



California State Board of Pharmacy
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STATE AND CONSUMER SERVICES AGENCY
DEPARTMENT OF CONSUMER AFFAIRS
GRAY DAVIS, GOVERNOR

**DEPARTMENT OF CONSUMER AFFAIRS
BOARD OF PHARMACY
SOUTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: December 11, 2001

TIME: 10:00 a.m. – 3:30 p.m.

LOCATION: Van Nuys State Building
First Floor Auditorium
6150 Van Nuys Boulevard
Van Nuys, CA 91401

**BOARD MEMBER
PRESENT:**

John Jones, Chairperson
Stanley Goldenberg, Board Member
Clarence Hiura, Board Member
John Tilley, Board Member

**STAFF
PRESENT:**

Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Janice Dang, Pharmacy Inspector
Dolly Harris, Pharmacy Inspector
De'Bora White, Pharmacy Inspector
Robert Grimm, Pharmacy Inspector
Linda Kapovich, Enforcement Technician

**ALSO
PRESENT:**

Mario Deanda Chacon, RPH, PIC
Vinceny Joseph Mangiafridda, RPH, former PIC
Mary Anne Hale, RPH, former PIC
Herbert M. Mercer, RPH
Ruth Ann Ellison, Director of TQM Licensing
Richard Mossor, Director of Pharmacy
Kaye Marie Gornall, RPH, PIC
Burton Stephen Sacks, RPH, President
Lisa Hitomi Naruo, RPH, PIC

Southern Compliance Committee
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Irene Louise Flowers, RPH, former PIC
Carl Jorgensen, RPH, former PIC
Almaz G. Yohannes, RPH
Ellie James, Divisional Pharmacy Manager
Lisa Lee Shoun, RPH, PIC
Jadine Celina Mah, RPH, former PIC
William Geo Vair, RPH
Bruce Painter, Director of Professional Services
Babak Mazdeyasnan, RPH, former PIC
Ismail KeeKeeBhai, RPH, Pharmacy Development Manager
Richard Martland, Attorney at Law
Leslie Alden Peterson, RPH, PIC
Steven David Reden, RPH, former PIC
Robert Manuel Navarro, RPH
Hans Boock Jensen, RPH
Youjin Lee, RPH, PIC
Robert Livon, Pharmacy Development Manager

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 10:00 a.m.

A. APPEARANCES REQUIRED

1. Mario Deanda Chacon RPH 39085, PIC CI 2000 20248

Vincent Joseph Mangiafridda
RPH 37229, former PIC

Mary Anne Hale
RPH 33062, former PIC

Herbert M. Mercer
RPH 21455

Apria Pharmacy Network
Oxnard, CA
PHY 41707

Ruth Ann Ellison, Director of TQM Licensing

Richard Mossor, Director of Pharmacy

Mario Deanda Chacon, Vincent Joseph Mangiafridda, Mary Anne Hale, and Apria Pharmacy Network, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Apria Pharmacy Network dispensed Albuterol 0.83% 3.0ml on a prescription written form Ipratropium 0.02% 2.5ml. During the investigation former PIC's Mary Anne Hale and Vincent Joseph Mangiafridda could not identify the initials of the dispensing pharmacist for this prescription.

On July 19, 2001, letters of violation were issued to Mary Anne Hale, and Apria Pharmacy Network, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1717 (b) (1) - In addition to the requirements of section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable, date dispensed, initials of pharmacist, brand name....

On July 19, 2001 a letter of violation was issued to Vincent Joseph Mangiafridda for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1717 (b) (1) - In addition to the requirements of section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable, date dispensed, initials of pharmacist, brand name....

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Tilley

The committee accepted the appearance of Mario Deanda Chacon, Vincent Joseph Mangiafridda, Mary Anne Hale, and Apria Pharmacy Network; (a) the matter will be made a part of the record of Mary Anne Hale, RPH 33062; (b) the matter will be made a part of the record of Vincent Joseph Mangiafridda, RPH 37229; (c) the matter will be made a part of the record of Apria Pharmacy Network, PHY 41707; (d) A follow up inspection is ordered within 60 days, to ensure compliance with quality assurance program. No further action will be taken at this time.

2. Kaye Marie Gornall
RPH 30710

CI 2000 20242

Burton Stephen Sacks
RPH 25779, President

Rancho Park Pharmacy
Los Angeles, CA
PHY 21927

Kaye Marie Gornall, Burton Stephen Sacks, and Rancho Park Pharmacy, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Kaye Marie Gornall dispensed Propranol with the incorrect dosage instructions of once per day instead of the prescribed twice per day. This error resulted in serious patient harm.

On September 10, 2001, letters of violation were issued to Kaye Marie Gornall, and Rancho Park Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- California Code of Regulations section 1716 – Variation from a prescription.

Board member Stanley Goldenberg recused himself from this appearance and left the room.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Hiura/Tilley

The committee accepted the appearance of Kaye Marie Gornall, Burton Stephen Sacks, and Rancho Park Pharmacy; (a) the matter will be made a part of the record of Kaye Marie Gornall, RPH 30710; (b) the matter will be made a part of the record of Rancho Park Pharmacy, PHY 21927. No further action will be taken at this time.

3. Lisa Hitomi Naruo
RPH 48054, PIC

CI 1998 17188

Irene Louise Flowers
RPH 43459, former PIC

Carl Jorgensen
RPH 46154, former PIC

Almaz G. Yohannes
RPH 46932

Sav-On Drugs #9477
Los Angeles, CA
PHY 36424

Ellie James, Divisional Pharmacy Manger

Lisa Hitoni Naruo, Irene Louise Flowers, Almaz G. Yohannes, and Sav-On Drugs #9477, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Almaz G. Yohannes dispensed Beclofen on a prescription calling for Lorazepam and Atenolol.

On May 22, 2001 a violation notice was issued to Almaz G. Yohannes and Sav-On Drugs #9477, for violation of:

- California Code of Regulations section 1716 – Variation from a prescription.
- Business and Professions Code section 4301 (m) – Unprofessional conduct, cash compromise.

On May 29, 2001 a violation notice was issued to Almaz G. Yohannes and Sav-On Drugs #9477, for violation of:

- California Code of Regulations section 1707.2 – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Tilley

The committee accepted the appearance of Lisa Hitoni Naruo, Irene Louise Flowers, Almaz G. Yohannes, Carl Jorgensen, and Sav-On Drugs #9477;
(a) the matter will be made a part of the record of Almaz G. Hohannes, RPH 46932;
(b) the matter will be made a part of the record of Sav-On Drugs #9477, PHY 36424;

(c) Almaz G. Hohannes, RPH 46932, is cited and fined \$500, for failure to provide patient consultation as required; (d) Sav-On Drugs #9477, PHY 36424, is cited and fined \$1,500, for failure to provide patient consultation as required. No further action will be taken at this time.

4. Lisa Lee Shoun
RPH 44124, PIC

CI 1999 19446

Jadine Celina Mah
RPH 45475, foremer PIC

William Geo Vair
RPH 27720

Wal-Mart Pharmacy #10-1859
Calexico, CA
PHY 38299

Bruce Painter, Director of Professional Services

Lisa Lee Shoun, Jadine Celina Mah, William Geo Vair, and Wal-Mart Pharmacy #10-1859, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that William Geo Vair dispensed Risperdal on a prescription written for Pediapred.

On July 23, 2001, letters of violation were issued to William Geo Vair, and Wal-Mart Pharmacy #10-1859, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1761 - Erroneous or uncertain prescriptions.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Hiura

The committee accepted the appearance of Lisa Lee Shoun, Jadine Celina Mah, William Geo Vair, and Wal-Mart Pharmacy #10-1859; (a) the matter will be made a part of the record of William Geo Vair, RPH 27720; (b) the matter will be made a part of the

record of Wal-Mart Pharmacy #10-1859, PHY 38299; (c) A follow up inspection is ordered within 90 days to ensure compliance with all pharmacy laws. No further action will be taken at this time.

5. Babak Mazdeyasnan
RPH 51634, former PIC

CI 2000 20327

Wal-Mart Pharmacy #10-2032
Oxnard, CA
PHY 39594

Bruce Painter, Director of Pharmacy Services

Babak Mazdeyasnan, and Wal-Mart Pharmacy #10-2032, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Wal-Mart Pharmacy #10-2032 dispensed Neosporin ophthalmic solution with incorrect directions for use, and failed to provide patient consultation as required by law.

On May 17, 2001, a letter of violation was issued to Babak Mazdeyasnan, and Wal-Mart Pharmacy #10-2032, for violation of:

- Business and Professions Code section 4301 (c) – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1707.2(b)(1)(a) – Duty to consult.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Hiura

The committee accepted the appearance of Babak Mazdeyasnan, and Wal-Mart Pharmacy #10-2032; (a) the matter will be made a part of the record of Babak Mazdeyasnan, RPH 51634; (b) the matter will be made a part of the record of Wal-Mart Pharmacy #10-2032, PHY. No further action will be taken at this time.

6. Angelita L. Quindoy
RPH 39327, PIC

CI 2001 21475

Jihan S. Soliven
TCH 25435, Owner

Pharmacy Link Corporation
Orange, CA
PHY 44631

Angelita L. Quindoy, Jihan S. Soliven, and Pharmacy Link Corporation, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed during a routine inspection of Pharmacy Link Corporation, several violations of pharmacy law were observed. The Angelita L. Quindoy filled prescriptions faxed to the pharmacy from the patient, failed to document required information on prescriptions, and failed to document changes in prescriptions with the prescriber. Additionally Angelita L. Quindoy filled electronic prescriptions without verifying authenticity, and was not able to demonstrate compliance in conducting a patient medication history review prior to dispensing medications.

On July 9, 2001, a violation notice was issued to Angelita L. Quindoy, and Pharmacy Link Corporation, for violation of:

- Business and Professions Code section 4071 - Prescriber may authorize agent to transmit prescription; Schedule II excluded.
- Business and Professions Code section 4113 (b) - The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.
- California Code of Regulations section 1716 – Variation from a prescription.
- California Code of Regulations section 1717 (c) - Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription.
- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.

This appearance was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled at a future meeting.

7. Egette Ibrahim Saad
RPH 44763, PIC

CI 1999 19235

Rite Aid #5734
Costa Mesa, CA
PHY 44322

Egette Ibrahim Saad, and Rite Aid #5734, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Rite Aid #5734 dispensed the incorrect size syringe on a prescription for Dilantin for a pediatric patient. The prescribed dose was 1.5cc" twice daily, and the directions provided during consultation were 1.5 teaspoonfuls twice daily.

On March 14, 2001, a letter of violation was issued to Egette Ibrahim Saad, and Rite Aid #5734, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Profession Code section 4074 – Drug risk; informing patient; providing consultation for discharge medications.
- California Code of Regulations section 1716 – Variation from prescriptions.
- California Code of Regulations section 1707.2 – Duty to consult.
- California Code of Regulations section 1793.1 – Duties of a registered pharmacist.

This appearance was postponed prior to this meeting of the Southern Compliance Committee, and will be rescheduled at a future meeting.

8. Ismail KeeKeeBhai
Pharmacy Development Manager

CI 2000 20935

Rite Aid #5452
Los Angeles, CA
PHY 42210

Richard Martland, Attorney at Law

Keith Chung, Bahar Davidoff, Diana Mirazic, and Rite Aid #5452, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Diana Mirazic dispensed Valtrex and Veetis with incorrect directions for use. Diana Mirazic failed to provide patient consultation as required by law.

During the investigation the board inspector observed the pharmacist to technician ratios exceeded one technician to one pharmacist as allowed by law. Several of the licensed staff members failed to have their identification with them in the pharmacy. The pharmacists were not initialing the prescriptions filled by the technicians. In addition several return to stock items were not in labeled containers.

On June 6, 2001, a violation notice was issued to Keith Chung, and Rite Aid #5452, for violation of:

- Business and Professions Code section 4301 (o) - Violating or attempting to violate, directly or indirectly, or assisting / abetting in the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal & state laws and regulations governing pharmacy.
- Business and Professions Code section 4115 (f) - The performance of duties by a pharmacy technician shall be under the direct supervision and control of a pharmacist. The pharmacist on duty shall be directly responsible for the conduct of a pharmacy technician.
- Business and Professions Code section 4115 (g)(1) - The ratio of pharmacy technicians performing the tasks specified in subdivision (a) to pharmacists shall not exceed one to one, except that this ratio shall not apply to personnel performing clerical functions pursuant to Section 4116 or 4117.
- Business and Professions Code section 4342 - Actions by board to prevent sales of preparations or drugs lacking quality or strength; penalties for knowing or willful violation of regulations governing those sales.

On June 6, 2001, a violation notice was issued to Diana Mirazic, and Rite Aid #5452, for violation of:

- Business and Professions Code section 4301 (o) - Violating or attempting to violate, directly or indirectly, or assisting / abetting in the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal & state laws and regulations governing pharmacy.
- Business and Professions Code section 4076 - Prescription container - requirements for labeling.
- California Code of Regulations section 1761 - Erroneous or uncertain prescriptions.
- California Code of Regulations section 1716 – Variation from a prescription.

Keith Chung, Bahar Davidoff, Diana Mirazic appeared before the Southern Compliance Committee on November 19, 2001. This appearance is to address the matter with regard to Rite Aid only.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/

The committee accepted the appearance of Ismail KeeKeeBhai, and Rite Aid #5452; (a) the matter will be made a part of the record of Rite Aid #5452, PHY 42210; (b) Routine follow up inspections are ordered to ensure compliance with all pharmacy laws. No further action will be taken at this time.

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9. Leslie Alden Peterson
RPH 25102, PIC

Steven David Reden
RPH 26741, former PIC

Robert Manuel Navarro
RPH 46752

Hans Boock Jensen
RPH 25320

Rite Aid Pharmacy #6185
Solvang, CA
PHY 42879

Richard Martland, Attorney at Law
Robert Livon, Pharmacy Development Manager
- CI 1999 19111

Leslie Alden Peterson, Steven David Reden, Robert Manuel Navarro, Hans Boock, Jensen, and Rite Aid Pharmacy #6185, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Robert Manuel Navarro filled an erroneous prescription for Tussionex suspension without contacting the prescriber for verification. Robert Manuel Navarro failed to review the patient medication profile prior to dispensing the medication as required by law.

In addition this investigation revealed that Hans Boock Jensen dispensed a prescription for Augmentin with incorrect directions for its use. Hans Boock Jensen failed to respond to the board inspector's request for information regarding this incident. Hans Boock Jensen's pharmacist license is delinquent and subject to cancellation by operation of law in November 2001.

During the board's investigation Rite Aid Pharmacy #6185, did not have a pharmacist-in-charge from March 1999 to October 1999, and again from January 2000, to April 2000, as required by law.

On September 6, 2001, a letter of violation was issued to Rite Aid Pharmacy #6185, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4113 (a) – Every pharmacy shall designate a pharmacist-in-charge within 30 days thereof, shall notify the board in writing of the identity and license number of that pharmacist and the date he or she was designated.
- Business and Professions Code section 4330 (a) – Any person who has obtained a license to conduct a pharmacy, who fails to place in charge of the pharmacy a pharmacist, or any person, who by himself or herself permits the compounding or dispensing of prescriptions except by a pharmacist.
- Business and Professions Code section 4305 (a) – Any person who has obtained a license to conduct a pharmacy, shall notify the board within 30 days of the termination of employment of any pharmacist who takes charge of, or acts as manager of the pharmacy. Failure to notify the board within the 30-day period shall constitute grounds for disciplinary action.
- Business and Professions Code section 4076 – Prescription container – requirements for labeling.
- California Code of Regulations section 1761 – Erroneous or uncertain prescriptions.
- California Code of Regulations section 1707.3 - Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The re-view shall include screening for severe potential drug therapy problems.

On September 6, 2001, a letter of violation was issued to Robert Manuel Navarro, and Rite Aid Pharmacy #6185, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1761 – Erroneous or uncertain prescriptions.
- California Code of Regulations section 1707.3 – Prior to consultation as set forth in section 1707.2(a) and (b), a pharmacist shall review a patient's drug therapy and medication record before each prescription drug is delivered. The review shall include screening for severe potential drug therapy problems.

On September 6, 2001, a letter of violation was issued to Hans Boock Jensen, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4076 – Prescription container – requirements for labeling.
- Business and Professions Code section 4401 – Pharmacist: Biennial renewal.
- Business and Professions Code section 4402 – Cancellation: of pharmacist after non-renewal for three years.

The participants and the committee discussed the circumstances surrounding the violations and what corrective actions have been taken.

M/S/C: Goldenberg/Tilley

The committee accepted the appearance of Leslie Alden Peterson, Steven David Reden, Robert Manuel Navarro, Hans Boock Jensen, and Rite Aid Pharmacy #6185; (a) the matter will be made a part of the record of Robert Manuel Navarro, RPH 46752; (b) the matter will be made a part of the record of Hans Boock Jensen, RPH 25320; (c) the matter will be made a part of the record of Rite Aid Pharmacy #6185, PHY 42879. No further action will be taken at this time.

10. Youjin Lee
RPH 49906, PIC

CI 2000 20678

Kirk Alan Shults
RPH 30839

Rite Aid #5792
Goleta, CA
PHY 42445

Richard Martland, Attorney at Law

Youjin Lee, Kirk Alan Shults, and Rite Aid #5792, are requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Youjin Lee dispensed Vicodin and Clindamycin with incorrect directions for use. Youjin Lee also failed to provide patient consultation as required by law.

On September 10, 2001, letters of violation were issued to Youjin Lee and Rite Aid #5792, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.

- Business and Professions Code section 4081 – Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- California Code of Regulations section 1707.2 – Duty to consult.

On September 10, 2001 a letter of violation was issued to Kirk Shults, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4081 – Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.

Kirk Alan Shults failed to appear for this matter. The current PIC Judi Tam advised the committee that Mr. Shults is out on medical leave.

There being no further discussion the meeting adjourned at 3:30 p.m.