

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

In the Matter of the Accusation Against:

**RAFA CORPORATION, DBA  
MURPHY'S PHARMACY,  
172 N San Jacinto Street  
Hemet, CA 92543**

**Pharmacy Permit No. PHY 39226**

**RAFAEL JUAREZ  
1103 North Fig St  
Escondido, CA 92026**

**Pharmacist License No. RPH 39936**

Respondents.

Case No. 6185

**STIPULATED SURRENDER OF  
LICENSE AND ORDER**

**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 February 1, 2018.

It is so ORDERED on January 2, 2018.

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 HARINDER K. KAPUR  
Supervising Deputy Attorney General  
3 DESIREE I. KELLOGG  
Deputy Attorney General  
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*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. 6185

12 **RAFA CORPORATION, DBA**  
13 **MURPHY'S PHARMACY**  
14 **172 N San Jacinto Street**  
**Hemet, CA 92543**

**STIPULATED SURRENDER OF**  
**LICENSE AND ORDER**

15 **Pharmacy Permit No. PHY 39226**

16 **RAFAEL JUAREZ**  
17 **North Fig Street**  
**Escondido, CA 92026**

18 **Pharmacist License No. RPH 39936**

19 Respondents.

20  
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 Desiree I. Kellogg, Deputy  
28 Attorney General.

1           2.     Rafa Corporation, dba Murphy's Pharmacy and Rafael Juarez are represented in this  
2 proceeding by attorney Peter Gregorovic of California Pharmacy Law, whose address is 49  
3 Discovery, Suite 240, Irvine, CA 92618-6713.

4           3.     On or about April 13, 1993, the Board of Pharmacy issued Pharmacy Permit Number  
5 PHY 39226 to Rafa Corporation, doing business as Murphy's Pharmacy. The Pharmacy Permit  
6 was cancelled, effective May 1, 2017.

7           4.     On or about March 18, 1986, the Board of Pharmacy issued Pharmacist License  
8 Number RPH 39936 to Rafael Juarez. The Pharmacist License was in full force and effect at all  
9 times relevant to the charges brought herein and will expire on October 31, 2019, unless renewed.

10   JURISDICTION

11           5.     Accusation No. 6185 was filed before the (Board), and is currently pending against  
12 Respondents. The Accusation and all other statutorily required documents were properly served  
13 on Respondents on July 20, 2017. Respondents timely filed their Notice of Defense contesting  
14 the Accusation. A copy of Accusation No. 6185 is attached as Exhibit A and incorporated by  
15 reference.

16   ADVISEMENT AND WAIVERS

17           6.     Respondents have carefully read, fully discussed with counsel, and understand the  
18 charges and allegations in Accusation No. 6185. Respondents also have carefully read, fully  
19 discussed with counsel, and understand the effects of this Stipulated Surrender of License and  
20 Order.

21           7.     Respondents are fully aware of their legal rights in this matter, including the right to a  
22 hearing on the charges and allegations in the Accusation; the right to confront and cross-examine  
23 the witnesses against them; the right to present evidence and to testify on their own behalf; the  
24 right to the issuance of subpoenas to compel the attendance of witnesses and the production of  
25 documents; the right to reconsideration and court review of an adverse decision; and all other  
26 rights accorded by the California Administrative Procedure Act and other applicable laws.

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

1 CULPABILITY

2 9. Respondents understand that the charges and allegations in Accusation No. 6185, if  
3 proven at a hearing, constitute cause for imposing discipline upon their Pharmacy Permit and  
4 Pharmacist License.

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

10 11. Respondents understand that by signing this stipulation, it enables the Board to issue  
11 an order accepting the surrender of their Pharmacy Permit and Pharmacist License without further  
12 process.

13 CONTINGENCY

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

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

26 14. This Stipulated Surrender of License and Order is intended by the parties to be an  
27 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
28 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,

1 negotiations, and commitments (written or oral). This Stipulated Surrender of License and Order  
2 may not be altered, amended, modified, supplemented, or otherwise changed except by a writing  
3 executed by an authorized representative of each of the parties.

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

6 **ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 39226, issued to Respondent  
8 Rafa Corporation, dba Murphy's Pharmacy and Pharmacist License No. RPH 39936, issued to  
9 Rafael Juarez, are surrendered and accepted by the Board of Pharmacy.

10 1. The surrender of Respondents' Pharmacy Permit and Pharmacist License and the  
11 acceptance of the surrendered licenses by the Board shall constitute the imposition of discipline  
12 against Respondents. This stipulation constitutes a record of the discipline and shall become a  
13 part of Respondents' license history with the Board of Pharmacy.

14 2. Respondent Rafael Juarez shall lose all rights and privileges as a pharmacist in  
15 California as of the effective date of the Board's Decision and Order. Respondent Rafael Juarez  
16 shall cause to be delivered to the Board his pocket license and, if one was issued, his wall  
17 certificate on or before the effective date of the Decision and Order.

18 3. Respondent Rafa Corporation, dba Murphy's Pharmacy hereby surrenders Pharmacy  
19 Permit No. PHY 39226 as of the effective date of this Decision. Respondent Rafa Corporation,  
20 dba Murphy's Pharmacy shall relinquish the premises wall license and renewal license to the  
21 Board within ten (10) days of the effective date of this Decision.

22 4. If they ever apply for licensure or petitions for reinstatement in the State of  
23 California, the Board shall treat it as a new application for licensure. Respondents must comply  
24 with all the laws, regulations and procedures for licensure in effect at the time the application or  
25 petition is filed, and all of the charges and allegations contained in Accusation No. 6185 shall be  
26 deemed to be true, correct and admitted by Respondents when the Board determines whether to  
27 grant or deny the application or petition.

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1 5. Respondents shall be jointly and severally liable for paying the costs of investigation  
2 and enforcement and shall pay the agency its costs of investigation and enforcement in the  
3 amount of \$9,076.25 prior to issuance of a new or reinstated license.

4 6. If Respondents should ever apply or reapply for a new license or certification, or  
5 petition for reinstatement of a license, by any other health care licensing agency in the State of  
6 California, all of the charges and allegations contained in Accusation, No. 6185 shall be deemed  
7 to be true, correct, and admitted by Respondents for the purpose of any Statement of Issues or any  
8 other proceeding seeking to deny or restrict licensure.

9 ACCEPTANCE


10 I have carefully read the above Stipulated Surrender of License and Order and have fully  
11 discussed it with my attorney, Peter Gregorovic. I understand the stipulation and the effect it will  
12 have on my Pharmacy Permit and Pharmacist License. I enter into this Stipulated Surrender of  
13 License and Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
14 Decision and Order of the Board of Pharmacy.

15  
16 DATED: 10 Nov 2017

  
17 RAFAEL JCAREZ, as an individual and as the  
18 authorized agent on behalf of RAFA  
19 CORPORATION, DBA MURPHY'S  
20 PHARMACY  
21 Respondents

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

25  
26 DATED: 11/13/2017

  
27 PETER GREGOROVIC  
28 Attorney for Respondents



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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: 11/14/17

Respectfully submitted,

XAVIER BECERRA  
Attorney General of California  
HARINDER K. KAPUR  
Supervising Deputy Attorney General

DESIREE I. KELLOGG  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 6185**

1 XAVIER BECERRA  
Attorney General of California  
2 GREGORY J. SALUTE  
Supervising Deputy Attorney General  
3 DESIREE L. KELLOGG  
Deputy Attorney General  
4 State Bar No. 126461  
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6 San Diego, CA 92186-5266  
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7 Facsimile: (619) 645-2061  
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14 **172 N San Jacinto Street**  
**Hemet, CA 92543**

**A C C U S A T I O N**

15 **Pharmacy Permit No. PHY 39226**

16 **RAFAEL JUAREZ**  
17 **28125 Vista Del Valle**  
**Hemet, CA 92544**

18 **Pharmacist License No. RPH,39936**

19 Respondents.

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21  
22 Complainant alleges:

23 **PARTIES**

- 24 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity  
25 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.
- 26 2. On or about April 13, 1993, the Board of Pharmacy issued Pharmacy Permit Number  
27 PHY 39226 to Rafa Corporation, doing business as Murphy's Pharmacy (Respondent Murphy's  
28 Pharmacy). The Pharmacy Permit was cancelled, effective May 1, 2017.

1 3. On or about March 18, 1986, the Board of Pharmacy issued Pharmacist License  
2 Number RPH 39936 to Rafael Juarez (Respondent Rafael Juarez). The Pharmacist License was  
3 in full force and effect at all times relevant to the charges brought herein and will expire on  
4 October 31, 2017, unless renewed.

#### 5 JURISDICTION

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

9 5. Section 4011 of the Code provides that the Board shall administer and enforce both  
10 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
11 Act [Health & Safety Code, § 11000 et seq.].

12 6. Section 4300(a) of the Code provides that every license issued by the Board may be  
13 suspended or revoked.

14 7. Section 4300.1 of the Code states:

15 The expiration, cancellation, forfeiture, or suspension of a board-issued license  
16 by operation of law or by order or decision of the board or a court of law, the  
17 placement of a license on a retired status, or the voluntary surrender of a license by a  
18 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.

#### 18 STATUTORY AND REGULATORY PROVISIONS

19 8. Section 4039 of the Code states in pertinent part:

20 'Physicians,' ... are persons authorized by a currently valid and unrevoked  
21 license to practice their respective professions in this state. "Physician" means and  
22 includes any person holding a valid and unrevoked physician's and surgeon's  
23 certificate or certificate to practice medicine and surgery, issued by the Medical Board  
of California or the Osteopathic Board of California...

24 9. Section 4040(a)(2) of the Code states in pertinent part:

25 'Prescription' means an oral, written, or electronic transmission order that is both  
of the following:

26 ...

27 Issued by a physician...

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10. Section 4113(c) of the Code states:

The 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.

11. Section 4126.5(a)(5) of the Code states:

A pharmacy may furnish dangerous drugs only to the following:

...

A patient or to another pharmacy pursuant to a prescription or as otherwise authorized by law.

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

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

...

(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 any other state or federal regulatory agency.

...

13. Section 4307(a) of the Code states that:

Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manger, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge 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 manger, administrator, owner, member, officer, director, associate, partner, or any other person with management or control 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.

1 14. Health and Safety Code section 11153(a) states:

2 A prescription for a controlled substance shall only be issued for a legitimate  
3 medical purpose by an individual practitioner acting in the usual course of his or her  
4 professional practice. The responsibility for the proper prescribing and dispensing of  
5 controlled substances is upon the prescribing practitioner, but a corresponding  
6 responsibility rests with the pharmacist who fills the prescription. Except as  
7 authorized by this division, the following are not legal prescriptions: (1) an order  
8 purporting to be a prescription which is issued not in the usual course of professional  
9 treatment or in legitimate and authorized research; or (2) an order for an addict or  
10 habitual user of controlled substances; which is issued not in the course of  
11 professional treatment or as part of an authorized narcotic treatment program, for the  
12 purpose of providing the user with controlled substances, sufficient to keep him or her  
13 comfortable by maintaining customary use.

14 15. Health and Safety Code section 11162.1(a) states:

15 (a) The prescription forms for controlled substances shall be printed with the  
16 following features:

17 (1) A latent, repetitive 'void' pattern shall be printed across the entire front of  
18 the prescription blank; if a prescription is scanned or photocopied, the word "void"  
19 shall appear in a pattern across the entire front of the prescription.

20 (2) A watermark shall be printed on the backside of the prescription blank; the  
21 watermark shall consist of the words "California Security Prescription."

22 (3) A chemical void protection that prevents alteration by chemical washing.

23 (4) A feature printed in thermochromic ink.

24 (5) An area of opaque writing so that the writing disappears if the prescription is  
25 lightened.

26 (6) A description of the security features included on each prescription form.

27 (7) (A) Six quantity check off boxes shall be printed on the form so that the  
28 prescriber may indicate the quantity by checking the applicable box where the  
following quantities shall appear:

1-24

25-49

50-74

75-100

101-150

151 and over.

(B) In conjunction with the quantity boxes, a space shall be provided to  
designate the units referenced in the quantity boxes when the drug is not in tablet or

capsule form.

1  
2 (8) Prescription blanks shall contain a statement printed on the bottom of the  
prescription blank that the "Prescription is void if the number of drugs prescribed is  
not noted."

3  
4 (9) The preprinted name, category of licensure, license number, federal  
controlled substance registration number, and address of the prescribing practitioner.

5 (10) Check boxes shall be printed on the form so that the prescriber may  
6 indicate the number of refills ordered.

7 (11) The date of origin of the prescription.

8 (12) A check box indicating the prescriber's order not to substitute.

9 (13) An identifying number assigned to the approved security printer by the  
Department of Justice.

10 (14) (A) A check box by the name of each prescriber when a prescription form  
lists multiple prescribers.

11 (B) Each prescriber who signs the prescription form shall identify himself or  
12 herself as the prescriber by checking the box by his or her name.

13 16. Health and Safety Code section 11164(a) states in pertinent part:

14 Except as provided in Section 11167, no person shall prescribe a controlled  
substance, nor shall any person fill, compound, or dispense a prescription for a  
15 controlled substance, unless it complies with the requirements of this section.

16 Each prescription for a controlled substance classified in Schedule II, III, IV, or  
V, except as authorized by subdivision (b), shall be made on a controlled substance  
17 prescription form as specified in Section 11162.1....

18 17. Section 1761 of title 16, California Code of Regulations states:

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

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

24 18. Section 1306.04(a) of title 21, Code of Federal Regulations states:

25 A prescription for a controlled substance to be effective must be issued for a  
legitimate medical purpose by an individual practitioner acting in the usual course of  
26 his professional practice. The responsibility for the proper prescribing and dispensing  
of controlled substances is upon the prescribing practitioner, but a corresponding  
27 responsibility rests with the pharmacist who fills the prescription. An order  
purporting to be a prescription issued not in the usual course of professional treatment  
28 or in legitimate and authorized research is not a prescription within the meaning and

1 intent of section 309 of the Act (21 U.S.C. 829) and the person knowingly filling such  
2 a purported prescription, as well as the person issuing it, shall be subject to the  
penalties provided for violations of the provisions of law relating to controlled  
substances.

### 3 COST RECOVERY

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

### 8 DRUGS

9 20. Norco is the brand name for hydrocodone/acetaminophen, a Schedule III controlled  
10 substance pursuant to Health and Safety Code section 11056(e)(5), a Schedule II controlled  
11 substance pursuant to title 21, Code of Federal Regulations, section 1308.12(b)(1)(vi), effective  
12 October 6, 2014 and a dangerous drug pursuant to Business and Professions Code section 4022.

13 21. Roxicodone is a brand name for oxycodone, a Schedule II controlled substance  
14 pursuant to Health and Safety Code section 11055(b)(1)(M) and a dangerous drug pursuant to  
15 Business and Professions Code section 4022.

16 22. Phenergan with Codeine is the brand name for promethazine with codeine, a Schedule  
17 V controlled substance pursuant to Health and Safety Code section 111058(e)(1) and is a  
18 dangerous drug pursuant to Business and Professions Code section 4022.

19 23. Soma is a brand name for carisoprodol, a Schedule IV controlled substance pursuant  
20 to title 21, Code of Federal Regulations, section 1308.14(e)(6) and is a dangerous drug pursuant to  
21 Business and Professions Code section 4022.

22 24. Xanax is the brand name for alprazolam, a Schedule IV controlled substance pursuant  
23 to Health and Safety Code section 11057(d)(1) and a dangerous drug pursuant to Business and  
24 Professions Code section 4022.

### 25 FACTUAL ALLEGATIONS

26 25. From April 1, 1993 through May 1, 2017, Respondent Rafael Juarez was the  
27 Pharmacist-in-Charge of Respondent Murphy's Pharmacy.

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1           26. L.W.'s physician's and surgeon's certificate or certificate to practice medicine and  
2 surgery issued by the Medical Board of California expired on or about July 22, 2010. From May  
3 31, 2016 to September 12, 2016, Respondents filled 37 prescriptions issued on their face, by L.W.  
4 with his office address identified as being located in Van Nuys, California on the prescriptions.

5           27. From January 14, 2015 to December 11, 2016, Respondents filled 50 controlled  
6 substance prescriptions issued on their face, by Dr. R.G. who did not prescribe these medications  
7 to those patients.

8           28. From April 15, 2015 to April 6, 2016, Respondents filled 106 prescriptions issued on  
9 their face, by Dr. W.S. On December 18, 2014, an Accusation was filed against Dr. W.S.,  
10 alleging causes for discipline based on gross negligence, repeated negligent acts, prescribing  
11 controlled substances without an appropriate prior examination and/or medical indication,  
12 violations of state drug statutes or regulations, excessive prescribing or treatment of drugs, false  
13 representations on documents directly or indirectly related to the practice of medicine, dishonesty,  
14 failure to maintain accurate records, unprofessional conduct and violations of the Medical  
15 Practice Act, in connection with Dr. W.S.'s prescribing of controlled substances. On April 6,  
16 2016, the Medical Board of California ordered that the stipulated surrender of license and order  
17 entered into between Dr. W.S. and Complainant, be adopted as the Decision and Order of the  
18 Medical Board of California.

19           29. Respondents dispensed prescriptions for individuals who paid for the controlled  
20 substance prescriptions in cash and did not seek reimbursement from an insurance company or  
21 government agency.

22           30. Prescriptions were written for oxycodone 30mg, alprazolam 2mg, carisoprodol  
23 350mg, oxycodone 30mg and/or promethazine with codeine which are drugs of high abuse and  
24 diversion potential, particularly when prescribed in combination. Respondents dispensed these  
25 prescriptions written for those combinations or "cocktails" of controlled substances to individuals.

26           31. Respondents dispensed identical controlled substances, in the same strength and doses  
27 to individuals who had been prescribed controlled substances by multiple prescribers.

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**SECOND CAUSE FOR DISCIPLINE**

**(Dispensing Controlled Substance Prescriptions with Significant Errors, Omissions, Irregularities, Uncertainties, Ambiguities or Alterations)**

38. Respondents are subject to disciplinary action under Code section 4301(o), for violating title 16, California Code of Regulations, sections 1761(a) and (b), in that they dispensed prescriptions for controlled substances, which contained significant errors, omissions, irregularities, uncertainties, ambiguities or alterations, as set forth in paragraphs 25 through 36 above, which are incorporated herein by reference.

**THIRD CAUSE FOR DISCIPLINE**

**(Dispensing Controlled Substance Prescriptions Written on Unauthorized Forms)**

39. Respondents are subject to disciplinary action under Code section 4301(j), for violating Health and Safety Code sections 11162.1(a) and 11164(a), in that they dispensed prescriptions written on unauthorized forms, as set forth in paragraphs 25-36 above, which are incorporated herein by reference.

**FOURTH CAUSE FOR DISCIPLINE**

**(Furnishing Dangerous Drugs to Patients without Valid Prescriptions)**

40. Respondents are subject to disciplinary action under Code section 4301(o), for violating Code section 4126.5(a)(5), as prescriptions are defined by Code section 4040 and physicians are defined by Code section 4039, in that they dispensed furnished dangerous drugs to patients without valid prescriptions, as set forth in paragraphs 25-36 above, which are incorporated herein by reference.

**FIFTH CAUSE FOR DISCIPLINE**

**(Unprofessional Conduct)**

41. Respondents are subject to disciplinary action under Code section 4301 for unprofessional conduct in that they engaged in the activities described in paragraphs 25 through 36 above, which are incorporated herein by reference.

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**OTHER MATTERS**

42. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 39226 issued to Rafa Corporation, doing business as Murphy's Pharmacy, Rafa Corporation, doing business as Murphy's Pharmacy shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 39226 is placed on probation or until Pharmacy Permit Number PHY 39226 is reinstated if it is revoked.

43. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 39226 issued to Rafa Corporation, doing business as Murphy's Pharmacy while Rafael Juarez has been an officer and owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Rafael Juarez shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 39226 is placed on probation or until Pharmacy Permit Number PHY 39226 is reinstated if it is revoked.

44. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number RPH 39936 issued to Rafael Juárez, Rafael Juarez shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 39936 is placed on probation or until Pharmacist License Number RPH 39936 is reinstated if it is revoked.

**DISCIPLINARY CONSIDERATIONS**

45. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges:

a. On November 9, 2015, the Board issued Modified Citation number CI 2011 49888 against Respondent Murphy's Pharmacy for violating Business and Professions Code section 4126.5(a)(4) for improperly furnishing drugs to a wholesaler. The Board issued a fine which Respondent Murphy's Pharmacy paid.



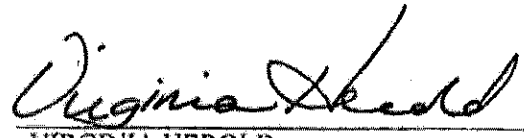
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6. Ordering Rafa Corporation, doing business as Murphy's Pharmacy and Rafael Juarez to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED:

*7/16/17*



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

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