

# ERRATA

## Corrections to Stipulated Surrender of License and Order Case No. 5245

Stipulated Settlement and Disciplinary Order Case No. 5245, contains reference to Stipulated Surrender in the underlying disciplinary action entitled “In the Matter of the Accusation against “CITY CENTER PHARMACY INC and STEVE LEE BOSS” which, pursuant to a decision of the Board of Pharmacy becomes effective November 15, 2017. The Decision and Order page mistakenly referenced Pharmacist License No. RPH 44467 as to Steve Lee Boss rather than Pharmacist License No. RPH 50059 as to Steve Lee Boss. This clerical error is hereby corrected as part of the Board’s Stipulated Surrender of License and Order. This Errata page shall become part of Respondent’s disciplinary history with the Board. For the purposes of correcting the record, the following changes are hereby made to the Decision and Order:

Decision and Order:

License Number: Substitute “Pharmacist License No. RPH 50059” for “Pharmacist License No. RPH 44467”.

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

In the Matter of the Accusation Against:

**CITY CENTER PHARMACY INC.  
1270 E. Leland Rd, #102  
Pittsburg, CA 94565**

**Pharmacy Permit License No. PHY 48981**

**STEVE LEE BOSS  
3377 Deer Valley Road, 153  
Antioch, CA 94531**

**Pharmacist License No. RPH 44467**

Respondents.

Case No. 5245

OAH No. 2017010703

**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 at 5:00 p.m. on November 15, 2017.

It is so ORDERED on October 16, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By \_\_\_\_\_

Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 879-0004  
Facsimile: (510) 622-2270  
7 E-mail: Geoffrey.Allen@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5245

12 **CITY CENTER PHARMACY INC.**  
13 1270 E. Leland Rd. #102  
Pittsburg, CA 94565  
14 Original Pharmacy Permit No. PHY 48981

OAH No. OAH2017010703

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

15 **STEVEN L. BOSS**  
16 **CEO of CITY CENTER PHARMACY INC.**

17 and

18 **STEVE LEE BOSS**  
3377 Deer Valley Rd. 153  
Antioch, CA 94531  
19 Pharmacist License No. RPH 50059

20 Respondents.

21  
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
23 entitled proceedings that the following matters are true:

24 PARTIES

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
26 (Board). She brought this action solely in her official capacity and is represented in this matter by  
27 Xavier Becerra, Attorney General of the State of California, by Geoffrey S. Allen, Deputy  
28 Attorney General.



1 documents; the right to reconsideration and court review of an adverse decision; and all other  
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 8. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
4 every right set forth above.

5 CULPABILITY

6 9. Respondents understand that the charges and allegations in the Accusation, if proven  
7 at a hearing, constitute cause for imposing discipline upon their Pharmacy License and  
8 Pharmacist License.

9 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
10 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
11 basis for the charges in the Accusation and that those charges constitute cause for discipline.  
12 Respondents hereby give up their right to contest that cause for discipline exists based on those  
13 charges.

14 11. Respondents understand that by signing this stipulation they enable the Board to issue  
15 an order accepting the surrender of their Pharmacy License and Pharmacist License without  
16 further process.

17 CONTINGENCY

18 12. This stipulation shall be subject to approval by the Board. Respondents understand  
19 and agree that counsel for Complainant and the staff of the Board may communicate directly with  
20 the Board regarding this stipulation and surrender, without notice to or participation by  
21 Respondents or their counsel. By signing the stipulation, Respondents understand and agree that  
22 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the  
23 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and  
24 Order, the Stipulated Surrender and Disciplinary Order shall be of no force or effect, except for  
25 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board shall  
26 not be disqualified from further action by having considered this matter.

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

4           5.     Respondent City Center Pharmacy Inc. shall cause to be delivered to the Board its  
5 pocket license and, if one was issued, its wall certificate on or before 75 days following the  
6 effective date of the Decision and Order.

7           6.     If Respondents ever file an application for licensure or a petition for reinstatement in  
8 the State of California, the Board shall treat it as a new application for licensure.

9           7.     Respondents may not apply for any license, permit, or registration from the Board for  
10 three years from the effective date of this decision. Respondents stipulate that should either of  
11 them apply for any license from the Board on or after the effective date of this decision, all  
12 allegations set forth in the Accusation No. 5245 shall be deemed to be true, correct and admitted  
13 by Respondents when the Board determines whether to grant or deny the application.  
14 Respondents shall satisfy all requirements applicable to that license as of the date the application  
15 is submitted to the Board, including, but not limited to taking and passing the California  
16 Pharmacist Licensure Examination prior to the issuance of a new license. Respondents are  
17 required to report this surrender as disciplinary action.

18           8.     Respondents shall, joint and severally, pay the agency its costs of investigation and  
19 enforcement in the amount of \$17,000.00 prior to issuance of any new or reinstated license.

20           9.     If Respondents should ever apply or reapply for a new license or certification, or  
21 petition for reinstatement of a license, by any other health care licensing agency in the State of  
22 California, all of the charges and allegations contained in Accusation, No. 5245 shall be deemed  
23 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
24 other proceeding seeking to deny or restrict licensure.

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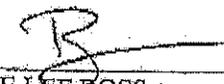
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ACCEPTANCE

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Ivan Petrzelka. I understand the stipulation and the effect it will have on my Pharmacy 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.

DATED: 8-25-17   
CITY CENTER PHARMACY INC.  
STEVEN L. BOSS, Chief Executive Officer  
*Respondent*

I have carefully read the above Stipulated Surrender of License and Order and have fully discussed it with my attorney, Ivan Petrzelka. 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.

DATED: 8-25-17   
STEVE LEE BOSS  
*Respondent*

I have read and fully discussed with Respondents the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: August 25, 2017   
IVAN PETRZELKA  
*Attorney for Respondent*

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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted  
for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 8/25/17

Respectfully submitted,  
XAVIER BECERRA  
Attorney General of California  
DIANN SOKOLOFF  
Supervising Deputy Attorney General

  
GEOFFREY S. ALLEN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 5245**

1 KAMALA D. HARRIS  
Attorney General of California  
2 DIANN SOKOLOFF  
Supervising Deputy Attorney General  
3 GEOFFREY S. ALLEN  
Deputy Attorney General  
4 State Bar No. 193338  
1515 Clay Street, 20th Floor  
5 P.O. Box 70550  
Oakland, CA 94612-0550  
6 Telephone: (510) 622-4455  
Facsimile: (510) 622-2270  
7 E-mail: Geoffrey.Allen@doj.ca.gov  
*Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 5245

12 **CITY CENTER PHARMACY INC.**  
13 **1270 E. Leland Rd. #102**  
14 **Pittsburg, CA 94565**  
Original Pharmacy Permit No. PHY 48981

**FIRST AMENDED**  
**ACCUSATION**

15 **STEVEN L. BOSS**  
16 **CEO of CITY CENTER PHARMACY INC.**

17 and

18 **STEVE LEE BOSS**  
3377 Deer Valley Rd. 153  
19 Antioch, CA 94531  
Pharmacist License No. RPH 50059

20 Respondents.

21  
22 Complainant alleges:

23 **PARTIES**

24 1. Virginia Herold (Complainant) brings this First Amended Accusation solely in her  
25 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
26 Affairs. This First Amended Accusation supersedes the Accusation filed by Complainant on  
27 April 15, 2016.



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- (1) Medical or psychiatric evaluation.
- (2) Continuing medical or psychiatric treatment.
- (3) Restriction of type or circumstances of practice.
- (4) Continuing participation in a board-approved rehabilitation program.
- (5) Abstention from the use of alcohol or drugs.
- (6) Random fluid testing for alcohol or drugs.
- (7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

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

6. Section 4301 of the Code states:

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

....

(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a) of Section 11153 of the Health and Safety Code.

....

(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

....

(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

1 pharmacy, including regulations established by the board or by any other state or  
2 federal regulatory agency.

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4 7. Section 4306.5 of the Code states:

5 Unprofessional conduct for a pharmacist may include any of the following:

6 (a) Acts or omissions that involve, in whole or in part, the inappropriate  
7 exercise of his or her education, training, or experience as a pharmacist, whether or  
8 not the act or omission arises in the course of the practice of pharmacy or the  
9 ownership, management, administration, or operation of a pharmacy or other entity  
10 licensed by the board.

11 (b) Acts or omissions that involve, in whole or in part, the failure to exercise  
12 or implement his or her best professional judgment or corresponding responsibility  
13 with regard to the dispensing or furnishing of controlled substances, dangerous  
14 drugs, or dangerous devices, or with regard to the provision of services.

15 (c) Acts or omissions that involve, in whole or in part, the failure to consult  
16 appropriate patient, prescription, and other records pertaining to the performance of  
17 any pharmacy function.

18 (d) Acts or omissions that involve, in whole or in part, the failure to fully  
19 maintain and retain appropriate patient-specific information pertaining to the  
20 performance of any pharmacy function.

21 8. Section 4307 of the Code states:

22 (a) Any person who has been denied a license or whose license has been  
23 revoked or is under suspension, or who has failed to renew his or her license while  
24 it was under suspension, or who has been a manager, administrator, owner,  
25 member, officer, director, associate, or partner of any partnership, corporation, firm,  
26 or association whose application for a license has been denied or revoked, is under  
27 suspension or has been placed on probation, and while acting as the manager,  
28 administrator, owner, member, officer, director, associate, or partner had knowledge  
of or knowingly participated in any conduct for which the license was denied,  
revoked, suspended, or placed on probation, shall be prohibited from serving as a  
manager, administrator, owner, member, officer, director, associate, or partner of a  
licensee as follows:

(1) Where a probationary license is issued or where an existing license is  
placed on probation, this prohibition shall remain in effect for a period not to  
exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until  
the license is issued or reinstated.

(b) "Manager, administrator, owner, member, officer, director, associate, or  
partner," as used in this section and Section 4308, may refer to a pharmacist or to  
any other person who serves in that capacity in or for a licensee.

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1 (c) The provisions of subdivision (a) may be alleged in any pleading filed  
2 pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of  
3 the Government Code. However, no order may be issued in that case except as to a  
4 person who is named in the caption, as to whom the pleading alleges the  
5 applicability of this section, and where the person has been given notice of the  
6 proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of  
7 Division 3 of the Government Code. The authority to proceed as provided by this  
8 subdivision shall be in addition to the board's authority to proceed under Section  
9 4339 or any other provision of law.

10 9. Section 4043 of the Code states:

11 "Wholesaler" means and includes a person who acts as a wholesale merchant,  
12 broker, jobber, customs broker, reverse distributor, agent, or a nonresident  
13 wholesaler, who sells for resale, or negotiates for distribution, or takes possession  
14 of, any drug or device included in Section 4022. Unless otherwise authorized by  
15 law, a wholesaler may not store, warehouse, or authorize the storage or  
16 warehousing of drugs with any person or at any location not licensed by the board.

17 10. Section 4081 of the Code states:

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

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

(c) The pharmacist-in-charge or representative-in-charge shall not be  
criminally responsible for acts of the owner, officer, partner, or employee that  
violate this section and of which the pharmacist-in-charge or representative-in-  
charge had no knowledge, or in which he or she did not knowingly participate.

11. Section 4105 of the Code states:

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

(b) The licensee may remove the original records or documentation from the  
licensed 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.

1 (c) The records required by this section shall be retained on the licensed  
2 premises for a period of three years from the date of making.

3 (d) Any records that are maintained electronically shall be maintained so that  
4 the pharmacist-in-charge, the pharmacist on duty if the pharmacist-in-charge is not  
5 on duty, or, in the case of a veterinary food-animal drug retailer or wholesaler, the  
6 designated representative on duty, shall, at all times during which the licensed  
7 premises are open for business, be able to produce a hard copy and electronic copy  
8 of all records of acquisition or disposition or other drug or dispensing-related  
9 records maintained electronically.

10 (e)(1) Notwithstanding subdivisions (a), (b), and (c), the board, may upon  
11 written request, grant to a licensee a waiver of the requirements that the records  
12 described in subdivisions (a), (b), and (c) be kept on the licensed premises.

13 (2) A waiver granted pursuant to this subdivision shall not affect the board's  
14 authority under this section or any other provision of this chapter.

15 12. Section 4160 of the Code states:

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

18 (b) Upon approval by the board and the payment of the required fee, the  
19 board shall issue a license to the applicant.

20 (c) A separate license shall be required for each place of business owned or  
21 operated by a wholesaler. Each license shall be renewed annually and shall not be  
22 transferable.

23 (d) The board shall not issue or renew a wholesaler license until the  
24 wholesaler identifies a designated representative-in-charge and notifies the board in  
25 writing of the identity and license number of that designated representative. The  
26 designated representative-in-charge shall be responsible for the wholesaler's  
27 compliance with state and federal laws governing wholesalers. A wholesaler shall  
28 identify and notify the board of a new designated representative-in-charge within 30  
days of the date that the prior designated representative-in-charge ceases to be the  
designated representative-in-charge. A pharmacist may be identified as the  
designated representative-in-charge.

(e) A drug manufacturer licensed by the Food and Drug Administration or  
pursuant to Section 111615 of the Health and Safety Code that only ships dangerous  
drugs or dangerous devices of its own manufacture is exempt from this section and  
Section 4161.

(f) The board may issue a temporary license, upon conditions and for periods  
of time as the board determines to be in the public interest. A temporary license fee  
shall be fixed by the board at an amount not to exceed the annual fee for renewal of  
a license to conduct business as a wholesaler.

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1 13. Section 4332 of the Code states:

2 Any person who fails, neglects, or refuses to maintain the records required by  
3 Section 4081 or who, when called upon by an authorized officer or a member of the  
4 board, fails, neglects, or refuses to produce or provide the records within a  
reasonable time, or who willfully produces or furnishes records that are false, is  
guilty of a misdemeanor.

5 14. Section 11153 of the Health and Safety Code states:

6 (a) A prescription for a controlled substance shall only be issued for a  
7 legitimate medical purpose by an individual practitioner acting in the usual course  
8 of his or her professional practice. The responsibility for the proper prescribing and  
dispensing of controlled substances is upon the prescribing practitioner, but a  
9 corresponding responsibility rests with the pharmacist who fills the prescription.  
Except as authorized by this division, the following are not legal prescriptions: (1)

10 an order purporting to be a prescription which is issued not in the usual course of  
11 professional treatment or in legitimate and authorized research; or (2) an order for  
12 an addict or habitual user of controlled substances, which is issued not in the course  
of professional treatment or as part of an authorized narcotic treatment program, for  
the purpose of providing the user with controlled substances, sufficient to keep him  
or her comfortable by maintaining customary use.

13 (b) Any person who knowingly violates this section shall be punished by  
14 imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or in a  
county jail not exceeding one year, or by a fine not exceeding twenty thousand  
15 dollars (\$20,000), or by both that fine and imprisonment.

16 (c) No provision of the amendments to this section enacted during the second  
year of the 1981-82 Regular Session shall be construed as expanding the scope of  
17 practice of a pharmacist.

18 15. Subdivision (d) of section 11165 of the Health and Safety Code states:

19 For each prescription for a Schedule II, Schedule III, or Schedule IV  
20 controlled substance, as defined in the controlled substances schedules in federal  
law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14,  
21 respectively, of Title 21 of the Code of Federal Regulations, the dispensing  
pharmacy, clinic, or other dispenser shall report the following information to the  
22 Department of Justice as soon as reasonably possible, but not more than seven days  
after the date a controlled substance is dispensed, in a format specified by the  
Department of Justice:

23 (1) Full name, address, and, if available, telephone number of the ultimate  
24 user or research subject, or contact information as determined by the Secretary of  
the United States Department of Health and Human Services, and the gender, and  
25 date of birth of the ultimate user.

26 (2) The prescriber's category of licensure, license number, national provider  
27 identifier (NPI) number, if applicable, the federal controlled substance registration  
number, and the state medical license number of any prescriber using the federal  
28 controlled substance registration number of a government-exempt facility.

1 (3) Pharmacy prescription number, license number, NPI number, and federal  
2 controlled substance registration number.

3 (4) National Drug Code (NDC) number of the controlled substance dispensed.

4 (5) Quantity of the controlled substance dispensed.

5 (6) International Statistical Classification of Diseases, 9<sup>th</sup> revision (ICD-9) or  
6 10<sup>th</sup> revision (ICD-10) Code, if available.

7 (7) Number of refills ordered.

8 (8) Whether the drug was dispensed as a refill of a prescription or as a first-  
9 time request.

10 (9) Date of origin of the prescription.

11 (10) Date of dispensing of the prescription.

12 16. California Code of Regulations, title 16, section 1707.2, in pertinent part, states:

13 (a) A pharmacist shall provide oral consultation to his or her patient or the  
14 patient's agent in all care settings:

15 (1) upon request; or

16 (2) whenever the pharmacist deems it warranted in the exercise of his or her  
17 professional judgment.

18 (b)(1) In addition to the obligation to consult set forth in subsection (a), a  
19 pharmacist shall provide oral consultation to his or her patient or the patient's agent  
20 in any care setting in which the patient or agent is present:

21 (A) whenever the prescription drug has not previously been dispensed to a  
22 patient; or

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

#### 27 DRUGS

28 18. Hydrocodone/APAP is a narcotic substance (hydrocodone) and a non-narcotic  
substance (acetaminophen abbreviated as APAP) and was scheduled III controlled substance  
pursuant to Health and Safety code section 11056(e)(3) and a dangerous drug pursuant to

1 Business and Professions Code section 4022 at all times relevant to the charges brought in this  
2 Accusation.

3 19. Promethazine with codeine is a scheduled V controlled substance pursuant to Health  
4 and Safety code section 11058(c)(1) and a dangerous drug pursuant to Business and Professions  
5 Code section 4022.

6 20. Methadone is scheduled II controlled substance pursuant to Health and Safety code  
7 section 11055(c)(14) and a dangerous drug pursuant to Business and Professions Code section  
8 4022.

9 21. Oxycodone is scheduled II controlled substance pursuant to Health and Safety code  
10 section 11055(b)(1)(M) and a dangerous drug pursuant to Business and Professions Code section  
11 4022.

#### 12 FIRST CAUSE FOR DISCIPLINE

13 (Failure to Exercise Corresponding Responsibility when Dispensing Controlled Substances)

14 22. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
15 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
16 Center Pharmacy Inc. failed to comply with Health and Safety Code section 11153 which places a  
17 responsibility for the proper prescribing and dispensing of controlled substances not only upon  
18 the prescribing practitioner, but also upon the pharmacy that fills the prescription. Respondent  
19 City Center Pharmacy Inc. failed to comply with its corresponding responsibility. The  
20 circumstances are as follows:

21 23. Beginning on or about October 10, 2010, and continuing until about October 11,  
22 2013, Respondent City Center Pharmacy Inc. dispensed 669 controlled substance prescriptions  
23 for Dr. Leong and 151 prescriptions for Dr. Manougian in cash, many of which were for patients  
24 outside of Respondent City Center Pharmacy Inc.'s normal service area without verifying if they  
25 were issued for a legitimate medication purpose and failed to use industry tools, such as the  
26 CURES Prescription Drug Monitoring Program to verify early/duplicate dispensing for patients  
27 who were "doctor shopping" and/or "pharmacy shopping."

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1 SECOND CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct - Excessive Furnishing of Controlled Substances)

3 24. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
4 disciplinary action under Code section 4301, subdivision (d) in that Respondent City Center  
5 Pharmacy Inc. excessively furnished controlled substances. The circumstances are as follows:

6 25. Beginning on or about October 10, 2010, and continuing until about October 11,  
7 2013, Respondent City Center Pharmacy Inc. dispensed 4,492 prescriptions for  
8 hydrocodone/APAP 10/325 mg totaling 505,875 tablets; 2,075 prescriptions of promethazine with  
9 codeine totaling 762,955 mls; 2,197 prescriptions for methadone totaling 440,677 tablets; and  
10 1,017 oxycodone 30 mg prescriptions totaling 182,066 tablets.

11 THIRD CAUSE FOR DISCIPLINE

12 (Records of Drug Acquisition and Disposition)

13 26. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
14 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
15 Center Pharmacy Inc. failed to comply with Code section 4081, subdivision (a), and Code section  
16 4105 which require a pharmacy to account for the records of acquisition and disposition on the  
17 current inventory of dangerous drugs. The circumstances are as follows:

18 27. On or about October 11, 2013, a Board audit revealed that Respondent City Center  
19 Pharmacy Inc. had a shortage of 5,238 tablets of hydrocodone/APAP 10/325 mg; 77,270 mls of  
20 promethazine with codeine; and 3,435 tablets of methadone 10 mg; and an overage of 618 tablets  
21 of oxycodone 30 mg tablets.

22 FOURTH CAUSE FOR DISCIPLINE

23 (CURES Reporting)

24 28. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
25 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
26 Center Pharmacy Inc. failed to comply with Health and Safety Code section 11165, subdivision  
27 (d) which requires pharmacies to report prescription information for controlled substances to  
28

1 California Department of Justice CURES Program within 7 days of dispensing. The  
2 circumstances are as follows:

3 29. On or about October 11, 2013, a Board inspector found that Respondent City Center  
4 Pharmacy Inc. had failed to report 17 prescriptions for controlled substances which were not  
5 reported to CURES, and a review of CURES compliance reports from January 1, 2010, to  
6 September 19, 2013, showed the pharmacy failed to successfully transmit their dispensed  
7 controlled substance prescriptions data to CURES weekly resulting in multiple occasions when  
8 controlled substances prescription information was not reported in a timely manner.

9 FIFTH CAUSE FOR DISCIPLINE

10 (Records of Acquisition of Dangerous Drugs)

11 30. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
12 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
13 Center Pharmacy Inc. failed to comply with Code section 4081, subdivision (a), which states all  
14 records of manufacture and of sales, acquisition, or disposition of dangerous drugs shall be at all  
15 times open to inspection and a current inventory shall be kept by every pharmacy that maintains a  
16 stock of dangerous drugs. The circumstances are as follows:

17 31. On or about October 11, 2013, a Board inspector found several boxes at Respondent  
18 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
19 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
20 facilities the pharmacy serviced. Respondent City Center Pharmacy Inc. did not have records of  
21 acquisition for these drugs.

22 SIXTH CAUSE FOR DISCIPLINE

23 (Wholesale License Required)

24 32. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
25 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
26 Center Pharmacy Inc. failed to comply with Code section 4160, subdivision (a) when it engaged  
27 in wholesale activity without a wholesaler license. The circumstances are as follows:



1 NINTH CAUSE FOR DISCIPLINE

2 (Failure to Produce Required Drug Records)

3 38. Respondent City Center Pharmacy Inc. has subjected its Pharmacy License to  
4 disciplinary action under Code sections 4301, subdivisions (j) and (o) in that Respondent City  
5 Center Pharmacy Inc. failed to comply with Code section 4332 when Respondent City Center  
6 Pharmacy Inc. failed to produce required records within a reasonable amount of time. The  
7 circumstances are as follows:

8 39. On or about October 11, 2013, a Board inspector asked Respondent City Center  
9 Pharmacy Inc. to provide all acquisition invoices for methadone 10 mg and oxycodone 30 mg for  
10 June 30, 2011, to February 12, 2013. Respondent City Center Pharmacy Inc. was only able to  
11 provide 105 of the 178 invoice records for methadone 10 mg, and 121 of the 196 invoices for  
12 oxycodone 30 mg.

13 TENTH CAUSE FOR DISCIPLINE

14 (Failure to Exercise Corresponding Responsibility When Dispensing Controlled Substances)

15 40. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
16 action under Code sections 4301, subdivisions (j) and (o) in that he failed to comply with Health  
17 and Safety Code section 11153 which places a responsibility for the proper prescribing and  
18 dispensing of controlled substances not only upon the prescribing practitioner, but also upon the  
19 pharmacist who fills the prescription. Respondent Steve Lee Boss as pharmacist-in-charge of  
20 Respondent City Center Pharmacy Inc. failed to comply with his corresponding responsibility.  
21 The circumstances are as follows:

22 41. Beginning on or about October 10, 2010, and continuing until about October 11,  
23 2013, Respondent Steve Lee Boss as pharmacist-in-charge of Respondent City Center Pharmacy  
24 Inc. dispensed 669 controlled substance prescriptions for Dr. Leong and 151 prescriptions for Dr.  
25 Manougian in cash, many of which were for patients outside of Respondent City Center  
26 Pharmacy Inc.'s normal service area without verifying if they were issued for a legitimate  
27 medication purpose and failed to use industry tools, such as the CURES Prescription Drug  
28

1 Monitoring Program to verify early/duplicate dispensing for patients who were "doctor shopping"  
2 and/or "pharmacy shopping."

3 ELEVENTH CAUSE FOR DISCIPLINE

4 (Unprofessional Conduct - Excessive Furnishing of Controlled Substances)

5 42. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
6 action under Code section 4301, subdivision (d) in that he excessively furnished controlled  
7 substances. The circumstances are as follows:

8 43. Beginning on or about October 10, 2010, and continuing until about October 11,  
9 2013, Respondent Steve Lee Boss as pharmacist-in-charge of Respondent City Center Pharmacy  
10 Inc. dispensed 4,492 prescriptions for hydrocodone/APAP 10/325 mg totaling 505,875 tablets;  
11 2,075 prescriptions of promethazine with codeine totaling 762,955 mls; 2,197 prescriptions for  
12 methadone totaling 440,677 tablets; and 1,017 oxycodone 30 mg prescriptions totaling 182,066  
13 tablets.

14 TWELFTH CAUSE FOR DISCIPLINE

15 (Misuse of Education by Pharmacist)

16 44. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
17 action under Code sections 4306.5 in that he inappropriately exercised his education, training or  
18 experience as a pharmacist, and failed to exercise his best professional judgment or corresponding  
19 responsibility when dispensing controlled substances. The circumstances are as follows:

20 45. Beginning on or about October 10, 2010, and continuing until about October 11,  
21 2013, Respondent Steve Lee Boss as pharmacist-in-charge of Respondent City Center Pharmacy  
22 Inc. dispensed large quantities of prescriptions for hydrocodone/APAP 10/325 mg, promethazine  
23 with codeine, oxycodone 30 mg, and methadone, some from prescribers and patients outside of  
24 the pharmacy service area, for patients with no prior history of narcotic use, for patients using  
25 cash payment methods, and from prescribers without verifying the medical purpose or prescribing  
26 large quantities of highly abused narcotics. The prescriptions for these prescribers far exceeded  
27 the numbers dispensed by neighboring pharmacies for the same prescribers and drugs.

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1 THIRTEENTH CAUSE FOR DISCIPLINE

2 (Records of Drug Acquisition and Disposition)

3 46. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
4 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
5 Respondent City Center Pharmacy Inc., he failed to comply with Code section 4081, subdivision  
6 (a), and Code section 4105 which require a pharmacy to account for the records of acquisition and  
7 disposition on the current inventory of dangerous drugs. The circumstances are as follows:

8 47. On or about October 11, 2013, a Board audit revealed that Respondent City Center  
9 Pharmacy Inc. where Respondent Steve Lee Boss was pharmacist-in-charge had a shortage of  
10 5,238 tablets of hydrocodone/APAP 10/325 mg; 77,270 mls of promethazine with codeine; and  
11 3,435 tablets of methadone 10 mg; and an overage of 618 tablets of oxycodone 30 mg tablets.

12 FOURTEENTH CAUSE FOR DISCIPLINE

13 (CURES Reporting)

14 48. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
15 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
16 Respondent City Center Pharmacy Inc., he failed to comply with Health and Safety Code section  
17 11165, subdivision (d) which requires pharmacies to report prescription information for  
18 controlled substances to California Department of Justice CURES Program within 7 days of  
19 dispensing. The circumstances are as follows:

20 49. On or about October 11, 2013, a Board inspector found that Respondent Steve Lee  
21 Boss as pharmacist-in-charge of Respondent City Center Pharmacy Inc. had failed to report 17  
22 prescriptions for controlled substances which were not reported to CURES, and a review of  
23 CURES compliance reports from January 1, 2010, to September 19, 2013, showed the pharmacy  
24 failed to successfully transmit their dispensed controlled substance prescriptions data to CURES  
25 weekly resulting in multiple occasions when controlled substances prescription information was  
26 not reported in a timely manner.

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1 FIFTEENTH CAUSE FOR DISCIPLINE

2 (Records of Acquisition of Dangerous Drug)

3 50. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
4 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
5 Respondent City Center Pharmacy Inc., he failed to comply with Code section 4081, subdivision  
6 (a), which states all records of manufacture and of sales, acquisition, or disposition of dangerous  
7 drugs shall be at all times open to inspection and a current inventory shall be kept by every  
8 pharmacy that maintains a stock of dangerous drugs. The circumstances are as follows:

9 51. On or about October 11, 2013, a Board inspector found several boxes at Respondent  
10 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
11 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
12 facilities the pharmacy serviced. Respondent Steve Lee Boss, as pharmacist-in-charge of  
13 Respondent City Center Pharmacy Inc., did not have records of acquisition for these drugs.

14 SIXTEENTH CAUSE FOR DISCIPLINE

15 (Wholesaler License Required)

16 52. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
17 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
18 Respondent City Center Pharmacy Inc., he failed to comply with Health and Safety Code section  
19 111295 when the pharmacy engaged in wholesale activity without a wholesaler license. The  
20 circumstances are as follows:

21 53. On or about October 11, 2013, a Board inspector found several boxes at Respondent  
22 City Center Pharmacy Inc. filled with unlabeled dangerous drugs in plastic bags, vials from other  
23 pharmacies, and in bubble packs which had been acquired for destruction from patients and care  
24 facilities the pharmacy serviced. Respondent Steve Lee Boss's, as pharmacist-in-charge of  
25 Respondent City Center Pharmacy Inc., acquisition and possession of these adulterated drugs was  
26 wholesaler activity.

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1 SEVENTEENTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 54. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
4 action under Code sections 4301, subdivision (g) in that as pharmacist-in-charge of Respondent  
5 City Center Pharmacy Inc., the pharmacy made or signed a certificate or other document that  
6 falsely represented the existence or nonexistence of a state of facts. The circumstances are as  
7 follows:

8 55. On or about October 11, 2013, a Board inspector found 33 prescriptions at  
9 Respondent City Center Pharmacy Inc. processed through an insurance plan for a billed quantity  
10 and the patient received a different quantity.

11 EIGHTEENTH CAUSE FOR DISCIPLINE

12 (Duty to Consult)

13 56. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
14 action under Code section 4301, subdivision (o), in that as pharmacist-in-charge of Respondent  
15 City Center Pharmacy Inc., he failed to comply with Title 16, California Code of Regulations,  
16 section 1707.2, subdivision (b)(1)(A) which requires a pharmacist to provide oral consultation to  
17 his/her patients whenever the prescription drug has not been previously dispensed to the patient.  
18 The circumstances are as follows:

19 57. On or about October 11, 2013, a Board inspector observed pharmacy technician J. B.  
20 release a prescription for B. T., a new patient to the pharmacy, without offering consultation by a  
21 pharmacist. Throughout the inspection on or about October 11, 2013, there were no observed  
22 requests for consultation from a pharmacist until the Respondent Steve Lee Boss was made aware  
23 of the failure to counsel by the Board inspector.

24 NINETEENTH CAUSE FOR DISCIPLINE

25 (Failure to Produce Required Drug Records)

26 58. Respondent Steve Lee Boss has subjected his Pharmacist License to disciplinary  
27 action under Code sections 4301, subdivisions (j) and (o) in that as pharmacist-in-charge of  
28 Respondent City Center Pharmacy Inc., he failed to comply with Code section 4332 when

1 Respondent City Center Pharmacy Inc. failed to produce required records within a reasonable  
2 amount of time. The circumstances are as follows:

3 59. On or about October 11, 2013, a Board inspector asked Respondent City Center  
4 Pharmacy Inc. to provide all acquisition invoices for methadone 10 mg and oxycodone 30 mg for  
5 June 30, 2011, to February 12, 2013. Respondent City Center Pharmacy Inc. was only able to  
6 provide 105 of the 178 invoice records for methadone 10 mg, and 121 of the 196 invoices for  
7 oxycodone 30 mg.

#### 8 OWNERSHIP PROHIBITION

9 60. Business and Professions Code section 4307, subdivision (a), provides, in pertinent  
10 part that any person who was a manager, administrator, owner, member, officer, director,  
11 associate or partner of a license that has been revoked or is under suspension shall be prohibited  
12 from serving as a manager, administrator, owner, member, officer, director, associate or partner  
13 of a licensee.

14 61. Pursuant to Code section 4307, if discipline is imposed on Original Pharmacy Permit  
15 Number PHY 48981 issued to Respondent City Center Pharmacy Inc., and Respondent Steve Lee  
16 Boss while acting as the manager, administrator, owner, member, officer, director, associate, or  
17 partner of Respondent City Center Pharmacy Inc., had knowledge of or knowingly participated in  
18 any conduct for which Original Pharmacy Permit Number PHY 48981, issued to Respondent City  
19 Center Pharmacy Inc. was revoked, suspended or placed on probation, Respondent Steve Lee  
20 Boss shall be prohibited from serving as a manager, administrator, owner, member, officer,  
21 director, associate, or partner of a licensee for five years if Original Pharmacy Permit Number  
22 PHY 48981, issued to Respondent City Center Pharmacy Inc. is placed on probation or until  
23 Original Pharmacy Permit Number PHY 48981, issued to Respondent City Center Pharmacy Inc.  
24 is reinstated if it is revoked.

#### 25 DISCIPLINE CONSIDERATIONS

26 62. To determine the degree of discipline, if any, to be imposed on Respondent City  
27 Center Pharmacy Inc., Complainant alleges that on or about April 27, 2011, in a prior action, the  
28 Board of Pharmacy issued Citation Number CI 2010 45336 and ordered Respondent to pay fines

1 totaling \$1,000.00. That Citation is now final and is incorporated by reference as if fully set  
2 forth.

3 63. To determine the degree of discipline, if any, to be imposed on Respondent City  
4 Center Pharmacy Inc., Complainant alleges that on or about July 1, 2013, in a prior action, the  
5 Board of Pharmacy issued Citation Number CI 2012 54945 and ordered Respondent to pay a fine  
6 of \$500.00. That Citation is now final and is incorporated by reference as if fully set forth.

7 64. To determine the degree of discipline, if any, to be imposed on Respondent Steve Lee  
8 Boss, Complainant alleges that on or about April 27, 2011, in a prior action, the Board of  
9 Pharmacy issued Citation Number CI 2010 48044 and ordered Respondent to pay fines totaling  
10 \$2,000.00. That Citation is now final and is incorporated by reference as if fully set forth.

11 65. To determine the degree of discipline, if any, to be imposed on Respondent Steve Lee  
12 Boss, Complainant alleges that on or about July 1, 2013, in a prior action, the Board of Pharmacy  
13 issued Citation Number CI 2012 57269 and ordered Respondent to pay a fine of \$1,000.00. That  
14 Citation is now final and is incorporated by reference as if fully set forth.

15 PRAYER

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

18 1. Revoking or suspending Pharmacist License Number RPH 50059, issued to Steve Lee  
19 Boss;

20 2. Revoking or suspending Original Pharmacy Permit Number PHY 48981, issued to  
21 City Center Pharmacy Inc.;

22 3. Ordering Steve Lee Boss and City Center Pharmacy Inc. to pay the Board of  
23 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to  
24 Business and Professions Code section 125.3;

25 4. Prohibiting Steve Lee Boss from serving as a manager, administrator, owner,  
26 member, officer, director, associate, or partner of a licensee for five years if Original Pharmacy  
27 Permit Number 48981, issued to City Center Pharmacy Inc. is placed on probation or until  
28 Original Pharmacy Permit Number PHY 48981, issued to City Center Pharmacy Inc. is reinstated

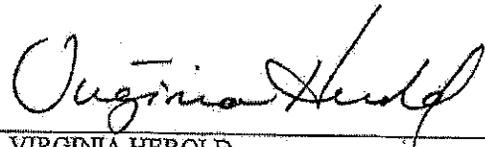
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If Original Pharmacy Permit Number PHY 48981, issued to City Center Pharmacy Inc. is  
revoked; and,

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

DATED:

8/29/16



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

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