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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 4801

11 **GOLDEN STATE PHARMACEUTICALS;**
12 **KENNETH JACK AMODEO**
13 **768 Calle Plano**
Camarillo, CA 93012

A C C U S A T I O N

14 **Pharmacy Permit No. PHY 48647,**

15 **Pharmacist License No. RPH 37646**

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17 Respondent.

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20 Complainant alleges:

21 **PARTIES**

22 1. Virginia Herold (Complainant) brings this Accusation solely in her official capacity
23 as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

24 2. On or about August 24, 2007, the Board of Pharmacy issued Pharmacy Permit
25 Number PHY 48647 to Golden State Pharmaceuticals (Respondent). The Pharmacy Permit
26 expired on August 1, 2010, and has not been renewed.
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1 6. Section 4300.1 of the Code states:

2 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
3 operation of law or by order or decision of the board or a court of law, the placement of a license
4 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board
5 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
6 proceeding against, the licensee or to render a decision suspending or revoking the license."

7 7. Section 4333 of the Code states, in pertinent part, that all prescriptions filled by a
8 pharmacy and all other records required by Section 4081 shall be maintained on the premises and
9 available for inspection by authorized officers of the law for a period of at least three years. In
10 cases where the pharmacy discontinues business, these records shall be maintained in a
11 board-licensed facility for at least three years.

12 8. Section 4081 of the Code states:

13 "(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs
14 or dangerous devices shall be at all times during business hours open to inspection by authorized
15 officers of the law, and shall be preserved for at least three years from the date of making. A
16 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary
17 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
18 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
19 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
20 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
21 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

22 "(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal
23 drug retailer shall be jointly responsible, with the pharmacist-in-charge or representative-in-
24 charge, for maintaining the records and inventory described in this section.

25 "(c) The pharmacist-in-charge or representative-in-charge shall not be criminally
26 responsible for acts of the owner, officer, partner, or employee that violate this section and of
27 which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or
28 she did not knowingly participate."

1 licensee or registrant to perform the functions authorized by his license or registration in a manner
2 consistent with the public health, safety, or welfare."

3 12. California Code of Regulations, title 16, section 1708.2 provides:

4 "Any permit holder shall contact the board prior to transferring or selling any dangerous
5 drugs, devices or hypodermics inventory as a result of termination of business or bankruptcy
6 proceedings and shall follow official instructions given by the board applicable to the
7 transaction."

8 13. California Code of Regulations, title 16, section 1761 provides:

9 "(a) No pharmacist shall compound or dispense any prescription which contains any
10 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
11 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
12 validate the prescription."...."

13 COSTS

14 14. Section 125.3 of the Code states, in pertinent part, that the Board may request the
15 administrative law judge to direct a licentiate found to have committed a violation or violations of
16 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 FIRST CAUSE FOR DISCIPLINE

19 (Golden State Pharmaceuticals - Failure to File Discontinuance of Business)

20 15. Respondent Golden State Pharmaceuticals is subject to disciplinary action under title
21 16, section 1708.2 of the California Code of Regulations (CCR) in that Respondent failed to
22 contact the Board prior to transferring or selling any dangerous drugs, devices or hypodermic
23 inventory as a result of termination of its business. The circumstances are as follows:

24 16. On or about April 29, 2011, an onsite inspection by the Board of Pharmacy revealed
25 that another business was operating out of the business address licensed to Respondent located at
26 768 Calle Plano, Camarillo, CA 93012. Respondent failed to submit or file a Discontinuance of
27 Business form with the Board upon the termination of its business.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 (Golden State Pharmaceuticals - Failure to Maintain Prescription Records)

3 17. Respondent Golden State Pharmaceuticals is subject to disciplinary action under
4 section 4333 in conjunction with 4081 of the Code in that it failed to maintain all prescriptions
5 filled by the pharmacy and all other records on its premises for inspection by authorized officers
6 for a period of three years. The circumstances are as follows:

7 18. On or about June 16, 2010 Respondent Golden State Pharmaceuticals terminated its
8 business operations located at 768 Calle Plano, Camarillo, CA 93012, and subsequently failed to
9 notify the Board prior to transferring, selling or disposing of all dangerous drugs and devices. In
10 addition, Respondent failed to notify the Board as to where all records of acquisition and
11 disposition of dangerous drugs, including prescription files, were retained and maintained for the
12 legally required period of three years from the date of making.

13 **THIRD CAUSE FOR DISCIPLINE**

14 (Golden State Pharmaceuticals - Unauthorized Prescriptions)

15 19. Respondent Golden State Pharmaceuticals is subject to disciplinary action under title
16 16, section 1761, subdivision (a) of the CCR in conjunction with section 4059 subdivision (a) and
17 4060 of the Code in that it failed to contact the prescribers to validate prescriptions prior to
18 compounding or dispensing such prescriptions which contained significant errors, omissions,
19 irregularities, uncertainties, ambiguities, or alterations. The circumstances are as follows:

20 20. From on or about January 2009 to June 2010, Respondent Golden State
21 Pharmaceuticals furnished and dispensed approximately 1000 controlled substance prescriptions,
22 which were not prescribed or authorized by Douglas Mills, M.D.. Specifically, Respondent failed
23 to obtain validation of the prescriptions from Dr. Mills who was not employed by Frontline
24 Medical Associates, the prescribing medical group, since September 2007, and had not been
25 practicing medicine in the State of California since October 2009.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Kenneth Jack Amodeo - Failure to Maintain Prescription Records)

3 21. Respondent Kenneth Jack Amodeo is subject to disciplinary action under section
4 4333 in conjunction with 4081 of the Code in that he failed to maintain all prescriptions filled by
5 the pharmacy and all other records on its premises for inspection by authorized officers for a
6 period of three years. The circumstances are as follows:

7 22. On or about June 16, 2010, while Respondent Kenneth Jack Amodeo was the
8 Pharmacist-in-Charge, Golden State Pharmaceuticals terminated its business operations located at
9 768 Calle Plano, Camarillo, CA 93012. Respondent Amodeo failed to notify the Board of the
10 termination of business practices prior to transferring, selling or disposing of all dangerous drugs
11 and devices. In addition, Respondent Amodeo failed to notify the Board as to where all records of
12 acquisition and disposition of dangerous drugs, including prescription files, were retained and
13 maintained for the legally required period of three years from the date of making.

14 **FIFTH CAUSE FOR DISCIPLINE**

15 (Kenneth Jack Amodeo - Unauthorized Prescriptions)

16 23. Respondent Kenneth Jack Amodeo is subject to disciplinary action under Title 16,
17 section 1761, subdivision (a) of the CCR in conjunction with section 4059 subdivision (a) and
18 4060 of the Code in that while he was the Pharmacist-In-Charge, the pharmacist(s) who dispensed
19 the prescriptions failed to contact the prescribers to validate prescriptions prior to compounding
20 or dispensing such prescriptions, which contained significant errors, omissions, irregularities,
21 uncertainties, ambiguities, or alterations. The circumstances are as follows:

22 24. From on or about January 2009 to June 2010, Respondent Kenneth Jack Amodeo was
23 the Pharmacist-In-Charge at Golden State Pharmaceuticals. During this time frame,
24 approximately 1000 controlled substance prescriptions were furnished and dispensed, which were
25 not prescribed or authorized by Douglas Mills, M.D.. Specifically, the pharmacist(s) failed to
26 obtain validation of the prescriptions from Dr. Mills who was not employed by Frontline Medical
27 Associates, the prescribing medical group, since September 2007 and had not been practicing
28 medicine in the State of California since October 2009.

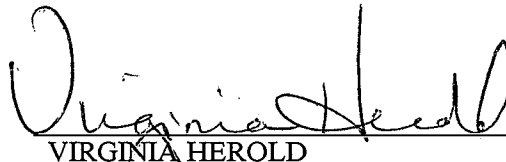
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged, and that following the hearing, the Board of Pharmacy issue a decision:

1. Revoking or suspending Pharmacy Permit Number PHY 48647, issued to Golden State Pharmaceuticals and PIC Kenneth Jack Amodeo.
2. Revoking or suspending Pharmacist license Number RPH 48647, issued to Kenneth Jack Amodeo;
3. Ordering Kenneth Jack Amodeo and Golden State Pharmaceuticals to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
4. Taking such other and further action as deemed necessary and proper.

DATED: _____

1/6/14



VIRGINIA HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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