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BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against: **NATIONAL HEALTH SERVICES INC.** **dba OMNI FAMILY HEALTH** PIC TADEUS B. TARMIDI (since 7/1/05) FRANCISCO CASTILLON, CEO **525 Roberts Lane, Rm. 115** **Bakersfield, CA 93308** **Pharmacy Permit No. PHY 46792,** **TADEUS B. TARMIDI** **525 Roberts Lane, Rm. 115** **Bakersfield, CA 93308** **Pharmacist License No. RPH 43836,** **and** **BERNARD LEON REAVLIN** **150 Stockdale Circle** **Bakersfield, CA 93309** **Pharmacist License No. RPH 21723** Respondents.	Case No. 5976 **ACCUSATION**

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Complainant alleges:

PARTIES

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

2. On or about July 12, 2004, the Board of Pharmacy issued Pharmacy Permit Number PHY 46792 to National Health Services Inc. doing business as Omni Family Health ("Respondent Pharmacy"). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein but expired on July 1, 2017 and has not been renewed. Respondent Tadeus B. Tarmidi is and has been the Pharmacist-in-Charge since July 1, 2005. Francisco Castillon is and has been the Chief Executive Officer since January 3, 2011. John Ogborn and Julien Parsons are and have been Chairmen since July 12, 2004. Ruby Payne and Novira Irawan are and have been Treasurer/Chief Financial Officers since July, 12, 2004. Tommy Fowler is and has been the Secretary since July 12, 2004.

3. On or about August 22, 1990, the Board of Pharmacy issued Pharmacist License Number RPH 43836 to Tadeus B. Tarmidi ("Respondent Tarmidi"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on May 31, 2018, unless renewed.

4. On or about July 22, 1960, the Board of Pharmacy issued Pharmacist License Number RPH 21723 to Bernard Leon Reavlin ("Respondent Reavlin"). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on November 30, 2017, unless renewed.

JURISDICTION

5. 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.

6. Section 4300 provides, in pertinent part, that every license issued by the Board is subject to discipline, including suspension or revocation.

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7. Section 4300.1 of the Code states:

"The expiration, cancellation, forfeiture, or suspension of a board-issued license 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 licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license."

8. Section 4307, subdivision (a), states:

"(a) Any person who has been denied a license or whose license has been revoked or is under suspension, or who has failed to renew his or her license while it was under suspension, or who has been a manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control of any partnership, corporation, trust, firm, or association whose application for a license has been denied or revoked, is under suspension or has been placed on probation, and while acting as the manager, administrator, owner, member, officer, director, associate, partner, or any other person with management or control had knowledge of or knowingly participated in any conduct for which the license was denied, revoked, suspended, or placed on probation, shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, partner, or in any other position with management or control of a licensee as follows:

(1) Where a probationary license is issued or where an existing license is placed on probation, this prohibition shall remain in effect for a period not to exceed five years.

(2) Where the license is denied or revoked, the prohibition shall continue until the license is issued or reinstated."

STATUTES AND REGULATIONS

9. Section 4301 of the Code states, in pertinent part:

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

. . . .

"(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.

. . . .

"(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 or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency. "

10. Section 4081 of the Code states:

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

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

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

11. Section 4063 states:

"No prescription for any dangerous drug or dangerous device may be refilled except upon authorization of the prescriber. The authorization may be given orally or at the time of giving the

original prescription. No prescription for any dangerous drug that is a controlled substance may be designated refillable as needed."

12. Health and Safety Code section 11162.1 states:

"(a) The prescription forms for controlled substances shall be printed with the following features:

(1) A latent, repetitive 'void' pattern shall be printed across the entire front of the prescription blank; if a prescription is scanned or photocopied, the word 'void' shall appear in a pattern across the entire front of the prescription.

(2) A watermark shall be printed on the backside of the prescription blank; the watermark shall consist of the words 'California Security Prescription.'

(3) A chemical void protection that prevents alteration by chemical washing.

(4) A feature printed in thermochromic ink.

(5) An area of opaque writing so that the writing disappears if the prescription is lightened.

(6) A description of the security features included on each prescription form.

(7)(A) Six quantity check off boxes shall be printed on the form so that the prescriber may indicate the quantity by checking the applicable box where the following quantities shall appear:

1-24

25-49

50-74

75-100

101-150

151 and over.

(B) In conjunction with the quantity boxes, a space shall be provided to designate the units referenced in the quantity boxes when the drug is not in tablet or capsule form.

(8) Prescription blanks shall contain a statement printed on the bottom of the prescription blank that the 'Prescription is void if the number of drugs prescribed is not noted.'

(9) The preprinted name, category of licensure, license number, federal controlled substance registration number, and address of the prescribing practitioner.

(10) Check boxes shall be printed on the form so that the prescriber may indicate the number of refills ordered.

(11) The date of origin of the prescription.

(12) A check box indicating the prescriber's order not to substitute.

(13) An identifying number assigned to the approved security printer by the Department of Justice.

(14)(A) A check box by the name of each prescriber when a prescription form lists multiple prescribers.

(B) Each prescriber who signs the prescription form shall identify himself or herself as the prescriber by checking the box by his or her name.

(b) Each batch of controlled substance prescription forms shall have the lot number printed on the form and each form within that batch shall be numbered sequentially beginning with the numeral one.

(c)(1) A prescriber designated by a licensed health care facility, a clinic specified in Section 1200, or a clinic specified in subdivision (a) of Section 1206 that has 25 or more physicians or surgeons may order controlled substance prescription forms for use by prescribers when treating patients in that facility without the information required in paragraph (9) of subdivision (a) or paragraph (3) of this subdivision.

(2) Forms ordered pursuant to this subdivision shall have the name, category of licensure, license number, and federal controlled substance registration number of the designated prescriber and the name, address, category of licensure, and license number of the licensed health care facility the clinic specified in Section 1200, or the clinic specified in Section 1206 that has 25 or more physicians or surgeons preprinted on the form. Licensed health care facilities or clinics exempt under Section 1206 are not required to preprint the category of licensure and license number of their facility or clinic.

(3) Forms ordered pursuant to this section shall not be valid prescriptions without the name, category of licensure, license number, and federal controlled substance registration number of the prescriber on the form.

(4)(A) Except as provided in subparagraph (B), the designated prescriber shall maintain a record of the prescribers to whom the controlled substance prescription forms are issued, that shall include the name, category of licensure, license number, federal controlled substance registration number, and quantity of controlled substance prescription forms issued to each prescriber. The record shall be maintained in the health facility for three years.

(B) Forms ordered pursuant to this subdivision that are printed by a computerized prescription generation system shall not be subject to subparagraph (A) or paragraph (7) of subdivision (a). Forms printed pursuant to this subdivision that are printed by a computerized prescription generation system may contain the prescriber's name, category of professional licensure, license number, federal controlled substance registration number, and the date of the prescription.

(d) This section shall become operative on January 1, 2012. Prescription forms not in compliance with this division shall not be valid or accepted after July 1, 2012."

13. Health and Safety Code section 11164 states:

"Except as provided in Section 11167, no person shall prescribe a controlled substance, nor shall any person fill, compound, or dispense a prescription for a controlled substance, unless it complies with the requirements of this section.

(a) Each prescription for a controlled substance classified in Schedule II, III, IV, or V, except as authorized by subdivision (b), shall be made on a controlled substance prescription form as specified in Section 11162.1 and shall meet the following requirements:

(1) The prescription shall be signed and dated by the prescriber in ink and shall contain the prescriber's address and telephone number; the name of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services; refill information, such as the number of refills ordered and whether the prescription is a first-time request or a refill; and the name, quantity, strength, and directions for use of the controlled substance prescribed.

(2) The prescription shall also contain the address of the person for whom the controlled substance is prescribed. If the prescriber does not specify this address on the prescription, the

pharmacist filling the prescription or an employee acting under the direction of the pharmacist shall write or type the address on the prescription or maintain this information in a readily retrievable form in the pharmacy.

(b) (1) Notwithstanding paragraph (1) of subdivision (a) of Section 11162.1, any controlled substance classified in Schedule III, IV, or V may be dispensed upon an oral or electronically transmitted prescription, which shall be produced in hard copy form and signed and dated by the pharmacist filling the prescription or by any other person expressly authorized by provisions of the Business and Professions Code. Any person who transmits, maintains, or receives any electronically transmitted prescription shall ensure the security, integrity, authority, and confidentiality of the prescription.

(2) The date of issue of the prescription and all the information required for a written prescription by subdivision (a) shall be included in the written record of the prescription; the pharmacist need not include the address, telephone number, license classification, or federal registry number of the prescriber or the address of the patient on the hard copy, if that information is readily retrievable in the pharmacy.

(3) Pursuant to an authorization of the prescriber, any agent of the prescriber on behalf of the prescriber may orally or electronically transmit a prescription for a controlled substance classified in Schedule III, IV, or V, if in these cases the written record of the prescription required by this subdivision specifies the name of the agent of the prescriber transmitting the prescription.

(c) The use of commonly used abbreviations shall not invalidate an otherwise valid prescription.

(d) Notwithstanding any provision of subdivisions (a) and (b), prescriptions for a controlled substance classified in Schedule V may be for more than one person in the same family with the same medical need.

(e) This section shall become operative on January 1, 2005."

14. Health and Safety Code section 11165 states in relevant part:

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(d) For each prescription for a Schedule II, Schedule III, or Schedule IV controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled substance is dispensed, in a format specified by the Department of Justice:

(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.

(2) The prescriber's category of licensure, license number, national provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.

(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.

(4) National Drug Code (NDC) number of the controlled substance dispensed.

(5) Quantity of the controlled substance dispensed.

(6) International Statistical Classification of Diseases, 9th revision (ICD-9) or 10th revision (ICD-10) Code, if available.

(7) Number of refills ordered.

(8) Whether the drug was dispensed as a refill of a prescription or as a first-time request.

(9) Date of origin of the prescription.

(10) Date of dispensing of the prescription.

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15. California Code of Regulations, title 16, section 1718, states:

"'Current Inventory' as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332.

"The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory."

16. California Code of Regulations, title 16, section 1717, states:

"(a) No medication shall be dispensed on prescription except in a new container which conforms with standards established in the official compendia.

"Notwithstanding the above, a pharmacist may dispense and refill a prescription for non-liquid oral products in a clean multiple-drug patient medication package (patient med pak), provided:

(1) a patient med pak is reused only for the same patient;

(2) no more than a one-month supply is dispensed at one time; and

(3) each patient med pak bears an auxiliary label which reads, store in a cool, dry place.

"(b) In addition to the requirements of Section 4040, Business and Professions Code, the following information shall be maintained for each prescription on file and shall be readily retrievable:

(1) The date dispensed, and the name or initials of the dispensing pharmacist. All prescriptions filled or refilled by an intern pharmacist must also be initialed by the supervising pharmacist before they are dispensed.

(2) The brand name of the drug or device; or if a generic drug or device is dispensed, the distributor's name which appears on the commercial package label; and

(3) If a prescription for a drug or device is refilled, a record of each refill, quantity dispensed, if different, and the initials or name of the dispensing pharmacist.

(4) A new prescription must be created if there is a change in the drug, strength, prescriber or directions for use, unless a complete record of all such changes is otherwise maintained.

"(c) 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 prescription. If the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the prescription to identify him or herself.

"All orally transmitted prescriptions shall be received and transcribed by a pharmacist prior to compounding, filling, dispensing, or furnishing.

"Chart orders as defined in Section 4019 of the Business and Professions Code are not subject to the provisions of this subsection.

"(d) A pharmacist may furnish a drug or device pursuant to a written or oral order from a prescriber licensed in a State other than California in accordance with Business and Professions Code Section 4005.

"(e) A pharmacist may transfer a prescription for Schedule III, IV, or V controlled substances to another pharmacy for refill purposes in accordance with Title 21, Code of Federal Regulations, section 1306.26.

" Prescriptions for other dangerous drugs which are not controlled substances may also be transferred by direct communication between pharmacists or by the receiving pharmacist's access to prescriptions or electronic files that have been created or verified by a pharmacist at the transferring pharmacy. The receiving pharmacist shall create a written prescription; identifying it as a transferred prescription; and record the date of transfer and the original prescription number. When a prescription transfer is accomplished via direct access by the receiving pharmacist, the receiving pharmacist shall notify the transferring pharmacy of the transfer. A pharmacist at the transferring pharmacy shall then assure that there is a record of the prescription as having been transferred, and the date of transfer. Each pharmacy shall maintain inventory accountability and pharmacist accountability and dispense in accordance with the provisions of section 1716 of this Division. Information maintained by each pharmacy shall at least include:

(1) Identification of pharmacist(s) transferring information;

(2) Name and identification code or address of the pharmacy from which the prescription was received or to which the prescription was transferred, as appropriate;

(3) Original date and last dispensing date;

(4) Number of refills and date originally authorized;

(5) Number of refills remaining but not dispensed;

(6) Number of refills transferred.

"(f) The pharmacy must have written procedures that identify each individual pharmacist responsible for the filling of a prescription and a corresponding entry of information into an automated data processing system, or a manual record system, and the pharmacist shall create in his/her handwriting or through hand-initializing a record of such filling, not later than the beginning of the pharmacy's next operating day. Such record shall be maintained for at least three years."

CONTROLLED SUBSTANCES/DANGEROUS DRUGS

17. Hydrocodone and acetaminophen, the generic name for Norco, is a Schedule III controlled substance pursuant to Health and Safety Code section 11056, subdivision (e)(4) and is a dangerous drug pursuant to Code section 4022. As of October 6, 2014, hydrocodone combination products were classified as Schedule II controlled substances under federal law pursuant to United States Code, title 21, section 812.

18. Alprazolam, the generic name for Xanax, is a Schedule IV controlled substance pursuant to Health and Safety Code section 11057, subdivision (d)(1) and is a dangerous drug pursuant to Code section 4022.

19. Carisoprodol, the generic name for Soma, is a Schedule IV controlled substance pursuant to Title 21, Code of Federal Regulations section 1308.14 subdivision (c)(6) and is a dangerous drug pursuant to Code section 4022.

COST RECOVERY

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

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FACTUAL BACKGROUND

21. The Board analyzed pharmacy dispensing data reported to the Controlled Substance Utilization Review and Evaluation System ("CURES") and reviewed the information along with the Respondent Pharmacy's acquisition data obtained from some California licensed wholesalers. The review determined the need for a drug audit at Respondent Pharmacy to determine the possible existence of a drug loss or inventory overage.

22. On September 9, 2015, the Board conducted an audit inspection of Respondent Pharmacy. The audit determined drug losses of approximately 21,666 hydrocodone/acetaminophen 10 mg/325 mg tablets; 6,248 alprazolam 2 mg tablets and 416 carisoprodol 350 mg tablets over a period of sixteen months.

23. The inspection also revealed the failure to transmit CURES data on a weekly basis, the dispensing of controlled drug prescriptions in the absence of documented prescriber authorization (refill or newly-issued prescriptions), the dispensing of controlled drug prescriptions issued on non-compliant controlled substance prescription forms, and the failure to comply with the requirements of transcribing telephoned-in prescriptions.

FIRST CAUSE FOR DISCIPLINE

(Failure to Maintain a Current Inventory)

24. Respondent Pharmacy and Respondent Tarmidi are subject to disciplinary action under section 4081(a) as related to California Code of Regulations section 1718 and 1714(b) on the grounds of unprofessional conduct in that Respondent Pharmacy and Respondent Tarmidi while pharmacist-in-charge failed to keep a proper inventory of controlled substances and failed to account for all controlled substances in Respondent Pharmacy. A Board Inspector audited Respondent Pharmacy's records and determined drug losses of approximately 21,666 hydrocodone/acetaminophen 10 mg/325 mg tablets; 6,248 alprazolam 2 mg tablets and 416 carisoprodol 350 mg tablets for the period between May 1, 2014 and September 9, 2015. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 20 through 22 above, as though fully set forth herein.

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SECOND CAUSE FOR DISCIPLINE

(Reporting of Controlled Substance Dispensing Information to the Department of Justice)

25. Respondent Pharmacy and Respondent Tarmidi are subject to disciplinary action under Code section 4301, subdivision (j), in that while Respondent Tarmidi was pharmacist-in-charge, Respondents failed to submit within seven days after the date of dispensing, the required pharmacy controlled substance dispensing information to the Department of Justice multiple times between January 24, 2014 and September 18, 2015. The longest delay in the submission of the reports occurred between October 26, 2014 and June 4, 2015, which involved approximately 25 weeks of data (2,290 record counts from November 25, 2014 to April 28, 2015). This was in violation of Health and Safety Code section 11165, subdivision (d). Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 20 through 22 above, as though fully set forth herein.

THIRD CAUSE FOR DISCIPLINE

(Receiving Pharmacist's Initials Missing on Orally Transmitted Prescriptions)

26. Respondent Pharmacy and Respondent Reavlin are subject to disciplinary action under Code section 4301(o), for violating California Code of Regulations, title 16, section 1717(c), in that the Board's inspection conducted at Respondent Pharmacy determined Respondent Reavlin, while employed as a staff pharmacist, failed to initial the hardcopies of at least three orally transmitted controlled substance prescriptions (Rx# 706-5466, Rx# 709-3641, Rx# 713-7455, Rx# 713-7453). Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 20 through 22 above, as though fully set forth herein.

FOURTH CAUSE FOR DISCIPLINE

(Requirements for Prescribing, Filling, Compounding or Dispensing Prescriptions for Controlled Substance)

27. Respondent Pharmacy, Respondent Tarmidi and Respondent Reavlin are subject to disciplinary action under Code section 4301(j) for violating California Health and Safety Code section 11164 in that a review of prescription documents collected on or about September 9, 2015 during an inspection conducted at Respondent Pharmacy, and subsequent prescription documents

received by mail determined Respondent Pharmacy, Respondent Tarmidi while employed as pharmacist-in-charge, and Respondent Reavlin while employed as staff pharmacist, reviewed and dispensed controlled substance prescriptions issued on prescription forms which did not meet the requirements of Health and Safety Code section 11162.1

28. At least nine controlled substance prescriptions issued by a Dr. Awadalla lacked the following requirements: written date and prescriber's signature, the watermark printed on the backside of the prescription forms consisting of the words "California Security Prescription," the identifying number assigned to the approved security printer by the Department of Justice, and the statement: "Prescription is void if the number of drugs prescribed is not noted" printed on the bottom.

29. At least eleven controlled substance prescription documents were non-compliant pharmacy prescription forms (plain white paper) and lacked all the security features specified under Health and Safety Code section 11162.1. Four of the twelve prescription documents lacked a written prescriber's signature and issue date (Rx#s 710-7219, 710-7218, 707-6353, 710-5799, 710-5798).

30. Pharmacist-in-charge Respondent Tarmidi reviewed and passed for filling/dispensing, prescriptions issued on a controlled substance prescription form which lacked the following required features: written issue date and prescriber's signature, the watermark printed on the backside of the prescription forms consisting of the words "California Security Prescription," the identifying number assigned to the approved security printer by the Department of Justice, and the statement: "Prescription is void if the number of drugs prescribed is not noted" printed on the bottom.

31. Pharmacist-in-charge Respondent Tarmidi reviewed and passed for filling/dispensing, prescriptions issued in three non-compliant pharmacy prescription forms (plain white paper) which lacked all the security features specified under Health and Safety Code section 11162.1.

32. Respondent Reavlin reviewed and passed for filling/dispensing, prescriptions issued on eight controlled substance prescription forms which lacked the following required features: written issue date and prescriber's signature, the watermark printed on the backside of the

prescription forms consisting of the words "California Security Prescription," the identifying number assigned to the approved security printer by the Department of Justice, and the statement: "Prescription is void if the number of drugs prescribed is not noted" printed on the bottom.

33. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 20 through 22 above, as though fully set forth herein.

FIFTH CAUSE FOR DISCIPLINE

(Refill of Controlled Drug Prescriptions Without Prescriber Authorization or Documentation Thereof)

34. Respondent Pharmacy and Respondent Reavlin are subject to disciplinary action under Code section 4063 in that the inspection conducted on September 9, 2015 at Respondent Pharmacy and review of subsequent pharmacy documents received, determined that Respondent Pharmacy and Respondent Reavlin while employed as a staff pharmacist, refilled at least 104 controlled substance prescriptions without obtaining prescriber authorization or documentation thereof. Respondent Reavlin improperly refilled most of the 36 prescription numbers reviewed more than once. Complainant refers to, and by this reference incorporates, the allegations set forth in paragraphs 20 through 22 above, as though fully set forth herein.

DISCIPLINARY CONSIDERATIONS

35. To determine the degree of discipline, if any, to be imposed on Respondents, Complainant alleges the following:

Respondent Pharmacy

a. On or about April 3, 2009, the Board issued Respondent Pharmacy Citation Number CI 2008 39528, with a fine in the amount of $1,000.00 for violating Code sections 4105 and 4081, and California Code of Regulations, title 16, section 1715. That Citation is now final and is incorporated by reference as if fully set forth.

b. On or about February 25, 2015, the Board issued Respondent Pharmacy Citation Number CI 2013 59471, with a fine in the amount of $1,500.00 for violating Health and Safety Code section 11165, subdivision (d) and a citation without a fine for violating California Code of Regulations, title 16, section 1715. The citation alleged that on January 7, 2014, an inspection of

Oildale Community Health Center Pharmacy, PHY 46792[1], revealed that CURES data was not transmitted by Oildale Community Health Center Pharmacy since July 30, 2012. In addition, the inspection revealed that the pharmacist-in-charge did not complete a current self-assessment. That Citation is now final and is incorporated by reference as if fully set forth.

Respondent Tarmidi

c. On or about April 2, 2005, the Board issued Respondent Tarmidi a Letter of Admonishment (CI 2004 28877) for violating California Code of Regulations, title 16, section 1708.2.

d. On or about April 3, 2009, the Board issued Respondent Tarmidi Citation Number CI 2008 39527, with a fine in the amount of $1,000.00 for violating Code sections 4105 and 4081, and California Code of Regulations, title 16, section 1715. That Citation is now final and is incorporated by reference as if fully set forth.

e. On or about December 29, 2009, the Board issued Respondent Tarmidi Citation Number CI 2009 42479, with a fine in the amount of $1,500.00 for violating Code sections 4104 and 4081, subdivision (a), and California Code of Regulations, title 16, sections 1793.7, subdivision (d) and 1718. That Citation is now final and is incorporated by reference as if fully set forth.

f. On or about February 25, 2015, the Board issued Respondent Tarmidi Citation Number CI 2014 64140, with a fine in the amount of $1,500.00 for violating Health and Safety Code section 11165, subdivision (d), and a fine in the amount of $500.00 for violating California Code of Regulations, title 16, section 1715, for a total fine in the amount of $2000.00. That Citation is now final and is incorporated by reference as if fully set forth.

OTHER MATTERS

36. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 46792 issued to National Health Services Inc. dba Omni Family Health, National Health Services Inc. shall be prohibited from serving as a manager, administrator, owner, member,

[1] Respondent National Health Services Inc. doing business as Omni Family Health was formerly known as Oildale Community Health Center.

officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 46792 is placed on probation or until Pharmacy Permit Number PHY 46792 is reinstated if it is revoked.

37. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number PHY 46792 issued to National Health Services Inc., dba Omni Family Health while Francisco Castillon has been an officer and/or owner and had knowledge of or knowingly participated in any conduct for which the licensee was disciplined, Francisco Castillon shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 46792 is placed on probation or until Pharmacy Permit Number PHY 46792 is reinstated if it is revoked.

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 46792, issued to National Health Services Inc. dba Omni Family Health;

2. Revoking or suspending Pharmacist License Number RPH 43836, issued to Tadeus B. Tarmidi;

3. Revoking or suspending Pharmacist License Number RPH 21723, issued to Bernard Leon Reavlin;

4. Prohibiting National Health Services Inc. from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 46792 is placed on probation or until Pharmacy Permit Number PHY 46792 is reinstated if it is revoked;

5. Prohibiting Francisco Castillon from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 46792 is placed on probation or until Pharmacy Permit Number PHY 46792 is reinstated if it is revoked;

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6. Ordering Omni Family Health, Tadeus B. Tarmidi and Bernard Leon Reavlin 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; and,

7. Taking such other and further action as deemed necessary and proper.

DATED: 9/16/17

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

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