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

11 In the Matter of the Accusation Against:

Case No. 5199

12 **LOS ANGELES COUNTY HARBOR**
13 **UCLA MEDICAL CENTER PHARMACY**
14 **1000 West Carson Street**
Torrance, CA 90509

A C C U S A T I O N

15 **Pharmacy Permit No. HPE 4775**

16 Respondents.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about November 1, 1984, the Board of Pharmacy issued Pharmacy Permit
23 Number HPE 4775 (Permit) to Los Angeles County Harbor UCLA Medical Center Pharmacy
24 (Respondent). The Permit was in full force and effect at all times relevant to the charges brought
25 this Accusation and will expire on November 1, 2015, unless renewed.

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JURISDICTION

3. This Accusation is brought before the Board of Pharmacy (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

4. Section 4300 of the Code states:

(a) Every license issued may be suspended or revoked.

(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

(1) Suspending judgment.

(2) Placing him or her upon probation.

(3) Suspending his or her right to practice for a period not exceeding one year.

(4) Revoking his or her license.

(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

(1) Medical or psychiatric evaluation.

(2) Continuing medical or psychiatric treatment.

(3) Restriction of type or circumstances of practice.

(4) Continuing participation in a board-approved rehabilitation program.

(5) Abstention from the use of alcohol or drugs.

(6) Random fluid testing for alcohol or drugs.

(7) Compliance with laws and regulations governing the practice of pharmacy.

(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary certificate of licensure for any violation of the terms and conditions of probation. Upon satisfactory completion of probation, the board shall convert the probationary certificate to a regular certificate, free of conditions.

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the

1 Government Code, and the board shall have all the powers granted therein. The
2 action shall be final, except that the propriety of the action is subject to review by
the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

3 5. Section 4301 of the Code states:

4 The board shall take action against any holder of a license who is guilty of
5 unprofessional conduct or whose license has been procured by fraud or
misrepresentation or issued by mistake. Unprofessional conduct shall include, but is
6 not limited to, any of the following:

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8 (o) Violating or attempting to violate, directly or indirectly, or assisting in or
9 abetting the violation of or conspiring to violate any provision or term of this
chapter or of the applicable federal and state laws and regulations governing
10 pharmacy, including regulations established by the board or by any other state or
federal regulatory agency.

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12 6. California Code of Regulations, title 16, section 1714, subdivision b, states:

13 (b) Each pharmacy licensed by the board shall maintain its facilities, space,
14 fixtures, and equipment so that drugs are safely and properly prepared, maintained,
secured and distributed. The pharmacy shall be of sufficient size and unobstructed
area to accommodate the safe practice of pharmacy.

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

19 CAUSE FOR DISCIPLINE

20 (Failure to Maintain Operation Standards and Security)

21 8. Respondent Los Angeles County Harbor UCLA Medical Center Pharmacy Permit is
22 subject to disciplinary action under Code section 4301, subdivision (o); in that Respondent failed
23 to maintain operation standards and security as required by the California Code of Regulations,
24 Title 16, section 1714. The circumstances are as follows:

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1 9. On or about April 11, 2012, and continuing to until about November 20, 2012,
2 approximately 963 vials of Fentanyl¹ 100 mcg/2 ml and 26 vials of Lorazepam² 2 mg/1 ml were
3 not properly secured by Respondent. The vials were taken by registered nurse E. H. without a
4 valid prescription or legal authority, and for her own personal use.

5 PRAYER

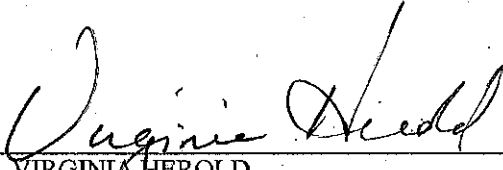
6 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
7 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Pharmacy Permit Number HPE 4775, issued to Los Angeles
9 County Harbor UCLA Medical Center Pharmacy

10 2. Ordering Los Angeles County Harbor UCLA Medical Center Pharmacy to pay the
11 Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
12 pursuant to Business and Professions Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

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16 DATED: 2/2/15


17 VIRGINIA HEROLD
18 Executive Officer
19 Board of Pharmacy
20 Department of Consumer Affairs
21 State of California
22 Complainant

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¹ Fentanyl is a scheduled II controlled substance pursuant to Health and Safety code section 11055(c)(8) and a dangerous drug pursuant to Business and Professions Code section 4022.

² Lorazepam is a scheduled IV controlled substance pursuant to Health and Safety code section 11057(d)(16) and a dangerous drug pursuant to Business and Professions Code section 4022.