

## Board of Pharmacy Enforcement Statistics Fiscal Year 2016/2017

### Workload Statistics July-Sept Oct-Dec Jan-Mar Apr-June Total 16/17

#### Complaints/Investigations

|                                 |      |      |  |  |      |
|---------------------------------|------|------|--|--|------|
| Received                        | 792  | 462  |  |  | 1254 |
| Closed                          | 790  | 478  |  |  | 1268 |
| 4301 letters                    | 4    | 0    |  |  | 4    |
| Pending (at the end of quarter) | 2441 | 2382 |  |  | 2382 |

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

|                           |      |      |  |  |      |
|---------------------------|------|------|--|--|------|
| Compliance / Routine Team | 1063 | 1111 |  |  | 1111 |
| Drug Diversion/Fraud      | 450  | 428  |  |  | 428  |
| RX Abuse                  | 171  | 143  |  |  | 143  |
| Compounding               | 126  | 111  |  |  | 111  |
| Probation/PRP             | 75   | 74   |  |  | 74   |
| Mediation/Enforcement **  | 252  | 203  |  |  | 203  |
| Criminal Conviction       | 304  | 312  |  |  | 312  |

#### Application Investigations

|                                 |     |     |  |  |     |
|---------------------------------|-----|-----|--|--|-----|
| Received                        | 154 | 77  |  |  | 231 |
| Closed                          |     |     |  |  |     |
| Approved                        | 110 | 52  |  |  | 162 |
| Denied                          | 10  | 7   |  |  | 17  |
| Total ***                       | 147 | 201 |  |  | 348 |
| Pending (at the end of quarter) | 111 | 112 |  |  | 112 |

#### Letter of Admonishment (LOA) / Citation & Fine

|                            |              |              |  |  |              |
|----------------------------|--------------|--------------|--|--|--------------|
| LOAs Issued                | 114          | 91           |  |  | 205          |
| Citations Issued           | 589          | 313          |  |  | 902          |
| Total Fines Collected **** | \$447,974.15 | \$360,252.80 |  |  | \$808,226.95 |

\* 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\*\*\* This figure includes withdrawn applications.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 11/30/2016 and reports in previous fiscal year.)

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#### Administrative Cases (by effective date of decision)

|                           |            |            |  |  |            |
|---------------------------|------------|------------|--|--|------------|
| Referred to AG's Office*  | 105        | 50         |  |  | 155        |
| Accusations Filed         | 73         | 46         |  |  | 119        |
| Statement of Issues Filed | 5          | 6          |  |  | 11         |
| Petitions to Revoke Filed | 4          | 0          |  |  | 4          |
| <b>Pending</b>            |            |            |  |  |            |
| Pre-accusation            | 255        | 240        |  |  | 255        |
| Post Accusation           | 278        | 266        |  |  | 278        |
| <b>Total*</b>             | <b>573</b> | <b>532</b> |  |  | <b>573</b> |

#### Closed

|                           |    |    |  |  |    |
|---------------------------|----|----|--|--|----|
| <b>Revocation</b>         |    |    |  |  |    |
| Pharmacist                | 4  | 0  |  |  | 4  |
| Intern Pharmacist         | 1  | 0  |  |  | 1  |
| Pharmacy Technician       | 37 | 26 |  |  | 63 |
| Designated Representative | 0  | 0  |  |  | 0  |
| Wholesaler                | 0  | 0  |  |  | 0  |
| Sterile Compounding       | 0  | 0  |  |  | 0  |
| Pharmacy                  | 4  | 1  |  |  | 5  |

#### Revocation, stayed; suspension/probation

|                           |   |   |  |  |   |
|---------------------------|---|---|--|--|---|
| Pharmacist                | 1 | 0 |  |  | 1 |
| Intern Pharmacist         | 0 | 0 |  |  | 0 |
| Pharmacy Technician       | 0 | 1 |  |  | 1 |
| Designated Representative | 0 | 0 |  |  | 0 |
| Wholesaler                | 0 | 0 |  |  | 0 |
| Sterile Compounding       | 0 | 0 |  |  | 0 |
| Pharmacy                  | 0 | 0 |  |  | 0 |

#### Revocation, stayed; probation

|                           |   |    |  |  |    |
|---------------------------|---|----|--|--|----|
| Pharmacist                | 8 | 17 |  |  | 25 |
| Intern Pharmacist         | 0 | 0  |  |  | 0  |
| Pharmacy Technician       | 4 | 1  |  |  | 5  |
| Designated Representative | 0 | 0  |  |  | 0  |
| Wholesaler                | 1 | 0  |  |  | 1  |
| Sterile Compounding       | 0 | 0  |  |  | 0  |
| Pharmacy                  | 5 | 8  |  |  | 13 |

#### Surrender/Voluntary Surrender

|                           |    |   |  |  |    |
|---------------------------|----|---|--|--|----|
| Pharmacist                | 7  | 6 |  |  | 13 |
| Intern Pharmacist         | 0  | 1 |  |  | 1  |
| Pharmacy Technician       | 10 | 9 |  |  | 19 |
| Designated Representative | 0  | 0 |  |  | 0  |
| Wholesaler                | 0  | 0 |  |  | 0  |
| Sterile Compounding       | 0  | 0 |  |  | 0  |
| Pharmacy                  | 3  | 4 |  |  | 7  |

## Board of Pharmacy Enforcement Statistics Fiscal Year 2016/2017

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#### Public Reprival/Reprimand

|                           |   |   |  |  |   |
|---------------------------|---|---|--|--|---|
| Pharmacist                | 5 | 2 |  |  | 7 |
| Intern Pharmacist         | 0 | 0 |  |  | 0 |
| Pharmacy Technician       | 0 | 0 |  |  | 0 |
| Designated Representative | 0 | 0 |  |  | 0 |
| Wholesaler                | 0 | 0 |  |  | 0 |
| Sterile Compounding       | 0 | 0 |  |  | 0 |
| Pharmacy                  | 0 | 1 |  |  | 1 |

#### Licenses Granted

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

#### Licenses Denied

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

|                           |              |              |  |  |              |
|---------------------------|--------------|--------------|--|--|--------------|
| Cost Recovery Requested** | \$307,270.00 | \$376,617.11 |  |  | \$683,887.11 |
| Cost Recovery Collected** | \$132,381.11 | \$275,441.13 |  |  | \$407,822.24 |

\* This figure includes Citation Appeals

\*\* This figure includes administrative penalties

#### Immediate Public Protection Sanctions

|   |   |   |  |  |   |
|---|---|---|--|--|---|
| Interim Suspension Order                      | 0 | 0 |  |  | 0 |
| Automatic Suspension /<br>Based on Conviction | 0 | 0 |  |  | 0 |
| Penal Code 23 Restriction                     | 2 | 2 |  |  | 4 |
| Cease & Desist - Sterile<br>Compounding       | 0 | 0 |  |  | 0 |

# Board of Pharmacy Enforcement Statistics Fiscal Year 2016/2017

**Workload Statistics**                      **July-Sept**    **Oct-Dec**    **Jan-Mar**    **Apr-June**    **Total 16/17**

**Probation Statistics**

Licenses on Probation

|   |     |     |  |  |     |
|---|-----|-----|--|--|-----|
| Pharmacist  | 176 | 187 |  |  | 187 |
| Intern Pharmacist                                 | 3   | 6   |  |  | 6   |
| Pharmacy Technician                               | 37  | 37  |  |  | 37  |
| Designated Representative                         | 1   | 1   |  |  | 1   |
| Pharmacy  | 54  | 55  |  |  | 55  |
| Sterile Compounding                               | 10  | 10  |  |  | 10  |
| Wholesaler  | 5   | 5   |  |  | 5   |
| Probation Office Conferences                      | 15  | 26  |  |  | 41  |
| Probation Site Inspections                        | 141 | 55  |  |  | 196 |
| Successful Completion                             | 5   | 3   |  |  | 8   |
| Probationers Referred to AG<br>for non-compliance | 0   | 0   |  |  | 0   |

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 November 30, 2016.

**California State Board of Pharmacy  
Citation and Fine Statistics  
July 1, 2016 - November 30, 2016**

**902 Citations were issued this fiscal year**

Total dollar amount of fines issued this fiscal year \$1,300,225.00

**Citation Breakdown by license type**

| Total issued | RPH with fine | RPH no fine | PHY with fine | PHY no fine | TCH with fine | TCH no fine |
|--------------|---------------|-------------|---------------|-------------|---------------|-------------|
| 902          | 280           | 47          | 171           | 113         | 96            | 1           |

**Citation Breakdown by Miscellaneous license type**

| Wholesalers | Exemptee's | Clinics | Drug Room | Exempt Hosp. | Hosp. Pharmacy | Misc.* | Unlicensed Premises | Unlicensed person |
|-------------|------------|---------|-----------|--------------|----------------|--------|---------------------|-------------------|
| 20          | 8          | 2       | 1         | 5            | 68             | 54     | 30                  | 6                 |

\*Intern Pharmacist, Licensed Correctional Facilities, Exempt Pharmacies, Non-Resident Pharmacies, and Vet Retailers

## Top Ten Violations by license type

| <b>Pharmacists</b>   | <b>%</b> | <b>Pharmacies</b>  | <b>%</b> | <b>Pharmacists In Charge</b>   | <b>%</b> |
|--|----------|--|----------|--|----------|
| 1716 - Variation from prescription   | 28%      | 1714(b) - Operational Standards and Security; pharmacy responsible for pharmacy security   | 30%      | 1714(d) - Operational Standards and Security; Pharmacist responsible for pharmacy security   | 38%      |
| 1714(d) - Operational Standards and Security; Pharmacist responsible for pharmacy security   | 26%      | 1716 - Variation from prescription   | 23%      | 4169(a)(1) - Prohibited Acts; Purchase, trade, sell, or transfer dangerous drugs to unlicensed person or entity...   | 18%      |
| 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                               | 9%       | 4113(d) - Every pharmacy shall notify the board in writing within 30 days of the date of a change in pharmacist-in-charge  | 13%      | 1716 - Variation from prescription   | 11%      |
| 4231(d)/1732.5 - Failure to provide documentation substantiating completion of continuing education/Renewal Requirements for Pharmacist  | 8%       | 4081(a) - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory   | 7%       | 1707.1(a)(1)(B)(2) - Duty to maintain medication profiles; a patient medication profile shall be maintained... for each prescription dispensed by the pharmacy-Prescribers name, license number, DEA regis | 7%       |
| 4081(a) - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory   | 7%       | 4113(a) - Pharmacist-in-Charge: Notification to Board; Responsibilities; Every pharmacy shall designate a pharmacist-in-charge within 30 days in writing of the identity and license number of that phar | 7%       | 4081(a) - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory   | 7%       |
| 11165(d)(2) - Pharmacy shall provide the following information the Department of Justice: prescriber's category of licensure and license number; federal controlled substance registration number ...    | 6%       | 4305(b) - Disciplinary Grounds: Failure of Pharmacy or Pharmacist to Notify Board of Termination of Pharmacist-in-Charge; Continuing to Operate Without Pharmacist; Operation of a pharmacy for more tha | 6%       | 1711(d) - Quality assurance program finding shall be used to develop systems to prevent medication errors...   | 4%       |
| 4076(a)(4) - Prescription Container - Requirements for Labeling/The name of the prescriber...  | 4%       | 11165(d)(2) - Pharmacy shall provide the following information the Department of Justice: prescriber's category of licensure and license number; federal controlled substance registration number ...    | 5%       | 1714(b) - Operational Standards and Security; pharmacy responsible for pharmacy security   | 4%       |
| 4301(h) - Unprofessional Conduct – The administering to oneself, of any controlled substance, or the use of any dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous | 4%       | 1711(d) - Quality assurance program finding shall be used to develop systems to prevent medication errors...   | 3%       | 1764/56.10(a) - Unauthorized disclosure of prescription and medical information  | 3%       |
| 1761 - Erroneous or uncertain prescriptions  | 4%       | 4076(a)(4) - Prescription Container - Requirements for Labeling/The name of the prescriber...  | 3%       | 4081(a)/1718 - Records of Dangerous Drugs and Devices Kept Open for Inspection; Maintenance of Records, Current Inventory/Current Inventory Defined  | 3%       |
| 11200(b) - No prescription for a Schedule III or IV substance may be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply...  | 4%       | 1714(c) - Operational Standards and Security; the pharmacy must be maintained in a sanitary condition  | 3%       | 11200(b) - No prescription for a Schedule III or IV substance may be refilled more than five times and in an amount, for all refills of that prescription taken together, exceeding a 120-day supply...    | 3%       |