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

In the Matter of the Accusation Against:

ST. JOSEPH'S MEDICAL CENTER; CATHOLIC HEALTHCARE WEST; DIGNITY HEALTH 1800 North California Street Stockton, CA 95204

Original Permit No. HSP 45514

and HARRIET FRANCES CATANIA 3949 Glen Abby Circle Stockton, CA 95219

Original Pharmacist License No. RPH 26621

Case No. 5042

OAH No. 2014060622

STIPULATED SURRENDER OF LICENSE AND ORDER (HARRIET FRANCES CATANIA ONLY)

Respondents.

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 April 8, 2015.

It is so ORDERED on April 1, 2015.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

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By

STAN C. WEISSER Board President

1	KAMALA D. HARRIS	
2	Attorney General of California KENT D. HARRIS	
3	Supervising Deputy Attorney General PHILLIP L. ARTHUR	
4	Deputy Attorney General State Bar No. 238339	
5	1300 I Street, Suite 125 P.O. Box 944255	
	Sacramento, CA 94244-2550	
6	Telephone: (916) 322-0032 Facsimile: (916) 327-8643	
7	E-mail: Phillip.Arthur@doj.ca.gov Attorneys for Complainant	
8	BEFOI	RE THE
9	BOARD OF	PHARMACY
10		CONSUMER AFFAIRS CALIFORNIA
11	No. of the second s	
12	In the Matter of the Accusation Against:	Case No. 5042
13	ST. JOSEPH'S MEDICAL CENTER; CATHOLIC HEALTHCARE WEST;	OAH No. 2014060622
14	DIGNITY HEALTH 1800 North California Street	STIPULATED SURRENDER OF
15	Stockton, California 95204	LICENSE AND ORDER (HARRIET FRANCES CATANIA ONLY)
16	Original Permit No. HSP 45514	
	and	
17	HARRIET FRANCES CATANIA	
18	3949 Glen Abby Circle Stockton, California 95219	
19	Original Pharmacist License No. RPH 26621	
20		
21	Respondents.	
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23	IT IS HEREBY STIPULATED AND AGE	REED by and between the parties to the above-
24	entitled proceedings that the following matters and	e true:
25	PAR	TIES
26	1. Virginia Herold (Complainant) is the	Executive Officer of the Board of Pharmacy.
27	She brought this action solely in her official capacity and is represented in this matter by Kamala	
28	D. Harris, Attorney General of the State of California, by Phillip L. Arthur, Deputy Attorney	
20	General.	
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Stipulated Surrender of License (Harriet Frances Catania Only) (Case No. 5042)

 Respondents St. Joseph's Medical Center; Catholic Healthcare West; Dignity Health ("Respondent St. Joseph's") and Harriet F. Catania, PIC ("Respondent Catania") are represented in this proceeding by attorney Allison Cova, whose address is: Dignity Health, 185 Berry Street, Suite 300, San Francisco, CA 94107.

3. On or about July 16, 1970, the Board of Pharmacy issued Original Pharmacist
License Number RPH 26621 to Respondent Catania. The Original Pharmacist License was in full
force and effect at all times relevant to the charges brought herein and will expire on January 31,
2016, unless renewed.

9 4. On or about March 15, 2002, the Board of Pharmacy issued Original Permit Number
10 HSP 45514 to Catholic Healthcare West, dba St. Joseph's Medical Center ("Respondent St.
11 Joseph's"). The Original Permit was in full force and effect at all times relevant to the charges
12 brought herein and will expire on March 31, 2015, unless renewed.

5. On or about February 13, 2012, the Board of Pharmacy issued Original Permit
 Number HSP 45514 to Dignity Health, dba St. Joseph's Medical Center ("Respondent St.
 Joseph's"). The Original Permit was in full force and effect at all times relevant to the charges
 brought herein and will expire on March 31, 2015, unless renewed.

17 6. Respondent Catania served as the Pharmacist-in-Charge at Respondent St. Joseph's
18 from March 15, 2002, through November 1, 2010.

JURISDICTION

7. Accusation No. 5042 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 May 16, 2014.

23 Respondents timely filed their Notices of Defense contesting the Accusation. A copy of

24 Accusation No. 5042 is attached as Exhibit A and incorporated by reference.

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ADVISEMENT AND WAIVERS .

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8. Respondent Catania has carefully read, fully discussed with counsel, and understands
the charges and allegations in Accusation No. 5042. Respondent Catania also has carefully read,

fully discussed with counsel, and understands the effects of this Stipulated Surrender of License and Order.

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

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

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13 11. Respondent Catania understands that the charges and allegations in Accusation No. 14 5042, if proven at a hearing, constitute cause for imposing discipline upon her Original 15 Pharmacist License.

CULPABILITY

16 12. For the purpose of resolving the Accusation without the expense and uncertainty of 17 further proceedings, Respondent Catania agrees that, at a hearing, Complainant could establish a 18 factual basis for the charges in the Accusation and that those charges constitute cause for 19 discipline. Respondent Catania hereby gives up her right to contest that cause for discipline 20 exists based on those charges.

13. Respondent Catania understands that by signing this stipulation she enables the Board
to issue an order accepting the surrender of her Original Pharmacist License without further
process.

CONTINGENCY

14. This stipulation shall be subject to approval by the Board of Pharmacy. Respondent
Catania 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 Catania or her counsel. By signing the

stipulation, Respondent Catania understands and agrees that she may not withdraw her agreement
 or seek to rescind the stipulation prior to the time the Board considers and acts upon it. If the
 Board fails to adopt this stipulation as its Decision and Order, the Stipulated Surrender and
 Disciplinary Order shall be of no force or effect, except for this paragraph, it shall be inadmissible
 in any legal action between the parties, and the Board shall not be disqualified from further action
 by having considered this matter.

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

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

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

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ORDER

IT IS HEREBY ORDERED that Original Pharmacist License No. RPH 26621, issued to
 Respondent Catania is surrendered and accepted by the Board of Pharmacy.

The surrender of Respondent Catania's Original Pharmacist License and the
 acceptance of the surrendered license by the Board shall constitute the imposition of discipline
 against Respondent Catania. This stipulation constitutes a record of the discipline and shall
 become a part of Respondent Catania's license history with the Board of Pharmacy.

26 2. Respondent Catania shall lose all rights and privileges as a Licensed Pharmacist in
27 California as of the effective date of the Board's Decision and Order.

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Stipulated Surrender of License (Harriet Frances Catania Only) (Case No. 5042)

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

4. If Respondent Catania ever applies for licensure or petitions for reinstatement in the
State of California, the Board shall treat it as a new application for licensure. Respondent Catania
must comply with all the laws, regulations, and procedures for licensure in effect at the time the
application or petition is filed, and all of the charges and allegations contained in Accusation No.
5042 shall be deemed to be true, correct, and admitted by Respondent Catania when the Board
determines whether to grant or deny the application or petition.

9 5. Respondent Catania shall pay the agency its costs of investigation and enforcement in
10 the amount of \$3,593.75 prior to issuance of a new or reinstated license.

If Respondent Catania should ever apply or reapply for a new license or certification,
 or petition for reinstatement of a license, by any other health care licensing agency in the State of
 California, all of the charges and allegations contained in Accusation, No. 5042 shall be deemed
 to be true, correct, and admitted by Respondent Catania for the purpose of any Statement of
 Issues or any other proceeding seeking to deny or restrict licensure.

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7. Respondent Catania shall not re-apply or petition for reinstatement for a period of
17 three (3) years after the effective date of this order.

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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, Allison Cova. I understand the stipulation and the effect it will have on my Original 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.

25 DATED:

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1/12/2015

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HARRIET F. CATANIA Respondent atina

I have read and fully discussed with Respondent Catania the terms and conditions and other 1 2 matters contained in this Stipulated Surrender of License and Order. I approve its form and 3 content. an 16,2015 DATED: 4 Allison Cova 5 Attorney for Respondent Catania 6 ENDORSEMENT 7 The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted 8 for consideration by the Board of Pharmacy of the Department of Consumer Affairs. 9 Dated: 1/26/15 Respectfully submitted, 10 KAMALA D. HARRIS 11 Attorney General of California KENT D. HARRIS 12 Supervising Deputy Attorney General 13 14 IP L. ARTHUR 15 Deputy Attorney General Attorneys for Complainant 16 17 18 SA2013114139 11660210.doc 19 20 21 22 23 24 25 26 27 28 6 Stipulated Surrender of License (Harriet Frances Catania Only) (Case No. 5042)

Exhibit A

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Accusation No. 5042

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1 2 3 4 5 6 7 8 9 10	BOARD OF DEPARTMENT OF C	RE THE PHARMACY CONSUMER AFFAIRS		
11		CALIFORNIA		
12	In the Matter of the Accusation Against:	Case No. 5042		
13 14 15	ST. JOSEPH'S MEDICAL CENTER; CATHOLIC HEALTHCARE WEST; DIGNITY HEALTH 1800 North California Street Stockton, California 95204	ACCUSATION		
16	Original Permit No. HSP 45514			
17 18	and HARRIET FRANCES CATANIA 3949 Glen Abby Circle Stockton, California 95219	т. Ф		
19 20	Original Pharmacist License No. RPH 26621			
20	Respondents.			.
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23	Complainant alleges:	*		
24		TIES	,e.	
25	1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity			
26	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.			
27	2. On or about July 16, 1970, the Board	l of Pharmacy issued Orig	inal Pharma	cist License
28	Number RPH 26621 to Harriet F. Catania (Resp	ondent Catania). The Ori	ginal Pharma	ncist
		1 .		Accusation

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1	License was in full force and effect at all times relevant to the charges brought herein and will	
2	expire on January 31, 2016, unless renewed.	
3	3. On or about March 15, 2002, the Board of Pharmacy issued Original Permit Number	
4	HSP 45514 to Catholic Healthcare West, dba St. Joseph's Medical Center (Respondent St.	
5	Joseph's). The Original Permit was in full force and effect at all times relevant to the charges	
6	brought herein and will expire on March 31, 2015, unless renewed.	
7	4. On or about February 13, 2012, the Board of Pharmacy issued Original Permit	
8	Number HSP 45514 to Dignity Health, dba St. Joseph's Medical Center (Respondent St.	
9	Joseph's). The Original Permit was in full force and effect at all times relevant to the charges	
10	brought herein and will expire on March 31, 2015, unless renewed.	
11	5. Respondent Harriet F. Catania served as the Pharmacist-in-Charge at Respondent St.	
12	Joseph's from March 15, 2002, through November 1, 2010.	
13	JURISDICTION	
14	6. This Accusation is brought before the Board of Pharmacy (Board), Department of	
15	Consumer Affairs, under the authority of the following laws. All section references are to the	
16	Business and Professions Code unless otherwise indicated.	
17	7. Section 4300 of the Code states, in pertinent part:	
18	"(a) Every license issued may be suspended or revoked"	
19	STATUTORY PROVISIONS	
20	8. Section 4022 of the Code states:	
21	"Dangerous drug" or "dangerous device" means any drug or device unsafe for self use in	
22	humans or animals, and includes the following:	
23	"(a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without	
24	prescription," "Rx only," or words of similar import.	
25	"(b) Any device that bears the statement: "Caution; federal law restricts this device to sale	
26	by or on the order of a," "Rx only," or words of similar import, the blank to be filled	
27	in with the designation of the practitioner licensed to use or order use of the device.	
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(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."

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Section 4081 of the Code states, in pertinent part:

"(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs 4 or dangerous devices shall be at all times during business hours open to inspection by authorized 5 officers of the law, and shall be preserved for at least three years from the date of making. A 6 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food 7 animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, 8 institution, or establishment holding a currently valid and unrevoked certificate, license, permit, 9

registration, or exemption under Division 2 (commencing with Section 1200) of the Health and 10 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and 11 Institutions Code who maintains a stock of dangerous drugs or dangerous devices. 12

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food animal 13 drug retailer shall be jointly responsible, with the pharmacist in charge or representative-in-14 charge, for maintaining the records and inventory described in this section. . . ." 15

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10. Section 4105 of the Code states, in pertinent part:

(a) All records or other documentation of the acquisition and disposition of dangerous 17 drugs and dangerous devices by any entity licensed by the board shall be retained on the licensed 18 premises in a readily retrievable form. 19

"(b) The licensee may remove the original records or documentation from the licensed 20 21 premises on a temporary basis for license related purposes. However, a duplicate set of those records or other documentation shall be retained on the licensed premises. 22

"(c) The records required by this section shall be retained on the licensed premises for a 23 period of three years from the date of making, 24

(d) Any records that are maintained electronically shall be maintained so that the 25 pharmacist in charge, the pharmacist on duty if the pharmacist in charge is not on duty, or, in the 26 case of a veterinary food animal drug retailer or wholesaler, the designated representative on duty, 27 shall, at all times during which the licensed premises are open for business, be able to produce a 28

hard copy and electronic copy of all records of acquisition or disposition or other drug or dispensing related records maintained electronically. . . . "

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11. Section 4300.1 of the Code states:

4 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license 5 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board 6 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary 7 proceeding against, the licensee or to render a decision suspending or revoking the license." 8

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12. Section 4301 of the Code states, in pertinent part:

"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

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

Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a 13. 18 pharmacy and all other records required by Section 4081 shall be maintained on the premises and 19 available for inspection by authorized officers of the law for a period of at least three years. In 20 cases where the pharmacy discontinues business, these records shall be maintained in a board 21 licensed facility for at least three years. 22

REGULATIONS

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California Code of Regulations, title 16, section 1714, states, in pertinent part: 14. ...

"(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed.

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The pharmacy shall be of sufficient size and unobstructed area to accommodate the safe practice of pharmacy.

"

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

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

"Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions 10 Code shall be considered to include complete accountability for all dangerous drugs handled by 11 every licensee enumerated in Sections 4081 and 4332. 12

"The controlled substances inventories required by Title 21, CFR, Section 1304 shall be 14 available for inspection upon request for at least 3 years after the date of the inventory."

> 16. Code of Federal Regulations, title 21, section 1304.21, states:

"(a) Every registrant required to keep records pursuant to § 1304.03 shall maintain on a 16 current basis a complete and accurate record of each such substance manufactured, imported, 17 received, sold, delivered, exported, or otherwise disposed of by him/her, except that no registrant 18 shall be required to maintain a perpetual inventory. 19

20 "(b) Separate records shall be maintained by a registrant for each registered location except as provided in § 1304.04 (a). In the event controlled substances are in the possession or under the 21 control of a registrant at a location for which he is not registered, the substances shall be included 22 in the records of the registered location to which they are subject to control or to which the person 23 possessing the substance is responsible. 24

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which he/she is registered, except as provided in § 1304.22(d).

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(d) In recording dates of receipt, Importation, distribution, exportation, or other transfers, the date on which the controlled substances are actually received, imported, distributed, exported,

"(c) Separate records shall be maintained by a registrant for each independent activity for

or otherwise transferred shall be used as the date of receipt or distribution of any documents of transfer (e.g., invoices or packing slips)."

COST RECOVERY

17. Section 125.3 of the Code states, 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.

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DANGEROUS DRUGS/CONTROLLED SUBSTANCES

9 18. Hydrocodone/acetaminophen (hc/apap) is a Schedule III controlled substance as
10 designated by Health and Safety Code section 11056, subdivision (e)(4).

Ambien/zolpidem is a Schedule IV controlled substance as designated by Health and
 Safety Code section 11057, subdivision (d)(32).

13 20. Lunesta, which contains Eszopicione, is a Schedule IV controlled substance as
 14 designated by Code of Federal Regulations, title 21, section 1308.14, subdivision (c)(53).

15 21. Alprazolam is a Schedule IV controlled substance as designated by Health and Safety
16 Code section 11057, subdivision (d)(1).

17 22. Diazepam is a Schedule IV controlled substance as designated by Health and Safety
18 Code section 11057, subdivision (d)(9).

Lorazepam is a Schedule IV controlled substance as designated by Health and Safety
Code section 11057, subdivision (d)(16).

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FACTUAL BACKGROUND

24. Respondent St. Joseph's was a 300-bed acute care hospital. It had a traditional
"inpatient" pharmacy (IPRX) to care for hospitalized patients, and an outpatient pharmacy
(OPRX), a traditional walk-up type pharmacy, located in another wing of the hospital than the
IPRX, which dispensed medication solely to St. Joseph's employees and an occasional homeless
or indigent patient being discharged from acute care. The OPRX was staffed by one pharmacist
and one pharmacy technician. The OPRX opened on May 2, 2005, and closed on September 23,
2011, consolidating its records and drugs with the IPRX.

25. On or about December 20, 2010, the Board received a "Report of Theft or Loss of Controlled Substances" from Respondent St. Joseph's. According to the report, an internal audit revealed the loss of 24,311 tablets of hydrocodone with acetaminophen in seven strengths, as well as 92 alprazolam 1 mg tablets, from the OPRX. According to the report, the cause of the loss was employee pilferage,

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26. Upon receipt of the report, the Board conducted an investigation. As part of the
investigation, a Board inspector visited Respondent St. Joseph's on or about August 25, 2011.
During this visit, the Board inspector noted that: (1) the loss of controlled substances appeared to
be only at the OPRX; and (2) Respondent St. Joseph's OPRX and IPRX did not have invoices or
records of acquisition on hand for the last three years—the oldest invoices in the IPRX were from
August 30, 2010, and the oldest packing slips were from February 1, 2010.

On or about September 8, 2011, a Board inspector and two investigators from the 27. 12 Drug Enforcement Administration Diversion (DEA) interviewed several staff members of 13 Respondent St. Joseph's. And, on or about November 15, 2011, a Board investigator and DEA 14 investigator interviewed Respondent Catania, These interviews revealed that: (1) a pharmacy 15 technician was regularly allowed to enter the OPRX pharmacy alone, by using an unsecured key, 16 thirty minutes before a pharmacist arrived; (2) the after-hours security alarm at the OPRX 17 pharmacy frequently was not activated; (3) a pharmacy technician regularly entered orders for 18 medications at the OPRX, and these orders were never reviewed by a pharmacist; 19 (4) hydrocodone products were stored in a "fast-mover" section at the OPRX, rather than the 20 narcotic storage cabinet, and when the hydrocodone products were later moved to the narcotic 21 storage cabinet, the cabinet was never locked; (5) housekeeping staff were allowed to clean, 22 unsupervised by any pharmacy staff, in the "fast mover" area of the OPRX pharmacy; (6) OPRX 23 pharmacy staff never checked to make sure there were no drug shortages, and there was no 24 process in place to check for drug shortages; (7) there was no policy or procedure detailing access 25 to the OPRX and IPRX; (8) the IPRX was missing 642 controlled substance invoices; (9) the 26 OPRX was missing 194 controlled substance prescriptions; and (10) Catania was responsible for 27 28 the OPRX and IPRX.

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1	28,	Three audits were subsequently conducted regarding the controlled substance loss at	
2	Respondent St. Joseph's OPRX and IPRX-St. Joseph's internal audit, a verification audit by		
3	Chan Healthcare Auditors (Chan), and a DEA audit. The results of these audits are as follows:		
4	a.	Respondent St. Joseph's audit, for variances ¹ in controlled substances from July 1,	
5	2008, thro	ugh December 2, 2010, revealed the following:	
6		i1,814 variance for hc/apap 5 mg/325 mg	
7		ii, +714 variance for hc/apap 5 mg/500 mg	
8		ili106 variance for hc/apap 7.5 mg/325 mg	
9	19.1	iv2,983 variance for hc/apap 7.5 mg/500 mg	
0		v5,361 variance for hc/apap 7.5 mg/ 750 mg	
1	1	vi13,507 variance for hc/apap 10 mg/325 mg	
2		vii6,363 variance for hc/apap 10 mg/500 mg	
;	b.	The Chan audit, for variances in controlled substances from July 1, 2008, through	
+	December	2, 2010, revealed the following:	
5	34 · · ·	i214 variance for hc/apap 5 mg/325 mg	
5		ii1,786 variance for hc/apap 5 mg/500 mg	
7		iii206 variance for hc/apap 7.5 mg/325 mg	
3		iv2,983 variance for hc/apap 7.5 mg/500 mg	
,		v1,861 variance for hc/apap 7.5 mg/ 750 mg	
>		vi13,507 variance for hc/apap 10 mg/325 mg	
		vii6,363 variance for hc/apap 10 mg/500 mg	
2	c.	The DEA audit, for variances from June 30, 2008, through September 8, 2011,	
,	revealed th	e following:	
ŧ		i6,660 variance for hc/apap 5 mg/325 mg	
:		he variances were calculated by comparing the total amount of each controlled	
5	substance that Respondent St. Joseph's acquired from Cardinal Health (the sole vendor that St. Joseph's purchased controlled substances from) with the total amount of each controlled		
7	substance that St. Joseph's dispensed during the audit period. A negative variance indicates missing and unaccounted for dosage units. A positive variance indicates that St. Joseph's		
3		nore dosage units than St. Joseph's possesses records for.	
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1		ii. +839 variance for hc/apap 5 mg/500 mg
		iii106 variance for hc/apap 7.5 mg/325 mg
2		iv3,403 variance for hc/apap 7.5 mg/500 mg
3		v1,840 variance for hc/apap 7.5 mg/ 750 mg
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б		vii4,590 variance for hc/apap 10 mg/500 mg
7		viii. +23 variance for Ambien CR 12.5 mg
8		iv.+128 variance for Lunesta 2 mg
9		v363 variance for alprazolam 1 mg
10	1	vi. +63 variance for alprazolam 0.5 mg
11		vii. +78 variance for alprazolam 0.25 mg
12		viii181 variance for diazepam 10 mg
13		ix48 variance for diazepam 5 mg
14		x141 variance for diazepam 2 mg
15		xi252 variance for lorazepam 2 mg
16		xii8 variance for lorazepam 0.5 mg
17		xiii. +32 variance for lorazepam 1 mg
18	29.	On or about October 2012, the DEA audit disclosed that a Respondent St. Joseph's
19	had a total of 836 missing invoices for controlled substances, and 570 invoices without the date	
20	received.	· · · · · · · · · · · · · · · · · · ·
21	RESPONDENT ST, JOSEPH'S	
22	FIRST CAUSE FOR DISCIPLINE	
23	(Unsecured Pharmacy)	
24	30.	Respondent St. Joseph's is subject to disciplinary action under California Code of
25	Regulations, title 16, section 1714, subsection (b), in that Respondent failed to maintain its	
26	facilities, space, fixtures, and equipment so that drugs are safely and properly prepared,	
27	maintained, secured and distributed, as alleged above in paragraphs 26-29, and all of their	
28	subparts.	
		9 Accusation

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ı	1	SECOND CAUSE FOR DISCIPLINE
	2	(Failure to Maintain Current Inventory)
	3	31. Respondent St. Joseph's is subject to disciplinary action under section 4081,
	4	subsection (a), of the Code, and California Code of Regulations, title 16, section 1718, in that
	5	Respondent failed to keep a controlled substance current inventory for at least three years after the
	6	date of the inventory, as alleged above in paragraphs 26-27, and 29.
	. 7	THIRD CAUSE FOR DISCIPLINE
ı	8 .	(Incomplete Records)
	9	32. Respondent St. Joseph's is subject to disciplinary action under sections 4081,
1	10	subsection (a), 4105, and 4133 of the Code in that Respondent failed to maintain all records of
	11	manufacture, sale, acquisition, or disposition of controlled substances open to inspection by
	12	authorized officers of the law, and failed to preserve these records for at least three years from the
7	13	date of making, as alleged above in paragraphs 26-29 and all of their subparts.
	14	FOURTH CAUSE FOR DISCIPLINE
	15	(Incomplete Records)
	16	33. Respondent St. Joseph's is subject to disciplinary action under Code of Federal
	. 17	Regulations, title 21, section 1304.21, subdivision (a), by and through Business and Professions
	18	Code sections 4081, 4105, and 4333, in that Respondent failed to maintain an accurate record of
1	19	each substance manufactured, imported, received, sold, delivered, exported, or otherwise disposed
	20	of, as alleged above in paragraphs 26-29 and all of their subparts.
•	21	FIFTH CAUSE FOR DISCIPLINE
	22	(Incomplete Records)
	23	34. Respondent St. Joseph's is subject to disciplinary action under Code of Federal
	24	Regulations, title 21, section 1304.21, subdivision (d), by and through Business and Professions
	25	Code sections 4081, 4105, and 4333, in that Respondent failed to record dates of receipt,
	26	importation, distribution, exportation, or other transfers of controlled substances, as alleged above
	27	in paragraphs 26-29 and all of their subparts.
	28	111
		10 Accusation
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RESPONDENT CATANIA SIXTH CAUSE FOR DISCIPLINE

(Unsecured Pharmacy)

Respondent Catania is subject to disciplinary action under California Code of 35. 4 5 Regulations, title 16, section 1714, subdivision (d), in that as the Pharmacist-in-Charge for Respondent St. Joseph's, Catania failed to ensure that each pharmacist while on duty was 6 responsible for the security of the prescription department, including provisions for effective 7 control against theft or diversion of controlled substances, and records for such controlled 8 substances, and that possession of a key to the pharmacy where dangerous drugs and controlled 9 substances were stored was restricted to a pharmacist, as alleged above in paragraphs 25-28 and 10 all of their subparts. 11

SEVENTH CAUSE FOR DISCIPLINE

(Failure to Maintain Current Inventory)

Respondent Catania is subject to disciplinary action under section 4081, subsection 36. 14 (a), of the Code, and California Code of Regulations, title 16, section 1718, in that as the 15 Pharmacist-in-Charge for Respondent St, Joseph's, Catania failed to keep a controlled substance 16 current inventory for at least three years after the date of the inventory, as alleged above in 17 paragraphs 26-27, and 29. 18

EIGHTH CAUSE FOR DISCIPLINE

(Incomplete Records)

37. Respondent Catania is subject to disciplinary action under sections 4081, subsection 21 (a), 4105, and 4133 of the Code in that as the Pharmacist-in-Charge for Respondent St. Joseph's, 22 Catania failed to maintain all records of manufacture, sale, acquisition, or disposition of 23 24 controlled substances open to inspection by authorized officers of the law, and failed to preserve these records for at least three years from the date of making, as alleged above in paragraphs 26-25 26 29 and all of their subparts. 111

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NINTH CAUSE FOR DISCIPLINE

(Incomplete Records)

38. Respondent Catania is subject to disciplinary action under Code of Federal
Regulations, title 21, section 1304.21, subdivision (a), by and through Business and Professions
Code sections 4081, 4105, and 4333, in that as the Pharmacist-in-Charge for Respondent St.
Joseph's, Catania failed to maintain an accurate record of each substance manufactured, imported,
received, sold, delivered, exported, or otherwise disposed of, as alleged above in paragraphs 2629 and all of their subparts.

TENTH CAUSE FOR DISCIPLINE

(Incomplete Records)

39. Respondent Catania is subject to disciplinary action under Code of Federal
 Regulations, title 21, section 1304.21, subdivision (d), by and through Business and Professions
 Code sections 4081, 4105, and 4333, in that as the Pharmacist-in-Charge for Respondent St.
 Joseph's, Catania failed to record dates of receipt, importation, distribution, exportation, or other
 transfers of controlled substances, as alleged above in paragraphs 26-29 and all of their subparts.

PRAYER

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

Revoking or suspending Original Permit Number HSP 45514, issued to St. Joseph's
 Medical Center; Catholic Healthcare West; Dignity Health;

Revoking or suspending Original Pharmacist License Number RPH 26621, issued to
 Harriet Frances Catania, Pharmacist-in-Charge at St. Joseph's Medical Center;

3. Ordering St. Joseph's Medical Center and Harriet F. Catania to pay the Board of
Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
Business and Professions Code section 125.3; and

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Taking such other and further action as deemed necessary and proper. 4. 5/10/14 DATED: VIRGINIA HEROLD Executive Officer Board of Pharmacy Department of Consumer Affairs State of California Complainant SA2013114139 11249878.doc Accusation