



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: November 19, 2001

TIME: 1:00 p.m. – 5:00 p.m.

LOCATION: Department of Toxic Substance Control
5796 Corporate Avenue
Cypress, CA 90630

**BOARD MEMBER
PRESENT:**

John Jones, Chairperson
Steve Litsey, Board Member
Holly Strom, Board Member
Clarence Hiura, Board Member

**STAFF
PRESENT:**

Judith K. Nurse, Supervising Inspector
De'Bora White, Pharmacy Inspector
Sarah Lopez, Pharmacy Inspector
Linda Kapovich, Enforcement Technician

**ALSO
PRESENT:**

Wai Man Wong, RPH, PIC
Johnny Wong, RPH, former PIC
Myrna D. Tignor, RPH
Ellie James, Divisional Pharmacy Manager
Theodore H. Farkas, RPH, PIC
Nasrin Assil, RPH
Jothan Staley, Director
Molly Roff-Sheridan, Deputy City Attorney
Leon Sclar, RPH, PIC, President
Aaron Auslander, RPH
Thanh-Van Pham Tran, RPH, PIC
Eric B. Buehler, RPH
Dale Leland Pritchard, Jr., RPH, PIC, Owner
Samih Nabil Botros, RPH, PIC

Southern Compliance Committee
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Wayne Clyde Rowell, RPH, former PIC
Tracey Taylor, Pharmacy Division Manager
Allan Michael Piwonka, RPH, PIC
Keith Chung, RPH, PIC
Bahar Davidoff, RPH, former PIC
Diana Mirazic, RPH
Richard Martland, Attorney at Law
Charles Arthur Smith, RPH, PIC
Mukesh Kumar Rai, RPH, former PIC
Robert Livon, Pharmacy Development Manager

CALL TO ORDER

Chairperson John Jones called the meeting of the Southern Compliance Committee to order at 1:00 p.m.

A. APPEARANCES REQUIRED

1. Wai Man Wong CI 1998 16333
RPH 44549, PIC

Johnny Wong
RPH 45486, former PIC

Myrna D. Tignor
RPH 43212

Sav-On #3011
Inglewood, CA
PHY 39163

Ellie James, Divisional Pharmacy Manager

Wai Man Wong, Johnny Wong, Myrna D. Ibanez, and Sav-On Drugs #9411, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Sav-On Drugs #9411 dispensed Coumadin meant for one patient to another patient with the same name. This error resulted in serious patient harm.

On August 14, 2001, a violation notice was issued to Johnny Wong and Sav-On Drugs #9411, for violation of:

- California Code of Regulations section 1764 - Unauthorized disclosure of prescriptions.

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

M/S/C: Litsey/Strom

The committee accepted the appearance of Wai Man Wong, Johnny Wong, Myrna D. Ibanez, and Sav-On Drugs #9411; (a) the matter will be made a part of the record of Johnny Wong, RPH 45486; (b) the matter will be made a part of the record of Sav-On Drugs #9411, PHY 39163. No further action will be taken at this time.

2. Theodore H. Farkas
RPH 22578, PIC

CI 1998 17259

Nasrin Assil
RPH 41249

Central Clinic Pharmacy
Los Angeles, CA
PHE 9750

Jothan Staley, Director
Molly Roff-Sheridan, Deputy City Attorney

Theodore H. Farkas, Nasrin Assil, and Central Clinic Pharmacy, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Central Clinic Pharmacy dispensed Theophylline 100mg on a prescription calling for Theophylline 300mg. This error resulted in serious patient harm.

On May 22, 2001, a violation notice was issued to Nasrin Assil, and Central Clinic Pharmacy, for violation of:

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

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

M/S/C: Strom/Hiura

The committee accepted the appearance of Theodore H. Farkas, Nasrin Assil, and Central Clinic Pharmacy; (a) the matter will be made a part of the record of Nasrin Assil, RPH 41249; (b) the matter will be made a part of the record of Central Clinic Pharmacy, PHE 9750. No further action will be taken at this time.

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3. Leon Sclar CI 1998 17246
RPH 18187, PIC, President
- Aaron Auslander
RPH 22552
- Westside Vicente Pharmacy
Los Angeles, CA
PHY 40863

Leon Sclar, Aaron Auslander, and Westside-Vicente Pharmacy, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Aaron Auslander dispensed Depakote on and uncertain prescription calling for Dynabac. Aaron Auslander failed to contact the prescribing physician to validate the prescription. Aaron Auslander also failed to provide patient consultation on this new prescription.

On September 10, 2001, letters of violation were issued to Aaron Auslander, and Westside-Vicente Pharmacy, 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.
- 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: Strom/Litsey

The committee accepted the appearance of Leon Sclar, Aaron Auslander, and Westside-Vicente Pharmacy; (a) the matter will be made a part of the record of Aaron Auslander, RPH 22552; (b) the matter will be made a part of the record of Westside Vicente Pharmacy, PHY 40863. No further action will be taken at this time.

4. Thanh-Van Pham Tran
RPH 50705, PIC

CI 2000 19676

Eric B. Buehler
RPH 31905

Sav-On Drugs #9458
Long Beach, CA
PHY 43939

Ellie James, Division Pharmacy Manager

Thanh-Van Pham Tran, Eric B. Buehler, and Sav-On Drugs #9458, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Eric B. Buehler dispensed Glucophage 500mg and Tylenol #3 in the same container, on a prescription calling for Glucophage.

On July 9, 2001, letters of violation were issued to Eric B. Buehler, and Sav-On Drugs #9458, for violation of:

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

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

M/S/C: Litsey/Strom

The committee accepted the appearance of Thanh-Van Pham Tran, Eric B. Buehler, and Sav-On Drugs #9458; (a) the matter will be made a part of the record of Eric B. Buehler, RPH 31905; (b) the matter will be made a part of the record of Sav-On Drugs #9458. PHY 43939. No further action will be taken at this time.

5. Kaye Marie Gornall
RPH 30710, PIC

CI 2000 20242

Burton Stephen Sacks
RPH 25779, former PIC, President

Rancho Park Pharmacy
Los Angeles, CA
PHY 21927

Kaye Marie Gornall, Burton Stephen Sacks, and Rancho Park Pharmacy, were 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.

This appearance was postponed prior to this meeting of the Southern Compliance Committee and will be rescheduled for the December 12, 2001, meeting.

6. Dale Leland Pritchard, Jr.
RPH 29681, PIC, Owner

CI 2000 20321

Valley Rexall Drug
Hanford, CA
PHY 37906

Dale Leland Pritchard, and Valley Rexall Drug, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Dale

Leland Pritchard dispensed Synthroid 0.025 mg on a prescription calling for Synthroid 0.125mg.

On September 6, 2001, a letter of violation was issued to Dale Leland Pritchard and Valley Rexall Drug, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

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

M/S/C: Strom/Jones

The committee accepted the appearance of Dale Leland Pritchard, and Valley Rexall Drug; (a) the matter will be made a part of the record of Dale Leland Pritchard, RPH 29681; (b) the matter will be made a part of the record of Valley Rexall Drug, PHY 37906. No further action will be taken at this time.

7. Samih Nabil Botros CI 2000 20516
RPH 48680, PIC

Wayne Clyde Rowell
RPH 25777, former PIC

Sav-On Drugs #9431
Costa Mesa, CA
PHY 36456

Tracey Taylor, Division Pharmacy Manager

Samih Nabil Botros, Wayne Clyde Rowell, and Sav-On Drugs #9431, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Wayne Clyde Rowell dispensed Glucophage (Metformin HCL) 1000mg on a prescription calling for Zantac (Ranitidine HCl) 150mg. Wayne Clyde Rowell failed to provide patient consultation on this new prescription.

On July 9, 2001, letters of violation were issued to Wayne Clyde Rowell and Sav-On Drugs #9431, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- 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 1707.2 – Duty to consult.
- California Code of Regulations section 1709.1 – Designation of pharmacist in charge.
- California Code of Regulations section 1764 - Unauthorized disclosure of prescriptions.

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

M/S/C: Litsey/Strom

The committee accepted the appearance of Samih Nabil Botros, Wayne Clyde Rowell, and Sav-On Drugs #9431; (a) the matter will be made a part of the record of Wayne Clyde Rowell, RPH 25777; (b) the matter will be made a part of the record of Sav-On Drugs #9431, PHY 36456. No further action will be taken at this time.

8. Allan Michael Piwonka CI 2000 21028
RPH 27345, PIC

Sav-On Pharmacy #6551
Orange, CA
PHY 39444

Tracey Taylor, Division Pharmacy Manager

Allan Michael Piwonka, and Sav-On Pharmacy #6551, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that Allan Michael Piwonka dispensed Lipitor 10mg and Buspar 10mg tablets on a prescription calling for Lipitor 10mg. This error resulted in patient harm.

On October 18, 2001, a letter of violation was issued to Allan Michael Piwonka and Sav-On Pharmacy #6551, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716 – Variation from a prescription.

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

M/S/C: Strom/Hiura

The committee accepted the appearance of Allan Michael Piwonka, and Sav-On Pharmacy #6551; (a) the matter will be made a part of the record of Allan Michael Piwonka, RPH 27345; (b) the matter will be made a part of the record of Sav-On Pharmacy #6551, PHY 39444. No further action will be taken at this time.

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9. Keith Chung CI 2000 20935
RPH 50486, PIC
- Bahar Davidoff
RPH 51586, former PIC
- Diana Mirazic
RPH 41602
- 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.

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

Keith Chung advised the committee that he is no longer the PIC at Rite Aid #5452.

Since the current pharmacist-in-charge and the current pharmacy development manager were not present this matter with regard to Rite Aid #5452 will be scheduled to be heard at a future meeting of the Southern Compliance Committee

The committee rescinded the violations of Business and Professions Code sections 4115 F and G from Keith Chung.

M/S/C: Strom/Hiura

The committee accepted the appearance of Keith Chung, Bahar Davidoff, and Diana Mirazic; (a) the matter will be made a part of the record of Keith Chung, RPH 50486; (b) the matter will be made a part of the record of Diana Mirazic, RPH 41602. No further action will be taken at this time.

10. Charles Arthur Smith
RPH 32780, PIC

CI 2000 20895

Mukesh Kumar Rai
RPH 46280, former PIC

Rite Aid #5781
Oxnard, CA
PHY 42340

Robert Livon, Pharmacy Development Manager

Charles Arthur Smith, Mukesh Kumar Rai, and Rite Aid #5781, were requested to appear at the Southern Compliance meeting as the result of an investigation that revealed that between May 2000 to February 2001, Rite Aid #5781 suffered a loss of several controlled substances. During our investigation it was further revealed that Rite Aid #5781 did not have a pharmacist in charge from March 30, 2001 to July 19, 2001.

On August 30, 2001, a letter of violation was issued to Rite Aid #5781, for violation of:

- Business and Professions Code section 4301 (j) – Unprofessional conduct.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- Business and Professions Code section 4113 - Pharmacist-in-charge: notification to the board; responsibilities.
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices.

Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

- California Code of Regulations section 1718 - Current inventory defined.

On August 30, 2001, a letter of violation was issued to Mukesh Kumar Rai, for violation of:

- Business and Professions Code section 4301 (j) – Unprofessional conduct.
- Business and Professions Code section 4081 - Records of dangerous drugs and devices kept open for inspection; maintenance of records, current inventory.
- Business and Professions Code section 4116 - Security of dangerous drugs and devices in pharmacy: pharmacist responsibility for individuals on premises; regulations.
- California Code of Regulations section 1714 (d) - Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.
- California Code of Regulations section 1718 - Current inventory defined.

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

M/S/C: Litsey/Hiura

The committee accepted the appearance of Charles Arthur Smith, Mukesh Kumar Rai, and Rite Aid #5781; (a) the matter will be made a part of the record of Mukesh Kumar Rai, RPH 46280; (b) the matter will be made a part of the record of Rite Aid #5781, RPH 42340. No further action will be taken at this time.

There being no further discussion the meeting adjourned at 5:00 p.m.