

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

In the Matter of the Accusation Against:

**BOB'S GREENLEY PHARMACY, INC.,
dba BOB'S GREENLEY PHARMACY
JOHN WILLIAMS,
aka JOHN ROBERT WILLIAMS,
President/Pharmacist-in-Charge
ROBERT G. WILLIAMS, Secretary
800 Delnero Drive
Sonora, CA 95370
Pharmacy Permit No PHY 45274**

and

**JOHN ROBERT WILLIAMS
800 Delnero Drive
Sonora, CA 95370
Pharmacist License No. RPH 37271**

Respondents.

Case No. 5755

**AS TO RESPONDENT JOHN
ROBERT WILLIAMS ONLY**

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on March 24, 2017.

It is so ORDERED on February 22, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By _____

Amy Gutierrez, Pharm.D.
Board President

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

12 In the Matter of the Accusation Against:

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14 **dba BOB'S GREENLEY PHARMACY**
15 **JOHN WILLIAMS,**
16 **aka JOHN ROBERT WILLIAMS,**
17 **President/Pharmacist-in-Charge**
18 **ROBERT G. WILLIAMS, Secretary**
19 **800 Delnero Drive**
20 **Sonora, CA 95370**

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
RESPONDENT JOHN ROBERT
WILLIAMS ONLY

21 **Pharmacy Permit No. PHY 45274**

22 **and**

23 **JOHN ROBERT WILLIAMS**
24 **800 Delnero Drive**
25 **Sonora, CA 95370**

26 **Pharmacist License No. RPH 37271**

27 Respondents.

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

PARTIES

1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
(Board). She brought this action solely in her official capacity and is represented in this matter by

1 Kathleen A. Kenealy, Acting Attorney General of the State of California, by Stanton W. Lee,
2 Deputy Attorney General.

3 2. On or about June 30, 1984, the Board issued Pharmacist License Number RPH 37271
4 to John Robert Williams (Respondent). The pharmacist license was in full force and effect at all
5 times relevant to the charges brought herein and will expire on June 30, 2018, unless renewed.

6 3. Respondent is representing himself in this proceeding and has chosen not to exercise
7 his right to be represented by counsel.

8 JURISDICTION

9 4. Accusation No. 5755 was filed before the Board, and is currently pending against
10 Respondent. The Accusation and all other statutorily required documents were properly served
11 on Respondent on October 7, 2016. Respondent timely filed his Notice of Defense contesting the
12 Accusation.

13 5. A copy of Accusation No. 5755 is attached as exhibit A and incorporated herein by
14 reference.

15 ADVISEMENT AND WAIVERS

16 6. Respondent has carefully read, and understands the charges and allegations in
17 Accusation No. 5755. Respondent has also carefully read, and understands the effects of this
18 Stipulated Settlement and Disciplinary Order.

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

26 8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
27 every right set forth above.

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1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation
3 No. 5755.

4 10. Respondent agrees that his pharmacist license is subject to discipline and he agrees to
5 be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 CONTINGENCY

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

16 12. The parties understand and agree that Portable Document Format (PDF) and facsimile
17 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile
18 signatures thereto, shall have the same force and effect as the originals.

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

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

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DISCIPLINARY ORDER

1
2 IT IS HEREBY ORDERED that pharmacist license no. RPH 37271, issued to Respondent
3 John Robert Williams is revoked. However, the revocation is stayed and Respondent is placed on
4 probation for five (5) years on the following terms and conditions.

5 **1. Obey All Laws**

6 Respondent shall obey all state and federal laws and regulations.

7 Respondent shall report any of the following occurrences to the board, in writing, within
8 seventy-two (72) hours of such occurrence:

- 9 • an arrest or issuance of a criminal complaint for violation of any provision of the
10 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
11 substances laws
- 12 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
13 criminal complaint, information or indictment
- 14 • a conviction of any crime
- 15 • discipline, citation, or other administrative action filed by any state or federal agency
16 which involves respondent's pharmacist license or which is related to the practice of
17 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
18 for any drug, device or controlled substance.

19 Failure to timely report such occurrence shall be considered a violation of probation.

20 **2. Report to the Board**

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

1 **3. Interview with the Board**

2 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
3 with the board or its designee, at such intervals and locations as are determined by the board or its
4 designee. Failure to appear for any scheduled interview without prior notification to board staff,
5 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
6 the period of probation, shall be considered a violation of probation.

7 **4. Cooperate with Board Staff**

8 Respondent shall cooperate with the board's inspection program and with the board's
9 monitoring and investigation of respondent's compliance with the terms and conditions of his
10 probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

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

14 **6. Notice to Employers**

15 During the period of probation, respondent shall notify all present and prospective
16 employers of the decision in case number 5755 and the terms, conditions and restrictions imposed
17 on respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 respondent undertaking any new employment, respondent shall cause his direct supervisor,
20 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
21 tenure of employment) and owner to report to the board in writing acknowledging that the listed
22 individual(s) has/have read the decision in case number 5755, and terms and conditions imposed
23 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
24 submit timely acknowledgment(s) to the board.

25 If respondent works for or is employed by or through a pharmacy employment service,
26 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
27 licensed by the board of the terms and conditions of the decision in case number 5755 in advance

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1 of the respondent commencing work at each licensed entity. A record of this notification must
2 be provided to the board upon request.

3 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
4 (15) days of respondent undertaking any new employment by or through a pharmacy employment
5 service, respondent shall cause his direct supervisor with the pharmacy employment service to
6 report to the board in writing acknowledging that they has read the decision in case number 5755
7 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
8 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

22 **8. Reimbursement of Board Costs**

23 As a condition precedent to successful completion of probation, respondent shall pay to the
24 board its costs of investigation and prosecution in the amount of \$23,202.75, jointly and severally
25 with Respondent Bob's Greenley Pharmacy, Inc., dba Bob's Greenley Pharmacy. Respondent
26 shall make said payments as according to a payment plan approved by the Board.

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

4 The filing of bankruptcy by respondent shall not relieve respondent of his responsibility to
5 reimburse the board its costs of investigation and prosecution.

6 **9. Probation Monitoring Costs**

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

11 **10. Status of License**

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

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

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

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

27 Upon acceptance of the surrender, respondent shall relinquish his pocket and wall license to
28 the board within ten (10) days of notification by the board that the surrender is accepted.

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

5 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
6 **Employment**

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

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

14 **13. Tolling of Probation**

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

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

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

1 "Cessation of practice" means any calendar month during which respondent is not
2 practicing as a pharmacist for at least 40 hours, as defined by Business and Professions
3 Code section 4000 et seq. "Resumption of practice" means any calendar month during
4 which respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as
5 defined by Business and Professions Code section 4000 et seq.

6 14. **Violation of Probation**

7 If a respondent has not complied with any term or condition of probation, the board shall
8 have continuing jurisdiction over respondent, and probation shall automatically be extended, until
9 all terms and conditions have been satisfied or the board has taken other action as deemed
10 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
11 to impose the penalty that was stayed.

12 If respondent violates probation in any respect, the board, after giving respondent notice
13 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
14 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
15 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
16 a petition to revoke probation or an accusation is filed against respondent during probation, the
17 board shall have continuing jurisdiction and the period of probation shall be automatically
18 extended until the petition to revoke probation or accusation is heard and decided.

19 15. **Completion of Probation**

20 Upon written notice by the board or its designee indicating successful completion of
21 probation, respondent's license will be fully restored.

22 16. **Remedial Education**

23 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
24 board or its designee, for prior approval, an appropriate program of remedial education related to
25 prescription drug abuse and corresponding responsibility. The program of remedial education
26 shall consist of at least 10 hours, which shall be completed in-person. Respondent shall complete
27 at least 10 hours of remedial education prior to resuming practice as a pharmacist. All remedial
28 education shall be in addition to, and shall not be credited toward, continuing education (CE)

1 courses used for license renewal purposes.

2 Failure to timely submit or complete the approved remedial education shall be considered a
3 violation of probation. The period of probation will be automatically extended until such
4 remedial education is successfully completed and written proof, in a form acceptable to the board,
5 is provided to the board or its designee.

6 Following the completion of each course, the board or its designee may require the
7 respondent, at his own expense, to take an approved examination to test the respondent's
8 knowledge of the course. If the respondent does not achieve a passing score on the examination,
9 this failure shall be considered a violation of probation. Any such examination failure shall
10 require respondent to take another course approved by the board in the same subject area.

11 17. **Supervised Practice**

12 During the period of probation, respondent shall practice only under the supervision of a
13 licensed pharmacist not on probation with the board. Upon and after the effective date of this
14 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
15 until a supervisor is approved by the board or its designee. The supervision shall be, as required
16 by the board or its designee, either:

17 Continuous – At least 75% of a work week

18 Substantial - At least 50% of a work week

19 Partial - At least 25% of a work week

20 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

21 Within thirty (30) days of the effective date of this decision, respondent shall have his
22 supervisor submit notification to the board in writing stating that the supervisor has read the
23 decision in case number 5755 and is familiar with the required level of supervision as determined
24 by the board or its designee. It shall be the respondent's responsibility to ensure that his
25 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
26 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
27 acknowledgements to the board shall be considered a violation of probation.

28 If respondent changes employment, it shall be the respondent's responsibility to ensure that

1 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
2 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
3 commences, submit notification to the board in writing stating the direct supervisor and
4 pharmacist-in-charge have read the decision in case number 5755 and is familiar with the level of
5 supervision as determined by the board. Respondent shall not practice pharmacy and his license
6 shall be automatically suspended until the board or its designee approves a new supervisor.
7 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
8 acknowledgements to the board shall be considered a violation of probation.

9 Within ten (10) days of leaving employment, respondent shall notify the board in writing.

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

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

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

25 Failure to comply with this suspension shall be considered a violation of probation.

26 **18. No Ownership of Licensed Premises**

27 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
28 administrator, member, officer, director, trustee, associate, or partner of any business, firm,

1 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
2 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
3 days following the effective date of this decision and shall immediately thereafter provide written
4 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide
5 documentation thereof shall be considered a violation of probation.

6 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
7 manager, administrator, member, officer, director, trustee, associate, or partner of any additional
8 business, firm, partnership, or corporation licensed by the board. If respondent currently owns or
9 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
10 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
11 or hereinafter licensed by the board, respondent may continue to serve in such capacity or hold
12 that interest, but only to the extent of that position or interest as of the effective date of this
13 decision. Violation of this restriction shall be considered a violation of probation.

14 **19. Ethics Course**

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

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

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Exhibit A

Accusation No. 5755

1 KAMALA D. HARRIS
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2 KENT D. HARRIS
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7 *Attorneys for Complainant*

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17 **President/Pharmacist-in-Charge**
18 **ROBERT G. WILLIAMS, Secretary**
19 **800 Delnero Drive**
20 **Sonora, CA 95370**

A C C U S A T I O N

21 **Pharmacy Permit No. PHY 45274**

22 **and**

23 **JOHN ROBERT WILLIAMS**
24 **800 Delnero Drive**
25 **Sonora, CA 95370**

26 **Pharmacist License No. RPH 37271**

27 **Respondents.**

28 **Complainant alleges:**

PARTIES

1. Virginia Herold ("Complainant") brings this Accusation solely in her official capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.
2. On or about July 20, 2001, the Board issued Pharmacy Permit Number PHY 45274 to Bob's Greenley Pharmacy, Inc. ("Respondent Bob's"), doing business as Bob's Greenley

1 Pharmacy, with John Williams, also known as John Robert Williams ("Respondent Williams"), as
2 president and pharmacist-in-charge and Robert G. Williams as secretary. The pharmacy permit
3 was in full force and effect at all times relevant to the charges brought herein and will expire on
4 July 1, 2017, unless renewed.

5 3. On or about June 30, 1984, the Board issued Pharmacist License Number RPH 37271
6 to Respondent Williams. The pharmacist license was in full force and effect at all times relevant
7 to the charges brought herein and will expire on June 30, 2018, unless renewed.

8 JURISDICTION

9 4. This Accusation is brought before the Board under the authority of the following
10 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
11 indicated.

12 5. Section 4300 of the Code states, in pertinent part:

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

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

16 (1) Suspending judgment.

17 (2) Placing him or her upon probation.

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

20 (4) Revoking his or her license.

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

22 6. Section 4300.1 of the Code states:

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

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STATUTORY AND REGULATORY PROVISIONS

(Statutory Provisions)

7. 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 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.

....

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

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

9. Section 4013, subdivision (a), of the Code states that "[a]ny facility licensed by the board shall join the board's e-mail notification list within 60 days of obtaining a license or at the time of license renewal."

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

2

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

7 (c) Every pharmacy shall report and provide to the board, within 14 days
8 of the receipt or development thereof, the following information with regard to any
9 licensed individual employed by or with the pharmacy:

10 (1) Any admission by a licensed individual of chemical, mental, or
11 physical impairment affecting his or her ability to practice.

12 (2) Any admission by a licensed individual of theft, diversion, or self-use
13 of dangerous drugs.

14 (3) Any video or documentary evidence demonstrating chemical, mental,
15 or physical impairment of a licensed individual to the extent it affects his or her
16 ability to practice.

17 (4) Any video or documentary evidence demonstrating theft, diversion, or
18 self-use of dangerous drugs by a licensed individual.

19 (5) Any termination based on chemical, mental, or physical impairment
20 of a licensed individual to the extent it affects his or her ability to practice.

21 (6) Any termination of a licensed individual based on theft, diversion, or
22 self-use of dangerous drugs . . .

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

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

27

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

12. . . . Section 4113, subdivision (c), of the Code states that "[t]he pharmacist-in-charge
shall be responsible for a pharmacy's compliance with all state and federal laws and regulations
pertaining to the practice of pharmacy.

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1 13. Section 4342, subdivision (a), of the Code states:

2 The board may institute any action or actions as may be provided by law
3 and that, in its discretion, are necessary, to prevent the sale of pharmaceutical
4 preparations and drugs that do not conform to the standard and tests as to quality and
5 strength, provided in the latest edition of the United States Pharmacopoeia or the
6 National Formulary, or that violate any provision of the Sherman Food, Drug and
7 Cosmetic Law (Part 5 (commencing with Section 109875) of Division 104 of the
8 Health and Safety Code).

9 14. Health and Safety Code section 11200 states, in pertinent part:

10

11 (b) No prescription for a Schedule III or IV substance may be refilled
12 more than five times and in an amount, for all refills of that prescription taken
13 together, exceeding a 120-day supply . . .

14 15. Health and Safety Code section 11153, subdivision (a), states:

15 A prescription for a controlled substance shall only be issued for a
16 legitimate medical purpose by an individual practitioner acting in the usual course of
17 his or her professional practice. The responsibility for the proper prescribing and
18 dispensing of controlled substances is upon the prescribing practitioner, but a
19 corresponding responsibility rests with the pharmacist who fills the prescription.
20 Except as authorized by this division, the following are not legal prescriptions: (1) an
21 order purporting to be a prescription which is issued not in the usual course of
22 professional treatment or in legitimate and authorized research; or (2) an order for an
23 addict or habitual user of controlled substances, which is issued not in the course of
24 professional treatment or as part of an authorized narcotic treatment program, for the
25 purpose of providing the user with controlled substances, sufficient to keep him or her
26 comfortable by maintaining customary use.

17
18 (Regulatory Provisions)

19 16. Title 16, California Code of Regulations ("CCR"), section 1707.2 states, in pertinent
20 part:

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

23 (1) upon request; or

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

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

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

1 (B) whenever a prescription drug not previously dispensed to a patient in
the same dosage form, strength or with the same written directions, is dispensed by
the pharmacy.

2 (2) When the patient or agent is not present (including but not limited to a
3 prescription drug that was shipped by mail) a pharmacy shall ensure that the patient
receives written notice:

4 (A) of his or her right to request consultation; and

5 (B) a telephone number from which the patient may obtain oral
6 consultation from a pharmacist who has ready access to the patient's record . . .

7 17. Title 16, CCR, section 1707.5 states, in pertinent part:

8 (a) Labels on drug containers dispensed to patients in California shall
conform to the following format:

9 (1) Each of the following items, and only these four items, shall be
10 clustered into one area of the label that comprises at least 50 percent of the label.
Each item shall be printed in at least a 12-point sans serif typeface, and listed in the
11 following order:

12

13 (B) Name of the drug and strength of the drug. For the purposes of this
section, "name of the drug" means either the manufacturer's trade name of the drug,
14 or the generic name and the name of the manufacturer . . .

15 18. Title 16, CCR, section 1711 states, in pertinent part:

16 (a) Each pharmacy shall establish or participate in an established quality
assurance program which documents and assesses medication errors to determine
17 cause and an appropriate response as part of a mission to improve the quality of
pharmacy service and prevent errors.

18

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

21

22 (d) Each pharmacy shall use the findings of its quality assurance program
23 to develop pharmacy systems and workflow processes designed to prevent medication
errors . . .

24 (e) The primary purpose of the quality assurance review shall be to
25 advance error prevention by analyzing, individually and collectively, investigative
and other pertinent data collected in response to a medication error to assess the cause
26 and any contributing factors such as system or process failures. A record of the
quality assurance review shall be immediately retrievable in the pharmacy . . .
27

28 ///

1 (f) The record of the quality assurance review, as provided in subdivision
2 (e) shall be immediately retrievable in the pharmacy for at least one year from the
3 date the record was created . . .

4 19. Title 16, CCR, section 1714, subdivision (b), states:

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

9 20. Title 16, CCR, section 1715.6 states that "[t]he owner shall report to the Board within
10 thirty (30) days of discovery of any loss of the controlled substances, including their amounts and
11 strengths."

12 21. Title 16, CCR, section 1718 states:

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

16 The controlled substances inventories required by Title 21, CFR, Section
17 1304 shall be available for inspection upon request for at least 3 years after the date of
18 the inventory.

19 22. Title 16, CCR, section 1735.2 states, in pertinent part:

20

21 (d) A drug product shall not be compounded until the pharmacy has first
22 prepared a written master formula record that includes at least the following elements:

23 (1) Active ingredients to be used.

24 (2) Equipment to be used.

25 (3) Expiration dating requirements.

26 (4) Inactive ingredients to be used.

27 (5) Process and/or procedure used to prepare the drug

28 (6) Quality reviews required at each step in preparation of the drug.

(7) Post-compounding process or procedures required, if any.

. . . .

(h) Every compounded drug product shall be given an expiration date
representing the date beyond which, in the professional judgment of the pharmacist
performing or supervising the compounding, it should not be used. This "beyond use
date" of the compounded drug product shall not exceed 180 days from preparation or

1 the shortest expiration date of any component in the compounded drug product,
2 unless a longer date is supported by stability studies of finished drugs or compounded
3 drug products using the same components and packaging. Shorter dating than set
4 forth in this subsection may be used if it is deemed appropriate in the professional
5 judgment of the responsible pharmacist.

6

7 (j) Prior to allowing any drug product to be compounded in a pharmacy,
8 the pharmacist-in-charge shall complete a self-assessment for compounding
9 pharmacies developed by the board. (Incorporated by reference is "Community
10 Pharmacy & Hospital Outpatient Pharmacy Compounding Self-Assessment" Form
11 17M-39 Rev. 02/12.) That form contains a first section applicable to all
12 compounding, and a second section applicable to sterile injectable compounding. The
13 first section must be completed by the pharmacist-in-charge before any compounding
14 is performed in the pharmacy. The second section must be completed by the
15 pharmacist-in-charge before any sterile injectable compounding is performed in the
16 pharmacy. The applicable sections of the self-assessment shall subsequently be
17 completed before July 1 of each odd-numbered year, within 30 days of the start of a
18 new pharmacist-in-charge, and within 30 days of the issuance of a new pharmacy
19 license. The primary purpose of the self-assessment is to promote compliance through
20 self-examination and education.

21 23. Title 16, CCR, section 1735.3 states, in pertinent part:

22 (a) For each compounded drug product, the pharmacy records shall
23 include:

- 24 (1) The master formula record.
- 25 (2) The date the drug product was compounded.
- 26 (3) The identity of the pharmacy personnel who compounded the drug
27 product.
- 28 (4) The identity of the pharmacist reviewing the final drug product.
- (5) The quantity of each component used in compounding the drug
product.
- (6) The manufacturer, expiration date and lot number of each component .
If the manufacturer name is demonstrably unavailable, the name of the supplier may
be substituted . . .
- (7) A pharmacy assigned reference or lot number for the compounded
drug product.

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

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

.....

(d) Pharmacies shall maintain and retain all records required by this
article in the pharmacy in a readily retrievable form for at least three years from the
date the record was created.

1 24. Title 16, CCR, section 1735.4 states, in pertinent part:

2 (a) In addition to the labeling information required under Business and
3 Professions Code section 4076, the label of a compounded drug product shall contain
4 the generic name(s) of the principal active ingredient(s).

5 (c) Drug products compounded into unit-dose containers that are too
6 small or otherwise impractical for full compliance with subdivisions (a) and (b) shall
7 be labeled with at least the name(s) of the active ingredient(s), concentration or
8 strength, volume or weight, pharmacy reference or lot number, and expiration date.

8 25. Title 16, CCR, section 1735.5, subdivision (a), states:

9 Any pharmacy engaged in compounding shall maintain a written policy
10 and procedure manual for compounding that establishes procurement procedures,
11 methodologies for the formulation and compounding of drugs, facilities and
12 equipment cleaning, maintenance, operation, and other standard operating procedures
13 related to compounding.

12 26. Title 16, CCR, section 1735.7 states:

13 (a) Any pharmacy engaged in compounding shall maintain written
14 documentation sufficient to demonstrate that pharmacy personnel have the skills and
15 training required to properly and accurately perform their assigned responsibilities
16 relating to compounding.

16 (b) The pharmacy shall develop and maintain an on-going competency
17 evaluation process for pharmacy personnel involved in compounding, and shall
18 maintain documentation of any and all training related to compounding undertaken by
19 pharmacy personnel.

18 (c) Pharmacy personnel assigned to compounding duties shall
19 demonstrate knowledge about processes and procedures used in compounding prior to
20 compounding any drug product.

20 27. Title 16, CCR, section 1735.8, subdivision (a), states:

21 Any pharmacy engaged in compounding shall maintain, as part of its
22 written policies and procedures, a written quality assurance plan designed to monitor
23 and ensure the integrity, potency, quality, and labeled strength of compounded drug
24 products.

24 28. Title 16, CCR, section 1761 states:

25 (a) No pharmacist shall compound or dispense any prescription which
26 contains any significant error, omission, irregularity, uncertainty, ambiguity or
27 alteration. Upon receipt of any such prescription, the pharmacist shall contact the
28 prescriber to obtain the information needed to validate the prescription.

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

5 COST RECOVERY

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

10 DRUG CLASSIFICATIONS

11 30. "Norco", a brand name for hydrocodone/acetaminophen, is a Schedule III controlled
12 substance pursuant to Health and Safety Code section 11056, subdivision (e)(5). Norco was
13 reclassified as a Schedule II controlled substance pursuant to Title 21, Code of Federal
14 Regulations ("CFR"), section 1308.12, subdivision (b)(1)(vi), effective October 6, 2014. Norco
15 is also a dangerous drug pursuant to Code section 4022 and is used to treat pain.

16 31. "Roxicodone", a brand name for oxycodone, is a Schedule II controlled substance
17 pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M). Roxicodone is also a
18 dangerous drug pursuant to Code section 4022 and is used to treat pain.

19 32. "Soma", a brand name for carisoprodol, is a Schedule IV Controlled Substance
20 pursuant to Title 21, CFR, section 1308.14, subdivision (c)(6). Soma is also a dangerous drug
21 pursuant to Code section 4022 and is used as a muscle relaxant.

22 33. "Ambien", a brand name for zolpidem, is a Schedule IV controlled substance
23 pursuant to Health and Safety Code section 11057, subdivision (d)(32). Ambien is also a
24 dangerous drug pursuant to Code section 4022 and is used to treat insomnia.

25 34. "Ativan", a brand name for lorazepam, is a Schedule IV controlled substance
26 pursuant to Health and Safety Code section 11057, subdivision (d)(16). Ativan is also a
27 dangerous drug pursuant to Code section 4022 and is used to treat anxiety.

28 35. "Restoril", a brand name for temazepam, is a Schedule IV controlled substance
pursuant to Health and Safety Code section 11057, subdivision (d)(29). Restoril is also a
dangerous drug pursuant to Code section 4022 and is used to treat insomnia.

1 36. "Klonopin", a brand name for clonazepam, is a Schedule IV controlled substance
2 pursuant to Health and Safety Code section 11057, subdivision (d)(7). Klonopin is also a
3 dangerous drug pursuant to Code section 4022, and is used to treat anxiety.

4 37. "Xanax", a brand name for alprazolam, is a Schedule IV controlled substance
5 pursuant to Health and Safety Code section 11057, subdivision (d)(1). Xanax is also a dangerous
6 drug pursuant to Code section 4022 and is used to treat anxiety.

7 38. "Valium", a brand name for diazepam, is a Schedule IV controlled substance pursuant
8 to Health and Safety Code section 11057, subdivision (d)(9). Valium is also a dangerous drug
9 pursuant to Code section 4022 and is used to treat anxiety.

10 39. "Butrans", a brand name for buprenorphine, is a Schedule V controlled substance
11 pursuant to Health and Safety Code section 11058, subdivision (d). Butrans is also a dangerous
12 drug pursuant to Code section 4022 and is used to treat pain.

13 40. "Adderall", a brand name for amphetamine/dextroamphetamine, is a Schedule II
14 controlled substance pursuant to Health and Safety Code section 11055, subdivision (d)(1).
15 Adderall is also a dangerous drug pursuant to Code section 4022 and is used to treat ADHD
16 (Attention Deficit Hyperactivity Disorder).

17 41. "Kadian", a brand name for morphine, is a Schedule II controlled substance pursuant
18 to Health and Safety Code section 11055, subdivision (b)(1)(L). Morphine is also a dangerous
19 drug pursuant to Code section 4022 and is used to treat pain.

20 42. "Fioricet with codeine", a brand name for butalbital/acetaminophen/caffeine/codeine,
21 is a Schedule III controlled substance pursuant to Health and Safety Code section 11056,
22 subdivision (e)(2). Fioricet with codeine is also a dangerous drug pursuant to Code section 4022
23 and is used to treat headache :

24 43. "Tylenol with codeine #4", a brand name for acetaminophen with codeine, is a
25 Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision
26 (e)(2). Tylenol with codeine #4 is also a dangerous drug pursuant to Code section 4022 and is
27 used to treat pain.

28 ///

1 44. "Cymbalta", a brand name for duloxetine, is a dangerous drug pursuant to Code
2 section 4022 and is used to treat depression.

3 45. "Wellbutrin", a brand name for bupropion, is a dangerous drug pursuant to Code
4 section 4022 and is used to treat depression.

5 46. "Premarin", a brand name for conjugated estrogens, is a dangerous drug pursuant to
6 Code section 4022 and is used to treat postmenopausal osteoporosis.

7 47. "Nuvigil", a brand name for armodafinil, is a Schedule IV controlled substance
8 pursuant to Health and Safety Code section 11057, subdivision (f)(3). Nuvigil is also a dangerous
9 drug pursuant to Code section 4022 and is used to treat narcolepsy.

10 FACTUAL ALLEGATIONS

11 48. Board Inspector I.T. analyzed CURES (Controlled Substance Utilization Review and
12 Evaluation System) data for Bob's Greenley Pharmacy ("Bob's"), and found that multiple
13 patients had received early fills of their Schedule II to V controlled substance medications from
14 the pharmacy. Further, the pharmacy had refilled numerous prescriptions for Schedule III and IV
15 controlled substances more than five times and in an amount beyond the 120-day supply allowed
16 by law.

17 49. On or about October 21, 2015, Board Inspectors I.T. and S.K. conducted an
18 inspection at Bob's. Pharmacist N.R. met with the inspectors and told them that Respondent
19 Williams ("Williams") was not working that day. Pharmacist N.R. also stated that Williams
20 performs all of the pharmacy's compounding. Inspector I.T. asked Pharmacist N.R. for Bob's
21 compounding self-assessment and DEA Biennial Controlled Substances Inventory. Pharmacist
22 N.R. contacted Williams then told the inspectors that he had not completed a compounding self-
23 assessment in 2015. Pharmacy Technician W. arrived at Bob's and located the biennial
24 inventory. Inspector I.T. asked Pharmacy Technician W. to pull a sample of original hard copy
25 prescriptions for the patients identified during the CURES data analysis, for the period from 2012
26 to 2015. Pharmacy Technician W. told the inspectors that only two years of hard copy
27 prescription were stored at Bob's and that the prescriptions for the earlier years were stored at

28 ///

1 Williams' home. Inspector I.T. asked Pharmacy Technician W. if the pharmacy had an off-site
2 storage waiver. Pharmacy Technician W. indicated that they did not.

3 50. Inspector I.T. had Pharmacist N.R. perform a count of the pharmacy's stock on hand
4 of all generic and brand name hydrocodone/acetaminophen (H/APAP) 10/325 mg, carisoprodol
5 350 mg and oxycodone 30 mg immediate-release (IR) tablets. Inspector I.T. then obtained a copy
6 of a DEA 106 Report that Bob's had filed on January 22, 2015, following a burglary which
7 occurred during the early morning hours on January 17, 2015. Pharmacy Technician W. stated
8 that the burglars broke in through the vents on the roof, cut the alarm, telephone and computer
9 wires, and stole both controlled and non-controlled medications. Inspector I.T. asked Pharmacy
10 Technician W. if she or Williams reported the loss to the Board and she said "no." The inspectors
11 asked Pharmacist N.R. to show them a random quality assurance report. Pharmacist N.R. stated
12 that she did not know where they were kept and could not immediately retrieve them.

13 51. Bob's had several Automated Drug Delivery Systems ("ADDS"), which were used to
14 dispense the most frequently filled medications. The inspectors asked to see the lot numbers and
15 expiration dates of the drugs contained in the ADDS. Pharmacist N.R. stated that the actual lot
16 numbers of the drugs were not kept in the computer system. Pharmacist N.R. explained that they
17 would place the empty bottles which contained the drugs used to fill the ADDS on the shelf after
18 the ADDS were replenished. Pharmacist N.R. claimed that this would allow them to identify the
19 lot number and expiration date of the drugs if necessary. The inspectors expressed their concern
20 that the lot numbers and expiration dates would be lost in the event the empty bottles were
21 accidentally discarded.

22 52. During the inspection, patient H.L. arrived at Bob's to pick up a prescription for
23 Wellbutrin XL 150 mg tablets. H.L. informed clerk Z.Y. that she had never taken the medication
24 before and asked clerk Z.Y. if she could provide her with any paperwork explaining the potential
25 side effects. Clerk Z.Y. did not call Pharmacist N.R. to perform an oral consultation with the
26 patient. Later, patient T.M. picked up a prescription for Premarin 0.9 mg tablets. Clerk M.C.
27 asked patient T.M. if she had any questions for the pharmacist. Patient T.M. stated that she had
28 taken the medication before, but it was in a new strength. Clerk M.C. did not call Pharmacist

1 N.R. to perform an oral consultation with the patient. Inspector I.T. obtained copies of the patient
2 profiles for the two patients, which confirmed that patient H.L. had not received Wellbutrin from
3 Bob's in the past and that the increased strength of Premarin had never been dispensed to patient
4 T.M.

5 53. The inspectors learned that Bob's delivered medications to patients who resided
6 within approximately a ten mile radius of Sonora. The inspectors looked into a bag which
7 contained medications for delivery to patient C.M. The bag did not contain a written notice of the
8 patient's right to request an oral consultation and a telephone number to call to obtain the
9 consultation. Clerks Z.Y. and M.C. confirmed with the inspectors that this notice was not sent
10 out to patients who received deliveries of medications from the pharmacy.

11 54. Inspector I.T. asked Pharmacist N.R. and Pharmacy Technician W. for all records
12 relating to compounding, including master formulas, compounding logs, compounding policies
13 and procedures, a compounding quality assurance plan, and training records. The pharmacy did
14 not have any of these records with the exception of compounding logs, which were kept
15 electronically on-line for each patient. The inspectors obtained computer print outs of two patient
16 compounding records and copies of prescription labels for patients S.D. and A.V. The
17 compounding records did not show the date the drug products were compounded, the identity of
18 the pharmacy personnel who compounded the drug products, the identity of the pharmacist
19 reviewing the final drug products, the manufacturer, the expiration date, or the lot number of each
20 component.

21 55. Inspector I.T. noted in reviewing the prescription label for patient A.V. that it did not
22 show the strength of each drug used in the compounded medication. The prescription label for
23 patient S.D. did not contain the complete name of one of the components used in the compounded
24 medication; the drug lidocaine had been improperly abbreviated as "lido". Inspector I.T. also
25 noted that the expiration dates for both compounded medications were one year from the date the
26 prescriptions were written. Inspector I.T. asked Pharmacy Technician W. if Williams was signed
27 up to receive email notifications from the Board, and she indicated that he was not.

28 ///

1 56. At the conclusion of the inspection, Inspector I.T. obtained a copy of the DEA
2 Biennial Controlled Substances Inventory. The biennial inventory showed that it had been
3 performed at the close of business on February 5, 2015. Inspector I.T. issued an inspection report
4 and requested Bob's computer records of dispensed brand and generic H/APAP 10/325 mg,
5 carisoprodol 350 mg, and oxycodone 30 mg IR prescriptions from February 6, 2015 to October
6 21, 2015, all records of acquisition and disposition for the three controlled substances (with the
7 exception of reverse distributor data) from February 6, 2015 to October 21, 2015, and computer
8 records of dispensed prescriptions for all patients and all drugs from October 1, 2012 to October
9 21, 2015.

10 57. On or about October 27, 2015, Inspector I.T. sent wholesaler Cardinal Health a letter,
11 requesting certified records of any brand and generic H/APAP 10/325 mg, oxycodone 30 mg IR,
12 and carisoprodol 350 mg purchased by or returned from Bob's from February 5, 2015 to October
13 21, 2015. Cardinal Health provided the records on or about October 29, 2015.

14 58. On or about November 3, 2015, Inspector I.T. received copies of various documents
15 from Williams, including the pharmacy's policy and procedure entitled "Impaired Pharmacist".

16 59. On or about November 5, 2015, Williams provided Inspector I.T. with the
17 pharmacy's computer records of dispensed H/APAP 10/325 mg, oxycodone 30 mg IR, and
18 carisoprodol 350 mg. Inspector I.T. determined based on the biennial inventory, the records from
19 Cardinal Health, the pharmacy's dispensing records, and the count of the stock on hand
20 conducted by Pharmacist N.R. that the pharmacy had a shortage of 182 carisoprodol 350 mg
21 tablets for the period from February 6, 2015 to October 21, 2015. Inspector I.T. also found that
22 the pharmacy had an overage of 125 H/APAP 10/325 mg tablets.

23 60. On and between November 13, 2015 and November 16, 2015, Inspector I.T. received
24 several emails from QSI Data System containing computer records of all of Bob's dispensed
25 prescriptions from October 1, 2012 to October 21, 2015. Inspector I.T. found that based on the
26 dispensing data and the information from CURES that the pharmacy had refilled and dispensed
27 105 prescriptions for Schedule III to IV controlled substances more than five times and in an
28 amount, for all refills of each prescription taken together, exceeding the 120-day supply allowed

1 by law. 5,040 excess dosage units had been supplied by Williams, 2,580 excess dosage units had
2 been supplied by licensed pharmacist C.L., and 630 excess dosage units had been supplied by
3 Pharmacist N.R., for a total of 8,250 dosage units, as set forth in paragraph 76 below.

4 61. Inspector I.T. found in reviewing the CURES data, pharmacy dispensing data, and
5 hard copy prescriptions that Bob's failed to fulfill its corresponding responsibility when it verified
6 and dispensed prescriptions for Schedule II to V controlled substances more than five (5) days
7 before a previously dispensed supply of medication was exhausted, in 291 instances. Williams
8 verified and dispensed early fills in 170 instances; Pharmacist C.L. verified and dispensed early
9 fills in 79 instances, and Pharmacist N.R. verified and dispensed early fills in 42 instances.

10 **Causes for Discipline as to Respondent Bob's Greenley Pharmacy**

11 **FIRST CAUSE FOR DISCIPLINE**

12 **(Failure to Maintain Pharmacy, Fixtures, and Equipment
13 so that Drugs Were Safely and Properly Secured)**

14 62. Respondent Bob's is subject to disciplinary action for unprofessional conduct
15 pursuant to section 4301, subdivisions (o) and (j), of the Code in that on and between February 6,
16 2015 and October 21, 2015, Respondent failed to maintain the pharmacy and its facilities, space,
17 fixtures and/or equipment so that drugs were safely and properly secured, in violation of Title 16,
18 CCR, section 1714, subdivision (b), resulting in a shortage of 182 carisoprodol 350 mg tablets.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Failure to Maintain a Current Inventory of All Dangerous Drugs)**

21 63. Respondent Bob's is subject to disciplinary action for unprofessional conduct
22 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated sections 4081,
23 subdivision (a), and 4105, subdivisions (a) and (c), of the Code as follows:

24 a. On and between February 6, 2015 and October 21, 2015, Respondent failed to
25 maintain an accurate or current inventory of all dangerous drugs in the pharmacy, resulting in a
26 shortage of 182 carisoprodol 350 mg tablets and an overage of 125 hydrocodone/acetaminophen
27 10/325 mg tablets.

28 ///

1 maintaining training records and an on-going competency evaluation process for pharmacy
2 personnel involved in compounding.

3 **NINTH CAUSE FOR DISCIPLINE**

4 **(Compounding of Drug Products without Master Formula Records
5 and Other Information Required by Law)**

6 70. Respondent Bob's is subject to disciplinary action for unprofessional conduct
7 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
8 section 1735.3, subdivision (a), as follows:

9 a. Respondent performed compounding of drug products without maintaining master
10 formula records or written compounding logs.

11 b. Respondent failed to maintain complete compounding records for patients S.D. and
12 A.V. in that the computer records did not include the dates the drug products for each patient
13 were compounded, the identity of the pharmacy personnel who compounded the drug products,
14 the identity of the pharmacist reviewing the final drug products, the manufacturer, expiration
15 date, or the lot number of each component.

16 **TENTH CAUSE FOR DISCIPLINE**

17 **(Failure to Join Board's E-Mail Notification List)**

18 71. Respondent Bob's is subject to disciplinary action for unprofessional conduct
19 pursuant to section 4013, subdivision (o), of the Code in that Respondent violated section 4103,
20 subdivision (a), of the Code, as follows: Respondent failed to join the Board's e-mail notification
21 list.

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1 controlled substances from the pharmacy on January 17, 2015, as set forth in paragraph 50 above,
2 within 30 days of the theft.

3 **FIFTEENTH CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Restrictions on Dispensing or Refilling)**

5 76. Respondent Bob's is subject to disciplinary action for unprofessional conduct
6 pursuant to section 4301, subdivision (j), of the Code in that Respondent violated Health and
7 Safety Code section 11200, subdivision (b), as follows: On and between October 1, 2012 and
8 October 21, 2015, Respondent refilled and dispensed 105 prescriptions for Schedule III to IV
9 controlled substances more than five times or in an amount, for all refills of each prescription
10 taken together, exceeding the 120-day supply allowed by law, as set forth below and in paragraph
11 60 above.

12 Drug/Strength	13 Excess Dosage Units Supplied
14 zolpidem 10 mg	570
15 lorazepam 2 mg	60
16 temazepam 30 mg	270
17 carisoprodol 350 mg	1,080
18 clonazepam 1 mg	90
19 zolpidem 5 mg	150
20 alprazolam 0.5 mg	720
21 lorazepam 0.5 mg	60
22 temazepam 15 mg	120
23 hydrocodone/APAP 10/325 mg	3,030
24 clonazepam 2 mg	120
25 lorazepam 1 mg	270
26 diazepam 5 mg	90
27 hydrocodone/APAP 5/325 mg	420
28 alprazolam 1 mg	780

Drug/Strength	Excess Dosage Units Supplied
hydrocodone/APAP 7.5/500 mg	120
clonazepam 0.5 mg	90
Ambien CR/zolpidem ER 12.5 mg	60
Nuvigil 250 mg	150
Total	8,250

SIXTEENTH CAUSE FOR DISCIPLINE

(Dispensing Prescriptions Containing Significant Errors, Omissions, Irregularities, etc.)

77. Respondent Bob's is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR, section 1761, as follows: Respondent verified and dispensed prescriptions for Schedule II to V controlled substances more than five (5) days before a previously dispensed supply of medication was exhausted, in 291 instances, as set forth in paragraph 61 above. As a result, multiple patients received early fills of their medications and an excess amount of controlled substances.

SEVENTEENTH CAUSE FOR DISCIPLINE

(Excessive Furnishing of Controlled Substances)

78. Respondent Bob's is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivision (d), of the Code in that Respondent clearly excessively furnished Schedule II to V controlled substances to patients, as set forth in paragraph 77 above.

Causes for Discipline as to Respondent John Robert Williams

EIGHTEENTH CAUSE FOR DISCIPLINE

(Failure to Maintain Pharmacy, Fixtures, and Equipment so that Drugs Were Safely and Properly Secured)

79. Respondent Williams is subject to disciplinary action for unprofessional conduct pursuant to section 4301, subdivisions (o) and (j), of the Code in that on and between February 6, 2015 and October 21, 2015, Respondent failed to maintain the pharmacy and its facilities, space, fixtures and/or equipment so that drugs were safely and properly secured, in violation of Title 16,

1 CCR, section 1714, subdivision (b), resulting in a shortage of 182 carisoprodol 350 mg tablets.

2 **NINETEENTH CAUSE FOR DISCIPLINE**

3 **(Failure to Maintain a Current Inventory of All Dangerous Drugs)**

4 80. Respondent Williams is subject to disciplinary action for unprofessional conduct
5 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated sections 4081,
6 subdivision (a), and 4105, subdivision (a) and (c), of the Code as follows:

7 a. On and between February 6, 2015 and October 21, 2015, Respondent failed to
8 maintain an accurate or current inventory of all dangerous drugs in the pharmacy, resulting in a
9 shortage of 182 carisoprodol 350 mg tablets and an overage of 125 hydrocodone/acetaminophen
10 10/325 mg tablets.

11 b. Respondent stored only two years of records of disposition in the pharmacy and
12 stored older records at his home without an off-site storage waiver approved by the Board.

13 **TWENTIETH CAUSE FOR DISCIPLINE**

14 **(Failure to Provide Oral Consultation to Patients)**

15 81. Respondent Williams is subject to disciplinary action for unprofessional conduct
16 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
17 section 1707.2, subdivision (b)(2)(A) and (B), as follows: Respondent failed to provide patients,
18 who received their medications by delivery service, with a written notice of their right to request
19 an oral consultation from a pharmacist and a telephone number to call to obtain the consultation.

20 **TWENTY-FIRST CAUSE FOR DISCIPLINE**

21 **(Improper Policy and Procedure Re: Chemical/Mental/Physical Impairment,
22 Theft, Diversion, or Self-Use of Dangerous Drugs by Licensed Individuals/Employees)**

23 82. Respondent Williams is subject to disciplinary action for unprofessional conduct
24 pursuant to section 4301, subdivisions (o) and (j), of the Code in that the pharmacy's policy and
25 procedure entitled "Impaired Pharmacist" was not in compliance with section 4104 of the Code,
26 as follows: The policy stated that the pharmacy shall report to the Board information regarding
27 the chemical, mental or physical impairment, theft, diversion, or self-use of dangerous drugs by
28

1 any individual employed by the pharmacy, within 30 days of the receipt or development of the
2 information when, in fact, the information was to be reported within 14 days as required by law.

3 **TWENTY-SECOND CAUSE FOR DISCIPLINE**

4 **(Failure to Comply with Quality Assurance Program)**

5 83. Respondent Williams is subject to disciplinary action for unprofessional conduct
6 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
7 section 1711, as follows: Respondent failed to have immediately available for inspection, the
8 pharmacy's quality assurance review records.

9 **TWENTY-THIRD CAUSE FOR DISCIPLINE**

10 **(Failure to Maintain Information Regarding Lot Numbers of Drugs
11 Stored in the Automated Drug Delivery Systems)**

12 84. Respondent Williams is subject to disciplinary action for unprofessional conduct
13 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated section 4342 of
14 the Code, as follows: Respondent failed to enter into the computer system the actual lot numbers
15 of the drugs stored in the pharmacy's Automated Drug Delivery System. As such, the lot
16 numbers could only be obtained from the labels on the empty bottles of drugs that were placed on
17 the pharmacy shelf after the ADD's were replenished.

18 **TWENTY-FOURTH CAUSE FOR DISCIPLINE**

19 **(Compounding of Drug Products Without Master Formula Records;
20 Failure to Complete Compounding Self-Assessment)**

21 85. Respondent Williams is subject to disciplinary action for unprofessional conduct
22 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated provisions of
23 Title 16, CCR, section 1735.2, as follows:

24 a. **Subdivision (d)**: Respondent performed compounding of drug products without
25 preparing written master formula records.

26 b. **Subdivision (h)**: Respondent assigned all compounded drug products an expiration
27 date of one year rather than 180 days from the date the drug products were prepared.
28

1 c. Subdivision (j): Respondent failed to complete or have available at the pharmacy a
2 compounding self assessment.

3 **TWENTY-FIFTH CAUSE FOR DISCIPLINE**

4 **(Failure to Maintain Training Records of
5 Pharmacy Personnel Involved in Compounding)**

6 86. Respondent Williams is subject to disciplinary action for unprofessional conduct
7 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
8 section 1735.7, as follows: Respondent performed compounding of drug products without
9 maintaining training records and an on-going competency evaluation process for pharmacy
10 personnel involved in compounding.

11 **TWENTY-SIXTH CAUSE FOR DISCIPLINE**

12 **(Compounding of Drug Products without Master Formula Records
13 and Other Information Required by Law)**

14 87. Respondent Williams is subject to disciplinary action for unprofessional conduct
15 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
16 section 1735.3, subdivision (a), as follows:

17 a. Respondent performed compounding of drug products without maintaining master
18 formula records or written compounding logs.

19 b. Respondent failed to maintain complete compounding records for patients S.D. and
20 A.V. in that the computer records did not include the dates the drug products for each patient
21 were compounded, the identity of the pharmacy personnel who compounded the drug products,
22 the identity of the pharmacist reviewing the final drug products, the manufacturer, the expiration
23 date, or the lot number of each component.

24 **TWENTY-SEVENTH CAUSE FOR DISCIPLINE**

25 **(Failure to Join Board's E-Mail Notification List)**

26 88. Respondent Williams is subject to disciplinary action for unprofessional conduct
27 pursuant to section 4013, subdivision (o), of the Code in that Respondent violated section 4103,

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1 subdivision (a), of the Code, as follows: Respondent failed to join the Board's e-mail notification
2 list.

3 **TWENTY-EIGHTH CAUSE FOR DISCIPLINE**

4 **(Improper Labeling of Compounded Drug Products)**

5 89. Respondent Williams is subject to disciplinary action for unprofessional conduct
6 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
7 sections 1707.5 and 1735.4 regarding the labeling of drug products, as follows:

8 a. **Section 1707.5, subdivision (a)(1)(B)**: Respondent failed to list on the prescription
9 label for the drug product compounded for patient A. V. the strengths of each component used in
10 the compounded medication, as set forth in paragraph 55 above.

11 b. **Section 1735.4**: Respondent failed to list on the prescription label for the drug
12 product compounded for patient S. D. the full name of one of the ingredients used in the
13 compounded medication and used an abbreviation instead, as set forth in paragraph 55 above.

14 **TWENTY-NINTH CAUSE FOR DISCIPLINE**

15 **(Failure to Maintain Written Quality Assurance Plan)**

16 90. Respondent Williams is subject to disciplinary action for unprofessional conduct
17 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
18 section 1735.8, as follows: Respondent failed to maintain a written quality assurance plan for
19 compounded prescriptions.

20 **THIRTIETH CAUSE FOR DISCIPLINE**

21 **(Failure to Maintain a Written Policy and Procedure Manual for Compounding)**

22 91. Respondent Williams is subject to disciplinary action for unprofessional conduct
23 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
24 section 1735.5, as follows: Respondent failed to maintain a written policy and procedure manual
25 for compounding.

26 **THIRTY-FIRST CAUSE FOR DISCIPLINE**

27 **(Failure to Report Loss of Controlled Substances)**

28 92. Respondent Williams is subject to disciplinary action for unprofessional conduct

1 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
2 section 1715.6, as follows: Respondent failed to report to the Board the burglary or theft of
3 controlled substances from the pharmacy on January 17, 2015, as set forth in paragraph 50 above,
4 within 30 days of the theft.

5 **THIRTY-SECOND CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Restrictions on Dispensing or Refilling)**

7 93. Respondent Williams is subject to disciplinary action for unprofessional conduct
8 pursuant to section 4301, subdivision (j), of the Code in that Respondent violated Health and
9 Safety Code section 11200, as follows: On and between October 1, 2012 and October 21, 2015,
10 Respondent refilled and dispensed prescriptions for Schedule III to IV controlled substances more
11 than five times or in an amount, for all refills of each prescription taken together, exceeding the
12 120-day supply allowed by law, as set forth in paragraphs 60 and 76 above. As such,
13 Respondent dispensed a total of 5,040 excess dosage units of Schedule III and IV controlled
14 substances to patients.

15 **THIRTY-THIRD CAUSE FOR DISCIPLINE**

16 **(Dispensing Prescriptions Containing Significant Errors, Omissions, Irregularities, etc.)**

17 94. Respondent Williams is subject to disciplinary action for unprofessional conduct
18 pursuant to section 4301, subdivision (o), of the Code in that Respondent violated Title 16, CCR,
19 section 1761, as follows: Respondent dispensed prescriptions for Schedule II to V controlled
20 substances more than five (5) days before a previously dispensed supply of medication was
21 exhausted, in 170 instances, as set forth in paragraph 61 above. As a result, multiple patients
22 received early fills of their medications and an excess amount of controlled substances.

23 **THIRTY-FOURTH CAUSE FOR DISCIPLINE**

24 **(Excessive Furnishing of Controlled Substances)**

25 95. Respondent Williams is subject to disciplinary action for unprofessional conduct
26 pursuant to section 4301, subdivision (d), of the Code in that Respondent clearly excessively
27 furnished Schedule II to V controlled substances to patients, as set forth in paragraph 94 above.

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MATTERS IN AGGRAVATION

1
2 96. To determine the degree of discipline to be assessed against Respondents Bob's and
3 Williams, if any, Complainant alleges that on or about September 6, 2012, Inspector W.Y.
4 conducted an inspection of Bob's and found multiple violations of the California Code of
5 Regulations, title 16, and thereafter on or about April 17, 2013, the Board issued the following
6 citations and fines:

7 **Citation and Fine No. CI 2011 52780, issued to Respondent Bob's for violations of:**

8 1. Section 1716 (Respondent deviated from the requirements of a prescription
9 without the prior consent of the prescriber when on or about May 29, 2012, Respondent filled RX
10 #7201699 with hydralazine 25 mg instead of hydroxyzine 25 mg, as prescribed for patient A.L.);

11 2. Section 1711(e) (failure to maintain a quality assurance records for the above
12 medication error);

13 3. Section 1707.2 (failure to provide oral consultation to patient A.L. for a drug that
14 had not been previously dispensed to the patient); and

15 4. Section 1715(a) (failure to complete a Community Pharmacy Self-Assessment).
16 The Board ordered Respondent to pay a fine of \$3,250 by May 17, 2013. Respondent complied
17 with the citation.

18 **Citation and Fine No. CI 2012 56229 issued to Respondent Williams for violations of:**

19 1. Sections 1716 (Respondent deviated from the requirements of a prescription
20 without the prior consent of the prescriber when on or about May 29, 2012, Respondent filled RX
21 #7201699 with hydralazine 25 mg instead of hydroxyzine 25 mg, as prescribed for patient A.L.);

22 2. Section 1711(e) (failure to maintain a quality assurance records for the above
23 medication error);

24 3. Section 1707.2 (failure to provide oral consultation to patient A.L. for a drug that
25 had not been previously dispensed to the patient); and

26 4. Section 1715(a) (failure to complete a Community Pharmacy Self-Assessment).
27 The Board ordered Respondent to pay a fine of \$3,250 by May 17, 2013. Respondent complied
28 with the citation.

PRAYER

1
2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Board of Pharmacy issue a decision:

4 1. Revoking or suspending Pharmacy Permit Number PHY 45272, issued to Bob's
5 Greenley Pharmacy, Inc., doing business as Bob's Greenley Pharmacy;

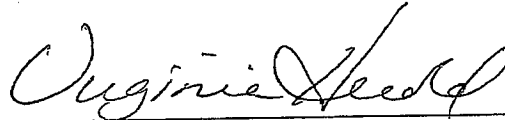
6 2. Revoking or suspending Pharmacist License Number RPH 37271, issued to John
7 Williams, also known as John Robert Williams;

8 3. Ordering Bob's Greenley Pharmacy, Inc., doing business as Bob's Greenley
9 Pharmacy, and John Williams, also known as John Robert Williams, to pay the Board of
10 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
11 Business and Professions Code section 125.3; and

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

13
14 DATED: _____

9/27/16



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