STANDARD CONDITIONS: TO BE INCLUDED IN ALL PROBATIONS

~~1.~~1. Certification Prior to Resuming Work

Respondent shall be automatically suspended from working as a pharmacy technician until he or she is certified ~~by the Pharmacy Technician Certification Board (PTCB)~~as defined by Business and Professions Code section 4202(a)(4) and provides satisfactory proof of certification to the board. Failure to achieve certification within one (1) year shall be considered a violation of probation.

During suspension, respondent shall not enter any pharmacy area or any portion of any other board ~~the~~ licensed premises ~~of a~~ (wholesaler, veterinary food-animal drug retailer or any other distributor of drugs) ~~which is licensed by the board, or~~ any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, ~~or be a consultant to~~ or assist any licensee of the board~~,~~. Respondent shall not ~~or~~ have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Subject to the above restrictions, respondent may continue to own or hold an interest in any ~~entity~~ licensed premises by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

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

~~2.~~2. Obey All Laws

Respondent shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy~~.

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

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

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

~~3.~~3. Report~~ing~~ to the Board

Respondent shall report to the board quarterly, on a schedule as directed by the board or its designee. The report shall be made either in person or in writing, as directed. Among other

requirements, Rrespondent shall state in each report under penalty of perjury whether there has been compliance with all the terms and conditions of probation. Failure to submit timely reports in a form as directed shall be considered a violation of probation. Any period(s) of delinquency in submission of reports as directed may be added to the total period of probation. Moreover, lif the final probation report is not made as directed, probation shall be automatically extended automatically until such time as the final report is made and accepted by the board.

4.4. Interview with the Board

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

5.5. Cooperatione with Board Staff

Respondent shall cooperate with the board's inspectional program and in with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to comply cooperate shall be considered a violation of probation.

~~6.~~6. Notice to Employers

During the period of probation, ~~R~~respondent shall notify all present and prospective employers of the decision in case number _____ and the terms, conditions and restrictions imposed on respondent by the decision, as follows:~~.~~

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

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify ~~the~~ his or her direct supervisor, pharmacist-in-charge and~~/or~~ owner at every pharmacy of the terms and conditions of the decision in case number _____ in advance of the respondent commencing work at each pharmacy. A record of this notification must be provided to the board upon request.

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

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

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

~~7.~~7. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, ~~R~~respondent shall pay to the board its costs of investigation and prosecution in the amount of $_____. Respondent shall make said payments as follows: _____. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

Option: If respondent fails to make any payment by the directed deadline(s), the stay shall

terminate and the license shall be revoked without further notice or opportunity to be heard.

~~8.~~8. Probation Monitoring Costs

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

~~9.~~9. Status of License

Respondent shall, at all times while on probation, maintain an active, current pharmacy technician ~~registration/certification~~ license with the board, including any period during which suspension or probation is tolled. Failure to maintain an active, current license shall be considered a violation of probation.

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

10. License Surrender While on Probation/Suspension

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

Upon acceptance of the surrender, respondent shall relinquish his or her pharmacy technician license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

~~10.~~11. Notification of a Change in Name, Residence Address, ~~Employment~~/Mailing Address or Employment~~Change~~

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

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

~~11.~~12. Tolling of Probation

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

~~It is a violation of probation for respondent to work less than _____ hours per month as a pharmacy technician/exemptee.~~ Should respondent, regardless of residency, for any reason (including vacation) cease ~~practicing~~ working as a pharmacy technician ~~or an exemptee~~ for a minimum of _____ hours per calendar month in California, respondent must notify the board in writing within ten (10) days of cessation of ~~practice~~ work and must further notify the board in writing within ten (10) days of ~~or~~ the resumption of the ~~practice~~ work. ~~Such periods of time shall not apply to the reduction of the probation period.~~ Any failure to provide such notification(s) shall be considered a violation of probation.

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

> "Cessation of ~~practice~~work" means ~~any period of time exceeding 30 days~~ calendar month during ~~in~~ which respondent is not ~~engaged in the practice of~~ working for at least _____ hours as a pharmacy technician, as defined in ~~section _____ of the~~ Business and Professions Code section 4115. "Resumption of work" means any calendar month during which respondent is working as a pharmacy technician for at least _____ hours as a pharmacy technician as defined by Business and Professions Code section 4115.

~~12.~~13. Violation of Probation

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

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

~~If a respondent has not complied with any term or condition of probation, the board shall have continuing jurisdiction over respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to~~

~~impose the penalty which was stayed.~~

~~13.~~14. Completion of Probation

Upon written notice by the board indicating successful completion of probation, respondent's pharmacy technician ~~registration~~ license will be fully restored.

~~14. License Surrender While on Probation/Suspension~~

~~Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.~~

~~Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.~~

OPTIONAL CONDITIONS OF PROBATION

~~1.Actual Suspension~~

~~As part of probation, respondent is suspended from the duties of a pharmacy technician for _____ beginning the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, **or** be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.~~

~~Subject to the above restrictions, respondent may continue to own or hold an interest in any entity licensed by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

~~During suspension, respondent shall not perform any of the duties of a pharmacy technician as provided by Section 1793.2 of the California Code of Regulations.~~

~~2.~~15. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,

administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

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

~~3.~~16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a ~~board-approved~~ recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, ~~Cocaine~~ Narcotics Anonymous, etc.~~,~~) which has been approved by the board or its designee. Respondent must attend at least one group meeting per week unless otherwise directed by the board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

~~4.~~17. Random Drug Screening (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or ~~a~~ other drug screening program ~~approved~~ as directed by the board or its designee. ~~The length of time shall be for the~~ Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall ~~constitute~~ be considered a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive ~~drug~~ test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the ~~immediate~~ automatic suspension of ~~practice~~ work by respondent. Respondent may not resume ~~the practice of pharmacy~~ work as a pharmacy technician until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of or any other board licensed premises (wholesaler, veterinary food-animal drug retailer or any other distributor

of drugs) any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, or assist any licensee of the board. Respondent shall not have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect of the practice of pharmacy. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed premises in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

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

~~5.~~18. Work Site Monitor (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within ten (10) days of the effective date of this decision, respondent shall identify a work site monitor, for prior approval by the board, who shall be responsible for supervising respondent during working hours. ~~The~~ Respondent shall be responsible for ensuring that the work site monitor ~~shall report~~ reports in writing to the board quarterly. Should the designated work site monitor determine at any time during the probationary period that respondent has not maintained sobriety, he or she shall notify the board immediately, either orally or in writing as directed. Should respondent change employment, a new work site monitor must be designated, for prior approval by the board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be considered a violation of probation.

~~6.~~19. Notification of Departure (Appropriate for those cases with chemical dependency (alcohol, drugs))

~~If respondent leaves~~ Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return~~, prior to leaving~~. Failure to comply with this provision shall be considered a violation of probation.

~~7.~~20. Abstain from Drugs and Alcohol Use (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. ~~Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Additionally, respondent shall cause the prescribing practitioner to notify the board in writing, indicating their awareness of the chemical dependency. Additionally, respondent shall cause the prescribing physician to notify the board in writing, indicating their awareness of the chemical dependency.~~Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if

respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

~~8.~~21. Tolling of Suspension

During the period of suspension, respondent shall not leave California for any period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess of ten (10) days during suspension shall be considered a violation of probation. Moreover, any absence from California during the period of suspension exceeding ten (10) days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days respondent is absent from California. During any such period of tolling of suspension, respondent must nonetheless comply with all terms and conditions of probation.

Respondent must notify the board in writing within ten (10) days of departure, and must further notify the board in writing within ten (10) days of return. The failure to provide such notification(s) shall constitute a violation of probation. Upon such departure and return, respondent shall not return to work until notified by the board that the period of suspension has been satisfactorily completed.
~~If respondent leaves California to reside or practice outside this state, or for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period.~~

~~Respondent shall not act as a pharmacy technician upon returning to this state until notified by the board that the period of suspension has been completed.~~

22. Restitution (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent shall pay restitution to _____ in the amount of $ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

~~EXEMPTEE~~DESIGNATED REPRESENTATIVE

The board files cases against ~~exemptees~~ designated representatives where the violation(s) involve significant misconduct on the part of the licensee. The board believes that revocation is typically the appropriate penalty when grounds for discipline are found to exist. Grounds for discipline include, but are not limited to, the following violation(s) of law(s) involving:

- Possession of dangerous drugs and/or controlled substances
- Use of dangerous drugs and/or controlled substances
- Possession for sale of dangerous drugs and/or controlled substances
- Personal misuse of drugs or alcohol

If revocation is not imposed, the board recommends a minimum ~~of a~~ Category III level of discipline be imposed on the ~~exemptee~~ designated representative. This would include suspension and probation.

~~An exemptee would be required to be reexamined by the board prior to resuming work as an exemptee.~~

TERMS OF PROBATION ~~-~~ ~~EXEMPTEE~~DESIGNATED REPRESENTATIVE

A minimum three-year probation period has been established by the board as appropriate in most cases where probation is imposed. A minimum five-year probation period has been established by the board as appropriate where self-administration or diversion of controlled substances is involved. Terms and conditions are imposed to provide consumer protection and to allow the probationer to demonstrate rehabilitation. A suspension period may also be required as part of the probation order. The board prefers that any stayed order be for revocation rather than for some period of suspension.

Probation conditions are divided into two categories: (1) standard conditions that shall appear in ~~all~~ all probation cases, and (2) optional conditions that depend on the nature and circumstances of a particular case. These conditions may vary depending on the nature of the offense(s).

The board may also impose any other condition appropriate to the case where the condition is not contrary to public policy.

CATEGORY OF VIOLATIONS AND RECOMMENDED PENALTIES

CATEGORY III - Penalty

Minimum: Revocation; Revocation stayed, 90 days actual suspension, three years probation. All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Applies to all applicable statutes and regulations

MODEL DISCIPLINARY LANGUAGE ~~-~~ ~~EXEMPTEE~~DESIGNATED REPRESENTATIVE

The following standardized language shall be used in every decision where the order of condition is imposed.

Revocation ~~- Single Cause~~

Designated Representative license ~~Certification~~ number _____, issued to respondent _____ is revoked. Respondent shall relinquish his or her designated representative ~~pocket certification~~ license to the board within ten (10) days of the effective date of this decision. Respondent may not petition the board for reinstatement of his or her revoked ~~certification~~ designated representative license for three (3) years from the effective date of this decision.

~~A condition of reinstatement shall be that the respondent retake the exemption certification examination.~~

Respondent shall pay to the board its costs of investigation and prosecution in the amount of $_____ within fifteen (15) days of the effective date of this decision.

Option: As a condition precedent to ~~Upon~~ reinstatement of his or her revoked designated representative license ~~certification~~ respondent shall reimburse the board for its costs of investigation and prosecution in the amount of $_____~~,~~. ~~and s~~Said amount shall be paid in full prior to the reinstatement of his or her ~~certification~~ revoked designated representative license, unless otherwise ordered by the board. ~~If the respondent fails to pay the amount specified, his or her certification shall remain revoked.~~

~~Revocation - Multiple Causes~~

~~Certification number _____, issued to respondent _____ is revoked pursuant to Determination of Issues _____, separately and together. Respondent shall relinquish his or her pocket certification to the board within 10 days of the effective date of this decision. Respondent may not petition the board for reinstatement of his or her revoked certification for three years from the effective date of this decision. A condition of reinstatement shall be that the respondent retake the exemption certification examination.~~

~~Respondent shall pay to the board its costs of investigation and prosecution in the amount of $_____ within 15 days of the effective date of this decision.~~

~~**Option:** Upon reinstatement of his or her certification respondent shall reimburse the board for its costs of investigation and prosecution in the amount of $_____, and said amount shall be paid in full prior to the reinstatement of his or her certification. If the respondent fails to pay the amount specified, his or her certification shall remain revoked.~~

Suspension ~~- Single Cause~~

As part of probation, ~~Certification number _____, issued to~~ respondent _____ is suspended from working as a designated representative for _____ beginning the effective date of this decision~~a period of _____~~. Respondent shall not resume work until notified by

the board.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs licensed by the board, or any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not perform any of the duties of a designated representative, nor do any act involving drug selection, selection of stock, manufacturing, dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices and controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect involving the distribution of dangerous drugs and devices and controlled substances. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed entity in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

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

~~**Suspension - Multiple Causes**~~

~~Certification number _____, issued to respondent is suspended for a period of _____ pursuant to Determination of Issues _____, separately and together. All suspensions shall run concurrently. Respondent is suspended from the duties of an exemptee for _____ beginning the effective date of this decision.~~

Standard Stay/Probation Order

Designated representative license ~~Certification~~ number _____ ~~issued to~~ _____ is revoked; however, the revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Issuance of Probationary License (In cases where a Statement of Issues has been filed.)

Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Surrender

Respondent surrenders ~~certification~~ designated representative license number _____ as of the effective date of this decision. Respondent shall relinquish his or her ~~pocket certification~~ designated representative license to the board within ten (10) days of the effective date of this decision.

The surrender of respondent's license and the acceptance of the surrendered license by the board shall constitute the imposition of discipline against respondent. This decision constitutes a record of discipline and shall become a part of respondent's license history with the board.

Respondent understands and agrees that if he or she ever files an application for licensure or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent may not ~~re~~apply for any ~~certification of~~ license, permit or registration from the board for three (3) years from the effective date of this decision. Respondent stipulates that should he or she ~~respondent~~ apply for any ~~certification~~ license from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board prior to issuance of a new license. Respondent is required to report this surrender as disciplinary action.~~Should respondent apply for any new license, respondent will be subject to all terms and conditions not previously satisfied.~~

~~Respondent shall meet all requirements applicable to that certification as of the date the application is submitted to the board, including, but not limited to exemptee reexamination prior to the issuance of a new registration or certification.~~

Respondent further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution in the amount of $_____ within _____ days of the effective date of this decision.

Option: Respondent stipulates that should he or she apply for any ~~certification~~ license from the board on or after the effective date of this decision, ~~that~~ investigation and prosecution costs in the amount of $_____ shall be paid to the board prior to issuance of the ~~certification~~ new license.

Public Reprimand

It is hereby ordered that a public reprimand be issued against designated representative license, _____. Respondent is required to report this reprimand as a disciplinary action.

Adoption of Stipulation

It is understood by respondent that, in deciding whether to adopt this stipulation, the board may receive oral and written communication from its staff and the ~~Attorney General's~~ Office of the Attorney General. Communications pursuant to this paragraph shall not disqualify the board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the board, the stipulation will not become effective and may not be used for any purpose, except this paragraph, which shall remain in effect.

STANDARD CONDITIONS – To be included in all probation decisions/orders.

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

~~1. Certification Prior to Resuming Work~~
~~5.~~1. Obey ~~a~~All Laws
~~6.~~2. Report~~ing~~ to the Board
~~7.~~3. Interview with the Board
~~5.~~ 4. _____ Cooperat~~ion~~e with Board Staff
~~6.~~ 5. _____ Notice to Employers
6. No Being Designated Representative-in-Charge
~~9.~~7. Reimbursement of Board Costs
~~10.~~8. Probation Monitoring Costs
~~15.~~9. Status of License
10. License Surrender While on Probation/Suspension
~~16.~~11. Notification of a Change in Name, Residence Address, ~~Employment~~/Mailing Address or Employment ~~Change~~
~~17.~~12. Tolling of Probation
~~18.~~13. Violation of Probation
~~19.~~14. Completion of Probation
~~20.License Surrender While on Probation/Suspension~~

OPTIONAL CONDITIONS

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

~~1.Actual Suspension~~
~~2.~~15. No Ownership of Licensed Premises
~~3.~~16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups
~~4.~~17. Random Drug Screening
~~5.~~18. Work Site Monitor
~~6.~~19. Notification of Departure
~~7.~~20. Abstain from Drugs and Alcohol Use
~~8.~~21. Tolling of Suspension
22. Restitution

STANDARD CONDITIONS - TO BE INCLUDED IN ALL PROBATIONS

~~1.Reexamination Prior to Resuming Work~~

~~Respondent shall be suspended from working as an exemptee until he or she takes and passes the exemption examination as scheduled by the board after the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving wholesaling, or repackaging or manufacturing, nor shall respondent manage, administer, **or** be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances. Respondent shall not direct or control any aspect of the practice of pharmacy.~~

~~Subject to the above restrictions, respondent may continue to own or hold an interest in any pharmacy or wholesaler in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

~~2.~~1. Obey All Laws

Respondent shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy~~.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- an arrest or issuance of a criminal complaint for violation of any state or federal law
- a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state or federal agency which involves respondent's _____ license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distribution or billing or charging for of any drug, device or controlled substance.

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

~~3.~~2. Report~~ing~~ to the Board

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

~~automatically~~ until such time as the final report is made and accepted by the board.

~~4.~~3. Interview with the Board

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

~~5.~~4. Cooperat~~ion~~e with Board Staff

Respondent shall cooperate with the board's inspection~~al~~ program and ~~in~~ with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to ~~comply~~ cooperate shall be considered a violation of probation.

~~6.~~5. Notice to Employers

During the period of probation, ~~R~~respondent shall notify all present and prospective employers of the decision in case number _____ and the terms, conditions and restrictions imposed on respondent by the decision, as follows:~~.~~

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

If respondent works for or is employed by or through a pharmacy employment service, respondent must notify ~~the pharmacist-in-charge~~ his or her direct supervisor, designated representative-in-charge and~~/or~~ owner at ~~every pharmacy~~ each entity licensed by the board of the terms and conditions of the decision in case number _____ in advance of the respondent commencing work at each ~~pharmacy~~ licensed entity. A record of this notification must be provided to the board upon request.

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

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

> "Employment" within the meaning of this provision shall include any full-time, part-time, temporary or relief service or pharmacy management service as a ~~pharmacy technician~~ designated representative or in any position for which a designated representative license is a requirement or criterion for employment, whether the respondent is considered an employee or independent contractor or volunteer.

6. No Being Designated Representative-in-Charge

During the period of probation, respondent shall not be the designated representative-in-charge of any entity licensed by the board unless otherwise specified in this order. Assumption of any such unauthorized supervision responsibilities shall be considered a violation of probation.

7. ~~-~~Reimbursement of Board Costs

As a condition precedent to successful completion of probation, ~~R~~respondent shall pay to the board its costs of investigation and prosecution in the amount of $_____. Respondent shall make said payments as follows: _____. There shall be no deviation from this schedule

absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

Option: If respondent fails to make any payment by the directed deadline(s), the stay shall terminate and the license shall be revoked without further notice or opportunity to be heard.

8.____ Probation Monitoring Costs

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

9.____ Status of License

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

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

10. License Surrender While on Probation/Suspension

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

Upon acceptance of the surrender, respondent shall relinquish his or her designated representative license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent may not reapply for any license, permit, or registration from the board for three (3) years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

~~10.~~11. Notification of a Change in Name, Residence Address, ~~Employment~~/Mailing Address or Employment~~Change~~

Respondent shall notify the board in writing within ten (10) days of any change of employment. Said notification shall include the reasons for leaving and/~~or~~ the address of the new employer, supervisor ~~or~~ and owner and work schedule, if known. Respondent shall further notify the board in writing within ten (10) days of a change in name, residence address and mailing address, or phone number.
Failure to timely notify the board of any change in employer(s), name(s), address(es), or phone number(s) shall be considered a violation of probation.

~~11.~~12. Tolling of Probation

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

~~It is a violation of probation for respondent to work less than _____ hours per month as an exemptee.~~ Should respondent, regardless of residency, for any reason (including vacation) cease ~~practicing~~ working as a~~n exemptee~~ designated representative for a minimum of _____ hours in California, respondent must notify the board in writing within ten (10) days of cessation of ~~practice~~ work and must further notify the board in writing within ten (10) days of ~~or~~ the resumption of ~~the practice~~ work. Any failure to provide such notification(s) shall be considered a violation of probation.~~Such periods of time shall not apply to the reduction of the probation period.~~

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

> "Cessation of ~~practice~~work" means any ~~period of time exceeding 30 days~~ calendar month during ~~in~~ which respondent is not ~~engaged in the practice of a pharmacy technician~~ working as a designated representative for at least _____ hours as a designated representative as defined ~~in section _____ of the~~ by Business and Professions Code section 4053~~or as an exemptee as defined in section _____ of the Business and Professions Code~~. "Resumption of work" means any calendar month during which respondent is working as a designated representative for at least _____ hours as a designated representative as defined by Business and Professions Code section 4053.

~~12.~~13. Violation of Probation

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

If respondent violates probation in any respect, the board, after giving respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order ~~which~~ that was stayed. Notice and opportunity to be heard are not required for those provisions stating that a violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

a petition to revoke probation or an accusation is filed against respondent during probation, the board shall have continuing jurisdiction, and the period of probation shall be automatically extended, until the petition to revoke probation or accusation is heard and decided.

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

~~13.~~14. Completion of Probation

Upon written notice by the board indicating successful completion of probation, respondent's ~~certificate~~ designated representative license will be fully restored.

~~14. License Surrender while on Probation/Suspension~~

~~Following the effective date of this decision, should respondent cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation, respondent may tender his or her license to the board for surrender. The board shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.~~

~~Upon acceptance of the surrender, respondent shall relinquish his or her pocket license to the board within 10 days of notification by the board that the surrender is accepted. Respondent may not reapply for any license from the board for three years from the effective date of the surrender. Respondent shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.~~

OPTIONAL CONDITIONS OF PROBATION

~~1.Actual Suspension~~

~~As part of probation, respondent is suspended from the duties of a pharmacy technician for _____ beginning the effective date of this decision.~~

~~During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices or controlled substances are maintained. Respondent shall not do any act involving drug selection, selection of stock, manufacturing, compounding or dispensing; nor shall respondent manage, administer, **or** be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.~~

~~Subject to the above restrictions, respondent may continue to own or hold an interest in any entity licensed by the board in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.~~

~~During suspension, respondent shall not perform any of the duties of a pharmacy technician as provided by Section 1793.2 of the California Code of Regulations.~~

~~2.~~15. No Ownership of Licensed Premises

Respondent shall not own, have any legal or beneficial interest in, or serve as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90) days following the effective date of this decision and shall immediately thereafter provide written proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide documentation thereof shall be considered a violation of probation.

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

~~3.~~16. Attend Substance Abuse Recovery Relapse Prevention and Support Groups (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within thirty (30) days of the effective date of this decision, respondent shall begin regular attendance at a ~~board-approved~~ recognized and established substance abuse recovery support group in California, (e.g., Alcoholics Anonymous, ~~Cocaine~~ Narcotics Anonymous, etc.~~,~~) which has been approved by the board or its designee. Respondent must attend at least one group

meeting per week unless otherwise directed by the board or its designee. Respondent shall continue regular attendance and submit signed and dated documentation confirming attendance with each quarterly report for the duration of probation. Failure to attend or submit documentation thereof shall be considered a violation of probation.

~~4.~~17. Random Drug Screening (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent, at his or her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or ~~a~~ other drug screening program ~~approved~~ as directed by the board or its designee. ~~The length of time shall be for the~~ Respondent may be required to participate in testing for the entire probation period and the frequency of testing will be determined by the board or its designee. At all times respondent shall fully cooperate with the board or its designee, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its designee may direct. Failure to timely submit to testing as directed shall ~~constitute~~ be considered a violation of probation. Upon request of the board or its designee, respondent shall provide documentation from a licensed practitioner that the prescription for a detected drug was legitimately issued and is a necessary part of the treatment of the respondent. Failure to timely provide such documentation shall be considered a violation of probation. Any confirmed positive ~~drug~~ test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment shall be considered a violation of probation and shall result in the ~~immediate~~ automatic suspension of ~~practice~~ work by respondent. Respondent may not resume ~~the practice of pharmacy~~ work as a designated representative until notified by the board in writing.

During suspension, respondent shall not enter any pharmacy area or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of drugs licensed by the board, or any drug manufacturer, or any other location where dangerous drugs and devices or controlled substances are maintained. Respondent shall not perform any of the duties of a designated representative, nor do any act involving drug selection, selection of stock, manufacturing, dispensing; nor shall respondent manage, administer, or be a consultant to any licensee of the board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs and devices and controlled substances. Respondent shall not resume work until notified by the board.

Respondent shall not direct, control or perform any aspect involving the distribution of dangerous drugs and devices and controlled substances. Subject to the above restrictions, respondent may continue to own or hold an interest in any licensed entity in which he or she holds an interest at the time this decision becomes effective unless otherwise specified in this order.

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

~~5.~~18. Work Site Monitor (Appropriate for those cases with chemical dependency (alcohol, drugs))

Within ten (10) days of the effective date of this decision, respondent shall identify a work site monitor, for prior approval by the board, who shall be responsible for supervising respondent during working hours. Respondent shall be responsible for ensuring that ~~T~~the work site monitor ~~shall report~~ reports in writing to the board quarterly. Should the designated work site monitor determine at any time during the probationary period that respondent has not maintained sobriety, he or she shall notify the board immediately, either orally or in writing as directed.

Should respondent change employment, a new work site monitor must be designated, for prior approval by the board, within ten (10) days of commencing new employment. Failure to identify an acceptable initial or replacement work site monitor, or to ensure quarterly reports are submitted to the board, shall be considered a violation of probation.

~~6.~~19. Notification of Departure (Appropriate for those cases with chemical dependency (alcohol, drugs))

~~If respondent leaves~~ Prior to leaving the probationary geographic area designated by the board or its designee for a period greater than twenty-four (24) hours, respondent shall notify the board verbally and in writing of the dates of departure and return~~, prior to leaving~~. Failure to comply with this provision shall be considered a violation of probation.

~~7.~~20. Abstain from Drugs and Alcohol Use (Appropriate for those cases with chemical dependency (alcohol, drugs))

Respondent shall completely abstain from the possession or use of alcohol, controlled substances, dangerous drugs and their associated paraphernalia except when the drugs are lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon request of the board or its designee, respondent shall provide documentation from the licensed practitioner that the prescription for the drug was legitimately issued and is a necessary part of the treatment of the respondent. ~~Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Additionally, respondent shall cause the prescribing practitioner to notify the board in writing, indicating their awareness of the chemical dependency. Additionally, respondent shall cause the prescribing physician to notify the board in writing, indicating their awareness of the chemical dependency.~~Failure to timely provide such documentation shall be considered a violation of probation. Respondent shall ensure that he or she is not in the same physical location as individuals who are using illicit substances even if respondent is not personally ingesting the drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia not supported by the documentation timely provided, and/or any physical proximity to persons using illicit substances, shall be considered a violation of probation.

~~8.~~21. Tolling of Suspension

During the period of suspension, respondent shall not leave California for any period exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess of ten (10) days during suspension shall be considered a violation of probation. Moreover, any absence from California during the period of suspension exceeding ten (10) days shall toll the suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days respondent is absent from California. During any such period of tolling of suspension, respondent must nonetheless comply with all terms and conditions of probation.

Respondent must notify the board in writing within ten (10) days of departure, and must further notify the board in writing within ten (10) days of return. The failure to provide such notification(s) shall constitute a violation of probation. Upon such departure and return, respondent shall not resume work until notified by the board that the period of suspension has been satisfactorily completed.
~~If respondent leaves California to reside or practice outside this state, or for any period exceeding 10 days (including vacation), respondent must notify the board in writing of the dates of departure and return. Periods of residency or practice outside the state or any absence exceeding a period of 10 days shall not apply to the reduction of the suspension period.~~

~~Respondent shall not act as a pharmacy technician upon returning to this state until notified by the board that the period of suspension has been completed.~~

22. Restitution (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent shall pay restitution to _____ in the amount of $ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

TERMS OF PROBATION – PREMISES

A minimum three-year probation period has been established by the board as appropriate in most cases where probation is imposed. A minimum five-year probation period has been established by the board as appropriate where self-administration or diversion of controlled substances ~~is involved~~ has occurred at a licensed premises. Terms and conditions are imposed to provide consumer protection ~~and to allow the probationer to demonstrate rehabilitation~~. A suspension period may also be required as part of the probation order. The board prefers that any stayed order be for revocation rather than for some period of suspension.

Probation conditions are divided into two categories: (1) standard conditions that shall appear in ~~all~~ all probation cases, and (2) optional conditions that depend on the nature and circumstances of a particular case. These conditions may vary depending on the nature of the offense(s).

The board may also impose any other condition appropriate to the case where the condition is not contrary to public policy.

CATEGORIES OF VIOLATIONS AND RECOMMENDED PENALTIES

The California Pharmacy Law ~~specifies the~~identifies offenses for which the board may take disciplinary action against a license. ~~The following are categories of violations used by the board in determining appropriate disciplinary penalties.~~Included among grounds for discipline are violations of the Pharmacy Law itself, violations of regulations promulgated by the board, and violations of other state or federal statutes or regulations.

The following are categories of possible violations used by the board to determine appropriate disciplinary penalties. These categories represent the judgment of the board as to the perceived seriousness of particular offenses.

Under each category, the board has grouped statutes and regulations where violations would typically merit the recommended range of minimum to maximum penalties for that category. These lists are representative, and are not intended to be comprehensive or exclusive. Where a violation not included in these lists is a basis for disciplinary action, the appropriate penalty for that violation may be best derived by comparison to any analogous violation(s) that are included. Where no such analogous violation is listed, the category descriptions may be consulted.

These categories assume a single violation of each listed statute or regulation. For multiple violations, the appropriate penalty shall increase accordingly. Moreover, if an individual has committed violations in more than one category, the minimum and maximum penalties shall be those recommended in the highest category.

The board also has the authority, pursuant to Business and Professions Code section 4301(n), to impose discipline based on disciplinary action taken by another jurisdiction. The discipline imposed by the board will depend on the discipline imposed by the other jurisdiction, the extent of the respondent's compliance with the terms of that discipline, the nature of the conduct for which the discipline was imposed, and other factors set forth in these guidelines.

CATEGORY I

Minimum: Revocation; Revocation stayed; one-year probation. All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Category I discipline is recommended for:

- violations which are relatively minor but are potentially harmful
- repeated violations of a relatively minor nature:

Violations of the following codes are ~~as follows~~representative of this category:

BUSINESS AND PROFESSIONS CODE

Article 3. Scope of Practice and Exemptions

4053 Exemptee Supervis~~ion~~or of Manufacturer~~s~~, etc.: Requirements~~Wholesalers, and Licensed Laboratories; Veterinary Food-Animal Drug Retailers~~

4054 ~~Supplying Dialysis Drugs~~Supply by Manufacturer, etc. of Certain Dialysis Drugs and Devices

4056 ~~Exempt Hospitals~~Purchase of Drugs at Wholesale – Hospital Containing 100 Beds or Less

4057 ~~Exempt Articles~~Exceptions to Application of this Chapter

4058 ~~License to be Displayed~~Display of Original License

4062 ~~Furnishing Drugs during Emergency~~Furnishing Dangerous Drugs During Emergency

4064 Emergency Refill~~s~~ of Prescription Without Prescriber Authorization

4065 ~~Administration through Injection Card System~~Injection Card System; Requirements for Administration

4066 Furnishing ~~to Ocean~~ Dangerous Drugs to Master or First Officer of Vessel

Article 4. Requirements for Prescription

4070 Reduction of Oral or Electronic Prescription to Writing

4071 Prescriber~~'s~~ May Authorize Agent to Transmit~~ting~~ Prescription~~s~~; Schedule II Excluded

4072 Oral or Electronic ~~Transmitting~~ Transmission of Prescription~~s from a~~ - Health Care Facility

4073 Substitution of Generic Drug ~~Product Selection~~- Requirements and Exceptions

4074 Drug ~~Warnings~~Risk: Informing Patient; Providing Consultation for Discharge Medications

4076 Prescription Container - ~~Label~~ Requirements for Labeling

4077 ~~Labeling~~Dispensing Dangerous Drug in Incorrectly Labeled Container

Article 5. Authority of Inspectors

4082 ~~Information about Personnel~~Names of Owners, Managers and Employees Open for Inspection

Article 6. General Requirements

4100 Change of ~~Name or~~ Address or Name – Notification to Board
~~4102 Skin Puncture for Patient Training~~
4103 Blood Pressure ~~Measurement~~- Taking by Pharmacist

Article 7. Pharmacies

4114 Intern Pharmacist: Activities Permitted
~~4120Emergency Kit for Licensed Health Care Facilities~~
4119.5 Transfer~~ring~~ or Repackaging Dangerous Drugs by Pharmacy
4120 Nonresident Pharmacy: Registration Required
4121 Advertisement for Prescription ~~Price Advertising~~Drug: Requirements; Restrictions
4122 ~~Requests for~~ Required Notice at Availability of Prescription Price Information, General Product Availability, Pharmacy Services; Providing Drug Price Information; Limitations on Price Information Requests
4123 ~~Pharmacy contracts for Compounding of Parenteral Drugs~~Compounding Drug for Other Pharmacy for Parenteral Therapy; Notice to Board
4124 ~~Contact Lens~~ Dispensing Replacement Contact Lenses: Requirements; Patient Warnings; Registration with Medical Board; Application of Section to Nonresident Pharmacies

Article 9. Hypodermic Needles and Syringes

4141 Furnishing Without License ~~Required~~
4142 Prescription Required
4143 Exemption: ~~Wholesale~~ Sale~~s~~ to Other Entity, Physician, etc.
4144 ~~Exemption:~~ Industrial Use~~s~~ Exception
4145 ~~Exemption: Human (Insulin; Adrenaline) or Animal Use~~Exception: Furnishing for Administration of Insulin, Adrenaline, or Specified Animal Uses; Conditions
~~4146 Hypodermic Register~~
4148 Confiscation if Found Outside Licensed Premises
4149 ~~Nonresident~~ Sale by Distributor

Article 10. Pharmacy Corporations

4151 Licensure Requirements ~~for Shareholders, Directors, and Officers~~
4152 Corporate Name Requirements
4153 Shareholder Income ~~w~~While Disqualified
4156 Unprofessional Conduct by Corporation

Article 11. Wholesalers and Manufacturers

4161 ~~Out-of-State Manufacturer or~~ Nonresident Wholesaler: When License Required; Application
4162 ~~Registration – Agent~~Issuance or Renewal of Wholesaler License; Surety Bond
4164 ~~Sales to Unauthorized Persons~~Reports Required
4165 Sale or Transfer of Dangerous Drug or Device Into State: Furnishing Records to Authorized Officer on Demand; Citation for Non-compliance
4166 ~~Responsibility until Delivery~~Shipping of Dangerous Drugs or Devices – Wholesaler

or Distributor
4167 Wholesaler: Bar on Obtaining Dangerous Drugs or Devices It ~~More Than~~ Cannot Maintain ~~Be Stored~~ on Licensed Premises

Article 13. Non-Profit or Free Clinics

~~4182License Required (Non-Profit, etc Clinics)~~
~~4183License Requirements~~
4180 Purchase of Drugs at Wholesale Only with License: Eligible Clinics
4181 License Requirements; Policies and Procedures; Who May Dispense
4182 ~~Application~~Duties of Professional Director; Consulting Pharmacist Required
4183 No ~~Medi-Cal~~Professional Dispensing Fee
4184 ~~No Schedule II~~ Dispensing Schedule II Substance Prohibited
4186 ~~Professional Director~~Automated Drug Delivery Systems

Article 14. Surgical Clinics

4190 Purchase of Drugs at Wholesale: Permitted Uses of Drugs; Required Records and Policies; License Required ~~(Surgical Clinic)~~
4191 ~~License~~ Compliance with Department of Health Services Requirements; Who May Dispense Drugs
4192 Duties of Professional Director; Providing Information to Board
4193 ~~No Medi-Cal~~Clinic Not Eligible for Professional Dispensing Fee; Ban on Offering Drugs for Sale
4194 ~~No Schedule II~~ Dispensing of Schedule II Substance by Clinic Prohibited; Physician May Dispense; Administration Authorized in Clinic

Article 15. Veterinary Food-Animal Drug Retailers

4196 License Required~~;~~: Temporary License on Transfer of Ownership; Persons Authorized in Storage Area~~; Security~~
4197 Minimum Standards~~;~~: Security; Sanitation; Board Regulations; Waivers
4198 Written Policies and Procedures Required~~;~~: Contents; Training of Personnel; Quality Assurance~~;~~; Consulting Pharmacist

Article 17. Continuing Education

~~4233Renewal Requirements~~
~~4234Course Content~~
4231 Requirements for Renewal of Pharmacist License: Clock Hours; Exemption for New Licensee
4232 Content of Courses

Article 18. Poisons

4240 Application of Act

Article 20. Prohibitions and Offenses

4341 ~~Advertising in Compliance with Sections 651.3~~Advertisement of Prescription Drugs or Devices

4343 ~~Use of Sign with "Pharmacy" or Similar Terms~~Buildings: Prohibition Against Use of Certain Signs Unless Licensed Pharmacy Within

CALIFORNIA CODE OF REGULATIONS, TITLE 16

1704 Change of ~~a~~Address~~ – reporting a change of address~~

1705 Notification of Bankruptcy, Receivership or Liquidation~~ – reporting the sale, inventory and location of records of dangerous drugs by a pharmacy, wholesaler or manufacturer in bankruptcy~~

1708.2 Discontinuance of ~~b~~Business~~ – notification to board of a discontinuance of business and submission of appropriate forms~~

1708.4 Pharmacist ~~h~~Handling ~~r~~Radioactive ~~d~~Drugs~~ – training of a nuclear pharmacist~~

1708.5 Pharmacy Furnishing Radioactive Drugs~~ – nuclear pharmacy requirements~~

1709 Names of Owners and ~~p~~Pharmacist- in- ~~c~~Charge~~ – required information on a pharmacy permit, reporting PIC and owners on initial and renewal applications, and reporting of corporate officer changes~~

1714 ~~Building~~ Operational Standards and Security

1715.6 Reporting ~~d~~Drug ~~l~~Loss~~ – reporting loss of controlled substances to the Board within thirty (30) day~~

1716 Variation from ~~p~~Prescriptions~~ – prescription errors, deviation from prescription without consent of prescriber~~

1717 ~~Pharmaceutical~~ Pharmaceutical ~~p~~Practice~~ – dispensing in new containers, pharmacist maintain on prescription record: date and initial of pharmacist, brand name of drug or device and indication if generic and manufacturer name, refill information, orally transmitted prescription requirements, depot of a prescription or a medication, prescription transfers, identification of pharmacist responsible for filling a prescription~~

1717.1 Common Electronic Files~~ – establishing a common electronic file to maintain required dispensing information~~

1717.4 Electronic Transmission of Prescriptions~~ – transmitting prescriptions by electronic means from prescriber to the pharmacy~~

1718.1 Manufacturer's Expiration Date~~ – handling of prescription drugs not bearing a manufacturer's expiration date pursuant to federal law~~

1726 ~~Preceptor~~Supervision of Intern Pharmacists

~~1727 Intern Pharmacist~~

1728 ~~Intern Experience –~~Requirements for ~~Licensure~~Examination

1732.1 Requirements for ~~Recognized~~ Accredited Providers~~ – requirements to provide continuing education courses as a recognized provider for California pharmacists~~

1732.3 ~~Coursework Approval for Providers~~Requirements for Continuing Education Courses

1732.4 Provider Audit Requirements

1732.5 Renewal Requirements for Pharmacist
1744 Drug ~~w~~Warnings ~~– oral or written warnings when a drug should not be taken with alcohol or when a person should not drive~~
~~1751 to~~
~~1751.09 and~~
~~1751.11 to~~
~~1751.12 Compounding Area for Parenteral Solutions – parenteral therapy requirements for pharmacists and pharmacies~~
1751 Sterile Injectable Compounding Area
1751.01 Facility and Equipment Standards for Sterile Injectable Compounding from Non-Sterile Ingredients
1751.02 Policies and Procedures
1751.11 Furnishing to Home Health Agencies and Licensed Hospices
1751.12 Obligations of a Pharmacy Furnishing Portable Containers
1771 Posting of ~~n~~Notice of ~~s~~Suspension ~~– suspended pharmacy must post a notice of suspension~~
1772 Disciplinary ~~c~~Conditions of ~~s~~Suspension ~~– suspended pharmacist shall not enter a pharmacy prescription area or perform pharmacy related duties~~
1780 Minimum ~~s~~Standards for ~~w~~Wholesalers
1780.1 Minimum Standards for Veterinary Food-Animal Drug Retailers
1781 Exemption ~~c~~Certificate ~~– exemptee must be present in a manufacturer's or wholesaler's licensed premises~~
1786 Exemptions ~~– return of exemption certificate to board upon termination of employment~~
1787 Authorization to Distribute Hemodialysis Drugs and Devices
1790 Assembling and Packaging
1791 Labeling
1792 Receipt ~~of~~ for Shipment

HEALTH AND SAFETY CODE~~, TITLE 22~~

11100 Report of Certain Chemical: Chemicals Included; Exclusions; Penalties ~~controlled substance transaction – reporting sales of restricted chemicals to Department of Justice~~
11100.1 Report of Chemicals ~~controlled substances r~~Received from ~~c~~Outside ~~s~~State; Penalties ~~– reporting Purchases of restricted chemicals from outside California~~
~~11124 Inventory of Controlled Substances~~
11151 Limitation on Filling Prescriptions From Medical Students ~~Issued By Unlicensed Person Lawfully Practicing Medicine~~
11158 Prescription ~~r~~Required for Schedule ~~I,~~ II, III, ~~or~~ IV, or V ~~c~~Controlled ~~s~~Substance~~s – prescriptions for controlled substances must comply with requirements prior to dispensing~~; Exception for Limited Dispensing, Administration
11159 Chart Order Exemption for ~~p~~Patient in ~~c~~County or ~~l~~Licensed ~~h~~Hospital; Maintaining Record for Seven Years ~~– controlled substance orders in hospitals~~
11159.1 Chart Order Exemption for Clinic ~~Records~~Patient; Maintaining Record for Seven Years
11159.2 Exception to Triplicate Prescription Requirement ~~Terminally Ill Exception~~
11167 Emergency ~~d~~Dispensing of Schedule II ~~s~~Substance: Circumstances and Requirements ~~– emergency oral Schedule II prescriptions; must receive a triplicate within seventy-two (72) hours~~
11167.5 ~~Emergency c~~Oral or Electronic ~~p~~Prescriptions for Schedule II Controlled Substance

for Specified ~~i~~In-patients, Residents, and Home Hospice Patients; Requirements~~ – oral orders for Schedule II drugs in a skilled nursing facility, intermediate care facility, or a home health care agency providing hospice care; pharmacy to obtain special triplicates from Dept. of Justice; facility must forward all signed order to the pharmacy~~

11171 Prescribing, etc. Controlled Substance Only as Authorized~~administering, or furnishing controlled substance – furnishing controlled substances must be consistent with law~~

11172 Antedating or ~~p~~Postdating ~~p~~Prescription Prohibited

11175 Prohibition on Obtaining ~~and~~ or ~~p~~Possessi~~on~~ng ~~n~~Nonconforming ~~p~~Prescription; Prohibition on ~~o~~Obtaining ~~c~~Controlled ~~s~~Substance by ~~n~~Nonconforming ~~p~~Prescription

11180 Prohibition on Controlled ~~s~~Substance ~~o~~Obtained or ~~p~~Possessed by ~~n~~Nonconforming ~~p~~Prescription ~~– possession of a controlled substance obtained from noncomplying prescriptions~~

11200 Restrictions on ~~d~~Dispensing or ~~r~~Refilling; Refill of Schedule II Prescription Barred~~– refill restrictions of controlled substances~~

11201 Emergency Refill ~~by Pharmacist~~of Schedule III, IV, or V Prescription; Circumstances; Requirements

11205 Maintenance and ~~r~~Retention of Records in Separate ~~f~~File~~– separate prescription file for Schedule II prescriptions~~

11206 Required ~~i~~Information on Prescription~~– information required on a prescription for controlled substances~~

11209 Delivery ~~of Controlled~~and Receiving Requirements for Schedule II, III, and IV Substances; Violation

11210 Issuing Prescription: By Whom; For What Purpose; Quantity to Be Prescribed~~under authorized project – a prescriber may not prescribe controlled substances to treat addiction~~

11250 Authorized Retail Sale by Pharmacists to Physicians, etc.; Required Order Form

11251 Authorized Wholesale Sale by Pharmacists

11252 Preservation of ~~f~~Federally ~~r~~Required ~~f~~Forms~~– a wholesaler or manufacturer must maintain records of sales~~

11253 Duration of ~~r~~Retention

11255 Actions ~~c~~Constituting ~~s~~Sale~~– orders for future delivery constitutes a sale of a controlled substance~~

11256 Required Report of Order ~~b~~By or Sale to Out-of-State Wholesaler or Manufacturer

111225 to 111655 Adulterated or Misbranded Drugs or Devices

CODE OF FEDERAL REGULATIONS, TITLE 21

1301.13 ~~Persons Required to Register~~Application for registration; time for application; expiration date; registration for independent activities; application forms, fees, contents and signature; coincident activities.

1301.14 ~~Separate Registration for Separate Locations~~Filing of application; acceptance for filing; defective applications.

1301.71 Security requirements~~,~~ generally.

1301.72 Physical security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs; storage areas.

1301.73 Physical security controls for non-practitioners; compounders for narcotic treatment programs; manufacturing and compounding areas.

1301.74 Other security controls for non-practitioners; narcotic treatment programs and compounders for narcotic treatment programs.
1301.77 ~~Physical s~~Security controls for ~~practitioners~~freight forwarding facilities.
~~1301.78Other Security Controls for Practitioners~~
1301.90 Employee screening procedures.
1301.91 Employee responsibility to report drug diversion.
1301.92 Illicit activities by employees.
1302.03 Symbol required; exceptions.
1302.04 Location and size of symbol on label and labeling.
1302.05 Effective ~~D~~dates of ~~L~~labeling ~~R~~requirements.
1302.06 Sealing of controlled substances.
1302.07 Labeling and packaging requirements for imported and exported substances.
~~1304.18 Inventories of importers and exporters~~
1304.11 Inventory requirements.
1304.31 Reports from manufacturers importing ~~opium~~narcotic raw material.
1304.32 Reports of manufacturers importing ~~medicinal~~ coca leaves.
1304.33 Reports to ARCOS.
~~1305.03 to~~
~~1305.06 and~~
~~1305.08 to~~
~~1305.12 and~~
~~1305.14 to~~
~~1305.16 Distributions requiring order forms; persons entitled to obtain and execute order forms; procedure for obtaining order forms; procedure for executing order forms; persons entitled to fill order forms; procedure for filling order forms; procedure for endorsing order forms; unaccepted and defective order forms; lost and stolen order forms; return of unused order forms~~
1305.03 Distributions requiring a Form 222 or a digitally signed electronic order.
1305.04 Persons entitled to order Schedule I and II controlled substances.
1305.05 Power of attorney.
1305.06 Persons entitled to fill orders for Schedule I and II controlled substances.
1305.11 Procedure for obtaining DEA Forms 222.
1305.12 Procedure for executing DEA Forms 222.
1305.14 Procedure for endorsing DEA Forms 222.
1305.15 Unaccepted and defective DEA Forms 222.
1305.16 Lost and stolen DEA Forms 222.
1306.03 Persons entitled to issue prescriptions.
1306.05 Manner of issuance of prescriptions.
1306.14 Labeling of substances and filling of prescriptions. ~~– Schedule II.~~
1306.24 Labeling of substances and filing of prescriptions. ~~– Schedule III and IV~~
~~1306.26Transfer of Schedule III, IV, and V Prescriptions~~
1306.25 Transfer between pharmacies of prescription information for Schedules III, IV, and V controlled substances for refill purposes.
1306.26 Dispensing ~~W~~without a ~~P~~prescription.
1307.11 Distribution by dispenser to another practitioner or reverse distributor. ~~–~~
1307.12 ~~Manufacture and d~~Distribution ~~of narcotic solutions and compounds by a pharmacist~~to supplier or manufacturer.
1307.13 ~~Distribution to supplier~~Incidental manufacture of controlled substances.
1307.21 Procedure for dispos~~a~~ling of controlled substances.
1700.1 to
1707.15 Child-resistant containers.

~~MISCELLANEOUS - HEALTH AND SAFETY CODE,TITLE 22~~

~~111225 to~~
~~111655 Adulterated or misbranded drugs or devices~~

~~MISCELLANEOUS-FEDERAL REGULATIONS~~

~~16 CFR 1700.1 to~~
~~1707.15 Child-resistant containers~~

CATEGORY II

Minimum: Revocation; Revocation stayed, three years probation (five years probation where self-administration or diversion of controlled substances ~~is involved~~ occurred at the licensed premises). All standard terms and conditions shall be included and optional terms and conditions as appropriate.

Maximum: Revocation

Category II discipline is recommended for:

- violations with a serious potential for harm
- violations which involve greater disregard for pharmacy law and public safety
- violations which reflect on ethics, care exercised or competence or a criminal conviction not involving dangerous drugs or controlled substances or involving possession or use of dangerous drugs or controlled substances.

Violations of the following codes are ~~as follows~~representative of this category:

BUSINESS AND PROFESSIONS CODE

650 Rebates or Discounts for Referral Prohibited
650.1 Lease Prohibition – Hospitals or Prescribers
651 Professional Advertising Requirements

Article 3. Scope of Practice and Exemptions

4051(b) Conduct Authorized by Pharmacist~~ from Outside Pharmacy~~
4052 ~~conduct Authorized by Pharmacist~~Furnishing to Prescriber; Permissible Procedures by Pharmacist in Health Care Facility or Clinic or for Other Health Care Provider
4060 ~~Possession of~~ Controlled Substance – Prescription Required; Exceptions
4061 Distribution of ~~Sample~~ Drug~~s~~ as Sample; Written Request Required
4064 Emergency Refill~~s~~ of Prescription Without Prescriber Authorization
4067 Internet; ~~Prescription~~ Dispensing ~~over the Internet~~Dangerous Drugs or Devices without Prescription
~~4076Proof of Identity of Recipient for Controlled Substance Prescriptions~~
~~4079False or Misleading Labeling~~
4075 Proof of Identity Required – Oral or Electronic Prescription
4078 False or Misleading Label on Prescription

Article 6. General Requirements

4101 ~~Termination as~~ Pharmacist in Charge, Exemptee: Termination of Employment; ~~;~~ ~~Notice~~ Notification to Board
~~4106Licensed Employee:Theft or Impairment~~
~~4107Retaining Records on Premises~~
4104 Licensed Employee, Theft or Impairment: Pharmacy Procedures
4105 Retaining Records of Dangerous Drugs and Devices on Licensed Premises; Temporary Removal; Waivers; Access to Electronically Maintained Records

Article 7. Pharmacies

~~4113Non-Resident Pharmacy Registration~~
4112 Nonresident Pharmacy: Registration; Provision of Information to Board; Maintaining Records; Patient Consultation
4113 Pharmacist in Charge: Notification to Board; Responsibilities
4115 Pharmacy Technician: Activities Permitted; Required Supervision; Activities Limited to Pharmacist; Registration; Requirements for Registration; Ratios
~~4116Pharmacy Technician Activities~~
4115.5 Pharmacy Technician Trainee; Placement; Supervision; Requirements
4116 Security of Dangerous Drugs and Devices in ~~—~~Pharmacy: Pharmacist Responsibility for Individuals on Premises; Regulations
4117 ~~Security – Hospital Pharmacy~~Admission to Area Where Narcotics are Stored, etc. – Who May Enter
4120 Non-~~R~~resident Pharmacy: Registration Required
4125 Pharmacy Quality Assurance Program Required; Records Considered Peer Review

Documents

Article 9. Hypodermic Needle and Syringes

4140 Unlawful Possession
4147 Disposal of Needle or Syringe

Article 11. Wholesalers and Manufacturers

4161 Nonresident Wholesaler: When License Required; Application
4163 ~~Sales to~~ Unauthorized ~~Persons~~Furnishing by Manufacturer or Wholesale
4164 ~~Reporting by Manufacturer and Wholesalers~~Reports Required
4169(a)(1) Prohibited Acts

Article 13. Non-Profit of Free Clinics

4185 Inspection~~s~~ Permitted

Article 14. Surgical Clinics

4195 Inspection~~s~~ Permitted

Article 19. Disciplinary Proceedings

4301 ~~General u~~Unprofessional ~~c~~Conduct ~~and~~ - subsections (a)-(h), (j), and (l) ~~through~~ - (q)
4302 ~~Pharmacy Corporation~~Discipline of Corporate Licensee for Conduct of Officer, Director, Shareholder
4303 Nonresident Pharmacy: Grounds for Discipline
4304 Out-of-~~S~~state Distributor:~~s~~ Authority to Discipline
~~4307Failure to Notify Board of Termination of Pharmacist in Charge; Operation of Pharmacy without a Pharmacist~~
4305 Disciplinary Grounds: Failure of Pharmacy, Pharmacist to Notify Board of Termination of Pharmacist in Charge; Continuing to Operate Without Pharmacist
4305.5 Disciplinary Grounds: Failure of Other Entity Licensed by Board, of~~to Keep~~ Pharmacist ~~in Charge~~ or Exemptee ~~in Charge; Failure~~ to Notify Board of Termination of ~~Same~~Pharmacist in Charge or Exemptee; Continuing to Operate Without Pharmacist or Exemptee
~~4308Violation of Moscone-Knox Professional Corporation Act~~
4306 Violation of Professional Corporation Act as Unprofessional Conduct
4306.5 ~~Pharmacist~~ Misuse of Education, etc. by Pharmacist Outside Course of Practice of Pharmacy as Unprofessional Conduct

Article 20. Prohibitions and Offenses

4326 ~~Hypodermics: Obtaining Falsely; Misuse~~Misdemeanor: Obtaining Needle or Syringe by Fraud, etc.; Unlawful Use of Needle or Syringe Obtained from Another
4328 ~~Allowing Compounding by Non-pharmacist~~Misdemeanor: Permitting Compounding, Dispensing, or Furnishing by Non-pharmacist
4330 ~~Pharmacy; Failure to Place Pharmacist in Charge-, Subverting Compliance with Law by Pharmacist-in- Charge~~Misdemeanor: Non-pharmacist Owner Failing to Place

Pharmacist in Charge, Dispensing or Compounding Except by Pharmacist, Interfering with Pharmacist in Charge

4331 ~~Veterinary Food-Animal Drug Retailer; Dispensing by Other than Pharmacist or Exemptee; Failure to Place Pharmacist or Exemptee in Charge~~Misdemeanor: Medical Device Retailer, Wholesaler, Veterinary Food-Animal Drug Retailer Failing to Place Pharmacist or Exemptee in Charge, Permitting Dispensing or Compounding Except by Pharmacist or Exemptee

4333 ~~Failure to Maintain Prescription Files~~Maintaining Prescriptions, Other Drug Records on Premises, Open to Inspection; Waiver; Willful Failure to Keep or Permit Inspection of Records of Prescriptions, Other Records as Misdemeanor

4340 ~~Advertisement of Pharmacy Services by Unregistered Non-Resident Pharmacy~~Unlawful Advertising by Nonresident Pharmacy Not Registered with Board

Article 22. Unfair Trade Practices

4380 Resale of Preferentially Priced Drugs;~~; Emergency~~ Prohibition; Exceptions

~~4381 Violation of Section 4380 as Unfair Competition; Right of Private Action to Enforce~~

4382 ~~Authority of~~ Board ~~to~~ May Audit ~~for Compliance~~Sales to Walk-in Customers

CALIFORNIA CODE OF REGULATIONS, TITLE 16

1707.1 Duty to ~~m~~Maintain ~~m~~Medication ~~p~~Profiles (~~p~~Patient ~~m~~Medication ~~r~~Records) ~~– requirements for maintenance of patient medication profiles~~

1707.2 Notice to ~~c~~Consumers and ~~d~~Duty to ~~c~~Consult~~– requirements of pharmacist to consult; posting of notice to consumers~~

1707.3 ~~Reviewing the patient profile prior to consultation~~Duty to Review Drug Therapy and Patient Medication Record Prior to Deliver

1709.1 Designation of ~~p~~Pharmacist in ~~c~~Charge

1714.1 Pharmacy Operation ~~d~~During Temporary Absence of a Pharmacist

~~1716Self-Assessment of a Pharmacy by the Pharmacist-in-Charge~~

1715 Self-Assessment of a Pharmacy by the Pharmacist-in-Charge

1715.5 ~~Transmitting Schedule II Prescription Information to CURES~~Implementation of Electronic Monitoring of Schedule II Prescriptions

1716.1 Compounding Unapproved ~~d~~Drugs for ~~p~~Prescriber ~~o~~Office ~~u~~Use

1716.2 Record ~~r~~Requirements~~- when c~~Compounding for ~~f~~Future ~~f~~Furnishing

1717.2 Notice of Electronic Prescription Files

1717.3 Preprinted, ~~m~~Multiple ~~c~~Check-off ~~p~~Prescription ~~b~~Blanks

1723.1 Confidentiality of Examination Questions

1745 Partial ~~f~~Filling of Schedule II ~~p~~Prescriptions

1751.10 Furnishing to ~~p~~Parenteral ~~p~~Patient at ~~h~~Home~~– carrying and furnishing dangerous drugs to parenteral patients~~

1761(a) Erroneous or Uncertain Prescriptions–

1764 Unauthorized ~~d~~Disclosure of ~~p~~Prescriptions~~– revealing the contents of a prescription to unauthorized persons~~

1765 Commissions, ~~g~~Gratuities, and ~~r~~Rebates~~– commission, gratuity or rebate to a health care facility~~

1766 False or ~~m~~Misleading ~~a~~Advertising

1775.3 Compliance with Orders of Abatement

1782 Reporting Sales of Drugs Subject to Abuse

1783 Manufacturer or Wholesaler Furnishing Drugs or Devices

~~1775.4Compliance with Orders of Abatement~~
~~1784Reporting Sales of Drugs Subject to Abuse~~
~~1785Manufacturer or Wholesaler Furnishing~~
~~1793.1 to~~
~~1793.7 Ancillary personnel - pharmacy technician requirements and tasks~~
1793.1 Duties of a Pharmacist
1793.2 Duties of a Pharmacy Technician
1793.3 Other Non-Licensed Pharmacy Personnel
1793.4 Qualifications for Registration as a Pharmacy Technician
1793.7 Requirements for Pharmacies Employing Pharmacy Technicians
1793.8 Technicians in Hospitals with Clinical Pharmacy Programs

HEALTH AND SAFETY CODE~~, TITLE 22~~

11103 Report of ~~t~~Theft, ~~l~~Loss, or ~~s~~Shipping ~~d~~Discrepancy~~ - reporting losses of restricted chemicals to Department of Justice~~
~~11123 Warehouseman License~~
~~11124 Warehouse Inventory~~
~~11125 Warehouseman Bond~~
~~11128 Nontransferability of Warehouse License~~
~~11129 Discipline or Denial of Warehouse License~~
~~11130 Disciplinary Grounds for Warehouse License~~
~~11131 Disciplinary Grounds for Warehouse License~~
11150 ~~Issuing Controlled Substance Prescription~~Persons Authorized to Write or Issue a Prescription
11152 Nonconforming ~~p~~Prescriptions Prohibited~~ - filling a prescription that does not conform to the requirements of the code~~
11154 ~~Issuing~~ Prescription~~s~~, etc. Must Be for Treatment; Knowing Soliciting of Unlawful Prescription, etc.
11156 Prescribing, etc. ~~Administering or dispensing c~~Controlled ~~s~~Substances to ~~a~~Addict Only as Authorized~~ - prohibition on administering or dispensing a controlled substance to an addict or a habitual user~~
11164 ~~Completion of p~~Prescriptions for Schedule II, III, IV and~~-~~ V ~~c~~Controlled ~~s~~Substance: Form and Content; Record of Practitioner Dispensing Schedule II Controlled Substance~~ - prescription requirements for controlled substances~~
11165(d) CURES Transmission
11166 Time Limit ~~F~~for Filling Schedule II Prescription~~s~~; Knowingly Filling Mutilated, Forged, or Altered Prescription~~s~~ Prohibited
11170 Prohibition on Prescribing, etc. ~~c~~Controlled ~~s~~Substance for ~~s~~Self~~-use - prohibition on prescribing, administering or furnishing controlled substance to self~~
11179 Retention of Controlled Substance Prescription~~ period - prescription file to be maintained' for three (3) years~~
11207 ~~Filling prescription o~~Only ~~by p~~Pharmacist or ~~i~~Intern Authorized to Fill Prescription ~~pharmacist - dispensing, compounding, filling by pharmacist or intern pharmacist only~~
11209 Delivery and Receiving Requirements for Schedule II, III, and~~ &~~ IV Substances; Violation
11350 Possession of ~~s~~Specified ~~c~~Controlled ~~s~~Substance~~ - illegal possession of a narcotic~~
11377 Unlawful ~~p~~Possession of ~~s~~Specified ~~s~~Substance~~ - illegal possession of a non-narcotic controlled substance~~

CODE OF FEDERAL REGULATIONS, TITLE 21

1304.03 Persons required to keep records and file reports.
1304.04 Maintenance of records and inventories.
1304.11 ~~General~~ Inventory requirements.~~ for inventories~~
1304.21 General requirements for continuing records.
1304.22 Records for manufacturers, distributors, dispensers, researchers, importers and exporters.
1305.07 ~~Power of attorney~~Special procedures for filling certain orders.
1305.13 ~~Preservation of order forms~~Procedure for filling DEA Forms 222.
1306.04 Purpose of issue of prescription.

1306.06 Persons entitled to fill prescriptions.
~~1306.08Administering or dispensing of narcotic drugs~~
1306.11 Requirement ~~of Schedule II P~~prescription~~s~~.
1306.12 Refilling prescriptions. ~~– Schedule II~~
1306.13 Partial filling of prescriptions. ~~– Schedule II~~
1306.21 Requirement of prescription. ~~– Schedule III and IV~~
1306.22 Refilling of prescriptions. ~~– Schedule III and IV~~
1306.23 Partial filling of prescriptions. ~~– Schedule III and IV~~

CATEGORY III

Minimum: Revocation; Revocation stayed, 90 days actual suspension, three to five years probation (five years probation where self-administration or diversion of controlled substances ~~is involved~~ occurred at the licensed premises). All standard terms and conditions and optional terms and conditions as appropriate.

For a licensed premises, a minimum 14-28 days actual suspension.

Maximum: Revocation

Category III discipline is recommended for:

- most criminal convictions involving dangerous drugs or controlled substances
- knowing or willfully violating laws or regulations pertaining to dispensing or distributing dangerous drugs or controlled substances
- fraudulent acts committed in connection with the licensee's practice
- drug shortages
- violation of a licensee's corresponding responsibility.

Violations of the following codes are ~~as follows~~representative of this category:

BUSINESS AND PROFESSIONS CODE

Article 3. Scope of Practice and Exemptions

4051(a) Conduct Limited ~~T~~to Pharmacist
~~4060Furnishing without prescription~~
4059 Furnishing Dangerous Drugs or Devices Prohibited Without Prescription: Exceptions
4059.5 ~~Ordering~~ Who May Order Dangerous Drugs or Devices: Exceptions

Article 5. Authority of Inspectors

4080 Stock of Dangerous Drugs and Devices Kept Open for Inspection
4081 Records of ~~Acquisition and Dispensing;~~ Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory
4085(a) Unlawful to Remove, Sell, Dispose of Embargoed Dangerous Drug or Dangerous Device

Article 7. Pharmacies

4110 ~~Requirement of~~ License Required; Temporary ~~Licenses~~Permit Upon Transfer of Ownership
4111 Restrictions on Prescriber Ownership ~~by Prescribers Prohibited~~

Article 11. Wholesalers and Manufacturers

4169(a)(2) to
4169(a)(5) Prohibited Acts

Article 15. Veterinary Food-Animal Retailers

4199 Labeling~~, Recordkeeping~~ Requirements; Maintaining Prescription Records

Article 19. Disciplinary Proceedings

4301 Unprofessional Conduct - ~~S~~subsections (i) ~~and~~- (k) and (o)
4307 Prohibition ~~against~~ of Association ~~with a~~of Individual with Entity License by Board: Length of Prohibition; Individuals Covered; Imposition of Prohibition Through Administrative Act Proceeding
4308 ~~Notification of Licensee Person is~~ Prohibited ~~from~~ Association:~~;~~ ~~Replacement~~Notification of Affected Licensees Known to Board

Article 20. Prohibitions and Offenses

4322 Misdemeanor or Infraction: False Representations to ~~Obtain~~Secure License for Self or Others; False Representation of Licensure; Penalties
4323 Misdemeanor: False Representation of Self as Physician, Agent of Physician, etc. ~~by Telephone or Electronic Transmission~~ to Obtain ~~a~~ Drug
4324 Felony or Misdemeanor: Forgery of Prescription; Possession of Drugs Obtained Through Forged Prescription~~or Alteration~~
4325 Misdemeanor: Manufacture, Possession, etc. of False ~~Producing~~ Prescription Blank~~s Without Authorization~~
4327 Misdemeanor: Sale, Dispensing, or Compounding While Under the Influence ~~Use~~ of ~~Alcohol or~~ Drugs ~~while on Duty~~or Alcoholic Beverages
4329 Misdemeanor: Non-pharmacist ~~Taking Charge~~Acting as Manager, Compounding, Dispensing or Furnishing Drugs
4332 Misdemeanor: Failure or Refusal to Maintain or Produce ~~or Provide~~ Required Drug or Device Records; Willful Production of False Records
4335 Voided License: Knowing Failure to Arrange for Disposition of Stock as Misdemeanor
4336 Felony: Knowing or Willful Use of Minor to Violate Specified Sections of Pharmacy Law: Exception for Pharmacist Furnishing Pursuant to a Prescription
~~4337Failure to Arrange for Transfer of Stock after Closure~~
~~4338Use of Minor as Agent to Violate Pharmacy Law~~

Article 22. Unfair Trade Practices

4380 Resale of Preferentially Priced Drugs: Prohibition; Exceptions

CALIFORNIA CODE OF REGULATIONS, TITLE 16

1718 Current ~~i~~Inventory ~~d~~Defined~~ – audit accountability of dangerous drugs~~
1761(b) ~~Controlled substance prescription - professional judgment~~Erroneous or Uncertain Prescriptions
~~1771 to~~
~~1774 Disciplinary conditions of suspension and probation~~
1771 Posting of Notice of Suspension
1772 Disciplinary Condition of Suspension
1773 Disciplinary Conditions of Probation of Pharmacist

1774 Disciplinary Conditions of Probation of Permit

HEALTH AND SAFETY CODE~~, TITLE 22~~

11104 Providing Chemical for Illicit Manufacturing; Evasion of Reporting Requirements; Penalties~~controlled substances for manufacturing~~
11105 False Statement in Report
~~11122 Storage of Controlled Substances~~
11150 Persons ~~a~~Authorized to ~~w~~Write or ~~i~~Issue a ~~p~~Prescription
11153 Responsibility for Legitimacy of~~controlled substance~~ ~~p~~Prescription; Corresponding Responsibility of Pharmacist~~—corresponding responsibility of a pharmacist~~
11153.5 Wholesaler or Manufacturer Furnishing ~~a c~~Controlled ~~s~~Substance ~~for o~~Other ~~t~~Than for ~~a l~~Legitimate ~~m~~Medical ~~p~~Purpose; Knowing Violation; Factors in Assessing Legitimacy~~- corresponding responsibility of a wholesaler or manufacturer~~
11157 No False or ~~f~~Fictitious ~~p~~Prescriptions~~- issuing a false or fictitious prescription~~
11162.5 Counterfeiting or ~~p~~Possession of ~~c~~Counterfeit Triplicate ~~p~~Prescription ~~b~~Blank; Penalty
11167.5 Pharmacy Generated Prescription for Schedule II Controlled Substance in a Skilled Nursing Facility
11173 Fraud, ~~d~~Deceit, ~~m~~Misrepresentation or ~~f~~False ~~s~~Statement; False Representation; False Label~~- obtaining controlled Substances by fraud or deceit~~
11174 Prohibition on Providing False ~~n~~Name or ~~a~~Address in Connection with Prescription, etc.~~- false name or address on prescription~~
11351 Possession or ~~p~~Purchase for ~~s~~Sale of ~~s~~Specified ~~c~~Controlled ~~s~~Substance~~—illegal possession for sale of a narcotic~~
11368 Forged or ~~a~~Altered ~~p~~Prescriptions~~-forging a narcotic prescription~~
11375 Possession for ~~s~~Sale or ~~s~~Selling ~~s~~Specified ~~s~~Substance
11378 Possession for ~~s~~Sale~~-illegal possession for sale of a nonnarcotic~~
11550 Useing or ~~b~~Being ~~u~~Under ~~the i~~Influence of ~~c~~Controlled ~~s~~Substance
111295 Manufacturing, Selling or Offering for Sale an Adulterated Drug or Device
111300 Unlawful to Adulterate a Drug
111305 Unlawful to Receive in Commerce an Adulterated Drug
111440 Unlawful Manufacturer, selling a misbranded Drug
111445 Unlawful for a Person to Misbrand
111450 Unlawful to Receive into Commerce a Drug that is Misbranded

CATEGORY IV

Penalty: Revocation

Revocation is recommended for violations of the Uniform Controlled Substance Act (Heath and Safety Code 11000 et seq.) involving:

- possession for sale
- transportation
- importation
- sale
- use of a minor for the unlawful sale of controlled substances

Revocation is also recommended when:

- a respondent fails to file a notice of defense or to appear at a disciplinary hearing

where the board has requested revocation in the accusation

- a respondent violates the terms and conditions of probation from a previous disciplinary order
- prior discipline has been imposed, as progressive discipline unless the respondent can demonstrate satisfactory evidence of rehabilitation.

Violations of the following codes are ~~as follows~~representative of this category:

HEALTH AND SAFETY CODE~~, TITLE 22~~

11352	Importing, ~~s~~Selling, ~~f~~Furnishing ~~c~~Controlled ~~s~~Substance~~ - illegal sale of a narcotic~~
11353	Adult ~~i~~Inducing ~~m~~Minor to ~~v~~Violate ~~controlled substances p~~Provisions
11379	Transporting, ~~i~~Importing, ~~s~~Selling ~~c~~Controlled ~~s~~Substance~~s - illegal sale of a non-narcotic~~
11380	Adult ~~u~~Using, ~~s~~Soliciting or ~~i~~Intimidating ~~m~~Minor for ~~v~~Violation~~ - violation of non-narcotic provisions or the use of a minor~~

MODEL DISCIPLINARY LANGUAGE - PREMISES

The following standardized language shall be used in every decision where the order or condition is imposed.

Revocation~~ - Single Cause~~

License number _____, issued to respondent _____, is revoked.

~~**For premises:**~~ Respondent owner shall, by the effective date of this decision, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled substances and dangerous drugs and devices. Respondent owner shall provide written proof of such disposition, submit a completed Discontinuance of Business form and return the wall and renewal license to the board within five days of disposition.

~~Revocation - Multiple Causes~~

~~License number _____, issue to respondent _____ is revoked pursuant to Determination of Issues _____, separately and together.~~

~~**For premises:** Respondent shall, by the effective date of this decision, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled substances and dangerous drugs and devices. Respondent shall provide written proof of such disposition to the board within five days of disposition.~~

Suspension ~~- Single Cause~~

License number _____, issued to respondent _____ is suspended for a period of _____ days beginning the effective of this decision.

~~Suspension - Multiple Causes~~

~~Respondent is suspended from _____ operations for _____ beginning the effective date of this decision.~~

Standard Stay/Probation Order

License number _____, issued to respondent is revoked~~_____~~; however, the revocation~~_____~~ is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Issuance of Probationary License (In cases where a Statement of Issues has been filed.)

~~The application for licensure of respondent is hereby granted, on the following terms and conditions:~~

~~1.That, respondent first meet all statutory and regulatory requirements for the issuance of a license to _____.~~

~~2.That, following the satisfaction of #1, respondent's license be issued and immediately revoked, the order of revocation being stayed and respondent placed on probation for a~~

~~period of _____ years on the following terms and conditions:~~
Upon satisfaction of all statutory and regulatory requirements for issuance of a license, a license shall be issued to respondent and immediately revoked; the order of revocation is stayed and respondent is placed on probation for _____ years upon the following terms and conditions:

Surrender

Respondent owner surrenders license number _____ as of the effective date of this decision. Respondent owner shall relinquish ~~his or her~~the premises wall license and ~~pocket~~ renewal license to the board within ten (10) days of the effective date of this decision.

The surrender of respondent's license and the acceptance of the surrendered license by the board shall constitute the imposition of discipline against respondent. This decision constitutes a record of discipline and shall become a part of respondent's license history with the board.

Respondent owner shall, within ten (10) days of the effective date, arrange for the destruction of, the transfer to, sale of or storage in a facility licensed by the board of all controlled substances and dangerous drugs and devices. Respondent owner shall further provide written proof of such disposition and submit a completed Discontinuance of Business form according to board guidelines.

Respondent owner understands and agrees that if he or she ever files an application for a licensed premises or a petition for reinstatement in the State of California, the board shall treat it as a new application for licensure.

Respondent owner may not reapply for any license~~, permit, or registration~~ from the board for three (3) years from the effective date of this decision. Respondent owner stipulates that should he or she apply for any license from the board on or after the effective date of this decision, all allegations set forth in the [accusation or petition to revoke probation] shall be deemed to be true, correct and admitted by respondent when the board determines whether to grant or deny the application. Respondent shall satisfy all requirements applicable to that license as of the date the application is submitted to the board~~, including, but not limited to taking and passing the California Pharmacist Licensure Examination prior to the issuance of a new license~~. Respondent is ~~obligated~~ required to report this surrender as disciplinary action.

Respondent owner further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution in the amount of $_____ within _____ days of the effective date of this decision.

Option: Respondent owner stipulates that should he or she apply for any license from the board on or after the effective date of this decision the investigation and prosecution costs in the amount of $_____ shall be paid to the board prior to issuance of the new license.

Public Reprimand

It is hereby ordered that a public reprimand be issued against licensee, _____.
Respondent owner is required to report this reprimand as a disciplinary action.

Adoption of Stipulation

It is understood by respondent owner that, in deciding whether to adopt this stipulation, the board may receive oral and written communication from its staff and the Attorney General's Office. Communications pursuant to this paragraph shall not disqualify the board or other persons from future participation in this or any other matter affecting respondent. In the event this settlement is not adopted by the board, the stipulation will not become effective and may not be used for any purpose, except this paragraph, which shall remain in effect.

STANDARD CONDITIONS - To be included in all probation decisions/orders.

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

1. Obey ~~a~~All laws
2. Report~~ing~~ to the Board
3. Interview with the Board
4. Cooperat~~ion~~e with Board Staff
5. Reimbursement of Board Costs
6. Probation Monitoring Costs
7. Status of License
8. License Surrender ~~w~~While on Probation/Suspension
9. Notice to Employees
10. Owners and Officers: Knowledge of the ~~l~~Law
11. Posted Notice of Probation

~~11.~~12. Violation of Probation

~~12.~~ 13. Completion of Probation

OPTIONAL CONDITIONS

~~Term Number: (Numbers reflect actual term and condition numbers as listed beginning with page _____.)~~

~~1.Actual Suspension~~

~~2.~~14. Community Services Program

~~3.~~15. Restitution

~~4.~~16. Separate File of Records

~~5.~~17. Report of Controlled Substances

~~6.~~18. Surrender of DEA Permit

~~7.~~19. Posted Notice of Suspension

STANDARD CONDITIONS: TO BE INCLUDED IN ALL PROBATIONS

~~1.~~1. Obey All Laws

Respondent owner shall obey all state and federal laws and regulations ~~substantially related to or governing the practice of pharmacy~~.

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

- an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances laws
- a plea of guilty or nolo contendre in any state or federal criminal proceeding to any criminal complaint, information or indictment
- a conviction of any crime
- discipline, citation, or other administrative action filed by any state ~~and~~ or federal agency which involves respondent's _____ license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling or distributi~~o~~ng, ~~or~~ billing, or charging for ~~of~~ any drug, device or controlled substance.

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

~~2.~~2. Report~~ing~~ to the Board

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

~~3.~~3. Interview with the Board

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

~~4.~~4. Cooperati~~one~~ with Board Staff

Respondent owner shall cooperate with the board's inspection~~al~~ program and ~~in~~ with the board's monitoring and investigation of respondent's compliance with the terms and conditions of his or her probation. Failure to ~~comply~~ cooperate shall be considered a violation of probation.

~~5.~~5. Reimbursement of Board Costs

As a condition precedent to successful completion of probation, ~~R~~respondent owner shall pay to the board its costs of investigation and prosecution in the amount of $_____. Respondent owner shall make said payments as follows: _____. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

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

Option: If respondent owner fails to make any payment by the directed deadline(s), the stay shall terminate and the license shall be revoked without further notice or opportunity to be heard.

~~6.~~6. Probation Monitoring Costs

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

~~7.~~7. Status of License

Respondent owner shall, at all times while on probation, maintain ~~a~~ current licensure with the board. If respondent owner submits an application to the board, and the application is approved, for a change of location, change of permit or change of ownership, the board shall retain continuing jurisdiction over the license, and the respondent shall remain on probation as determined by the board. Failure to maintain current licensure shall be considered a violation of probation.

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

~~8.~~8. License Surrender ~~w~~While on Probation/Suspension

Following the effective date of this decision, should respondent ~~cease practice due to retirement or health, or be otherwise unable to satisfy the terms and conditions of probation~~owner discontinue business, respondent owner may tender ~~his or her~~ the premises license to the board for surrender. The board or its designee shall have the discretion whether to grant the request for surrender or take any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the license, respondent will no longer be subject to the terms and conditions of probation.

Upon acceptance of the surrender, respondent owner shall relinquish ~~his or her pocket~~ the premises wall and renewal license to the board within ten (10) days of notification by the board that the surrender is accepted. Respondent owner shall further submit a completed Discontinuance of Business form according to board guidelines and shall notify the board of the records inventory transfer. Respondent owner may not ~~re~~apply for any ~~license~~ new licensure

from the board for three (3) years from the effective date of the surrender. Respondent owner shall meet all requirements applicable to the license sought as of the date the application for that license is submitted to the board.

Respondent owner further stipulates that he or she shall reimburse the board for its costs of investigation and prosecution prior to the acceptance of the surrender.

~~9.~~9. Notice to Employees

Respondent owner shall, upon or before the effective date of this decision, ensure that all employees involved in permit operations are made aware of all the terms and conditions of probation, either by posting a notice of the terms and conditions, circulating such notice, or both. If the notice required by this provision is posted, it shall be posted in a prominent place and shall remain posted throughout the probation period. Respondent owner shall ensure that any employees hired or used after the effective date of this decision are made aware of the terms and conditions of probation by posting a notice, circulating a notice, or both. Additionally, respondent owner shall submit written notification to the board, within fifteen (15) days of the effective date of this decision, that this term has been satisfied. Failure to submit such notification to the board shall be considered a violation of probation.

> "Employees" as used in this provision includes all full-time, part-time, volunteer, temporary and relief employees and independent contractors employed or hired at any time during probation.

~~10.~~10. Owners and Officers: Knowledge of the Law

Respondent shall provide, within thirty (30) days after the effective date of this decision, signed and dated statements from its owners, including any owner or holder of ten percent (10%) or more of the interest in respondent or respondent's stock, and any officer, stating under penalty of perjury that said individuals have read and are familiar with state and federal laws and regulations governing the practice of pharmacy. The failure to timely provide said statements under penalty of perjury shall be considered a violation of probation.

11. Posted Notice of Probation

Respondent owner shall prominently post a probation notice provided by the board in a place conspicuous and readable to the public. The probation notice shall remain posted during the entire period of probation.

Respondent owner shall not, directly or indirectly, engage in any conduct or make any statement which is intended to mislead or is likely to have the effect of misleading any patient, customer, member of the public, or other person(s) as to the nature of and reason for the probation of the licensed entity.

Failure to post such notice shall be considered a violation of probation.

~~11.~~12. Violation of Probation

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

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

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

~~12.~~13. Completion of Probation

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

OPTIONAL CONDITIONS OF PROBATION

~~**1. Actual Suspension**~~

~~As part of probation, respondent pharmacy is suspended from the operation of pharmacy for _____ days beginning the effective date of this decision.~~

~~During suspension, respondent pharmacy may not order, maintain or dispose of any dangerous drugs and devices or controlled substances. The pharmacy may not make demand or bill for any drugs or services during the period of suspension and may not process any claims for pharmacy services during the period of suspension, except as to services rendered prior to the effective date of the suspension period. The pharmacy shall not receive or transmit any prescription, new or refill, during the period of suspension. Where the pharmacy does not maintain dangerous drugs and devices or controlled substances in an area which can be closed off from the rest of the pharmacy and locked, the entire pharmacy must be closed during the period of suspension.~~

~~2.~~14. Community Services Program

Within sixty (60) days of the effective date of this decision, respondent owner shall submit to the board or its designee, for ~~its~~ prior approval, a community service program in which respondent shall provide free health-care related services ~~on a regular basis~~ to a community or charitable facility or agency for at least _____ hours per _____ for the first _____ of probation.

Within thirty (30) days of board approval thereof, respondent owner shall submit documentation to the board demonstrating commencement of the community service program. Respondent owner shall report on progress with the community service program in the quarterly reports.

Failure to timely submit, commence, or comply with the program shall be considered a violation of probation.

~~3.~~15. Restitution (Appropriate in cases of drug diversion, theft, fraudulent billing, or patient harm resulting from negligence or incompetence.)

Within _____ days of the effective date of this decision, respondent owner shall pay restitution to _____ in the amount of $ _____. Failure to make restitution by this deadline shall be considered a violation of probation.

~~4.~~16. Separate File of Records

Respondent owner shall maintain and make available for inspection a separate file of all records pertaining to the acquisition or disposition of all controlled substances. Failure to maintain such file or make it available for inspection shall be considered a violation of probation.

~~5.~~17. Report of Controlled Substances

Respondent owner shall submit quarterly reports to the board detailing the total acquisition and

disposition of such controlled substances as the board may direct. Respondent owner shall specify the manner of disposition (e.g., by prescription, due to burglary, etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such controlled substances. Respondent owner shall report on a quarterly basis or as directed by the board. The report shall be delivered or mailed to the board no later than ten (10) days following the end of the reporting period. Failure to timely prepare or submit such reports shall be considered a violation of probation.

~~6.~~18. Surrender of DEA Permit

Within thirty (30) days of the effective date of this decision, ~~R~~respondent pharmacy shall surrender its federal Drug Enforcement Administration (DEA) permit to the DEA, for cancellation ~~within 30 days of the effective date of this decision~~. Respondent pharmacy shall provide documentary proof of such cancellation to the board or its designee. Thereafter, respondent pharmacy shall not apply/reapply for a DEA registration number without the prior written consent of the board or its designee.

Option: Respondent pharmacy may obtain a DEA permit restricted to Schedule(s) _____ controlled substance(s).

Option: Respondent pharmacy shall not order, receive, or retain any federal order forms, including 222 forms, for controlled substances.

~~7.~~19. Posted Notice of Suspension

Respondent owner shall prominently post a suspension notice provided by the board in a place conspicuous and readable to the public. The suspension notice shall remain posted during the entire period of ~~actual~~ suspension ordered by this decision.

Respondent owner shall not, directly or indirectly, engage in any conduct or make any statement, orally, electronically or in writing, which is intended to mislead or is likely to have the effect of misleading any patient, customer, member of the public, or other person(s) as to the nature of and reason for the closure of the licensed entity.

~~2/27/2001~~6/2007