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7	BEFORE THE				
8					
9		CALIFORNIA			
10	In the Matter of the Accusation Against:	Case No. 4942			
11	GEORGE M. ARRAGG	Case 110. 4942			
12	P.O. Box 27 Montebello, CA 90640	ACCUSATION			
13	Pharmacist License No. RPH 19827				
14	Respondent.				
15					
16					
17	Complainant alleges:				
18					
19	1. Virginia Herold (Complainant) brin	gs this Accusation solely in her official capacity			
20	as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.				
21	2. On or about January 28, 1957, the Board of Pharmacy issued Pharmacist License				
22	Number RPH 19827 to George M. Arragg (Respondent). The Pharmacist License was in full				
23	force and effect at all times relevant to the charges brought herein and will expire on November				
24	30, 2015, unless renewed.				
25	JURIS	DICTION			
26	3. This Accusation is brought before t	he Board of Pharmacy (Board), Department of			
27	Consumer Affairs, under the authority of the fo	llowing laws. All section references are to the			
28	Business and Professions Code unless otherwise indicated.				
	 	1 Accusation			

1	STATUTORY PROVISIONS		
2	4. Section 118, subdivision (b), provides that the suspension, expiration, surrender,		
3	cancellation of a license shall not deprive the Board to proceed with a disciplinary action during		
4	the period within which the license may be renewed, restored, reissued or reinstated.		
5	5. Section 4060 provides, in pertinent part:		
6	"No person shall possess any controlled substance, except that furnished to a person upon		
7	the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor		
8	pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-		
9	midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a		
10	physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,		
11	or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of		
12	subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052."		
13	6. Section 4300 provides, in pertinent part, that every license issued by the Board is		
14	subject to discipline, including suspension or revocation.		
15	7. Section 4301 provides, in pertinent part:		
16	"The board shall take action against any holder of a license who is guilty of unprofessional		
17	conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.		
18	Unprofessional conduct shall include, but is not limited to, any of the following:		
19			
20	"(f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or		
21	corruption, whether the act is committed in the course of relations as a licensee or otherwise, and		
22	whether the act is a felony or misdemeanor or not.		
23			
24	"(h) The administering to oneself, of any controlled substance, or the use of any dangerous		
25	drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to		
26	oneself, to a person holding a license under this chapter, or to any other person or to the public, or		
27	to the extent that the use impairs the ability of the person to conduct with safety to the public the		
28	practice authorized by the license.		
	2 Accusation		

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1	••••
2	"(j) The violation of any of the statutes of this state, or any other state, or of the United
3	States regulating controlled substances and dangerous drugs.
4	••••
5	"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
6	violation of or conspiring to violate any provision or term of this chapter or of the applicable
7	federal and state laws and regulations governing pharmacy, including regulations established by
8	the board or by any other state or federal regulatory agency."
9	8. Health and Safety Code section 11170 states:
10	No person shall prescribe, administer, or furnish a controlled substance for himself.
11	COST RECOVERY
12	9. Section 125.3 provides, in pertinent part, that the Board may request the
13	administrative law judge to direct a licentiate found to have committed a violation or violations of
14	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
15	enforcement of the case.
16	DANGEROUS DRUG/CONTROLLED SUBSTANCES
17	10. "Lorazepam" a benzodiazepine derivative, is a Schedule IV controlled substance as
18	designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a
19	dangerous drug pursuant to Business and Professions Code section 4022.
20	BACKGROUND
21	11. On or around August 1, 2011, Respondent was working as a pharmacist at Rite Aid
22	Pharmacy, located in Lynwood, CA. Towards the end of the day, a pharmacy technician noticed
23	that Respondent was handling Lorazepam, a controlled substance, despite the fact that there were
24	no remaining scripts. An investigation ensued which included a review of surveillance video and
25	a Lorazepam audit. Respondent was subsequently interviewed during which he admitted taking
26	twelve tablets of Lorazepam from the pharmacy.
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Accusation

1	FIRST CAUSE FOR DISCIPLINE	
2	(Unlawful Possession of Controlled Substances)	
3	12. Respondent is subject to disciplinary action under sections 4300, and 4301,	
4	subdivisions (j) and (o) in conjunction with section 4060, in that Respondent unlawfully	
5	possessed a controlled substance while working as a pharmacist at Rite Aid Pharmacy in	
6	Lynwood, CA. Complainant refers to, and by this reference incorporates, the allegations set forth	
7	above in paragraph 11, as though set forth fully.	
8	SECOND CAUSE FOR DISCIPLINE	
9	(Unlawful Self-Administration of Controlled Substances)	
10	13. Respondent is subject to disciplinary action under section 4301, subdivision (h) and	
11	Health and Safety Code section 11170 in that he furnished and administered controlled substances	
12	to himself while working as pharmacist at Rite Aid Pharmacy. Complainant refers to, and by this	
13	reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.	
14	THIRD CAUSE FOR DISCIPLINE	
15	(Theft of Controlled Substances)	
16	14. Respondent is subject to disciplinary action under sections 4300 and 4301,	
17	subdivision (f), in that Respondent committed acts of moral turpitude and/or dishonesty when he	
18	stole narcotic substances from his employer, Rite Aid Pharmacy. Complainant refers to, and by	
19	this reference incorporates, the allegations set forth above in paragraph 11 as though set forth	
20	fully.	
21	FOURTH CAUSE FOR DISCIPLINE	
22	(Furnishing Dangerous Drugs Without a Prescription)	
23	15. Respondent is subject to disciplinary action under sections 4300, and 4301,	
24	subdivision (j), in conjunction with section 4059, subdivision (a) in that Respondent furnished	
25	drugs to herself without a prescription while employed as a pharmacist at Rite Aid Pharmacy.	
26	Complainant refers to, and by this reference incorporates, the allegations set forth above in	
27	paragraph 11 as though set forth fully.	
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1	<u>PRAYER</u>	
2	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged	,
3	and that following the hearing, the Board of Pharmacy issue a decision:	
4	1. Revoking or suspending Pharmacist License Number RPH 19827, issued to George	
5	M. Arragg;	
6	2. Ordering George M. Arragg to pay the Board of Pharmacy the reasonable costs of t	he
7	investigation and enforcement of this case, pursuant to Business and Professions Code section	
8	125.3;	
9	3. Taking such other and further action as deemed necessary and proper.	
10	DATED: 7/1/14 (higinie Led	
11	VIRGINIA HEROLD	
12	Executive Officer Board of Pharmacy	
13	Department of Consumer Affairs State of California	
14	Complainant	
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