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 of the State of California  
 2 KIMBERLEE D. KING, State Bar No. 141813  
 Deputy Attorney General  
 3 California Department of Justice  
 300 So. Spring Street, Suite 1702  
 4 Los Angeles, CA 90013  
 Telephone: (213) 897-2581  
 5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7  
 8 **BEFORE THE**  
**BOARD OF PHARMACY**  
 9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10  
 11 In the Matter of the Accusation Against:

Case No. 2075

12 LAURENCE EVAN NISONOFF  
 1011 Michner Way  
 13 Highlands Ranch, CO 80126.

OAH No. L2001040391

**STIPULATED SETTLEMENT AND  
 DISCIPLINARY ORDER**

14 and

15 2000 E. County Line, #C Box 120  
 16 Highlands, CO 80126

17 Respondents.

18 In the interest of a prompt and speedy settlement of this matter, consistent with the  
 19 public interest and the responsibility of the Board of Pharmacy of the Department of Consumer  
 20 Affairs, the parties hereby agree to the following Stipulated Settlement and Disciplinary Order  
 21 which will be submitted to the Board for approval and adoption as the final disposition of the  
 22 Accusation

23 PARTIES

24 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
 25 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
 26 by Bill Lockyer, Attorney General of the State of California, by Kimberlee D. King, Deputy  
 27 Attorney General.

28 ///



1 charges contained in the accusation . Respondent has also carefully read, fully discussed with  
2 counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

3 6. Respondent is fully aware of his legal rights in this matter, including the  
4 right to a hearing on the charges and allegations in the Citation which will be filed in place of the  
5 Accusation; the right to be represented by counsel at his own expense; the right to confront and  
6 cross-examine the witnesses against him; the right to present evidence and to testify on his own  
7 behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the  
8 production of documents; the right to reconsideration and court review of an adverse decision;  
9 and all other rights accorded by the California Administrative Procedure Act and other applicable  
10 laws.

11 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
12 each and every right set forth above.

13 CULPABILITY

14 8. Respondent admits the truth of each and every charge and allegation in  
15 Accusation No. 2075; except paragraph 22 (c). Respondent agrees that at a hearing,  
16 Complainant could establish a factual basis for paragraph 22(c) in the Accusation, and that  
17 Respondent hereby gives up his right to contest this charge.

18 9. Respondent agrees that his Pharmacy License is subject to discipline and  
19 he agrees to be bound without further process by the Board's imposition of a citation and fine in  
20 the amount of \$1,500 as set forth in the order below. Complainant agrees to withdraw te subject  
21 accusation against Respondent Laurence Evan Nisonof and, in its stead, file a citation based on  
22 the charges and allegations contained in that accusation. The citation shall immediately became  
23 a final order without further process and respondent agrees to waive his right to a haring with  
24 respect to the citation.

25 CONTINGENCY

26 10. This stipulation shall be subject to approval by the Board of Pharmacy.  
27 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
28 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,

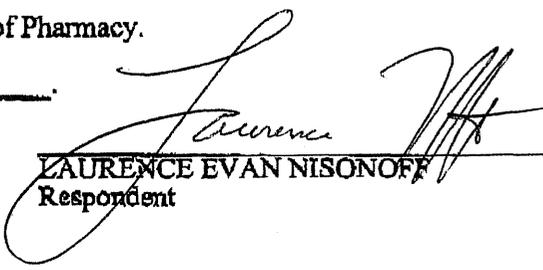


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ACCEPTANCE

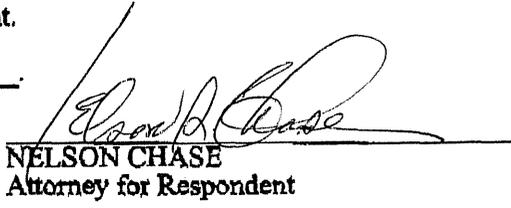
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Nelson Chase. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,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

DATED: 8/5/03

  
 LAURENCE EVAN NISONOFF  
 Respondent

I have read and fully discussed with each of the Respondents the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 8/6/03

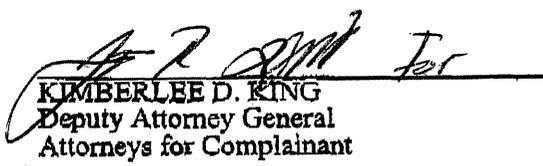
  
 NELSON CHASE  
 Attorney for Respondent

ENDORSEMENT

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

DATED: November 18, 2003

BILL LOCKYER, Attorney General  
 of the State of California

  
 KIMBERLEE D. KING  
 Deputy Attorney General  
 Attorneys for Complainant

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

In the Matter of the Accusation Against:

LAURENCE EVAN NISONOFF  
1011 Michner Way  
Highlands Ranch, CO 80126.

and

2000 E. County Line, #C Box 120  
Highlands, CO 80126

Respondents.

Case No. 2075

OAH No. L2001040391

**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 on February 6, 2004.

It is so ORDERED January 7, 2004.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

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By



JOHN D. JONES  
Board President

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

In the Matter of the Accusation Against:

Case No. 2075

LAURENCE EVAN NISONOFF  
1011 East Michener Way  
Highlands Ranch CO 80126

Pharmacist License No. RPH 44010

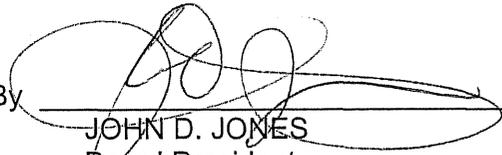
Respondent,

ORDER SETTING ASIDE DEFAULT DECISION

IT IS HEREBY ORDERED that, pursuant to the superior court's Order Setting Aside Dismissal and Peremptory Writ of Mandamus in *Laurence Nisonoff v. Board of Pharmacy* (Supr. Ct. Los Angeles County, 2002, No. BS075811), the Board's Default Decision and Order, dated February 27, 2002, in *In the Matter of the Accusation Against: Laurence Evan Nisonoff*, Case No. 2075, is hereby set aside and that matter shall now proceed in accordance with the provisions of Business and Professions Code section 4300, subdivision (d), and the California Administrative Procedure Act (Government Code section 11370 et seq.).

Dated: December 2, 2002

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By   
JOHN D. JONES  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 KIMBERLEE D. KING, State Bar No. 141813  
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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2075

12 DALE JODI BLOOMFIELD  
13 1612 Wincanton Drive  
Las Vegas, NV 89134

**DEFAULT DECISION**  
**AND ORDER AS TO**  
**LAURENCE EVAN NISONOFF**  
**ONLY**

14 Pharmacist License No. RPH 45906

[Government Code § 11520]

15 and

16 LAURENCE EVAN NISONOFF  
17 2000 E. County Line #C, Box 120  
Highlands Ranch, CO 80126

18 Pharmacist License No. RPH 44010

19 and

20 THRIFTY DRUG #6360  
21 300 N. Canon Drive  
Beverly Hills, CA 90210

22 Pharmacy Permit No. PHY 39534

23 Respondents.  
24

25 FINDINGS OF FACT

26 1. On or about July 26, 1999, Complainant Patricia F. Harris, in her official  
27 capacity as Executive Officer of the Board of Pharmacy, Department of Consumer Affairs, State  
28 of California, filed Accusation No. 2075 against DALE JODI BLOOMFIELD, LAURENCE

1 EVAN NISONOFF and THRIFTY DRUG #6360 ("Respondents") before the Board of  
2 Pharmacy ("Board").

3           2.       On or about August 27, 1993, the Board issued a Pharmacy Permit No.  
4 PHY 39534 to Respondent Thrifty Drug #6360. The Pharmacy Permit was in full force and  
5 effect at all times relevant to the charges brought herein and discontinued doing business as of  
6 February 21, 1997.<sup>1</sup>

7           3.       On or about November 13, 1992, the Board issued Pharmacist License  
8 Number RPH 45906 to Respondent Dale Jodi Bloomfield. The Pharmacist License was in full  
9 force and effect at all times relevant to the charges brought herein.

10          4.       On or about February 28, 1991, the Board issued Pharmacist License  
11 Number RPH 44010 to Respondent Laurence Evan Nisonoff. The Pharmacist License was in  
12 full force and effect at all times relevant to the charges brought herein and will expire on April  
13 30, 2002, unless renewed.

14          5.       On or about September 1, 1999, Tom Buck, an employee of the  
15 Department of Justice, served by Certified and First Class Mail a copy of the Accusation No.  
16 2075, Statement to Respondent, Notice of Defense, Request for Discovery, and Government  
17 Code sections 11507.5, 11507.6, and 11507.7 to Respondent's address of record with the Board,  
18 which was and is 2000 E. County Line #C, Box 120, Highlands Ranch, CO 80126. A copy of  
19 the Accusation, the associated supplemental documents and Declaration of Service are attached  
20 hereto as "Exhibit A," and are incorporated as if fully set forth herein.

21          6.       The above-described service of the Accusation was effective as a matter of  
22 law pursuant to the provisions of Government Code section 11505, subdivision (c).

23          7        On or about September 4, 1999, the aforementioned documents served on  
24 Respondent Laurence Evan Nisonoff were returned by the U.S. Postal Service marked "No  
25 Forwarding Address." A copy of the postal returned documents are attached hereto as "Exhibit

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26  
27           <sup>1</sup> On February 21, 1997, Rite Aid, Inc. became owner of Thrifty Payless, Inc. Thrifty Drug #6360, PHY  
28 39534, discontinued doing business as such and was transferred under the new corporate ownership to PHY 42629  
as Thrifty Drug Store #5462. On or about December 1977, all Thrifty Drug stores outlets were changed to "Rite  
Aid" stores.

1 B," and are incorporated as if fully set forth herein.

2 8. Government Code section 11506 states, in pertinent part:

3 "(c) The respondent shall be entitled to a hearing on the merits if the respondent files a  
4 notice of defense, and the notice shall be deemed a specific denial of all parts of the accusation  
5 not expressly admitted. Failure to file a notice of defense shall constitute a waiver of  
6 respondent's right to a hearing, but the agency in its discretion may nevertheless grant a hearing."

7 9. Respondent failed to file a Notice of Defense within 15 days after service  
8 upon him of the Accusation, and therefore waived his right to a hearing on the merits of  
9 Accusation No. 2075.

10 10. California Government Code section 11520 states, in pertinent part:

11 "(a) If the respondent either fails to file a notice of defense or to appear at the hearing, the  
12 agency may take action based upon the respondent's express admissions or upon other evidence  
13 and affidavits may be used as evidence without any notice to respondent."

14 11. Pursuant to its authority under Government Code section 11520, the Board  
15 finds Respondent is in default. The Board will take action without further hearing and, based on  
16 Respondent's express admissions by way of default and the evidence before it, contained in  
17 Exhibits A and B, finds that the allegations, and each of them, in Accusation No. 2075 are true.

18 12. The total costs of investigation and enforcement are \$14,027.25 as of  
19 November 30, 2001.

20

21

#### DETERMINATION OF ISSUES

22

1. Based on the foregoing findings of fact, Respondent LAURENCE EVAN  
23 NISONOFF has subjected his Pharmacist License No. RPH 44010 to discipline.

24

2. A copy of the Accusation and the related documents and Declaration of  
25 Service are attached hereto.

26

3. The agency has jurisdiction to adjudicate this case by default.

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4. The Board is authorized to revoke Respondent's Pharmacist License based  
28 upon the following violations alleged in the Accusation:

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- a. Business and Professions Code section 4301 on the grounds of unprofessional conduct;
- b. Business and Professions Code section 4081, failure to maintain accurate and available records of the disposition of dangerous drugs;
- c. Business and Professions Code section 4051, dispensing dangerous drugs without a current pharmacist license;
- d. Title 16, California Code of Regulations, section 1707.3, failure to review patient's medical record before prescription drug is delivered.;
- e. Title 16, California Code of Regulations, section 1761, a pharmacist shall not fill a prescription which contains any irregularities.
- f. Title 16, California Code of Regulations, section 1732.5(a); failure to complete 30 hours of approved continuing education.
- g. Health and Safety Code section 11153, a prescription for a controlled substance must be written for a legitimate medical purpose.

Attachments:  
Exhibit A: Accusation, Case No.2075, Associated Supplemental Documents and Declaration of Service  
Exhibit B: Postal Return Documents

DOJ docket number:03583110-LA1998AD0354  
10/15/2001cml:1/8/2002dmc

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

In the Matter of the Accusation Against:

DALE JODI BLOOMFIELD  
1612 Wincanton Drive  
Las Vegas, NV 89134  
Pharmacist License No. RPH 45906

and

LAURENCE EVAN NISONOFF  
2000 E. County Line #C, Box 120  
Highlands Ranch, CO 80126  
Pharmacist License No. RPH 44010

and

THRIFTY DRUG #6360  
300 N. Canon Drive  
Beverly Hills, CA 90210  
Pharmacy Permit No. PHY 39534

Respondents.

Case No. 2075

OAH No. L-2001040391

**ORDER**

Pharmacist License number RPH 44010, heretofore issued to Respondent LAURENCE EVAN NISONOFF, is hereby revoked.

Pursuant to Government Code section 11520, subdivision (c), Respondent may serve a written motion requesting that the Decision be vacated and stating the grounds relied on within seven (7) days after service of the Decision on Respondent. The agency in its discretion may vacate the Decision and grant a hearing on a showing of good cause, as defined in the statute.

This Decision shall become effective on March 29, 2002.

It is so ORDERED February 27, 2002

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STEVE LITSEY  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 MICHAEL A. SHEKEY, State Bar No. 143436  
Deputy Attorney General  
3 Department of Justice  
300 South Spring Street  
4 Los Angeles, California 90013  
Telephone: (213) 897-2520  
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6 Attorneys for Complainant  
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BEFORE THE  
BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

11 In the Matter of the Accusation )  
Against: ) Case No. 2 0 7 5  
12 )  
13 DALE JODI BLOOMFIELD )  
200 Canyon Drive ) ACCUSATION  
Las Vegas, NV 89107 )  
14 License No. RPH 45906 )  
15 and )  
16 LAURENCE EVAN NISONOFF )  
2000 E. County Line #C, Box 120 )  
17 Highlands Ranch, CO 80126 )  
License No. RPH 44010 )  
18 and )  
19 )  
20 THRIFTY DRUG #6360 )  
300 N. Canon Drive )  
Beverly Hills, CA 90210 )  
21 Pharmacy Permit No. PHY 39534 )  
22 Respondents. )  
23  
24

25 The Complainant, Patricia F. Harris, for cause of  
26 accusation against DALE JODI BLOOMFIELD, LAURENCE EVAN NISONOFF,  
27 and, THRIFTY DRUG #6360 alleges as follows:

PARTIES

1  
2           1. The Complainant, Patricia F. Harris, is the  
3 Executive Officer of the California State Board of Pharmacy  
4 (hereinafter the "Board") and makes this accusation solely in her  
5 official capacity.

6           2. On August 27, 1993, the Board issued a permit,  
7 No. PHY 39534, to respondent Thrifty Drug Store #6360  
8 (hereinafter respondent "Thrifty") as a pharmacy. At all times  
9 material herein, said license was in full force and effect.<sup>1/</sup>

10           3. On November 13, 1992, the Board issued license  
11 No. RPH 45906 to respondent Dale Jodi Bloomfield (hereinafter  
12 respondent "Bloomfield") as a registered pharmacist. At all  
13 times material herein, said license was in full force and effect.

14           4. On February 28, 1991, the Board issued license No.  
15 RPH 44010 to Laurence Evan Nisonoff (hereinafter respondent  
16 "Nisonoff") as a registered pharmacist. At all times material  
17 herein, said license was in full force and effect.

18           5. Respondent Bloomfield was the pharmacist-in-charge  
19 of respondent Thrifty Pharmacy from December 18, 1995 to  
20 March 17, 1997 and respondent Nisonoff was pharmacist-in-charge  
21 since April 1996 and, as such, each was responsible for the  
22 compliance by Thrifty Pharmacy of state and federal laws  
23 pertaining to the practice of pharmacy pursuant to Section  
24

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25           1. On February 21, 1997, Rite Aid, Inc. became owner of  
26 Thrifty Payless, Inc., PHY 39534, discontinued doing business as  
27 such and was transferred under the new corporate ownership to PHY  
42629 as Thrifty Drug Store #5462. On or about December 1997,  
all Thrifty Drug stores outlets were changed to "Rite Aid"  
stores.

1 4113(b) of the California Business and Professions Code.

2 JURISDICTION

3 6. Complainant brings this accusation under the powers  
4 vested in the Board in Business and Professions Code section 4300  
5 to suspend or revoke certificates, licenses, permits and  
6 registrations issued by the Board pursuant to the California  
7 Pharmacy Act, Chapter 9, Division 2, Sections 4000, et seq. of  
8 the Business and Professions Code.

9 7. Under Business and Professions Code section 4301  
10 the Board shall take disciplinary action against the holder of a  
11 license or permit for unprofessional conduct.

12 8. Business and Professions Code section 4301(o)  
13 provides in part that unprofessional conduct include violating  
14 directly or indirectly any provision of federal and state laws  
15 and regulations governing pharmacy, including regulations  
16 established by the Board.

17 9. California Code of Regulations, title 16, section  
18 1761, provides, in part, that a pharmacist shall not fill a  
19 prescription which contains any irregularity.

20 10. California Code of Regulations, title 16, section  
21 1717 provides, in part, that the pharmacy must have written  
22 procedures that identify each individual pharmacist responsible  
23 for filling of a prescription.

24 11. California Code of Regulations, title 16, section  
25 1707.3 provides in part, that prior to consultation, a pharmacist  
26 shall review a patient's medication record before each  
27 prescription drug is delivered.

1           12. Health and Safety Code section 11153 provides, in  
2 part, that a prescription for a controlled substance must be  
3 written for a legitimate medical purpose.

4           13. Business and Professions Code section 11153  
5 provides, in part, that a pharmacy shall maintain accurate  
6 records for the acquisition and disposition of dangerous drugs  
7 for at least three years.

8           14. Business and Professions Code section 4301(c)  
9 provides that unprofessional conduct includes gross negligence.

10           15. Drug Classification

11           a. Vicodin ES/Lortab (brands of  
12 Hydrocodone/Acetaminophen) are controlled substances  
13 schedule III as listed in Health and Safety Code section  
14 11156(e)(3) and are dangerous drugs as defined in Business  
15 and Professions Code section 4022.

16           Vicodin ES/Lortab are used for the relief of moderate  
17 to severe pain.

18           b. Valium (brand of diazepam) is a controlled  
19 substance schedule IV as listed in Health and Safety Code  
20 section 11157(d)(8) and is a dangerous drug as defined in  
21 Business and Professions Code section 4022.

22           Valium is a sedative/muscle relaxant used in the  
23 management of anxiety.

24           c. Xanax (brand of alprazolam) is a controlled  
25 substance schedule IV as listed in the Health and Safety  
26 Code section 11157(d)(1) and is a dangerous drug as defined  
27 in Section 4022 of the Business and Professions Code.

1 Xanax is a sedative/hypnotic used in the treatment of  
2 anxiety.

3 16. Respondents are subject to discipline pursuant to  
4 Business and Professions Code sections 4300, 4301, and 4081,  
5 Title 16, California Code of Regulations sections 1761, 1717,  
6 1707.3 and Health and Safety Code section 11153 based on the  
7 following:

- 8 a. Respondents filled 26 controlled substances for  
9 client M.A. allegedly authorized by Physician  
10 P.T., M.D.<sup>2/</sup>
- 11 b. In truth and fact, these 26 prescriptions were  
12 forged.
- 13 c. Respondents failed to have in place a procedure in  
14 which the pharmacist would review the drug history  
15 for M.A. Had such a procedure been in place, they  
16 would have been alerted to the forgery after  
17 contacting the prescriber, P.T., M.D.
- 18 d. Respondents failed to have in place a system to  
19 identify the pharmacist who filled each  
20 prescription for M.A.
- 21 e. Respondents failed to maintain accurate and  
22 available records of the disposition of dangerous  
23 drugs and controlled substances as required.

24 17. Business and Professions Code section 4051  
25 provides in part that it is unlawful for any person to dispense  
26

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27 2. The identity of M.A. and P.T. will be available in the  
course of discovery.

1 any dangerous drug unless he is a pharmacist under this chapter.

2 18. Business and Professions Code section 4401  
3 requires a biennial renewal fee for pharmacists.

4 19. California Code of Regulations 1732.5(a) provides  
5 that each pharmacist shall submit with the application for  
6 renewal proof that he has completed 30 hours of approved  
7 continuing education.

8 20. Business and Professions Code section 4301(f)  
9 includes as unprofessional conduct the commission of any act  
10 involving moral turpitude, dishonesty, fraud, deceit or  
11 corruption.

12 21. Business and Professions Code section 4301(g)  
13 provides, in part, that knowingly making or signing any  
14 certificate or other document that falsely represents the  
15 existence or nonexistence of a state of facts is unprofessional  
16 conduct.

17 22. Respondent Nisonoff is further subject to  
18 discipline based on the following:

- 19 a. Respondent Nisonoff was practicing pharmacy with  
20 an expired license after he failed to renew his  
21 license which expired on April 20, 1996.
- 22 b. Respondent Nisonoff failed to complete the  
23 required 30 hours of continuing education for  
24 licensure renewal.
- 25 c. Respondent Nisonoff submitted false continuing  
26 education documents in an attempt to complete the  
27 license renewal process.

1           23. Pursuant to the provisions of Business and  
2 Professions Code section 4307 of the Code, in the event any  
3 license issued to respondents is revoked or placed on suspension,  
4 that respondent shall be prohibited from serving as an officer,  
5 director, associate or partner of any licensee, permittee or  
6 registrant with rights issued by the Board.

7           24. Business and Professions Code section 125.3 of the  
8 Code provides that in any Order issued in resolution of a  
9 disciplinary proceeding before the Board, the Board may request  
10 the Administrative Law Judge to direct the licensee found to have  
11 violated the Pharmacy Law to pay to the Board a sum not to exceed  
12 the reasonable costs of the investigation and prosecution of the  
13 matter.

14           NOTICE IS HEREBY GIVEN to respondents that pursuant to  
15 Business and Professions Code section 125.3, Complainant hereby  
16 requests the Administrative Law Judge to direct respondents, if a  
17 violation of the Pharmacy Law is sustained, to pay the Board the  
18 reasonable costs of the investigation and prosecution of this  
19 matter.

20           WHEREFORE, Complainant prays that a hearing be had and  
21 that the Board of Pharmacy make its Order;

22           1. Revoking or suspending Pharmacist Licentiate Number  
23 RPH 45906 issued to respondent Dale Jodi Bloomfield.

24           2. Revoking or suspending Pharmacist Licentiate Number  
25 RPH 44010 issued to respondent Laurence Evan Nisonoff.

26           3. Revoking or suspending Pharmacy Permit Number  
27 PHY 39534 issued to respondent Thrifty Drug #6360.

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4. Directing respondents to pay the Board of Pharmacy the reasonable costs of the investigation and prosecution of this matter.

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

DATED: 7/26/99

P. J. Harris  
PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
  
Complainant

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