



ENFORCEMENT AND COMPOUNDING COMMITTEE REPORT

Amy Gutierrez, PharmD, Chairperson

Rosalyn Hackworth, Public Member

Gregg Lippe, Public Member

Allan Schaad, RPh

Victor Law, PharmD

Note: There has been no meeting of the Enforcement and Compounding Committee since the April 23-24, 2014 Board Meeting.

1. Future Committee Meeting Dates

- September 30, 2014
- December 17, 2014

2. Fourth Quarter Report on the Committee's Goals for the 2013/14 Fiscal Year

Attachment 1

Regrettably, with few exceptions, the board is not meeting its strategic planning performance measures in enforcement activities. The backlog, in large part, is due to the implementation of SB 294 which strengthened the board's ability to regulate specialized pharmacies within and outside California that compound sterile drug products. In order to ensure that all specialized pharmacies remained licensed and operational, all of the board's inspectors were tasked with completing inspections of the compounding facilities by the July 1, 2014 implementation date. With the inspections now complete and inspectors having returned to the regularly assigned duties, board staff is working diligently to address backlogs in both investigations and related activities and expects to show progress in these areas.

3. Enforcement Statistics for the 2013/14 Fiscal Year

Attachment 2

Attachment 2 includes the fiscal year enforcement statistics. The board received 2717 complaints and closed 3093. The board issued 258 Letters of Admonishment, 1982 Citations and Fines and referred 483 cases to the Office of the Attorney General. As of July 1, 2014 the board had 1670 investigations pending and 649 cases pending at the AG's Office.

Further, included in the investigations closed were 93 cases alleging a violation of Health and Safety Code 11153 – Corresponding Responsibility, 23 of which resulted in referral to the AG’s Office to pursue disciplinary action. As the board begins to fill its positions for the new Prescription Drug Abuse team, we expect to see additional investigation initiated in this area as the board utilizes information from other sources include coroner’s reports, wholesaler sales data and more robust data mining in the CURES system.

In addition to the investigation statistics referenced above, the board also initiated 543 application investigations and completed 584 application investigations, including 76 application denials. As documented in Attachment 2, 30% of the applications denied resulted from applicant that have theft, forgery, identify theft, fraud or other types of similar convictions. In addition 29% of the applications denied had multiple DUIs and/or combinations with other convictions. 25% of the applications denied resulted from either a pending investigation, pending disciplinary action or prior disciplinary action.

The board disciplined 317 licenses including 72 pharmacists, 205 pharmacy technicians and 26 pharmacies. Of those licenses disciplined, 179 of the cases included violations of convictions of substantially related crimes. 135 included violations of moral turpitude, 132 included controlled substances and/or dangerous drug violations, and 106 included violations involving drug or alcohol use.

Inspection Information

During the 2013/14 Fiscal Year (FY), the board conducted 2,580 inspections. Of those, 401 inspections were routine, 858 were investigative, 862 were new or renewal compounding inspections, and the remaining were probation-related. Violations were found during 37 percent (963) of the inspections and each resulted in an average of three violations.

4. Three Year Comparison of Enforcement Statistics

Attachment 3

Attachment 3 provides a three year comparison of enforcement workload. Over the three year period the board has experienced a slight growth in the number of investigations is received with the number peaking in FY 2012/13. The number of investigations closed increased over the same period as well, overall about 56% when comparing FY 2011/12 to FY 2013/14 data.

The board continues to see growth in the number of Letters of Admonishment issued (80% increase) as well as the number of Citation and Fines issued (100%). Overall there is an increase in the number of cases referred to the AG’s Office for discipline (58%) from FY 2011/12 to FY 2013/14 with the referred peaking in FY 2012/13.

The number of licenses disciplined has grown as well. In FY 2011/12 the board disciplined 242 compared to 317 licenses disciplined in FY 2013/14.

The board initiated 543 application investigations during FY 2013/14 which was a 25 percent decrease from FY 2012/13. This continues the downward trend from the previous fiscal year (FY 11/12 – FY 12/13) which resulted in a 33 percent decrease.

Attachment 1

Strategic Planning: Enforcement

Success Indicators		Related Performance Measures	 Acceptance Parameters	Actual Percentage Green Light Status	Explanation
1A	Complete all desk investigations within 120 days.	[CP, CC, EF, QE, RC]	 93%  75%  74%	77%	This goal showed a 2% improvement over last quarter. Some staff temporarily redirected to assist cashiering. New staff training.
1B	Open all complaints within 10 days.	[CP, CC, EF, QE, RC]	 90%  76%  75%	94%	
1C	Review all investigations within 30 days.	[CP, CC, EF, QE, RC]	 97%  94%  93%	n/a	Under Development
1D	Complete all field investigations within 120 days.	[CP, CC, EF, QE, RC]	 94%  75%  74%	45%	Due to the high volume of sterile compounding inspections this quarter this goal was not met.
1E	Close all Board investigations and mediations within 180 days.	[CP, CC, EF, QE, RC]	 97%  94%  93%	51%	This goal showed a 2% improvement over last quarter. Due to the high volume of sterile compounding inspections this quarter this goal was not met.
1F	Issue citations and fines within 30 days.	[CP, CC, EF, QE, RC]	 96%  92%  91%	79%	This goal showed a 38% improvement over last quarter.

Strategic Planning: Enforcement

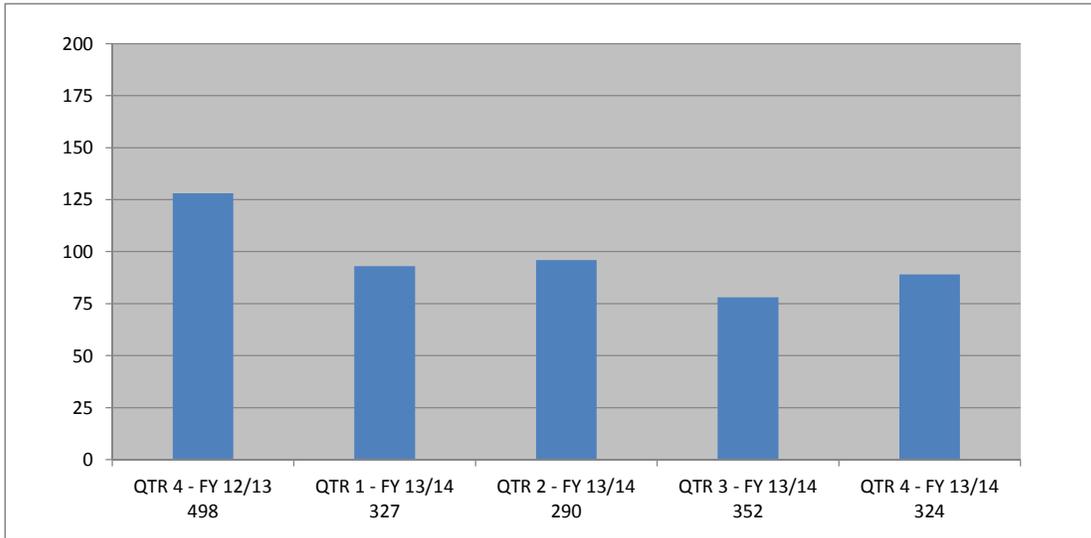
1G	Issue letters of admonishment within 30 days.	[CP, CC, EF, QE, RC]	<input type="radio"/> 98% <input type="radio"/> 95% <input checked="" type="radio"/> 94%	63%	This goal showed a 20% improvement over last quarter.
1H	Complete all field investigations for cases involving drug abuse within 60 days.	[CP, HE, QE, RC]	<input type="radio"/> 98% <input type="radio"/> 96% <input checked="" type="radio"/> 95%	5%	This goal showed a 5% improvement over last quarter.
1I	Refer all cases to the AG's office within 10 days.	[CP, QE, RC]	<input type="radio"/> 97% <input checked="" type="radio"/> 82% <input type="radio"/> 81%	88%	This goal showed a 6% improvement over last quarter.
1J	Secure pleadings from AG's office within 90 days after referral.	[CP, QE, RC]	<input type="radio"/> 96% <input type="radio"/> 82% <input checked="" type="radio"/> 81%	39%	The board relies on the deputies from the Attorney Generals Office to forward pleadings within 90 days. Staff workload has prevented follow ups with the AGs Office.
1K	Inspect 100 percent of all licensed facilities once every three years by June 30, 2015.	[CP, QE, RC]	<input type="radio"/> 90% <input type="radio"/> 80% <input type="radio"/> 70%	n/a	This section is still under development however the board conducted 679 inspections this quarter.
1L	Review draft pleadings within 30 days.	[CP, QE, RC]	<input type="radio"/> 90% <input type="radio"/> 88% <input checked="" type="radio"/> 87%	9%	Due to the high volume of workload this objective is not currently being met.
1M	Perform quarterly status reports for all referral cases pending.	[CP, QE, RC]	<input type="radio"/> 90% <input type="radio"/> 80% <input checked="" type="radio"/> 70%	6%	Workload with mail votes and board packet preparation did not allow analyst to perform this function.

Strategic Planning: Enforcement

1N	Secure mail votes on all decisions within 30 days of receipt.	[CP, QE, RC]	<input type="radio"/> 97% <input checked="" type="radio"/> 91% <input type="radio"/> 90%	91%	This goal showed a 36% improvement over last quarter.
1O	Complete petitions to revoke probation cases within 30 days.	[CP, QE, RC]	<input checked="" type="radio"/> 98% <input type="radio"/> 95% <input type="radio"/> 94%	100%	
1P	Quarterly evaluate 5% of the Pharmacist Recovery Program (PRP) participants to ensure the PRP Contractor is in compliance with the contract.	[CP, QE, RC]	<input type="radio"/> 98% <input type="radio"/> 95% <input checked="" type="radio"/> 94%	0%	Staff manager participating in the BrEZe implementation which did not allow manager to perform this task.
1Q	Pursue disciplinary action, within 10 days, on a licensee closed a public risk from the Pharmacists Recovery Program.	[CP, QE, RC]	<input checked="" type="radio"/> 98% <input type="radio"/> 95% <input type="radio"/> 94%	100%	

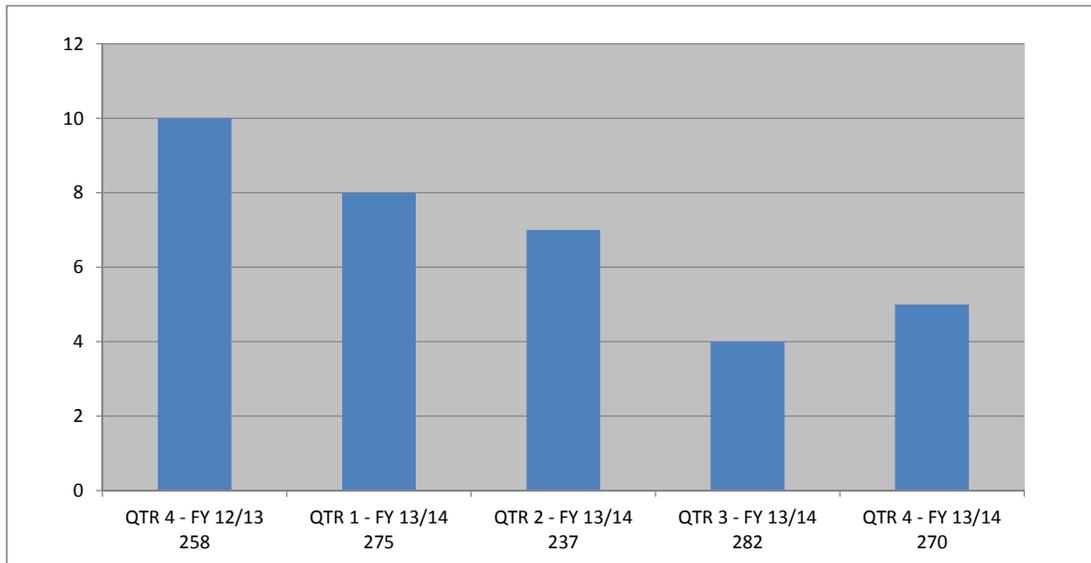
1A. Complete all desk investigations within 120 days.

(Recorded as number of cases submitted)



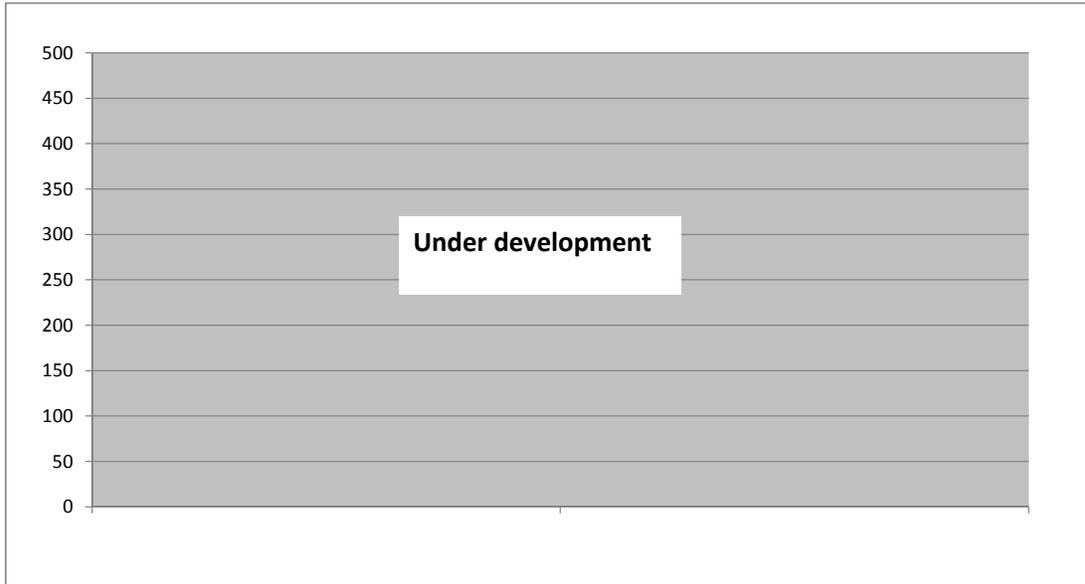
1B. Open all consumer complaints within 10 days.

(Recorded as number of cases opened)



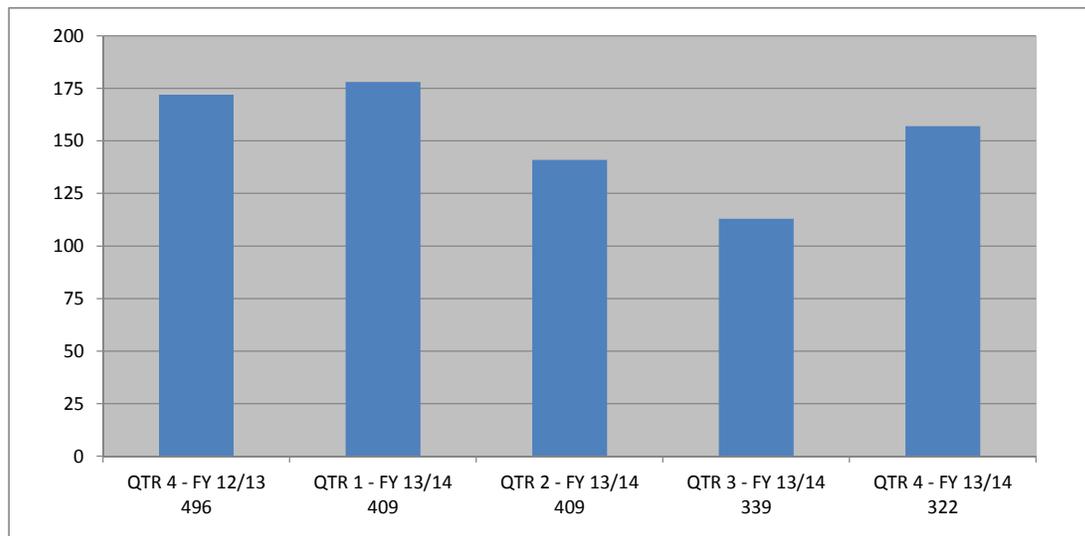
1C. Review all investigations within 30 days.

(Recorded as number of cases reviewed)



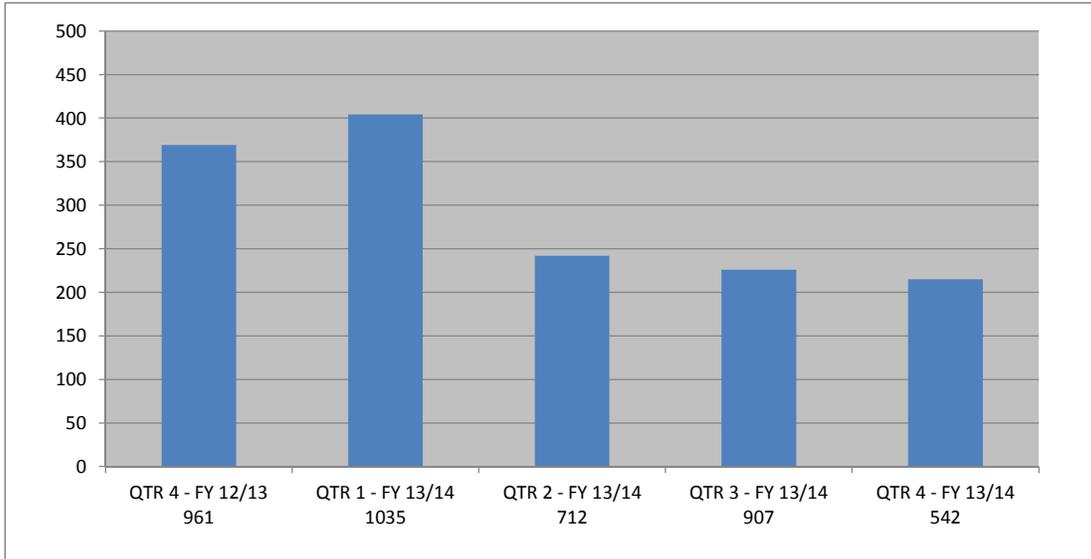
1D. Complete all field investigations within 120 days.

(Recorded as number of cases submitted)



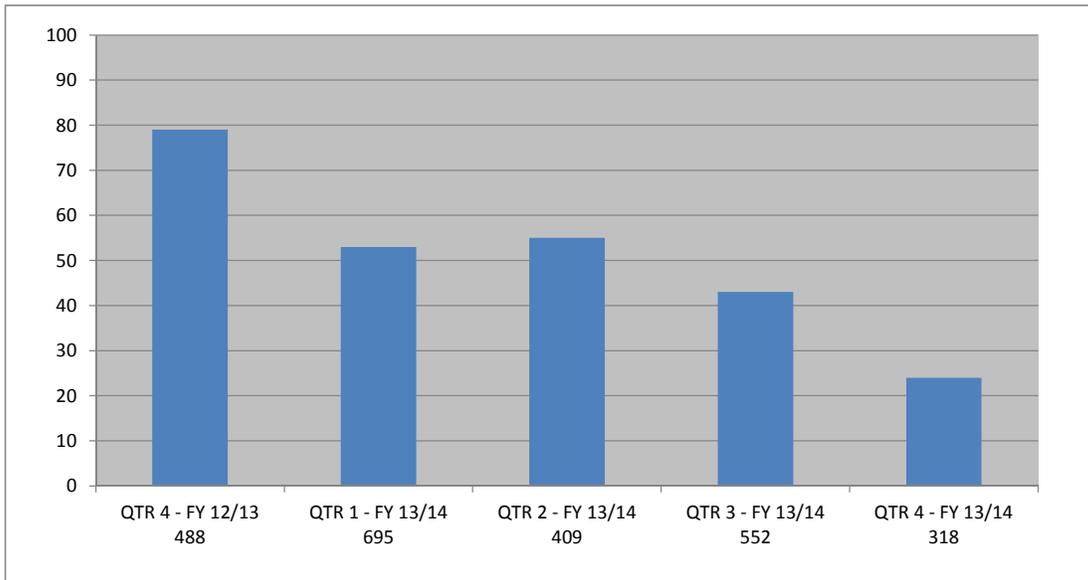
1E. Close all Board investigations and mediations within 180 days.

(Recorded as number of cases closed)



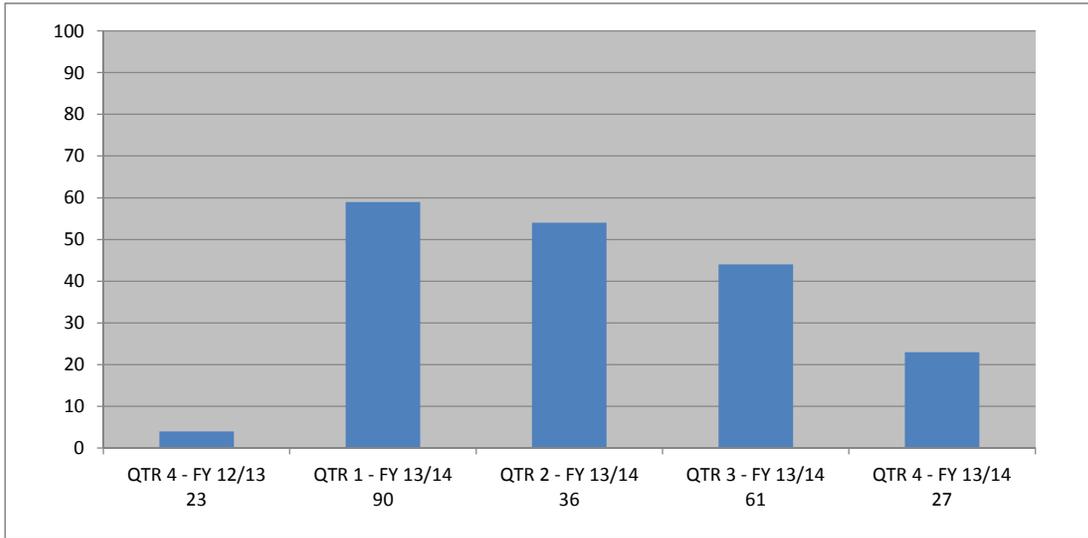
1F. Issue citations and fines within 30 days.

(Recorded as number of citations issued)

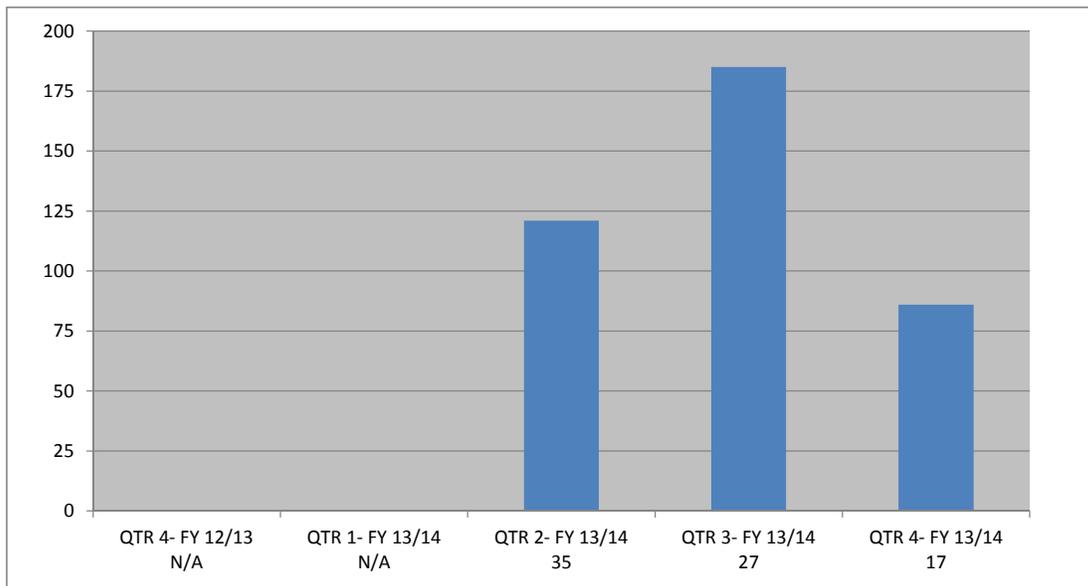


1G. Issue letters of admonishment within 30 days.

(Recorded as number of letters of admonishment issued)

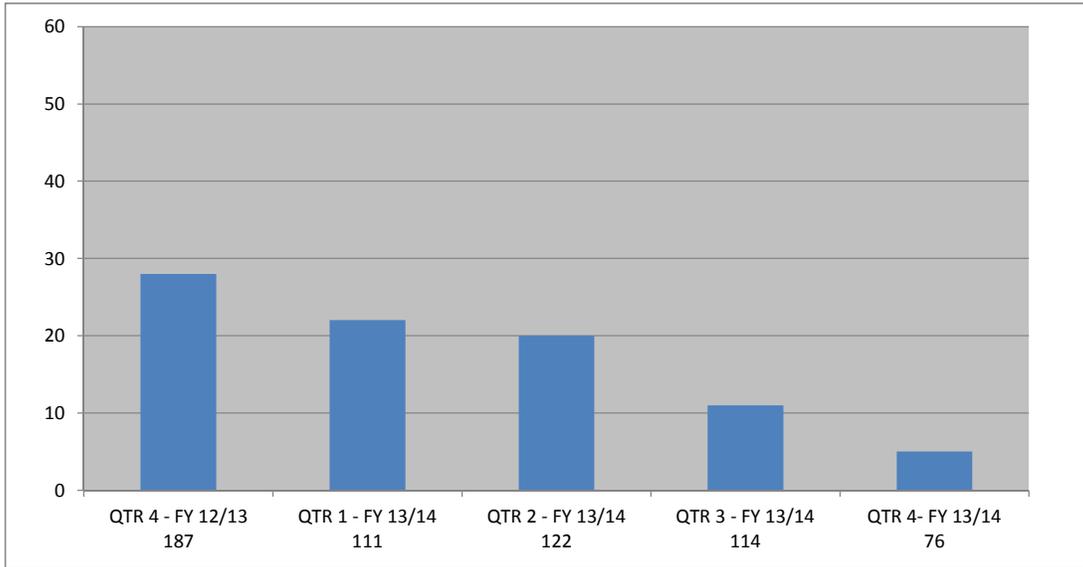


1H. Complete all field investigations for cases involving drug abuse within 60 days.



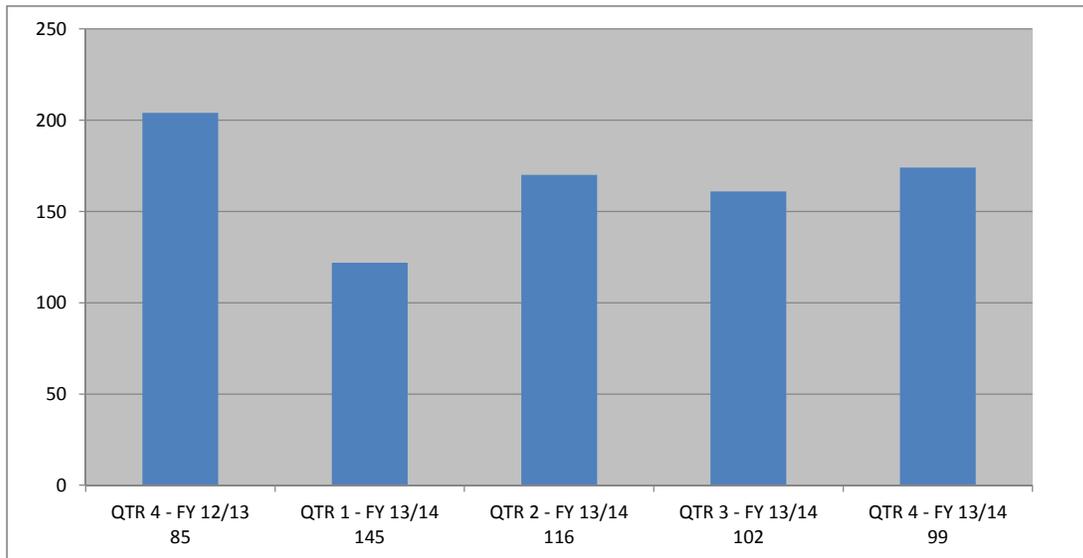
1I. Refer all cases to the AG's Office within 10 days.

(Recorded as number of cases referred)

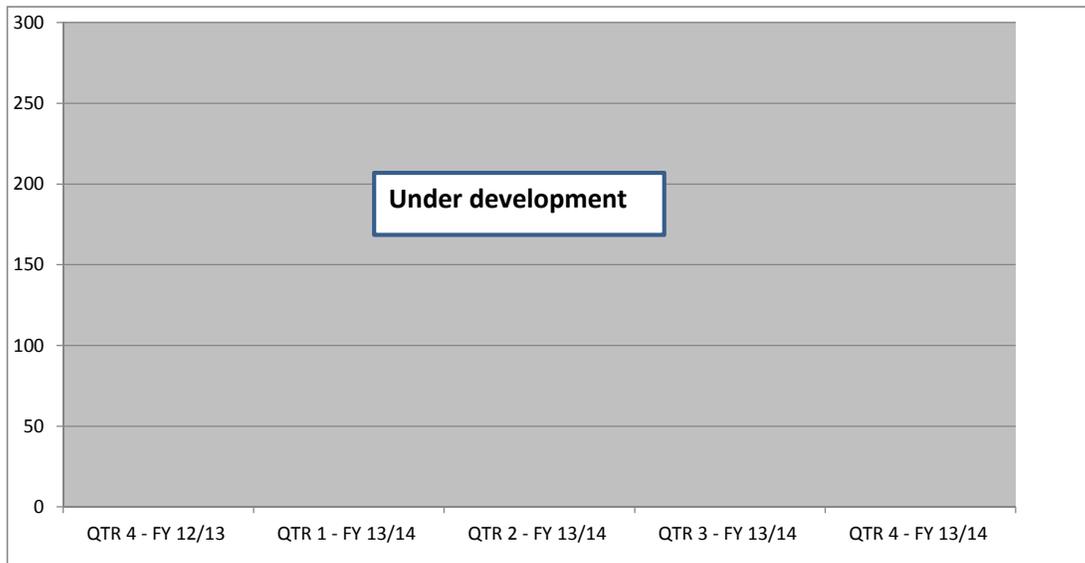


1J. Secure pleadings from AG's Office within 90 days after referral.

(Recorded as number of pleadings received)

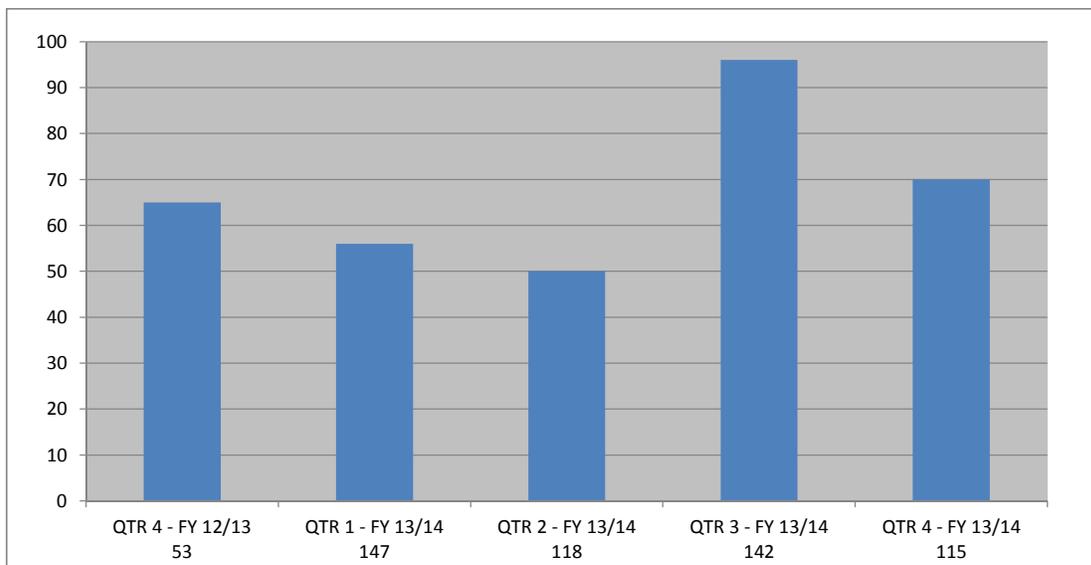


1K. Inspect 100 percent of all licensed facilities once every three years by June 30, 2015.



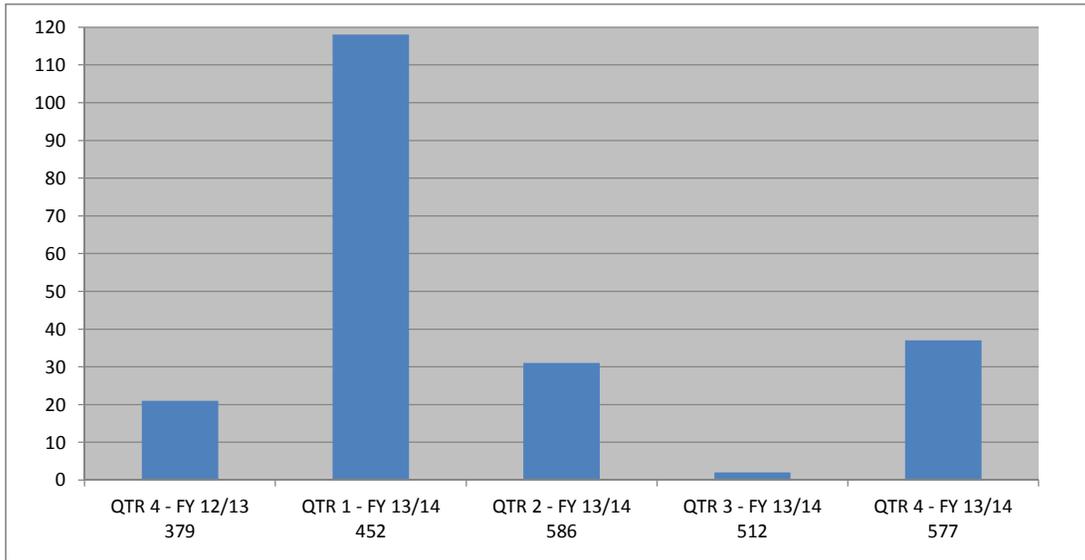
1L. Review draft pleadings within 30 days.

(Recorded as number of pleadings filed)



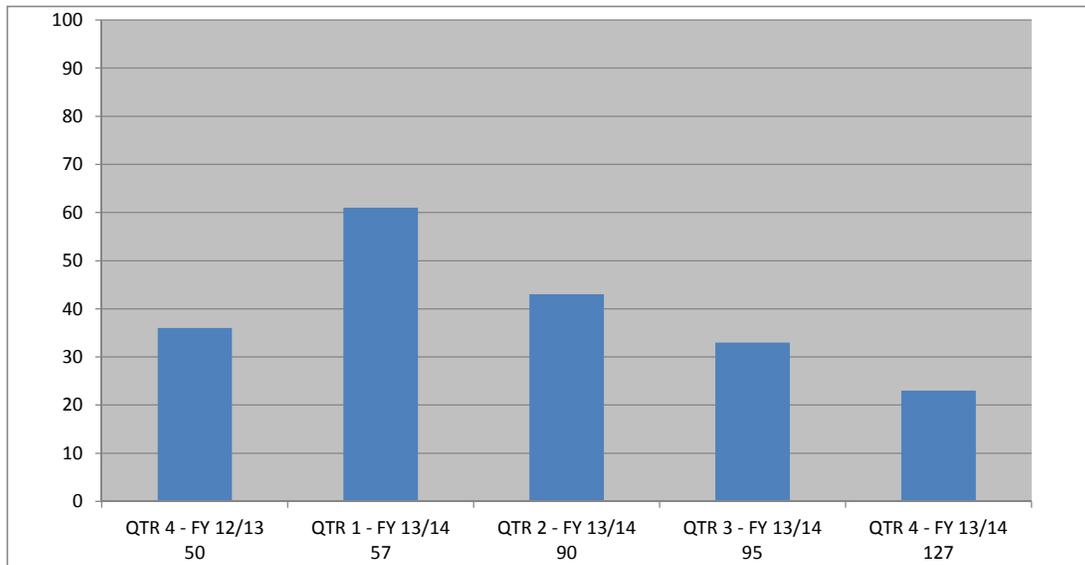
1M. Perform quarterly status reports for all referral cases pending.

(Recorded as number of cases pending over 90 days.)



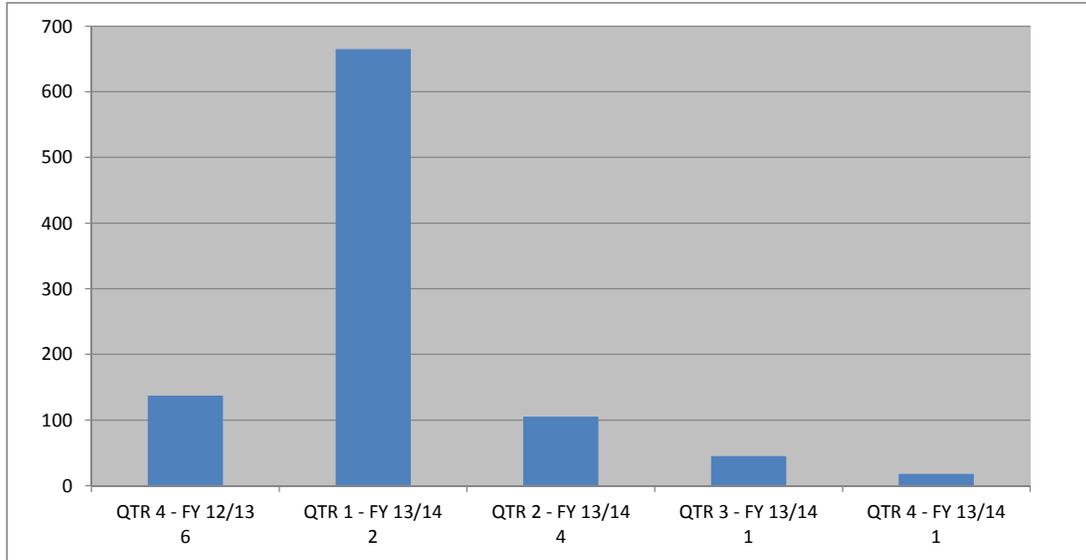
1N. Secure mail votes on all decisions within 30 days of receipt.

(Recorded as number of decisions received for mail vote)



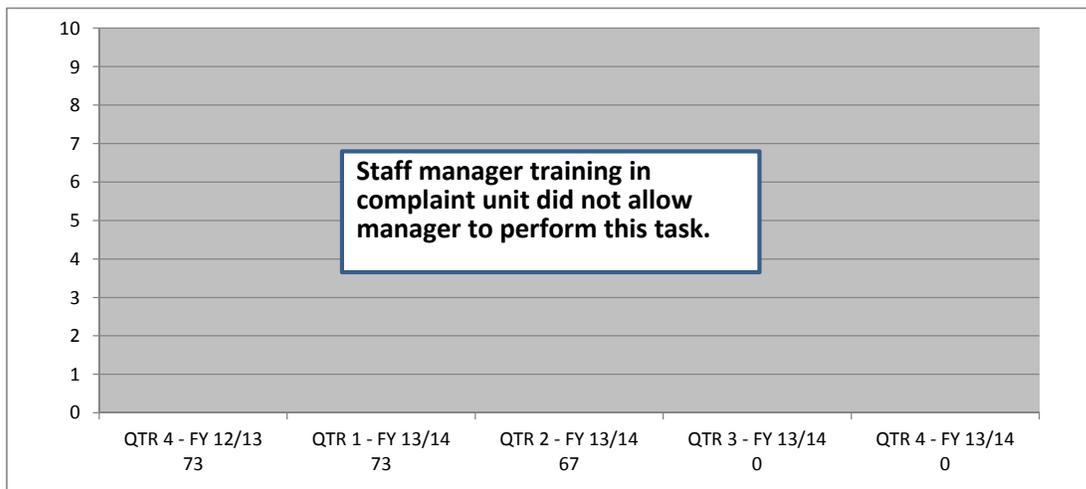
10. Complete petitions to revoke probation within 30 days.

(Recorded as number of cases submitted)



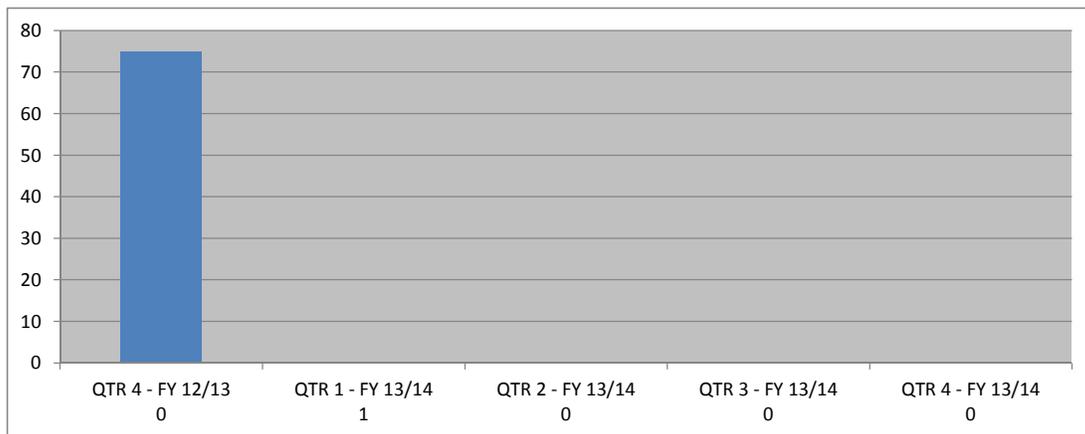
1P. Quarterly evaluate 5% of the Pharmacist Recovery Program (PRP) participants to ensure the PRP Contractor is in compliance with the contract.

(Recorded as number of participants in the PRP.)



1Q. Pursue disciplinary action, within 10 days, on a licensee closed a public risk from the Pharmacists Recovery Program.

(Recorded as number of participants closed a public risk)



Attachment 2

Board of Pharmacy Enforcement Statistics Fiscal Year 2013/2014

Workload Statistics July-Sept Oct-Dec Jan-Mar Apr-June Total 13/14

Complaints/Investigations

Received	705	624	754	634	2717
Closed	1028	680	850	535	3093
4301 letters	17	15	19	15	66
Pencing (at the end of quarter)	1827	1769	1575	1670	1670

Cases Assigned & Pending (by Team) at end of quarter*

Compliance / Routine Team	925	734	681	730	730
Drug Diversion/Fraud	216	290	358	338	338
Probation/PRP	99	80	62	56	56
Mediation/Enforcement**	304	387	186	255	55
Criminal Conviction	283	278	288	291	291

Application Investigations

Received	133	108	210	92	543
Closed					
Approved	104	75	110	77	366
Denied	15	23	24	14	76
Total ***	165	120	187	112	584
Pencing (at the end of quarter)	97	93	125	103	125

Letter of Admonishment (LOA) / Citation & Fine

LOAs Issued	99	43	78	38	258
Citations Issued	702	407	554	319	1982
Total Fines Collected ****	\$732,995.81	\$591,745.39	\$424,215.65	\$509,167.00	\$2,258,123.85

* This figure includes reports submitted to the supervisor and cases with SI awaiting assignment.

** This figure include reports submitted to the citation and fine unit, AG referral, as well as cases assigned to enf. Staff

*** This figure includes withdrawn applications.

****Fines collected (through 6/30/2014 and reports in previous fiscal year.)

Board of Pharmacy Enforcement Statistics Fiscal Year 2013/2014

Workload Statistics July-Sept Oct-Dec Jan-Mar Apr-June Total 13/14

Administrative Cases (by effective date of decision)

Referred to AG's Office*	119	157	116	91	483
Accusations Filed	114	100	95	10	319
Statement of Issues Filed	12	16	12	19	59
Petitions to Revoke Filed	11	5	6	5	27
Pending					
Pre-accusation	365	352	335	273	332
Post Accusation	305	330	343	346	343
Total*	744	722	711	649	649

Closed

Revocation					
Pharmacist	3	7	5	6	21
Intern Pharmacist	0	0	0	0	0
Pharmacy Technician	9	29	62	58	158
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Pharmacy	2	1	2	0	5

Revocation, stayed; suspension/probation

Pharmacist	1	2	3	5	11
Intern Pharmacist	1	0	0	0	1
Pharmacy Technician	0	1	0	2	3
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Pharmacy	1	0	0	0	1

Revocation, stayed; probation

Pharmacist	4	7	3	3	17
Intern Pharmacist	0	0	0	0	0
Pharmacy Technician	4	6	0	7	17
Designated Representative	0	1	0	1	2
Wholesaler	0	0	0	0	0
Sterile Compounding	0	1	1	2	4
Pharmacy	2	4	3	3	12

Surrender/Voluntary Surrender

Pharmacist	2	8	3	6	19
Intern Pharmacist	0	0	0	0	0
Pharmacy Technician	2	9	3	12	26
Designated Representative	1	0	0	0	1
Wholesaler	0	0	0	0	0
Sterile Compounding	1	0	0	1	2
Pharmacy	1	1	1	4	7

Board of Pharmacy Enforcement Statistics Fiscal Year 2013/2014

Workload Statistics **July-Sept** **Oct-Dec** **Jan-Mar** **Apr-June** **Total 13/14**

Public Repeval/Reprimand

Pharmacist	0	1	1	2	4
Intern Pharmacist	0	0	0	0	0
Pharmacy Technician	0	0	0	1	1
Designated Representative	0	0	0	1	1
Wholesaler	0	0	0	3	3
Sterile Compounding	0	0	0	0	0
Pharmacy	0	1	0	0	1

Licenses Granted

Pharmacist	0	0	0	1	1
Intern Pharmacist	0	0	0	1	1
Pharmacy Technician	4	7	4	2	17
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Pharmacy	0	0	0	0	0

Licenses Denied

Pharmacist	0	0	0	0	0
Intern Pharmacist	0	0	0	0	0
Pharmacy Technician	3	6	12	9	30
Designated Representative	0	0	0	0	0
Wholesaler	0	0	0	0	0
Sterile Compounding	0	0	0	0	0
Pharmacy	0	0	0	0	0

Cost Recovery Requested**	\$199,433.25	\$262,273.85	\$200,974.00	\$234,390.12	\$897,071.22
Cost Recovery Collected**	\$177,483.01	\$131,945.59	\$113,276.33	\$83,831.19	\$506,536.12

* This figure includes Citation Appeals

** This figure includes administrative penalties

Immediate Public Protection Sanctions

Interim Suspension Order	2	0	0	3	5
Automatic Suspension / Based on Conviction	0	3	2	0	5
Penal Code 23 Restriction	5	0	0	4	9
Cease & Desist - Sterile Compounding	1	1	0	0	2

Board of Pharmacy Enforcement Statistics Fiscal Year 2013/2014

Workload Statistics **July-Sept** **Oct-Dec** **Jan-Mar** **Apr-June** **Total 13/14**

Probation Statistics

Licenses on Probation

Pharmacist	122	125	123	123	123
Intern Pharmacist	4	3	2	2	2
Pharmacy Technician	56	55	52	43	52
Designated Representative	3	2	3	3	3
Pharmacy	4	4	4	4	4
Wholesaler	26	26	27	30	27
Probation Office Conferences	45	50	44	38	177
Probation Site Inspections	40	25	20	34	119
Successful Completion	5	9	8	9	31
Probationers Referred to AG for non-compliance	2	4	2	1	9

As part of probation monitoring, the board requires licensees to appear before the supervising inspector at probation office conferences.

These conferences are used as 1) an orientation to probation and the specific requirements of probation at the onset,

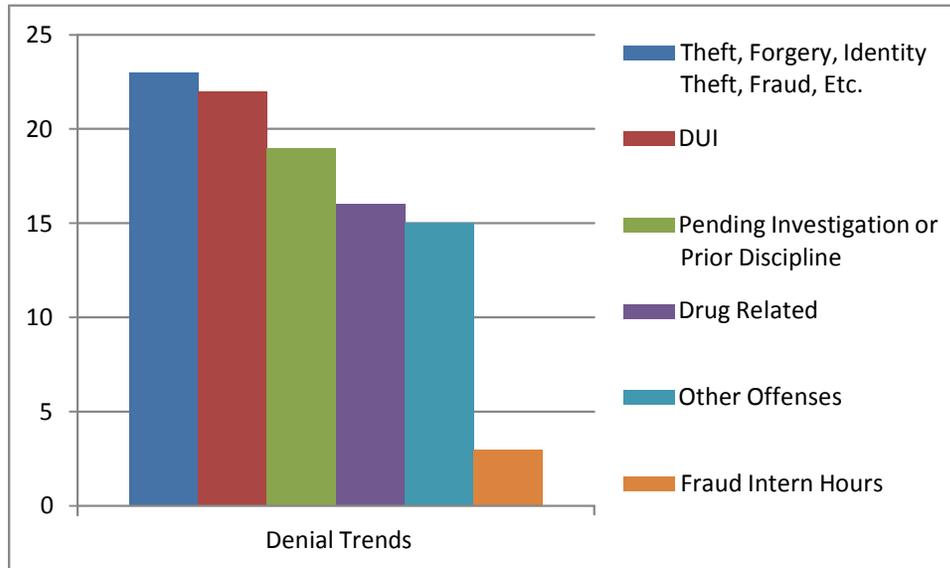
2) to address areas of non-compliance when other efforts such as letters have failed, and 3) when a licensee is scheduled to end probation.

As of June 30, 2014.

Denial Trend Report
FY 13-14

Total Denied: 76

Theft, Forgery, Identity Theft, Fraud, etc...including combo with other violations	DUI: Multiple DUI's and/or combo with other violations	Pending Investigations or Prior Discipline	Drug Related: Possession, Influence, Sell, etc... including combo with other violations	Other Offenses: Battery/Disorderly Conduct/Unlawful Sex Acts, etc... including combo with other violations	Fraud Intern Hours
23 (30%)*	22 (29%)*	19 (25%)*	16 (21%)*	15 (20%)*	3



- 23 (30%) of the 76 denied applicants had Theft/Forgery, Identity Theft, Fraud, etc... offense(s)
- 22 (29%) of the 76 denied applicants had DUI offense(s)
- 19 (25%) of the 76 denied applicants were denied based on a pending investigation or prior disciplinary action
- 16 (21%) of the 76 denied applicants had drug related offense(s)
- 15 (20%) of the 76 denied applicants had other offenses including battery, disorderly conduct, unlawful sex acts, etc...
- 3 of the 76 denied applicants were denied based on fraudulent intern hour affidavits

* Determined by the violation found in each case. i.e.: if an applicant had a DUI, theft, and drug offense, that case would be counted in the DUI, theft, and drug columns. A case is only counted one time per column to reflect the applicable offense. The percentage in each column is determined by the number of cases with the particular offense divided by the total number of cases denied.

SB 1441 – Program Statistics

Licensees with substance abuse problems who are either on board probation and/or participating in the Pharmacist Recovery Program (PRP)

Board of Pharmacy	July	Sep	Oct – Dec	Jan-Mar	Apr-Jun	Total 13/14
PRP Intakes						
PRP Self-Referrals						
PRP Board Referrals	1	2	2	2	2	7
PRP Under Investigation	4		1	1		6
PRP In Lieu Of						
Total Number of PRP Intakes	5	2	3	3	3	13
New Probationers						
Pharmacists	1	4	1	2		8
Interns	1			1		2
Technicians	3	7		5		15
Total New Probationers	5	11	1	8		25
PRP Participants and Contracts						
Total PRP Participants	70	66	64	63		70
Contracts Reviewed	70	61	67	60		258
Probationers and Inspections						
Total Probationers	115	114	105	91		115
Inspections Completed	85	75	64	72		296
PRP Referrals to Treatment						
Referrals to Treatment	2	2	2	2		8
Drug Tests						
Drug Test Ordered	1264	1237	1095	985		4581
Drug Tests Conducted	1110	1097	972	895		4074
Relapse						
Relapsed	1	5	5	4		15
Major Violation Actions						
Cease Practice/Suspension	2	5	5	7		19
Termination - PRP	2	1	1	1		5
Referral for Discipline	2	5		4		11
Exit from PRP or Probation						
Successful Completion	3	4	11	9		27
Termination - Probation	None	3	3	5		11
Voluntary Surrender	4	5	4	8		21
Surrender as a result of PTR	None	1	None	None		1
Public Risk	2	1	1	2		6
Non-compliance	12	15	9	23		59
Other	1	3	1	1		6
Patients Harmed						
Number of Patients Harmed	None	None	None	None		None

SB 1441 – Program Statistics

Licensees with substance abuse problems who are either on board probation and/or participating in the Pharmacist Recovery Program (PRP)

Board of Pharmacy	July -Sep	Oct – Dec	Jan-Mar	Apr-Jun	Total 13/14
Drug of Choice at PRP Intake or Probation					
Pharmacists	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 13/14
Alcohol	4	1	3	1	9
Ambien	2			2	4
Opiates				2	2
Hydrocodone	1			2	3
Oxycodone					
Morphine					
Benzodiazepines			1	2	3
Barbiturates					
Marijuana					
Heroin					
Cocaine			1		1
Methamphetamine					
Pharmaceutical Amphetamine					
Phentermine	2				2
Methadone					
Zolpidem Tartrate					
Hydromorphone					
Promethazine w/Codeine					
Intern Pharmacists	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 13/14
Alcohol					
Opiates	1				1
Hydrocodone					
Oxycodone	1				1
Benzodiazepines					
Barbiturates					
Marijuana				1	1
Heroin					
Cocaine					
Methamphetamine					
Pharmaceutical Amphetamine					
Phentermine					
Methadone					
Zolpidem Tartrate					
Hydromorphone					
Promethazine w/Codeine					
Pharmacy Technicians	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 13/14
Alcohol	2	3		4	9
Opiates		1			1
Hydrocodone					
Oxycodone					
Benzodiazepines					
Barbiturates					
Marijuana		1		1	2
Heroin					
Cocaine				1	1
Methamphetamine	1	2		1	4
Pharmaceutical Amphetamine					
Phentermine					
Methadone					
Zolpidem Tartrate					
Hydromorphone					
Promethazine w/Codeine					
Pharmacist Recovery Program	July-Sep	Oct-Dec	Jan-Mar	Apr-Jun	Total 13/14

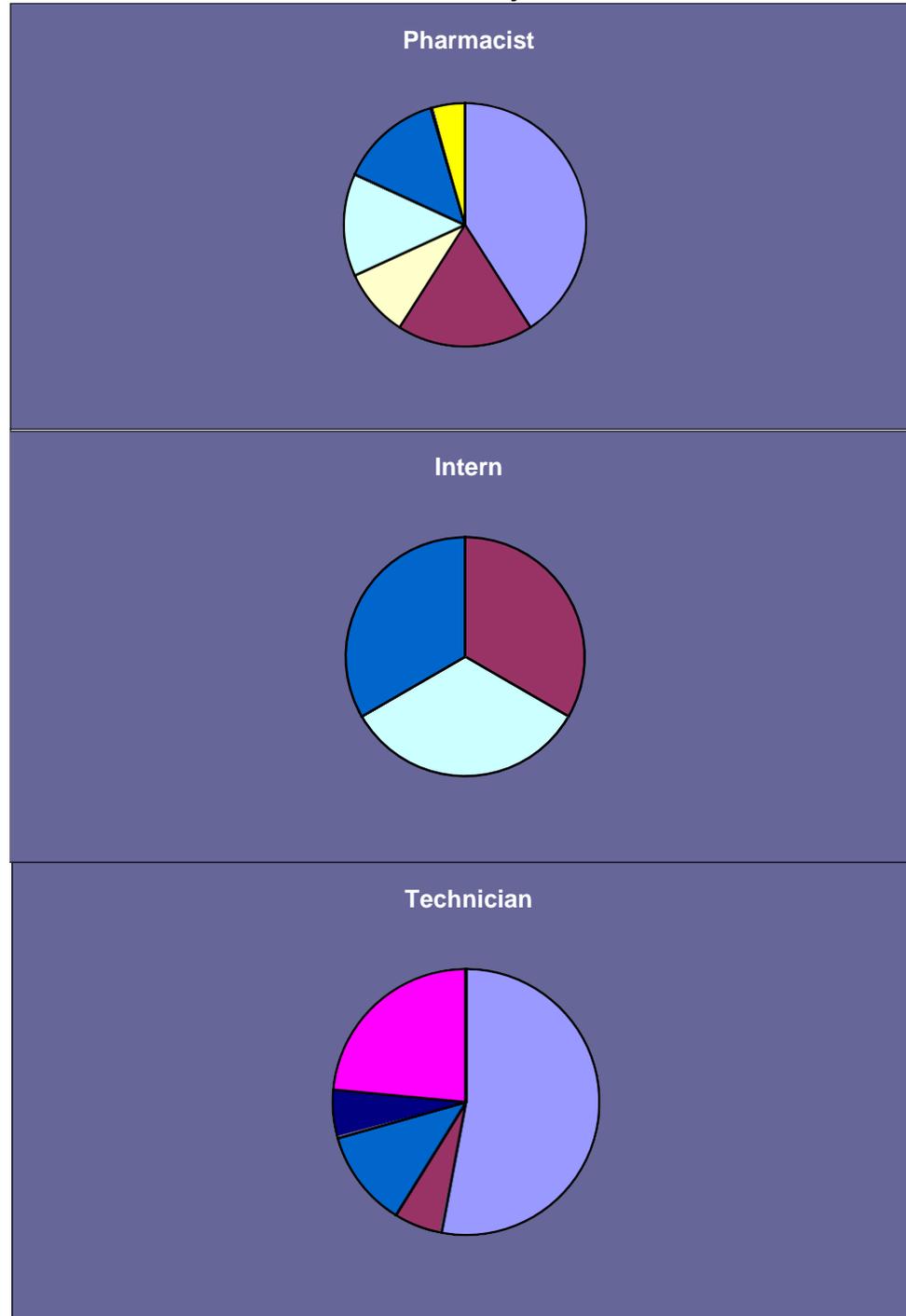
SB 1441 – Program Statistics

Licensees with substance abuse problems who are either on board probation and/or participating in the Pharmacist Recovery Program (PRP)

Board of Pharmacy	July -Sep	Oct – Dec	Jan-Mar	Apr-Jun	Total 13/14
Participant Files Audited	None	None	None	None	None

Drug Of Choice - Data entered from July 2013 to June 2014

- 1 Alcohol
- 2 Opiates
- 3 Hydrocodone
- 4 Oxycodone
- 5 Benzodiazepines
- 6 Barbiturates
- 7 Marijuana
- 8 Heroin
- 9 Cocaine
- 10 Methamphetamine
- 11 Pharmaceutical Amphetamine



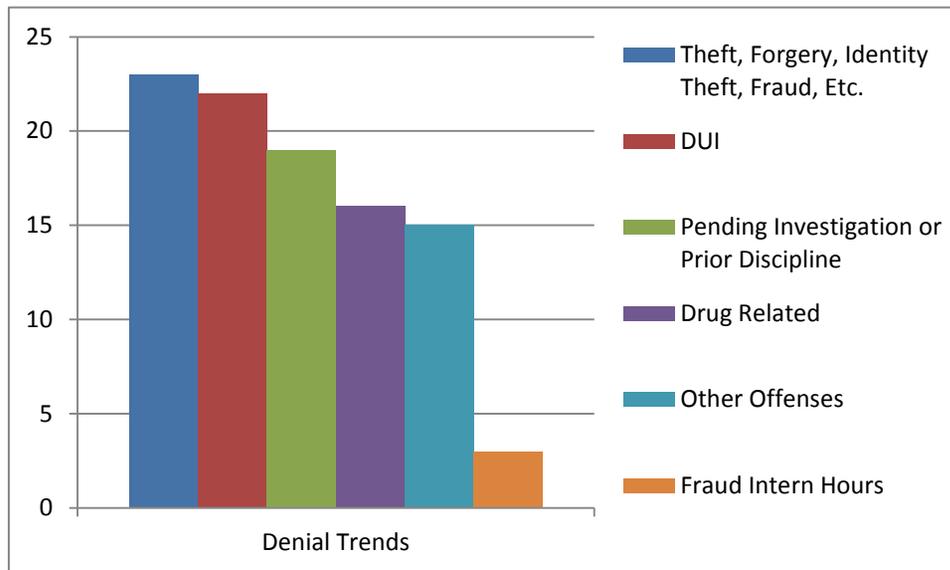
Top Ten Violations by license type

Pharmacists	%	Pharmacies	%	Pharmacists In Charge	%
1716 - Variation from prescription	39%	1716 - Variation from prescription	46%	1714(d) - Operational Standards and Security; Pharmacist responsible for pharmacy security	34%
1714(d) - Operational Standards and Security; Pharmacist responsible for pharmacy security	16%	1714(b) - Operational Standards and Security; pharmacy responsible for pharmacy security	26%	1716 - Variation from prescription	30%
4301(g) - Unprofessional Conduct - Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts	10%	1711(d) - Quality assurance program finding shall be used to develop systems to prevent medication errors...	6%	1711(d) - Quality assurance program finding shall be used to develop systems to prevent medication errors...	8%
4231(d)/1732.5 - Failure to provide documentation substantiating completion of continuing education/Renewal Requirements for Pharmacist	9%	1764/56.10(a) - Unauthorized disclosure of prescription and medical information	5%	1764/56.10(a) - Unauthorized disclosure of prescription and medical information	7%
4301(l) - Unprofessional Conduct - Conviction of a crime substantially related to the practice of pharmacy	6%	1761(a) - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...	4%	4081(a) - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory	5%
4301(h) - Unprofessional Conduct - Administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages...	6%	4081(a) - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory	3%	1761(a) - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...	4%
1711(d) - Quality assurance program finding shall be used to develop systems to prevent medication errors...	5%	1707.2(b)(1)(A) - In addition to the obligation to consult...a pharmacist shall provide oral consultation to his or her patients...whenever the prescription drug has not previously been dispensed to a pat	3%	4342(a) - Prevent sale of drugs lacking quality	3%
1761(a) - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission...	4%	1716/1761(a) - Variation from prescription/Erroneous or uncertain prescription; no pharmacist shall compound or dispense any prescription which contains any significant error or omission...	3%	1707.2(b)(1)(A) - In addition to the obligation to consult...a pharmacist shall provide oral consultation to his or her patients...whenever the prescription drug has not previously been dispensed to a pat	3%
1707.2(b)(1)(A) - In addition to the obligation to consult...a pharmacist shall provide oral consultation to his or her patients...whenever the prescription drug has not previously been dispensed to a pat	3%	1707.3 - Duty to review drug therapy	2%	1715(a) - Self-assessment form of a pharmacy by the pharmacist-in-charge; shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law	3%
1764/56.10(a) - Unauthorized disclosure of prescription and medical information	3%	1764/56.10 et seq. - Unauthorized disclosure of prescription and medical information	2%	1735.2(h) - Every compounded drug product shall be given an expiration date...	3%

Denial Trend Report
FY 13-14

Total Denied: 76

Theft, Forgery, Identity Theft, Fraud, etc...including combo with other violations	DUI: Multiple DUI's and/or combo with other violations	Pending Investigations or Prior Discipline	Drug Related: Possession, Influence, Sell, etc... including combo with other violations	Other Offenses: Battery/Disorderly Conduct/Unlawful Sex Acts, etc... including combo with other violations	Fraud Intern Hours
23 (30%)*	22 (29%)*	19 (25%)*	16 (21%)*	15 (20%)*	3



- 23 (30%) of the 76 denied applicants had Theft/Forgery, Identity Theft, Fraud, etc... offense(s)
- 22 (29%) of the 76 denied applicants had DUI offense(s)
- 19 (25%) of the 76 denied applicants were denied based on a pending investigation or prior disciplinary action
- 16 (21%) of the 76 denied applicants had drug related offense(s)
- 15 (20%) of the 76 denied applicants had other offenses including battery, disorderly conduct, unlawful sex acts, etc...
- 3 of the 76 denied applicants were denied based on fraudulent intern hour affidavits

* Determined by the violation found in each case. i.e.: if an applicant had a DUI, theft, and drug offense, that case would be counted in the DUI, theft, and drug columns. A case is only counted one time per column to reflect the applicable offense. The percentage in each column is determined by the number of cases with the particular offense divided by the total number of cases denied.

Attachment 3

Board of Pharmacy Enforcement Statistics Three Year Comparison

Workload Statistics **Total 11/12** **Total 12/13** **Total 13/14**

Complaints/Investigations

Received	2632	2917	2717
Closed	1988	2860	3093
Pending (at the end of fiscal year)	1941	1934	1670

Cases Under Investigation (by Team) at end of fiscal year*

Compliance / Routine Team	670	946	730
Drug Diversion/Fraud	276	231	338
Probation/PRP	87	93	56
Mediation/Enforcement**	214	222	55
Criminal Conviction	642	442	291

Application Investigations

Received	1092	729	543
Closed			
Approved	634	524	366
Denied	112	148	76
Total***	1029	880	584
Pending (at the end of fiscal year)	409	134	125

Letter of Admonishment (LOA) / Citation & Fine

LOAs Issued	143	159	258
Citations Issued	988	1483	1982
Total Fines Collected ****	\$1,259,642.06	\$2,290,187.30	\$2,258,123.85

* This figure includes reports submitted to the supervisor and cases with SI awaiting assignment.

** This figure include reports submitted to the citation and fine unit, AG referral, as well as cases assigned to Enforcement Staff

*** This figure includes withdrawn applications.

**** Fines collected (through 6/30/2014 and reports in previous fiscal year.)

revised 7/23/14

Board of Pharmacy Enforcement Statistics Three Year Comparison

Workload Statistics

Total 11/12

Total 12/13

Total 13/14

Administrative Cases (by effective date of decision)

Referred to AG's Office*	304	633	483
Pleadings Filed	231	238	405
Pending			
Pre Accusation	194	403	332
Post Accusation	224	211	343
Total *	461	713	649

Closed

Revocation			
Pharmacist	11	12	21
Intern Pharmacist	1	0	0
Pharmacy Technician	98	82	158
Designated Representative	2	1	0
Wholesaler	0	1	0
Sterile Compounding	0	0	0
Pharmacy	1	5	5

Revocation, stayed; suspension/probation

Pharmacist	17	10	11
Intern Pharmacist	0	0	1
Pharmacy Technician	3	0	3
Designated Representative	0	0	0
Wholesaler	0	0	0
Sterile Compounding	0	0	0
Pharmacy	0	1	1

Revocation, stayed; probation

Pharmacist	18	12	17
Intern Pharmacist	1	0	0
Pharmacy Technician	23	25	17
Designated Representative	1	0	2
Wholesaler	1	0	0
Sterile Compounding	0	0	4
Pharmacy	16	3	12

Surrender/Voluntary Surrender

Pharmacist	12	8	19
Intern Pharmacist	0	1	0
Pharmacy Technician	32	23	26
Designated Representative	2	0	1
Wholesaler	1	1	0
Sterile Compounding	0	0	2
Pharmacy	2	6	7

Board of Pharmacy Enforcement Statistics Three Year Comparison

Workload Statistics **Total 11/12** **Total 12/13** **Total 13/14**

Public Reapproval/Reprimand

Pharmacist	1	1	4
Intern Pharmacist	0	0	0
Pharmacy Technician	1	0	1
Designated Representative	0	0	1
Wholesaler	0	0	3
Sterile Compounding	0	0	0
Pharmacy	0	0	1
Cost Recovery Requested**	\$1,258,291.20	\$876,135.77	\$897,072.22
Cost Recovery Collected**	\$469,718.56	\$576,140.97	\$506,536.12

* This figure includes citation appeals

** This figure includes administrative penalties

Immediate Public Protection Sanct

Interim Suspension Order	3	0	5
Automatic Suspension / Based on Conviction	9	6	5
Penal Code 23 Restriction	2	3	9
Cease & Desist - Sterile Compounding	3	7	2

Probation Statistics

Licenses on Probation

Pharmacist	131	123	123
Intern Pharmacist	4	3	2
Pharmacy Technician	50	57	52
Designated Representative	2	2	3
Wholesaler	5	6	27
Sterile Compounding	0	0	0
Pharmacy	27	4	4
Probation Office Conferences	147	123	177
Probation Site Inspections**	268	208	119
Successful Completion	16	22	31
Probationers Referred to AG for non-compliance	3	27	9

As part of probation monitoring, the board requires licensees to appear before the lead inspector at probation office conferences.

These conferences are used as 1) an orientation to probation and the specific requirements of probation at the onset,

2) to address areas of non-compliance when other efforts such as letters have failed, and 3) when a licensee is scheduled to end probation.

SB 1441 – Program Statistics

Licensees with substance abuse problems who are either on board probation and/or participating in the Pharmacist Recovery Program (PRP)

Three Fiscal Year Comparison

Board of Pharmacy	FY 11/12	FY12/13	FY13/14
PRP Intakes			
PRP Self-Referrals	6	3	
PRP Board Referrals	6	9	7
PRP Under Investigation	12	6	6
PRP In Lieu Of	1		
Total Number of PRP Intakes	25	18	13
New Probationers			
Pharmacists	20	10	8
Interns	1		2
Technicians	31	16	15
Total New Probationers	52	26	25
PRP Participants and Contracts			
Total PRP Participants	76	73	70
Contracts Reviewed	286	278	258
Probationers and Inspections			
Total Probationers	119	118	115
Inspections Completed	421	292	296
PRP Referrals to Treatment			
Referrals to Treatment	11	8	6
Drug Tests			
Drug Test Ordered	4267	4877	4581
Drug Tests Conducted	4467	4103	4074
Relapse			
Relapsed	29	7	15
Major Violation Actions			
Cease Practice/Suspension	33	7	19
Termination - PRP	14	4	5
Referral for Discipline	5	9	11
Exit from PRP or Probation			
Successful Completion	19	31	27
Termination - Probation	6	7	11
Voluntary Surrender	10	33	21
Surrender as a result of PTR	1	1	1
Public Risk	14	4	6
Non-compliance	68	41	59
Other	5	3	6
Patients Harmed			
Number of Patients Harmed	None	None	None

Drug of Choice at PRP Intake or Probation			
Pharmacists	FY 11/12	FY12/13	FY13/14
Alcohol	17	11	9
Ambien		3	4
Opiates	3	3	2
Hydrocodone	6	2	3
Oxycodone	1	1	
Morphine		1	
Benzodiazepines	1	4	3
Barbiturates	1	1	
Marijuana	1		
Heroin			
Cocaine	1	1	1
Methamphetamine	1		
Pharmaceutical Amphetamine	1		
Phentermine			2
Methadone	1		
Zolpidem Tartrate	1		
Hydromorphone	1		
Promethazine w/Codeine	1		
Intern Pharmacists	FY 11/12	FY12/13	FY13/14
Alcohol	3		
Opiates			1
Hydrocodone	1		
Oxycodone			1
Benzodiazepines			
Barbiturates			
Marijuana			1
Heroin			
Cocaine			
Methamphetamine			
Pharmaceutical Amphetamine			
Phentermine			
Methadone			
Zolpidem Tartrate	1		
Hydromorphone	1		
Promethazine w/Codeine	1		
Pharmacy Technicians	FY 11/12	FY12/13	FY13/14
Alcohol	13	10	9
Opiates			1
Hydrocodone	4	2	
Oxycodone	1	1	
Benzodiazepines	1	1	
Barbiturates			
Marijuana	6	3	2
Heroin			
Cocaine	1	1	1
Methamphetamine	8	3	4
Pharmaceutical Amphetamine			
Phentermine	1		
Methadone	1		
Zolpidem Tartrate	1		
Hydromorphone			
Promethazine w/Codeine			
Pharmacist Recovery Program	FY 11/12	FY12/13	FY13/14
Participant Files Audited	0	0	0