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

10
11 In the Matter of the Accusation Against:

Case No. 6265

12 **TERRY EVAN KAMRIN**
13 **51 Weller Court**
Pleasant Hill, CA 94525

A C C U S A T I O N

14 **Pharmacist License No. RPH 25564**

15 Respondent.

16
17 Complainant alleges:

18 PARTIES

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

21 2. On or about July 25, 1968, the Board issued Pharmacist License Number RPH 25564
22 to Terry Evan Kamrin (Respondent). The Pharmacist License expired on January 31, 2017, and
23 has not been renewed.

24 JURISDICTION

25 3. This Accusation is brought before the Board under the authority of the following
26 laws. All section references are to the Business and Professions Code (Code) unless otherwise
27 indicated.

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1 4. Section 4011 of the Code provides that the Board shall administer and enforce both
2 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances
3 Act [Health & Safety Code, § 11000 et seq.].

4 5. Section 4300 of the Code provides that every license issued by the Board may be
5 suspended or revoked.

6 6. Section 4300.1 of the Code provides that the expiration, cancellation, forfeiture, or
7 suspension of a Board-issued license, the placement of a license on a retired status, or the
8 voluntary surrender of a license by a licensee, shall not deprive the Board of jurisdiction to
9 commence or proceed with any investigation of, or action or disciplinary proceeding against, the
10 licensee or to render a decision suspending or revoking the license.

11 **STATUTORY AND REGULATORY PROVISIONS**

12 7. Section 4301 of the Code provides, in pertinent part, that the Board shall take action
13 against any holder of a license who is guilty of "unprofessional conduct," defined to include, but
14 not be limited to, any of the following:

15 (f) The commission of any act involving moral turpitude, dishonesty,
16 fraud, deceit, or corruption, whether the act is committed in the course of relations as
17 a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

18 ...

19 (l) The conviction of a crime substantially related to the qualifications,
20 functions, and duties of a licensee under this chapter. The record of conviction of a
21 violation of Chapter 13 (commencing with Section 801) of Title 21 of the United
22 States Code regulating controlled substances or of a violation of the statutes of this
23 state regulating controlled substances or dangerous drugs shall be conclusive
24 evidence of unprofessional conduct. In all other cases, the record of conviction shall
25 be conclusive evidence only of the fact that the conviction occurred. The board may
26 inquire into the circumstances surrounding the commission of the crime, in order to
27 fix the degree of discipline or, in the case of a conviction not involving controlled
28 substances or dangerous drugs, to determine if the conviction is of an offense
substantially related to the qualifications, functions, and duties of a licensee under this
chapter. A plea or verdict of guilty or a conviction following a plea of nolo
contendere is deemed to be a conviction within the meaning of this provision. The
board may take action when the time for appeal has elapsed, or the judgment of
conviction has been affirmed on appeal or when an order granting probation is made
suspending the imposition of sentence, irrespective of a subsequent order under
Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
dismissing the accusation, information, or indictment.

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1 8. California Code of Regulations, title 16, section 1770, states:

2 For the purpose of denial, suspension, or revocation of a personal or
3 facility license pursuant to Division 1.5 (commencing with Section 475) of the
4 Business and Professions Code, a crime or act shall be considered substantially
5 related to the qualifications, functions or duties of a licensee or registrant if to a
6 substantial degree it evidences present or potential unfitness of a licensee or registrant
7 to perform the functions authorized by his license or registration in a manner
8 consistent with the public health, safety, or welfare.

6 COST RECOVERY

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

11 FIRST CAUSE FOR DISCIPLINE

12 (Criminal Conviction)

13 10. Respondent is subject to disciplinary action under Code section 4301, subdivision
14 (l), in that he was convicted of a crime substantially related to the qualifications, functions, and
15 duties of a pharmacist, as follows:

16 11. On or about September 13, 2016, in Contra Costa County Superior Court case
17 number 01-176443-0, Respondent was convicted of having violated California Penal Code
18 section 487(a) (grand theft), a felony. The conviction arose from Respondent's involvement in a
19 scheme to defraud insurance companies. Between about January 1, 2009 and June 24, 2011, while
20 working as a pharmacist and co-owner of Bacon East Pharmacy (PHY 33076—cancelled),
21 Respondent compounded and dispensed generic pharmaceutical drugs but submitted to Medi-Cal
22 false claims for payment of those drugs mislabeled under their costlier brand names.

23 SECOND CAUSE FOR DISCIPLINE

24 (Dishonest, Fraudulent, Deceitful Acts)

25 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
26 in that he committed an act or acts involving moral turpitude, dishonesty, fraud, deceit, or
27 corruption, as described in paragraph 11, above, and herein incorporated.

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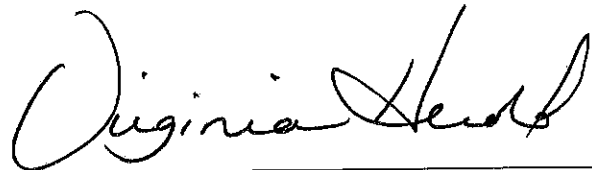
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PRAYER

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

1. Revoking or suspending Pharmacist License Number RPH 25564, issued to Terry Evan Kamrin;
2. Ordering Terry Evan Kamrin to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,
3. Taking such other and further action as deemed necessary and proper.

DATED: 10/31/17



VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California,
Complainant

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