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8 Attorneys for Complainant

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

12 In the Matter of the Accusation Against:

Case No. 2087

13 NORMAN LOUIS GEROME  
14 1680 Broadway, Suite H  
Chula Vista, CA 91911

OAH No. L-2001010532

15 License No. RPH 24519

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

16 and

17 CHOICE MED DISTRIBUTORS  
18 1680 Broadway, Suite H  
Chula Vista, CA 91911

19 Pharmacy Permit No. WLS 2375

20 NORMAN GEROME, President,  
21 NORMAN MEDICAL, INC., Owner

22 Respondents.  
23

24  
25 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
26 above-entitled proceedings that the following matters are true:

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1 PARTIES

2 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
3 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
4 by Bill Lockyer, Attorney General of the State of California, by Richard D. Garske, Deputy  
5 Attorney General.

6 2. Respondent Norman Louis Gerome and Respondent Choice Med  
7 Distributors are each represented in this proceeding by attorney Claudia Myles, Esq., whose  
8 address is P.O. Box 572891, Tarzana California 91357.

9 3. On or about June 30, 1966, the Board issued to Norman Louis Gerome  
10 original Pharmacist License No. RPH 24519 to practice pharmacy. Said license number will  
11 expire on June 30, 2002, unless renewed.

12 4. On or about July 5, 1991, the Board issued to Norman Medical, Inc., to do  
13 business as Choice Med Distributors, original Permit No. WLS 2375. Said original permit  
14 number expired on July 1, 2001, unless renewed.

15 5. At all times relevant herein, Norman Louis Gerome was Corporate Officer  
16 and President of Choice Med Distributors.

17 JURISDICTION

18 6. Accusation No. 2087 was filed before the Board of Pharmacy of the  
19 Department of Consumer Affairs, (Board), and is currently pending against Respondents Norman  
20 Louis Gerome and Respondent Choice Med Distributors (hereinafter "Respondents"). The  
21 Accusation, together with all other statutorily required documents was properly served on  
22 Respondents on September 25, 2000, and Respondents timely filed their Notice of Defense  
23 contesting the Accusation. A copy of Accusation No. 2087 is attached as Exhibit A and  
24 incorporated herein by reference.

25 ADVISEMENT AND WAIVERS

26 7. Respondents have carefully read, fully discussed with counsel, and  
27 understand the charges and allegations in Accusation No. 2087. Respondents have also carefully  
28





1 stock, manufacturing, compounding, dispensing or patient consultation; nor shall Respondent  
2 Norman Louis Gerome manage, administer, or be a consultant to any licensee of the Board, or  
3 have access to or control the ordering, manufacturing or dispensing of dangerous drugs or  
4 controlled substances of dangerous drugs or controlled substances. Respondent Norman Louise  
5 Gerome shall not direct or control any aspect of the practice of pharmacy. Subject to the above  
6 restrictions, Respondent Norman Louis Gerome may continue to own or hold an interest in any  
7 pharmacy in which he or she holds an interest at the time this decision becomes effective.

8           2.       **Obey All Laws.** Respondent Choice Med Distributors and Respondent  
9 Norman Louis Gerome, (hereinafter "Respondents,") shall obey all federal and state laws and  
10 regulations substantially related or governing the practice of pharmacy.

11           3.       **Reporting to the Board.** Respondents shall report to the Board or its  
12 designee quarterly. The report shall be made either in person or in writing, as directed. If the  
13 final probation report is not made as directed, probation shall be extended automatically until  
14 such time as the final report is made.

15           4.       **Interview with the Board.** Upon receipt of reasonable notice,  
16 Respondents shall appear in person for interviews with the Board or its designee upon request at  
17 various intervals at a location to be determined by the Board or its designee. Failure to appear  
18 for a scheduled interview without prior notification to Board staff shall be considered a violation  
19 of probation.

20           5.       **Cooperation with Board Staff.** Respondents shall cooperate with the  
21 Board's inspectional program and in the Board's monitoring and investigation of the  
22 Respondents's compliance with the terms and conditions of their probation. Failure to cooperate  
23 shall be considered a violation of probation.

24           6.       **Peer Review.** Respondent Norman Louis Gerome shall submit to peer  
25 review as deemed necessary by the Board.

26           7.       **Continuing Education.** Respondent Norman Louis Gerome shall provide  
27 evidence of efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

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1                   8.       **Notice to Employers.** Respondent Norman Louis Gerome shall notify all  
2 present and prospective employers of the decision in Case No. 2087 and the terms, conditions  
3 and restrictions imposed on Respondent by the decision. Within thirty (30) days of the effective  
4 date of this decision, and within fifteen (15) days of Respondent undertaking new employment,  
5 Respondent shall cause his employer to report to the Board in writing acknowledging the  
6 employer has read the decision in Case No. 2087.

7                   If Respondent works for or is employed by or through a pharmacy employment  
8 service, Respondent must notify the pharmacist-in-charge and/or owner at every pharmacy at  
9 which he is employed or used of the fact and terms of the decision in Case No. 2087 in advance  
10 of the Respondent commencing work at the pharmacy.

11                   "Employment" within the meaning of this provision shall include any full-time,  
12 part-time, temporary or relief service or pharmacy management service as a pharmacist, whether  
13 the Respondent is considered an employee or independent contractor.

14                   9.       **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
15 **Charge.** Respondent Norman Louis Gerome shall not supervise any intern pharmacist or  
16 perform any of the duties of a preceptor, nor shall Respondent Norman Louis Gerome be the  
17 pharmacist-in-charge of any pharmacy licensed by the Board.

18                   10.       **Reimbursement of Board Costs.** Respondents jointly shall pay to the  
19 Board its costs of investigation and prosecution in the amount of Five Thousand Dollars  
20 (\$5,000.00) due and payable as follows: Respondents shall make an initial payment of Two  
21 Hundred Sixteen Dollars (\$216.00) due and payable within thirty (30) days of the effective date  
22 of the Decision in Case No. 2087, and beginning within thirty (30) days of the initial payment,  
23 Respondents shall make twenty-three (23) consecutive monthly payments of Two Hundred Eight  
24 Dollars (\$208.00) each.

25                   11.       **Probation Monitoring Costs.** Respondents shall pay the costs associated  
26 with probation monitoring as determined by the Board each and every year of probation. Such  
27 costs shall be payable to the Board at the end of each year of probation. Failure to pay such costs  
28 shall be considered a violation of probation.

1           **12. Status of License.** Respondents shall, at all times while on probation,  
2 maintain an active current license with the Board, including any period during which suspension  
3 or probation is tolled. If the license of either Respondent license expires by operation of law or  
4 otherwise, upon renewal or reapplication, the license shall be subject to all terms of this  
5 probation not previously satisfied.

6           Respondents shall, at all times while on probation, maintain a current license with  
7 the Board. If Respondents submit an application to the Board, and the application is approved,  
8 for a change of location, change of permit or change of ownership, the Board shall retain  
9 continuing jurisdiction over the license, and the Respondents shall remain on probation as  
10 determined by the Board or its designee.

11           **13. Notification of Employment/Mailing Address Change.** Within ten (10)  
12 days of a change in employment -- either leaving or commencing employment -- Respondent  
13 Norman Louis Gerome shall so notify the Board in writing, including the address of the new  
14 employer; within ten (10) days of a change of mailing address, Respondent shall notify the Board  
15 in writing. If Respondent Norman Louis Gerome works for or is employed through a pharmacy  
16 employment service, Respondent shall, as requested, provide to the Board or its designee with a  
17 work schedule, indicating dates and location of employment.

18           **14. Tolling of Probation.** If Respondent Norman Louis Gerome leaves  
19 California to reside or practice outside this state, Respondent must notify the Board in writing of  
20 the dates of departure and return within ten (10) days of departure or return. Periods of  
21 residency, except such periods where the Respondent is actively practicing pharmacy within  
22 California, or practice outside California shall not apply to reduction of the probationary period.

23           Should Respondent Norman Louis Gerome, regardless of residency, for any  
24 reason cease practicing pharmacy in California, Respondent must notify the Board in writing  
25 within ten (10) days of cessation of the practice of pharmacy or resuming the practice of  
26 pharmacy. "Cessation of practice" means any period of time exceeding thirty (30) days in which  
27 Respondent is not engaged in the practice of pharmacy as defined in section 4052 of the Business  
28 and Professions Code.

1                   It is a violation of probation for Respondent's probation to remain tolled pursuant  
2 to the provisions of this condition for a period exceeding a consecutive period of [three] years.

3                   **15. Tolling of Suspension.** If Respondent Norman Louis Gerome leaves  
4 California to reside or practice outside this state, or for any period exceeding ten (10),days  
5 (including vacation), Respondent must notify the Board in writing of the dates of departure and  
6 return. Periods of residency or practice outside the state - or any absence exceeding a period of  
7 ten (10) days shall not apply to the reduction of the suspension period.

8                   Respondent shall not practice pharmacy upon returning to this state until  
9 notification by the Board the period of suspension has been completed.

10                  **16. Notice to Employees.** Respondent Choice Med Distributors shall, upon  
11 or before the effective date of this decision, ensure that all employees involved in permit  
12 operations are made aware of all the terms and conditions of probation, either by posting a notice  
13 of the conditions of the terms and conditions, circulating such notice, or both. If the notice  
14 required by this provision is posted, it shall be posted in a prominent place and shall remain  
15 posted throughout probation. Respondent Choice Med Distributors shall ensure that any  
16 employees hired or used after the effective date of this decision are made aware of all the terms  
17 and conditions by posting a notice, circulating a notice, or both. "Employees" as used in this  
18 provision includes all full-time, part-time, temporary and relief employees and independent  
19 contractors employed or hired at any time during probation.

20                  **17. Owners and Officers: Knowledge of the Law.** Respondent Choice Med  
21 Distributors shall provide, within thirty (30) days after the effective date of this decision, signed  
22 and dated statements from its owners, including any owner or holder of 10% or more of the  
23 interest in Respondent or stock of Respondent, and any officer, stating said individuals have read  
24 and are familiar with federal and state laws and regulations governing the practice of pharmacy.

25                  **18. Violation of Probation.** If Respondents or either of them violate  
26 probation in any respect, the Board, after giving Respondents notice and an opportunity to be  
27 heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition  
28 to revoke probation or an accusation is filed against Respondents or either of them during

1 probation, the Board shall have continuing jurisdiction, and the period of probation shall be  
2 extended, until the petition to revoke probation is heard and decided. If Respondents have not  
3 complied with any term or condition of probation, the Board shall have continuing jurisdiction  
4 over Respondents, and probation shall automatically be extended until all terms and conditions  
5 have been met or the Board has taken other action as deemed appropriate to treat the failure to  
6 comply as a violation of probation, to terminate probation, and to impose the penalty which was  
7 stayed.

8                   19.     **Completion of Probation.**

9                   Upon successful completion of probation by Respondent Norman Louis Gerome,  
10 his license will be fully restored.

11                   Upon successful completion of probation by Respondent Choice Med  
12 Distributors, its license will be fully restored.

13                   20.     **Adoption of Stipulation.** It is understood that, in deciding whether to

14 adopt this stipulation, the Board may receive oral and written presentation from, and make  
15 inquiries of, complainant, their attorneys, the Board's attorneys, consulting experts, and the  
16 Board's enforcement committee.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order in Case No. 2087 and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Pharmacy License No. RPH 24519. 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: 7/28/01

NORMAN LOUIS GEROME  
Respondent

DATED: 7/28/01

CLAUDIA H. MYLES  
Attorney for Respondent Norman Louis Gerome

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order in Case No. 2087 and have fully discussed it with my attorney. I understand the stipulation and the effect it will have on my Pharmacy Permit No. WLS 2375. 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: 7/28/01

CHOICE MED DISTRIBUTORS  
NORMAN LOUIS GEROME, President  
Respondent

DATED: 7/28/01

CLAUDIA H. MYLES  
Attorney for Respondent Choice Med Distributors

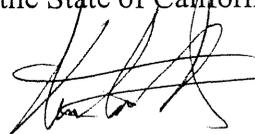
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ENDORSEMENT

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: 7/31/01

BILL LOCKYER, Attorney General  
of the State of California



RICHARD D. GARSKE  
Deputy Attorney General

Attorneys for Complainant

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

In the Matter of the Accusation Against:

NORMAN LOUIS GEROME  
1680 Broadway, Suite H  
Chula Vista, CA 91911

License No. RPH 24519

and

CHOICE MED DISTRIBUTORS  
1680 Broadway, Suite H  
Chula Vista, CA 91911

Pharmacy Permit No. WLS 2375

NORMAN GEROME, President,  
NORMAN MEDICAL, INC., Owner

Respondents.

Case No. 2087

OAH No. L-2001010532

**DECISION AND ORDER**

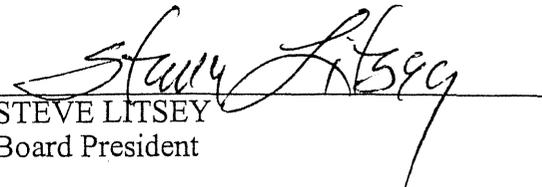
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy of the Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on February 6, 2002.

It is so ORDERED January 7, 2002.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
STEVE LITSEY  
Board President

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**Exhibit A**  
**Accusation No. 2087**

1 BILL LOCKYER, Attorney General  
of the State of California  
2 RICHARD D. GARSKE,  
Deputy Attorney General  
3 State Bar No. 50569  
Department of Justice  
4 110 West A Street, Suite 1100  
Post Office Box 85266  
5 San Diego, California 92186-5266  
Telephone: (619) 645-2075  
6  
7 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 ) NO. 2087  
12 Against: )

13 NORMAN LOUIS GEROME )  
1680 Broadway, Suite H )  
14 Chula Vista, CA 91911 )

15 License No. RPH 24519 )

16 and )

17 CHOICE MED DISTRIBUTORS )  
1680 Broadway, Suite H )  
18 Chula Vista, CA 91911 )

19 Pharmacy Permit No. WLS 2375 )

20 NORMAN GEROME, President, )  
NORMAN MEDICAL, INC., Owner )

21 Respondents. )  
22 \_\_\_\_\_ )

23  
24 Comes now, Complainant Patricia Florian Harris, who as  
25 cause for disciplinary action, alleges:

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1 PARTIES

2 1. Complainant is the Executive Officer of the Board  
3 of Pharmacy, Department of Consumer Affairs, State of California  
4 (hereinafter "Board") and makes and files this accusation solely  
5 in her official capacity as such, and not otherwise.

6 License Status

7 2. On or about June 30, 1966, the Board issued to  
8 Norman Louis Gerome (hereinafter "respondent Gerome") original  
9 Pharmacist License No. RPH 24519 to practice pharmacy. Said  
10 license number will expire on June 30, 2002, unless renewed.

11 3. On or about July 5, 1991, the Board issued to  
12 Norman Medical, Inc., to do business as Choice Med Distributors  
13 (hereinafter "respondent Choice Med"), original Permit No.  
14 WLS 2375. Said original permit number was/is in full force and  
15 effect until July 1, 2001.

16 4. At all times relevant herein, respondent Gerome  
17 was Corporate Officer and President of Choice Med.

18 JURISDICTION

19 5. This Accusation is made in reference to the  
20 following statutes of the California Business and Professions  
21 Code (hereinafter "B & P Code"):

22 A. Section 4227(a)<sup>1/</sup>

23 No person shall furnish any dangerous drug or device  
24 except upon the prescription of a physician, dentist,  
25 podiatrist, or veterinarian.  
26

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27 1. B & P section 4227 was repealed by Stats. 1996, c. 890  
(A.B. 2802), § 2. (See now B & P Code § 4059.)

1           B.    Section 4232<sup>2/</sup>

2           All records of dangerous drugs shall be open to  
3           inspection by authorized officers of the law and preserved  
4           at least three years.

5           C.    Section 4300<sup>3/</sup>

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

7           "(b) The board shall discipline the holder of any  
8           license issued by the board, whose default has been entered  
9           or who has been heard by the board and found guilty, by any  
10          of the following methods:

11          "(1) Suspending judgment.

12          "(2) Placing him or her upon probation.

13          "(3) Suspending his or her right to practice for a  
14          period not exceeding one year.

15          "(4) Revoking his or her license.

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

19          ". . . ."

20          D.    Section 4301<sup>4/</sup>

21          "The board shall take action against any holder of a  
22

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23               2. Repealed by Stats. 1996, c. 890 (A.B. 2802), § 2.  
24 (See now B & P Code §§ 4081, 4332.)

25               3. Added by Stats. 1996, c. 890 (A.B. 2802), § 3.  
26 (Formerly B & P Code §§ 4350 and 4359.)

27               4. Added by Stats. 1996, c. 890 (A.B. 2802), § 3.  
(Formerly B & P Code §§ 4350.5(c), 4351, 4353, 4362, 4363, 4354,  
4355, 4358.)

1 license who is guilty of unprofessional conduct or whose  
2 license has been procured by fraud or misrepresentation or  
3 issued by mistake. Unprofessional conduct shall include,  
4 but is not limited to:

5 ". . . .

6 "(j) The violation of any of the statutes of this  
7 state or of the United States regulating controlled  
8 substances and dangerous drugs.

9 ". . . .

10 "(o) Violating or attempting to violate, directly, or  
11 indirectly, or assisting in or abetting the violation of or  
12 conspiring to violate any provision or term of this chapter  
13 or of the applicable federal and state laws and regulations  
14 governing pharmacy, including regulations established by the  
15 Board.

16 ". . . ."

17 E. Section 4363<sup>5/</sup>

18 "The violation of any of the statutes of this state  
19 regulating controlled substances and dangerous drugs  
20 constitutes unprofessional conduct within the meaning of  
21 this chapter."

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27 5. Repealed by Stats. 1996, c. 890 (A.B. 2802), § 2.  
(See now B & P Code § 4301(j).)

1 F. Section 4163<sup>6/</sup>

2 No manufacturer or wholesaler shall furnish any  
3 dangerous drugs or dangerous devices to any unauthorized persons.

4 6. This Accusation is made also in reference to Title  
5 16, California Code of Regulations section 1718 which reads as  
6 follows:

7 "Current Inventory" as used in Section 4232 of the  
8 Business and Professions Code shall be considered to include  
9 complete accountability for all dangerous drugs handled by  
every licensee enumerated in Section 4232.

10  
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12  
13 7. DRUG CLASSIFICATIONS

14 At all times mentioned herein, the following drugs  
15 listed by trade name, by given name, or by chemical composition  
16 were and are classified as dangerous drugs under Business &  
17 Professions section 4022.<sup>7/</sup>

18 A. Amoxicillin.

19 B. Ampicillin (Principen)

20 C. Tetracycline (Sumycin)

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26 6. Added by Stats. 1996, c. 890 (A.B. 2802), § 3.  
(Formerly B & P Code § 4393.)

27 7. Added by Stats. 1996, c. 890 (A.B. 2802) § 3.  
(Formerly B & P Code § 4211.)

1           8.    COST RECOVERY

2           California Business and Professions Code section 125.3  
3 provides, in pertinent part, that in any order issued in  
4 resolution of a disciplinary proceeding, a board may request that  
5 the administrative law judge direct a licensee found to have  
6 committed a violation or violations of the licensing act to pay a  
7 sum not to exceed the reasonable costs of the investigation and  
8 enforcement of the case, including charges imposed by the  
9 Attorney General. Under section 125.3, subdivision (c), a  
10 certified copy of the actual costs or a good-faith estimate of  
11 costs where actual costs are not available, including  
12 investigative and enforcement costs, and charges imposed by the  
13 Attorney General, up to the date of the hearing, signed by the  
14 designated representative of the entity bringing the proceeding  
15 shall be prima facie evidence of reasonable costs of  
16 investigation and prosecution of the case.

17  
18                                   CHARGES AND ALLEGATIONS

19                                   FIRST CAUSE FOR DISCIPLINE

20           9. Respondent Gerome has subjected his Pharmacy  
21 License No. RPH 24519 to disciplinary action under California  
22 Business and Professions Code section 4227(a)<sup>8/</sup> of the Code in  
23 that he furnished dangerous drugs and/or dangerous devices  
24 without a prescription, as more particularly alleged hereinafter:

25    ///

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26  
27           8. B & P section 4227 was repealed by Stats. 1996, c. 890  
(A.B. 2802), § 2. (See now B & P Code § 4059.)

1           A. On or about and between January 1996 and December  
2 1997, respondent Gerome was the pharmacist on site  
3 (responsible person) at respondent Choice Med's location at  
4 1680 Broadway, Suite H, Chula Vista, California.

5           B. On or about June 12, 1996, California Board of  
6 Pharmacy Inspector Judith Nurse inspected respondent Choice  
7 Med's location at 1680 Broadway, Suite H, Chula Vista,  
8 California.

9           C. On or about and between March 1, 1996 to and  
10 including August 1, 1996, and January 1, 1997 through and  
11 including March 11, 1997, respondent Gerome and respondent  
12 Choice Med sold dangerous drugs to pharmacies and physicians  
13 of Mexico.

14           D. Dangerous drugs sold to pharmacies and physicians  
15 of Mexico by respondent Gerome and respondent Choice Med  
16 were released by respondent Gerome and respondent Choice Med  
17 on a will-call basis at respondent's Choice Med location at  
18 1680 Broadway, Suite H, Chula Vista, California.

19           E. On or about June 12, 1996, the Choice Med location  
20 at 1680 Broadway, Suite H, Chula Vista, California, was  
21 inspected by Judith Nurse, Inspector for the Board of  
22 Pharmacy. At that time, respondent Gerome was present and  
23 admonished by Inspector Nurse not to furnish dangerous drugs  
24 to Mexican customers unless the drugs are exported from the  
25 United States lawfully and imported to Mexico lawfully.

26           F. On or about June 12, 1996, respondent Gerome  
27 stated to California Board of Pharmacy Inspector Judith

1 Nurse, while she was inspecting Choice Med's location at  
2 1680 Broadway, Suite H, Chula Vista, California, that  
3 corruption and financial pay-offs were required to enable  
4 businesses in the United States to export into Mexico, made  
5 it impossible to follow the law.

6 G. On or about July 16, 1996, Inspector Nurse  
7 obtained respondent Choice Med's disposition records of  
8 sales to 99 customers in Mexico for the period from April  
9 12, 1996 through June 12, 1996, which showed that sales of  
10 Ampicillin, Amoxicillin, and Tetracycline were common items  
11 sold.

12 H. On or about March 11, 1997, respondent Choice Med,  
13 in the presence of respondent Gerome, was again inspected by  
14 Judith Nurse, Board of Pharmacy Inspector. Inspector Nurse  
15 obtained respondent Choice Med's disposition records of  
16 sales to Farmaco of Tijuana, Mexico, on June 21, 1996, for  
17 Heparin 5MU 10ml, and one catheter sold to Jaime E. Perez  
18 Mendez of Tijuana, Mexico.

19 I. On or about March 31, 1997, disposition records of  
20 Bergen Brunswig for sales to respondent Choice Med were  
21 reviewed by Inspector Nurse for time periods of March 1,  
22 1996 through and including August 1, 1996, and January 1,  
23 1997 through and including March 11, 1997.

24 J. On or about April 3, 1997, Inspector Judith Nurse  
25 inspected respondent Choice Med and received from respondent  
26 Gerome records for the time period January 1, 1997 through  
27 March 17, 1997. The Choice Med records reflected

1 acquisitions by Choice Med of Amoxicillin, Ampicillin, and  
2 Tetracycline from Bergen Brunswig, and respondent Choice  
3 Med's distribution of Amoxicillin, Ampicillin and  
4 Tetracycline for the same time period.

5 K. A cross-reference review by Inspector Judith Nurse  
6 of the disposition records of Bergen Brunswig with the  
7 acquisition records and disposition records of respondent  
8 Choice Med showed that respondent Gerome and respondent  
9 Choice Med had presented Inspector Nurse with approximately  
10 only 6% of the invoice records requested of acquisitions and  
11 distributions of Amoxicillin, Ampicillin and Tetracycline  
12 during the period January 1, 1997 through March 11, 1997.

13 L. Records of respondent Choice Med provided by  
14 respondent Gerome to Inspector Nurse of acquisition by  
15 respondent Choice Med of the drugs Amoxicillin, Ampicillin  
16 and Tetracycline from the period January 1, 1997 through  
17 March 11, 1997 showed invoices totaling \$627.52 for  
18 purchases of the three drugs in question from Bergen  
19 Brunswig. For the same time period, disposition records of  
20 Bergen Brunswig showed disposition to respondent Choice Med  
21 of the three drugs in question in an amount totaling  
22 \$9,418.18.

23 M. Review by Inspector Nurse of Bergen Brunswig  
24 disposition invoices for the three drugs Amoxicillin,  
25 Ampicillin and Tetracycline for the time period March 1,  
26 1996 through August 1, 1996, showed a total of \$4,261.64 in  
27 purchases by respondent Choice Med.

1           N.    On or about April 3, 1997, during an inspection of  
2 respondent Choice Med by Inspector Judith Nurse in the  
3 presence of respondent Gerome, the current inventory of  
4 respondent Choice Med of the drugs Amoxicillin, Ampicillin  
5 and Tetracycline, was counted. The records of respondents  
6 listed an inventory of more drug in stock than existed at  
7 respondent Choice Med's location.

8           O.    A cross-reference inspection by Inspector Nurse of  
9 acquisition records and disposition records of respondent  
10 Choice Med for the time period January 1, 1997 through March  
11 11, 1997, compared to inventory stock on hand at respondent  
12 Choice Med's location on April 3, 1997 showed the inventory  
13 for drugs Principen and Sumycin were not accurate. The  
14 following drugs were purchased from Bergen Brunswig between  
15 January 1, 1997 and March 11, 1997, but were not in stock at  
16 respondent Choice Med's location, and no Choice Med  
17 disposition record was provided to account for their sale.

18               Sumycin 250mg #100 - 600 tablets not accounted for;

19               Sumycin 500mg #100 - 6000 tablets were not accounted  
20 for;

21               Sumycin 250mg #1000 - 9000 tablets not accounted for;

22               Principen 250mg/5ml 200ml - 120 containers not  
23 accounted for;

24               Principen 250mg/5ml 100ml - 311 containers not  
25 accounted for;

26               Principen 500mg #100 - 10,500 tablets not accounted  
27 for;

              Principen 500mg # 500 - 35,500 tablets not accounted  
for.





1 PRAYER

2 WHEREFORE, complainant requests that a hearing be held  
3 on the matters alleged herein, and that following said hearing,  
4 the Board issue a decision:

- 5 1. Revoking, suspending, or otherwise imposing  
6 discipline upon Pharmacist License No. RPH 24519  
7 issued to respondent Gerome;
- 8 2. Revoking, suspending, or otherwise imposing  
9 discipline upon Pharmacy Permit Number WLS 2375  
10 issued to respondent Choice Med;
- 11 3. Awarding the Board costs as provided by statute;  
12 and,
- 13 4. Taking such other and further action as the Board  
14 deems proper.

15  
16 DATED: 9/25/00

17  
18 P. J. Harris  
19 Patricia Florian Harris  
20 Executive Officer  
21 Board of Pharmacy  
22 Department of Consumer Affairs  
23 State of California

24  
25  
26  
27  
Complainant