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8	BOARD OF 3	RE THE PHARMACY
9	DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA	
10	· · · · · · · · · · · · · · · · · · ·	
11	In the Matter of the Accusation Against:	Case No. 5186
12	ARTESIA PHARMACY, INC. DBA TRIAD COMPOUNDING PHARMACY	
13	11090 Artesia Blvd., Suite H Cerritos, CA 90703	ACCUSATION
14	Pharmacy Permit No. PHY 41551	
15	RONALD STEPHEN MILLER	
16	736 S. Skyridge Dr. Anaheim, CA 92808	
17	Pharmacist License No. RPH 29677	
18	Respondent.	
19		
20	Complainant alleges:	
21	PAR	TIES
22	1. Virginia Herold (Complainant) bring	s this Accusation solely in her official capacity
23	as the Executive Officer of the Board of Pharmac	cy, Department of Consumer Affairs.
24	2. On or about April 5, 1996, the Board	of Pharmacy issued Pharmacy Permit Number
25	PHY 41551 to Artesia Pharmacy, Inc. doing bus	iness as Triad Compounding Pharmacy
26	(Respondent Triad Compounding Pharmacy). T	he Pharmacy Permit was in full force and effect
27	at all times relevant to the charges brought herein and will expire on April 1, 2015, unless	
28	renewed.	
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	2 On an about time 24, 1075, the Decent of Discourse interview int Linear	
1	3. On or about June 24, 1975, the Board of Pharmacy issued Pharmacist License	
2	Number 29677 to Ronald Stephen Miller (Respondent Ronald Miller). The Pharmacist License	
3	was in full force and effect at all times relevant to the charges brought herein and will expire on	
4	April 30, 2016, unless renewed.	
5	JURISDICTION	
6	4. This Accusation is brought before the Board of Pharmacy (Board), Department of	
7	Consumer Affairs, under the authority of the following laws. All section references are to the	
8	Business and Professions Code unless otherwise indicated.	
9	5. Section 4011 of the Code provides that the Board shall administer and enforce both	
10	the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances	
11	Act [Health & Safety Code, § 11000 et seq.].	
12	6. Section 4300(a) of the Code provides that every license issued by the Board may be	
13	suspended or revoked.	
14	7. Section 4300.1 of the Code states:	
15	The expiration, cancellation, forfeiture, or suspension of a board-issued license	
16	by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a	
17	a decision suspending or revoking the license.	
18		
19	STATUTORY AND REGULATORY PROVISIONS	
20	8. Section 4040(a)(1)(c) and (c) of the Code states:	
21	(a) "Prescription" means an oral, written, or electronic transmission order that is both	
22	of the following:	
23		
24	(C) The date of issue.	
25		
26	(c) "Electronic transmission prescription" includes both image and data prescriptions. "Electronic image transmission prescription" means any prescription	
27	order for which a facsimile of the order is received by a pharmacy from a licensed prescriber. "Electronic data transmission prescription" means any prescription order,	
28	other than an electronic image transmission prescription, that is electronically transmitted from a licensed prescriber to a pharmacy.	
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1	9. Section 4052(a)(1) of the Code states:	
2	(a) Notwithstanding any other law, a pharmacists:	
3	(1) Furnish a reasonable quantity of compounded drug product to a prescriber for office use by the prescriber.	
4	10. Section 4126.5 (a) of the Code states:	
5	(a) A pharmacy may furnish dangerous drugs only to the following:	
6	(1) A wholesaler owned or under common control by the wholesaler from	
7	whom the dangerous drug was acquired.	
8	(2) The pharmaceutical manufacturer from whom the dangerous drug was acquired.	
9	(3) A licensed wholesaler acting as a reverse distributor.	
10	(4) Another pharmacy or wholesaler to alleviate a temporary shortage of a	
11	dangerous drug that could result in the denial of health care. A pharmacy furnishing dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to	
12	alleviate the temporary shortage.	
13 14	(5) A patient or to another pharmacy pursuant to a prescription or as otherwise authorized by law.	
14	(6) A health care provider that is not a pharmacy but that is authorized to purchase dangerous drugs.	
16	(7) To another pharmacy under common control.	
17	11. Section 4163 (a) of the Code states:	
18	A manufacturer, wholesaler, repackager, or pharmacy may not furnish a dangerous drug or dangerous device to an unauthorized person.	
19	12. Section 4169 (a)(1) of the Code states:	
20	A person may not do any of the following: Purchase, trade, sell, or transfer	
21	dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler.	
22	13. Section 4301 of the Code states in pertinent part:	
23	The board shall take action against any holder of a license who is guilty of	
24	unprofessional conduct or whose license has been procured by fraud or misrepresentation or issued by mistake. Unprofessional conduct shall include, but is	
25 26	not limited to, any of the following:	
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2	(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter
3	or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or any other state or federal regulatory
4	agency.
5	····
6	14. Section 4113 (c) of the Code states:
7	The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state
8	and federal laws and regulations pertaining to the practice of pharmacy.
9	15. California Code of Regulations, title 16, section 1717 (c) states:
10	Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted
11	prescription. If the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the prescription to identify him or herself. All
12	orally transmitted prescriptions shall be received and transcribed by a pharmacist prior to compounding, filling, dispensing or furnishing. Chart orders as defined in
13	section 4019 of the Business and Professions Code are not subject to the provisions of this subsection.
14	16. California Code of Regulations, title 16, section 1761 (a) states:
15 16	No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain
17	the information needed to validate the prescription.
18	COST RECOVERY
19	17. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
20	administrative law judge to direct a licentiate found to have committed a violation or violations of
21	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22	enforcement of the case.
23	FACTUAL ALLEGATIONS
24	18. At all times referenced herein, Respondent Ronald Miller was the Pharmacist-in-
25	Charge of Respondent Triad Compounding Pharmacy.
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19. From at least October 28, 2011 through August 8, 2013, Respondents received
 electronic image and data transmission prescription orders via facsimile or email from an
 unlicensed entity, SportPharm Pharmaceuticals, Inc. or a wholesaler, Champion Health Services,
 Inc. instead of a prescriber. Respondents then dispensed, furnished and sold drugs to SportPharm
 Pharmaceuticals, Inc. which the Board had issued two citations and fines for engaging in
 unlicensed activities and/or to Champion Health Services, Inc.

7 20. Respondents furnished non-patient specific compounded drug products, allegedly for
8 "prescriber office use" to Champion Healthcare Services, Inc. and SportPharm Pharmaceuticals,
9 Inc. who were not prescribers.

21. Respondents accepted and filled prescriptions which did not contain the dates of
issuance on them. Respondents also accepted and filled prescriptions from sources other than the
prescriber, SportsPharm Pharmaceuticals, Inc. and Champion Healthcare Services, Inc. without
documenting that they contacted the prescribers to validate the prescriptions. Respondents also
did not reduce oral prescriptions to writing nor did pharmacists initial oral prescriptions which
were reduced to writing.

16 22. From June 25, 2013 through August 8, 2013, Respondents sold and shipped drugs to
17 states where Respondent Triad Compounding Pharmacy was not licensed to ship drugs but was
18 required to be licensed to ship drugs into those states.

19 20

FIRST CAUSE FOR DISCIPLINE

(Sold Drugs to Unlicensed Entity)

21 23. Respondents are subject to disciplinary action under Code section 4301(0), for
22 violating Business and Professions Code section 4169(a)(1), in that they sold or transferred
23 dangerous drugs to an unlicensed entity, as set forth in paragraphs 18 through 22 above, which
24 are incorporated herein by reference.

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1	SECOND CAUSE FOR DISCIPLINE	
2	(Furnished Drugs to Unauthorized Entities)	
3	24. Respondents are subject to disciplinary action under Code section 4301(0), for	
4	violating Business and Professions Code section 4126.5(a)(1), in that they furnished dangerous	
5	drugs to an unlicensed entity and a wholesaler, as set forth in paragraphs 18 through 22 above,	
6	which are incorporated herein by reference.	
7	THIRD CAUSE FOR DISCIPLINE	
8	(Furnished Drugs to Unauthorized Person)	
9	25. Respondents are subject to disciplinary action under Code section 4301(o), for	
10	violating Business and Professions Code section 4163(a)(1), in that they furnished dangerous	
11	drugs to an unauthorized person, an unlicensed entity, as set forth in paragraphs 18 through 22	
12	above, which are incorporated herein by reference.	
13	FOURTH CAUSE FOR DISCIPLINE	
14	(Sold or Delivered Drugs Out of State Without Licensure)	
15	26. Respondents are subject to disciplinary action under Code section 4301(0), for	
16	violating Business and Professions Code section 4059.5(e), in that they sold and shipped	
17	dangerous drugs into states where Respondent Triad Compounding Pharmacy was unlicensed to	
18	ship drugs but was required to be licensed to do so, as set forth in paragraphs 18 through 22	
19	above, which are incorporated herein by reference.	
20	FIFTH CAUSE FOR DISCIPLINE	
21	(Failure to Reduce Oral Prescriptions to Writing or Initial Them)	
22	27. Respondents are subject to disciplinary action under Code section 4301(0), for	
23	violating California Code of Regulations, title 16, section 1717(c), in that they failed to reduce	
24	oral prescriptions to writing and failed to have the pharmacist initial oral prescriptions reduced to	
25	writing, as set forth in paragraphs 18 through 22 above, which are incorporated herein by	
26	reference.	
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	SIXTH CAUSE FOR DISCIPLINE
1	(Failure to Contact Prescriber to Validate Prescriptions)
2	28. Respondents are subject to disciplinary action under Code section 4301(o), for
3	violating California Code of Regulations, title 16, section 1761(a), in that they did not contact the
4	prescriber to validate prescriptions received from sources other than the prescribers, as set forth
5	
6	in paragraphs 18 through 22 above, which are incorporated herein by reference.
7	SEVENTH CAUSE FOR DISCIPLINE
8	(Accepted and Filled Prescriptions Without Date of Issue)
9	29. Respondents are subject to disciplinary action under Code section 4301(o), for
10	violating Business and Professions Code section 4040(a)(1)(C), in that they accepted and filled
11	prescriptions which did not contain the date issue written on them, as set forth in paragraphs 18
12	through 22 above, which are incorporated herein by reference.
13	EIGHTH CAUSE FOR DISCIPLINE
14	(Accepted and Received Prescriptions From Unlicensed Entity and Wholesaler)
15	30. Respondents are subject to disciplinary action under Code section 4301(0), for
16	violating California Code of Regulations, title 16, section 1761(a), in that they accepted and filled
17	electronic transmission prescriptions from an unlicensed entity and a wholesaler, as set forth in
18	paragraphs 18 through 22 above, which are incorporated herein by reference.
19	NINTH CAUSE FOR DISCIPLINE
20	(Furnished Non-Patient Specific Compounded Drugs to Unlicensed Entity and Wholesaler)
21	31. Respondents are subject to disciplinary action under Code section 4301(0), for
22	violating Business and Professions Code section 4052(a)(1), in that they furnished non-patient
23	specific compounded drugs for "prescriber office use" to entities who were not prescribers, as set
24	forth in paragraphs 18 through 22 above, which are incorporated herein by reference.
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1	TENTH CAUSE FOR DISCIPLINE	
2	(Unprofessional Conduct)	
3	32. Respondents are subject to disciplinary action under Code section 4301 for	
4	unprofessional conduct in that they engaged in the activities described in paragraphs 18 through	
5	22 above, which are incorporated herein by reference.	
6	PRAYER	
7	WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,	
8	and that following the hearing, the Board of Pharmacy issue a decision:	
9	1. Revoking or suspending Pharmacy Permit Number PHY 41551, issued to Artesia	
10	Pharmacy, Inc., doing business as Triad Compounding Pharmacy;	
11	2. Revoking or suspending Pharmacist License Number RPH 29677, issued to Ronald	
12	Stephen Miller;	
13	3. Ordering Artesia Pharmacy, Inc. doing business as Triad Compounding Pharmacy	
14	and Ronald Stephen Miller to pay the Board of Pharmacy the reasonable costs of the investigation	
15	and enforcement of this case, pursuant to Business and Professions Code section 125.3;	
16	4. Taking such other and further action as deemed necessary and proper.	
17	alate Di i Standal	
18	3/15/16 Juginia year	
19 20	DATED:	
20	Board of Pharmacy Department of Consumer Affairs State of California	
22	Complainant	
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