



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
NORTHERN COMPLIANCE COMMITTEE MEETING
MINUTES**

DATE: April 11, 2002
TIME: 9:00 a.m. – 12:20 p.m.
LOCATION: Department of Consumer Affairs
400 R Street, Suite 4070
Sacramento, CA 95814

**BOARD MEMBER
PRESENT:** Stanley Goldenberg, Chairperson
Donald Gubbins, Board Member
David Fong, Board Member

**STAFF
PRESENT:** Robert Ratcliff, Supervising Inspector
Judith K. Nurse, Supervising Inspector
Ralph Orlandella, Pharmacy Inspector
Lin Hokana, Pharmacy Inspector
Candy Place, Administrative Support
Linda Kapovich, Enforcement Analyst

**ALSO
PRESENT:** Patrick C. Flynn, RPH, PIC, Owner
Kennerth Wayne Cosner, RPH, PIC, Owner
Sandra C. Linton, RPH, PIC
Gregory Yuk-Chung Tam, RPH, former PIC
Richard L. Clark, RPH, PIC
Lily Chan, RPH, former PIC
Bolarinwa Iyadunni Adesina, RPH, PIC
Jasbinder S. Nahal, RPH, former PIC
Marty Savitala, RPH, former PIC
Cynthia Gayle Baker, RPH, PIC

Gregory Cesar Diez Nazareno, RPH, former PIC
Steve Grey, Division Leader
Alven Ching, National Education Director
Marcus H. Howard, RPH, PIC
Anthony Petrulakis, RPH, former PIC
Bineshwar B. Prasad, RPH, Owner
John A. Grillos, RPH, PIC
Sally T. Oyenuga, RPH
Richard Martland, Attorney at Law
Conrad Bio, Pharmacy Development Manager

CALL TO ORDER

Chairperson Stanley Goldenberg called this meeting of the Northern Compliance Committee to order at 9:00 a.m.

A. APPEARANCES REQUIRED

1. Patrick C. Flynn CI 2000 21392
RPH 20827, PIC, Owner

Danville-San Ramon Pharmacy
Danville, CA
PHY 34681

Patrick C. Flynn, and Danville-San Ramon Pharmacy, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Patrick C. Flynn dispensed Minocycline on a prescription written for Monodox. This error was duplicated when the prescription was refilled.

On October 11, 2001, letters of violation were issued to Patrick C. Flynn, and Danville-San Ramon Pharmacy, for violation of:

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

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

M/S/C: Gubbins/Fong

The committee accepted the appearance of Patrick C. Flynn, and Danville-San Ramon Pharmacy; (a) the matter will be made a part of the record of Patrick C. Flynn, RPH 20827; (b) the matter will be made a part of the record of Danville-San Ramon Pharmacy, PHY 34681; (c) Patrick C. Flynn is to contact the patient within ten days to answer any possible questions regarding long term side effects and to give the patient closure on this matter. No further action will be taken at this time.

2. Kennerth Wayne Cosner CI 2001 21669
RPH 32778, PIC, Owner

The Medicine Shoppe
Oakdale, CA
PHY 44941

Kenneth Wayne Cosner, and The Medicine Shoppe, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Kenneth Wayne Cosner failed to have compounding formulations and complete logs for future furnishing. Kenneth Wayne Cosner did not know the legitimate medical purpose of the controlled substances he dispensed, and refilled a CIV controlled substance for more than a 120-day supply. In addition the pharmacy staff ratio exceeded that allowed for one pharmacist on duty.

On July 17, 2001, a violation notice was issued to Kenneth Wayne Cosner, and The Medicine Shoppe, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California Code of Regulations section 1716.2 – Compounding for future furnishing.
- Health and Safety Code section 11153 – Corresponding responsibility.
- Health and Safety Code section 11200 – Refilling a schedule IV controlled substance prescription for greater than 120 days.
- Business and Professions Code section 4115 (g)(1) – Exceeding staffing ratio.
- California Code of Regulations section 1793.3 – Other non-licensed personnel.
- California Code of Regulations section 1793.7 (f) – Except as otherwise provided herein, the ratio of pharmacists to pharmacy technicians performing

the duties specified in subsection 1793.2 shall not be less than one pharmacist on duty for each pharmacy technician on duty.

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

M/S/C: Fong/Gubbins

The committee accepted the appearance of Kenneth Wayne Cosner, and The Medicine Shoppe; (a) the matter will be made a part of the record of Kenneth Wayne Cosner, RPH 32778; (b) the matter will be made a part of the record of The Medicine Shoppe, PHY 44941; (c) Kenneth Wayne Cosner advise the QS1 computer company that the pharmacy's computer system will not respond to an edit in the system, then submit to the board within two weeks a copy of the written response from the QS1 computer company; (d) A follow up inspection is ordered within sixty to ninety days to ensure compliance with all pharmacy laws. No further action will be taken at this time.

3. Sandra C. Linton CI 2000 20377
RPH 50971, PIC

Gregory Yuk-Chung Tam
RPH 29426, former PIC

Kaiser Foundation Health Plan
MOB 3 Pharmacy #213
Vallejo, CA
PHY 37049

Richard L. Clark
RPH 22155, PIC

Lily Chan
RPH 44599, former PIC

Kaiser Foundation Health Plan
MOB 1 Pharmacy #211
Vallejo, CA
PHY 37047

Bolarinwa Iyadunni Adesina
RPH 46278, PIC

Jasbinder S. Nahal
RPH 43452, former PIC

Marty Savitala
RPH 32575, former PIC

Kaiser Foundation Health Plan
MOB 2 Pharmacy #212
Vallejo, CA
PHY 37048

Cynthia Gayle Baker
RPH 42078, PIC

Gregory Cesar Diez Nazareno
RPH 39755, former PIC

Kaiser Foundation Hospital
Inpatient Discharge Pharmacy 21A #213
Vallejo, CA
HSP 40760

Steve Grey, Division Leader
Alven Ching, National Education Director

Sandra C. Linton, Gregory Yuk-Chung Tam, Kaiser Foundation Health Plan MOB 3 Pharmacy #213, Richard L. Clark, Lily Chan, Kaiser Foundation Health Plan MOB 1 Pharmacy #211, Bolarinwa Iyadunni Adesina, Jasbinder S. Nahal, Marty Savitala, Kaiser Foundation Health Plan MOB 2 Pharmacy #212, Cynthia Gayle Baker, Gregory Cesar Diez Nazareno, and Kaiser Foundation Hospital Inpatient Discharge Pharmacy 21A #215, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that 3700 Norco tablets were not accounted for. In addition failure to account for all dangerous drugs handled by every licensee at all times, failure to maintain security if the pharmacy at all times, and failure to create daily records of the pharmacists responsible for filling prescriptions.

On May 29, 2001, a violation notice was issued to Gregory Yuk-Chung Tam and Kaiser Foundation Health Plan MOB 3, Pharmacy #213, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4081 (a) - All records of manufacture, sale, acquisition, or disposition of dangerous drugs or devices shall at all times during business hours be open to inspection by authorized officer of the law, and shall be preserved for at least 3 years.....
- California Code of Regulations section 1718 - Current inventory defined.
- 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.
- Code of Federal Regulations section 1301.71 – Security requirements generally.
- California Code of Regulations section 1717 (g) - The pharmacy must have written procedures that identifies each individual pharmacist responsible for the filling of a prescription and a corresponding entry of information.
- Health and Safety Code section 11205 - Maintenance and retention of records in separate file.

On May 29, 2001, a violation notice was issued to Sandra C. Linton, Kaiser Foundation Health Plan MOB 3 Pharmacy #213, Lily Chan, Kaiser Foundation Health Plan MOB 1 Pharmacy #211, Jasbinder S. Nahal, Marty Savitala, Kaiser Foundation Health Plan MOB 2 Pharmacy #212, Cynthia Gayle Baker, Gregory Cesar Diez Nazareno, and Kaiser Foundation Hospital Inpatient Discharge Pharmacy 21A #215, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- California code of Regulations section 1717 (g) - The pharmacy must have written procedures that identify each individual pharmacist responsible for the filling of a prescription and a corresponding entry of information.
- Health and Safety Code section 11205 - Maintenance and retention of records in separate file.

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

The committee rescinded all of the violations with regard to Sandra C. Linton, RPH 50971; Lilly Chan, RPH 44599; Kaiser Health Plan MOB 1 Pharmacy #211, PHY 37047; Jasbinder S. Nahal, RPH 43452; Marty Savitala, RPH 32575; Kaiser Foundation Health Plan MOB 2 Pharmacy #212, PHY 37048; Cynthia Gayle Baker, RPH 42078;

Gregory Cesar Diez Nazareno, RPH 39766; Kaiser Foundation Hospital Inpatient Discharge Pharmacy 21A #215, HSP 40760;

The committee rescinded the violations of California Code of Regulations section 1717 (g) and Health and Safety Code section 11205, with regard to Gregory Yuk-Chung Tam, RPH 29426.

M/S/C: Fong/Gubbins

The committee accepted the appearance of Sandra C. Linton, Gregory Yuk-Chung Tam, Kaiser Foundation Health Plan MOB 3 Pharmacy #213, Richard L. Clark, Lily Chan, Kaiser Foundation Health Plan MOB 1 Pharmacy #211, Bolarinwa Iyadunni Adesina, Jasbinder S. Nahal, Marty Savitala, Kaiser Foundation Health Plan MOB 2 Pharmacy #212, Cynthia Gayle Baker, Gregory Cesar Diez Nazareno, and Kaiser Foundation Hospital Inpatient Discharge Pharmacy 21 A #215; (a) the matter will be made a part of the record of Gregory Yuk-Chung Tam, RPH 29426; (b) the matter will be made a part of the record of Kaiser Foundation Health Plan MOB 3 Pharmacy #213, PHY 37049. No further action will be taken at this time.

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4. Marcus H. Howard
RPH 41046, PIC
CI 2001 21502
- Anthony Petrulakis
RPH 19635, former PIC
- Bineshwar B. Prasad
RPH 38331, Owner
- Sierra Family Pharmacy
Modesto, CA
PHY 44173

Marcus H. Howard, Anthony Petrylakis, Bineshwar B. Prasad, and Sierra Family Pharmacy, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Anthony Petrylakis dispensed CIII controlled substances without knowledge of the legitimate medical purpose. Anthony Petrylakis also dispensed CIII controlled substances for a period that exceeded the 120-day therapy, and failed to record who authorized the refills. In addition there were no policy and procedures for pharmacy technicians.

On July 16, 2001, a violation notice was issued to Anthony Petrylakis, and Sierra Family Pharmacy, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Health and Safety Code section 11153 – Corresponding responsibility.
- Health and Safety Code section 11200 (b) – Refilling a schedule IV controlled substance prescription for greater than 120 days.
- Business and Professions Code section 4071 - Prescriber may authorize agent to transmit prescription; schedule II excluded.
- California Code of Regulations section 1793.7 (e) – Any pharmacy employing or using a pharmacy technician shall develop a job description and written policies and procedures.

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

M/S/C: Gubbins/Goldenberg

The committee accepted the appearance of Marcus H. Howard, Anthony Petrylakis, Bineshwar B. Prasad, and Sierra Family Pharmacy; (a) the matter will be made a part of the record of Anthony Petrylakis, RPH 19635; (b) the matter will be made a part of the record of Sierra Family Pharmacy, PHY 44173. No further action will be taken at this time.

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5. Ronald E. Hopkins
RPH 27504, PIC

Elizabeth Biagini
RPH 22074

Rite Aid #6014
Oakdale, CA
PHY 44397
- CI 2001 21528

This matter was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled for a future meeting.

6. John A. Grillos
RPH 24286, PIC

CI 2000 20602

Kelly Baokhanh Tran
RPH 50993, former PIC

Sally T. Oyenuga
RPH 46875

Rite Aid Pharmacy #5893
Redwood City, CA
PHY 43940

Richard Martland, Attorney at Law
Conrad Bio, Pharmacy Development Manager

John A. Grillos, Kelly Baokhanh Tran, Sally T. Oyenuga, and Rite Aid #5893, were requested to appear at the Northern Compliance meeting as the result of an investigation that revealed that Sally T. Oyenuga dispensed Vicodin Hydrocodone/Acetaminophen 5mg/500mg on a prescription calling for Vicodin ES, Hydrocodone/Acetaminophen 7.5mg/750mg.

On October 11, 2001, a letter of violation was issued to Sally T. Oyenuga, for violation of:

- Business and Professions Code section 4113 (a)(c) - Pharmacist in charge: responsibilities; notification to board;
- California Code of Regulations section 1716 – Variation from prescriptions.

On October 11, 2001, a letter of violation was issued to Rite Aid #5893, for violation of:

- Business and Professions Code section 4301 – Unprofessional conduct.
- Business and Professions Code section 4101 (a) - Any pharmacist who takes charge of, or acts as pharmacist-in-charge of a pharmacy or other entity licensed by the board, who terminates his or her employment at the pharmacy or other entity, shall notify the board within 30 days of the termination of employment.

- California Code of Regulations section 1716 – Variation from a prescription.

Kelly Baokhanh tran failed to appear for this meeting of the Northern Compliance Committee.

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

M/S/C: Fong/Goldenberg

The committee accepted the appearance of John A. Grillos, Sally T. Oyenuga, and Rite Aid #5893; (a) the matter will be made a part of the record of Sally T. Oyenuga, RPH 46875; (b) the matter will be made a part of the record of Rite Aid #5893, PHY 43940. No further action will be taken at this time.

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7. Miriam Lynn Nigg Craft
RPH 47016, PIC
CI 1999 19529
- Walgreen's Pharmacy #1897
San Jose, CA
PHY 34441
- Francesca Thutrang Huynh
RPH 47270, PIC
- Tien Thuy Vu
RPH 48808, former PIC
- Walgreen's Pharmacy #2169
San Jose, CA
PHY 36851
- Jennifer M. Tolentino
RPH 50957, PIC
- Craig Lynwood Edwards
RPH 27161, former PIC

Walgreen's Pharmacy#863
San Jose, CA
PHY 17407

Gary Henry Landi
RPH 26324, PIC

Walgreen's Pharmacy #2739
San Jose, CA
PHY 39026

Paul Joseph Szpara
RPH 25460, PIC

Irwin S. Weiss
RPH 22127

Sav-On Pharmacy #7154
San Jose, CA
PHY 41476

Roger Lee Baird
RPH 25996, PIC

Sav-On Pharmacy #7117
San Jose, CA
PHY 40023

Lloyd Hideo Watanabe
RPH 27187, PIC

Rite Aid #5983
San Jose, CA
PHY 42389

This matter was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled for a future meeting.

8. Bixley Hayden
RPH 26678, PIC

CI 2000 20950

Longs Drug Store #41

Fresno, CA
PHY 30985

This matter was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled for a future meeting.

9. Eric Stafford Johnson CI 2000 21150
RPH 38375, PIC

Walgreen's Pharmacy #2727
Fresno, CA
PHY 38013

Charles Raymond Grove
RPH 37923, PIC

Constant Julian Golondzinier
RPH 25543, former PIC

Wal-Mart Pharmacy #10-2536
Tulare, CA
PHY 42073

This matter was postponed prior to this meeting of the Northern Compliance Committee, and will be rescheduled for a future meeting.

There being no additional discussion, the meeting was adjourned at 12:20 p.m.