	7	/ / NICOLE D. HENDRICKSON Attorney for Respondent
	8	
? .;	9 ~	ENDORSEMENT
	10	The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted
	11	for consideration by the Board of Pharmacy of the Department of Consumer Affairs.
	12	
	13	Dated: 4-13-2015 Respectfully submitted, KAMALA D. HARRIS
	14	Attorney General of California MARC GBEENBAUM
	15	Supervising Deputy Attorney General
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	17	THOMAS L. RINALDI
	18	Deputy Attorney General Attorneys for Complainant
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		5 Stipulated Surrender of License (Case No. 4942)
		Supulated Surrender of License (Case 140, 4942)

Exhibit A

Accusation No. 4942

1	KAMALA D. HARRIS
2	Attorney General of California KAREN B. CHAPPELLE
3	Supervising Deputy Attorney General THOMAS L. RINALDI
4	Deputy Attorney General State Bar No. 206911
5	300 So. Spring Street, Suite 1702 Los Angeles, CA 90013
6	Telephone: (213) 897-2541 Facsimile: (213) 897-2804
7	Attorneys for Complainant
8	BOARD OF PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA
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11	In the Matter of the Accusation Against: Case No. 4942
12	GEORGE M. ARRAGG P.O. Box 27
13	Montebello, CA 90640 A C C U S A T I O N
14	Pharmacist License No. RPH 19827
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 January 28, 1957, the Board of Pharmacy issued Pharmacist License
22	Number RPH 19827 to George M. Arragg (Respondent). The Pharmacist License was in full
23	force and effect at all times relevant to the charges brought herein and will expire on November
24	30, 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 Accusation

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1	STATUTORY PROVISIONS
2	4. Section 118, subdivision (b), provides that the suspension, expiration, surrender,
3	cancellation of a license shall not deprive the Board to proceed with a disciplinary action during
4	the period within which the license may be renewed, restored, reissued or reinstated.
5	5. Section 4060 provides, in pertinent part:
6	"No person shall possess any controlled substance, except that furnished to a person upon
7	the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
8	pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
9	midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
10	physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
11	or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
12	subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052."
13	6. Section 4300 provides, in pertinent part, that every license issued by the Board is
14	subject to discipline, including suspension or revocation.
15	7. Section 4301 provides, in pertinent part:
16	"The board shall take action against any holder of a license who is guilty of unprofessional
17	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.
18	Unprofessional conduct shall include, but is not limited to, any of the following:
19	••••
20	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
21	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
22	whether the act is a felony or misdemeanor or not.
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24	"(h) The administering to oneself, of any controlled substance, or the use of any dangerou
25.	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
26	oneself, to a person holding a license under this chapter, or to any other person or to the public, or
27	to the extent that the use impairs the ability of the person to conduct with safety to the public the
28	practice authorized by the license.
	2 Accusation

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

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

8. Health and Safety Code section 11170 states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

COST RECOVERY

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

DANGEROUS DRUG/CONTROLLED SUBSTANCES

17 10. "Lorazepam" a benzodiazepine derivative, is a Schedule IV controlled substance as
18 designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a
19 dangerous drug pursuant to Business and Professions Code section 4022.

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BACKGROUND

11. On or around August 1, 2011, Respondent was working as a pharmacist at Rite Aid
Pharmacy, located in Lynwood, CA. Towards the end of the day, a pharmacy technician noticed
that Respondent was handling Lorazepam, a controlled substance, despite the fact that there were
no remaining scripts. An investigation ensued which included a review of surveillance video and
a Lorazepam audit. Respondent was subsequently interviewed during which he admitted taking
twelve tablets of Lorazepam from the pharmacy.

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Accusation

1	FIRST CAUSE FOR DISCIPLINE
2	(Unlawful Possession of Controlled Substances)
3	12. Respondent is subject to disciplinary action under sections 4300, and 4301,
4	subdivisions (j) and (o) in conjunction with section 4060, in that Respondent unlawfully
5	possessed a controlled substance while working as a pharmacist at Rite Aid Pharmacy in
6	Lynwood, CA. Complainant refers to, and by this reference incorporates, the allegations set forth
7	above in paragraph 11, as though set forth fully.
8	SECOND CAUSE FOR DISCIPLINE
9	(Unlawful Self-Administration of Controlled Substances)
10	13. Respondent is subject to disciplinary action under section 4301, subdivision (h) and
11	Health and Safety Code section 11170 in that he furnished and administered controlled substances
12	to himself while working as pharmacist at Rite Aid Pharmacy. Complainant refers to, and by this
13	reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.
14	THIRD CAUSE FOR DISCIPLINE
15	(Theft of Controlled Substances)
16	14. Respondent is subject to disciplinary action under sections 4300 and 4301,
17	subdivision (f), in that Respondent committed acts of moral turpitude and/or dishonesty when he
18	stole narcotic substances from his employer, Rite Aid Pharmacy. Complainant refers to, and by
19	this reference incorporates, the allegations set forth above in paragraph 11 as though set forth
20	fully.
21	FOURTH CAUSE FOR DISCIPLINE
22	(Furnishing Dangerous Drugs Without a Prescription)
23	15. Respondent is subject to disciplinary action under sections 4300, and 4301,
24	subdivision (j), in conjunction with section 4059, subdivision (a) in that Respondent furnished
25	drugs to herself without a prescription while employed as a pharmacist at Rite Aid Pharmacy.
26	Complainant refers to, and by this reference incorporates, the allegations set forth above in
27	paragraph 11 as though set forth fully.
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	4 Accusation

PRAYER 1 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, 2 and that following the hearing, the Board of Pharmacy issue a decision: 3 Revoking or suspending Pharmacist License Number RPH 19827, issued to George 1, 4 M. Arragg; 5 Ordering George M. Arragg to pay the Board of Pharmacy the reasonable costs of the 2. 6 investigation and enforcement of this case, pursuant to Business and Professions Code section 7 125.3; 8 Taking such other and further action as deemed necessary and proper. 3. 9 10 DATED: HEROLD VIRGINIA 11 Executive Officer Board of Pharmacy 12 Department of Consumer Affairs State of California 13 Complainant 14 15 LA2013510329 51419391.doc 16 17 18 19 20 21 22 23 24 25 26 27 28 5 Accusation

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