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BOARD OF PHARMACY

2005 AUG -5 PM 3: 28

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of the State of California  
2 JENNIFER S. CADY, State Bar No. 100437  
Supervising Deputy Attorney General  
3 California Department of Justice  
300 So. Spring Street, Suite 1702  
4 Los Angeles, CA 90013  
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5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 2771

12 S & S VALLEY HOMECARE PHARMACY  
13 d.b.a. VALLEY HOMECARE PHARMACY,  
STELLA ROYTMAN, President  
14 NEIL STEPNER, Pharmacist-in-Charge,  
8349 Reseda Blvd., Ste. B  
15 Northridge, CA 91325

OAH No. L-2005030160

**STIPULATED SURRENDER OF  
LICENSE AND ORDER AS TO  
RESPONDENT NEIL A. STEPNER  
(PHARMACIST LICENSE NO. RPH  
23460) ONLY**

16 Pharmacy Permit No. PHY 45565

17 and

18 NEIL A. STEPNER  
439 S. Oakwood Dr., #6  
19 Beverly Hills, CA 90212

20 Pharmacist License No. RPH 23460

21 Respondent.

22 IT IS HEREBY STIPULATED AND AGREED by and between the parties in this  
23 proceeding that the following matters are true:

24 PARTIES

25 1. Patricia F. Harris (Complainant) is the Executive Officer of the Board of  
26 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
27 by Bill Lockyer, Attorney General of the State of California, by Jennifer S. Cady, Supervising  
28 Deputy Attorney General.



1 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
2 reconsideration and court review of an adverse decision; and all other rights accorded by the  
3 California Administrative Procedure Act and other applicable laws.

4 8. Respondent voluntarily, knowingly, and intelligently waives and gives up  
5 each and every right set forth above.

6 CULPABILITY

7 9. Respondent understands that the charges and allegations in Accusation No.  
8 2771, if proven at a hearing, constitute cause for imposing discipline upon his Pharmacist  
9 License No. RPH 23460.

10 10. For the purpose of resolving the Accusation without the expense and  
11 uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could  
12 establish a factual basis for the charges in the Accusation and that those charges constitute cause  
13 for discipline. Respondent hereby gives up his right to contest that cause for discipline exists  
14 based on those charges.

15 11. Respondent understands that by signing this stipulation he enables the  
16 Board to issue an order accepting the surrender of his Pharmacist License No. RPH 23460  
17 without further process.

18 CONTINGENCY

19 12. This stipulation shall be subject to approval by the Board of Pharmacy.  
20 Respondent understands and agrees that counsel for Complainant and the staff of the Board of  
21 Pharmacy may communicate directly with the Board regarding this stipulation and settlement,  
22 without notice to or participation by Respondent or his counsel. By signing the stipulation,  
23 Respondent understands and agrees that he may not withdraw his agreement or seek to rescind  
24 the stipulation prior to the time the Board considers and acts upon it. If the Board fails to adopt  
25 this stipulation as its Decision and Order, the Stipulated Surrender and Disciplinary Order shall  
26 be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action  
27 between the parties, and the Board shall not be disqualified from further action by having  
28 considered this matter.



1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

3 7. Respondent stipulates that should he apply for any license, permit or  
4 registration from the Board on or after the effective date of this decision, the investigation and  
5 enforcement costs in the amount of \$1,500.00 shall be paid to the Board prior to issuance of the  
6 new license, permit or registration.

7 ACCEPTANCE

8 I have carefully read the above Stipulated Surrender of License and Order and  
9 have fully discussed it with my attorney, Bryan C. Altman. I understand the stipulation and the  
10 effect it will have on my Pharmacist License No. RPH 23460. I enter into this Stipulated  
11 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
12 by the Decision and Order of the Board of Pharmacy.

13 DATED: \_\_\_\_\_.

14

15

16 \_\_\_\_\_  
NEIL A. STEPNER  
Respondent

17

18 I have read and fully discussed with Respondent NEIL A. STEPNER the terms  
19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
20 approve its form and content.

21 DATED: \_\_\_\_\_.

22

23

24 \_\_\_\_\_  
BRYAN C. ALTMAN  
Attorney for Respondent

25

26

27

28

1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

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11 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
12 by the Decision and Order of the Board of Pharmacy.

13 DATED: 7/19/05

14  
15 Neil A. Stepner  
16 NEIL A. STEPNER  
Respondent

17  
18 I have read and fully discussed with Respondent NEIL A. STEPNER the terms  
19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
20 approve its form and content.

21 DATED: \_\_\_\_\_

22  
23 BRYAN C. ALTMAN  
24 Attorney for Respondent

25  
26  
27  
28

1 to be true, correct, and admitted by Respondent for the purpose of any Statement of Issues or any  
2 other proceeding seeking to deny or restrict licensure.

3 7. Respondent stipulates that should he apply for any license, permit or  
4 registration from the Board on or after the effective date of this decision, the investigation and  
5 enforcement costs in the amount of \$1,500.00 shall be paid to the Board prior to issuance of the  
6 new license, permit or registration.

7 ACCEPTANCE

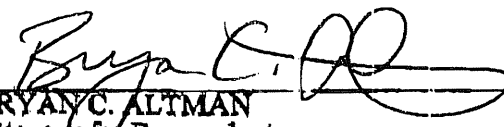
8 I have carefully read the above Stipulated Surrender of License and Order and  
9 have fully discussed it with my attorney, Bryan C. Altman. I understand the stipulation and the  
10 effect it will have on my Pharmacist License No. RPH 23460. I enter into this Stipulated  
11 Surrender of License and Order voluntarily, knowingly, and intelligently, and agree to be bound  
12 by the Decision and Order of the Board of Pharmacy.

13 DATED: 7/19/05

14  
15   
16 NEIL A. STEPNER  
Respondent

17  
18 I have read and fully discussed with Respondent NEIL A. STEPNER the terms  
19 and conditions and other matters contained in this Stipulated Surrender of License and Order. I  
20 approve its form and content.

21 DATED: 7/19/05

22  
23   
24 BRYAN C. ALTMAN  
Attorney for Respondent

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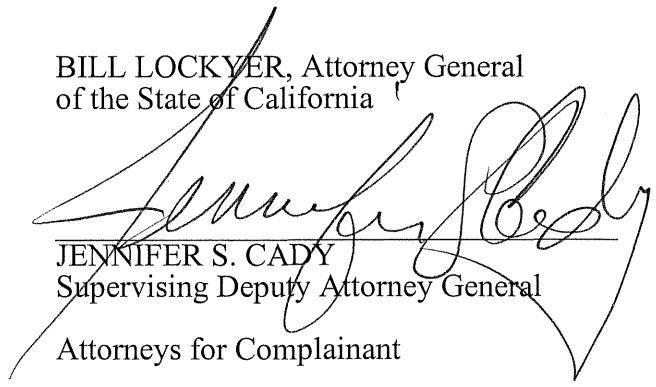
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ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: July 19, 2005.

BILL LOCKYER, Attorney General  
of the State of California



JENNIFER S. CADY  
Supervising Deputy Attorney General  
Attorneys for Complainant

DOJ Docket Number/Matter ID: 03583110-LA2004600701  
step-set.12



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

In the Matter of the Accusation Against:

S & S VALLEY HOMECARE PHARMACY  
D.B.A. VALLEY HOMECARE PHARMACY,  
STELLA ROYTMAN, NEIL STEPNER  
8349 Reseda Blvd., Ste. B  
Northridge, CA 91325

Case No. 2771

OAH No. L-2005030160

Pharmacy Permit No. PHY 45565

and

NEIL A. STEPNER  
439 S. Oakwood Dr., #6  
Beverly Hills, CA 90212

Pharmacist License No. RPH 23460

Respondent.

**DECISION AND ORDER**


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This Decision shall become effective on October 6, 2005.

It is so ORDERED September 6, 2005.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
STANLEY W. GOLDENBERG  
Board President

1 BILL LOCKYER, Attorney General  
of the State of California  
2 JENNIFER S. CADY, State Bar No. 100437  
Supervising Deputy Attorney General  
3 California Department of Justice  
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11 In the Matter of the Accusation Against:  
12 S & S VALLEY HOMECARE PHARMACY  
d.b.a. VALLEY HOMECARE PHARMACY  
13 STELLA ROYTMAN, President  
NEIL STEPNER, Pharmacist-in-Charge  
14 8349 Reseda Blvd., Ste. B  
Northridge, CA 91325  
15 Pharmacy Permit No. PHY 45565  
16 and  
17 NEIL A. STEPNER  
18 439 S. Oakwood Dr., #6  
Beverly Hills, CA 90212  
19 Pharmacist License No. RPH 23460  
20 Respondents.  
21

Case No. 2771

**ACCUSATION**

22 Complainant alleges:

23 **PARTIES**

- 24 1. Patricia F. Harris (Complainant) brings this Accusation solely in her  
25 official capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer  
26 Affairs.  
27 2. On or about November 30, 2001, the Board of Pharmacy issued Pharmacy  
28 Permit No. PHY 45565 to S & S Valley Homecare Pharmacy, d.b.a. Valley Homecare Pharmacy,

1 Stella Roytman, President. (Respondent Pharmacy). Neil Stepner has been the Pharmacist-in-  
2 Charge since November 30, 2001. The Pharmacy Permit was in full force and effect at all times  
3 relevant to the charges brought herein and will expire on November 1, 2004, unless renewed.

4 3. On or about May 13, 1964, the Board of Pharmacy issued Pharmacist  
5 License No. RPH 23460 to Neil A. Stepner (Respondent Stepner). The Pharmacist License was  
6 in full force and effect at all times relevant to the charges brought herein and will expire on  
7 August 31, 2005, unless renewed.

8 JURISDICTION

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

12 5. Section 4300 permits the Board to take disciplinary action to suspend or  
13 revoke a license or permit.

14 6. Section 118, subdivision (b) states:

15 "The suspension, expiration, or forfeiture by operation of law of a license issued  
16 by a board in the department, or its suspension, forfeiture, or cancellation by order of the board or  
17 by order of a court of law, or its surrender without the written consent of the board, shall not,  
18 during any period in which it may be renewed, restored, reissued, or reinstated, deprive the board  
19 of its authority to institute or continue a disciplinary proceeding against the licensee upon any  
20 ground provided by law or to enter an order suspending or revoking the license or otherwise  
21 taking disciplinary action against the licensee on any such ground."

22 7. Section 4301 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  
25 issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the  
26 following:

27 ...

28 ///

1                   "(d) The clearly excessive furnishing of controlled substances in violation of  
2 subdivision (a) of Section 11153 of the Health and Safety Code.

3                   ...

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

6                   ...

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

11                  8.       Section 4022 states:

12                   "'Dangerous drug' or 'dangerous device' means any drug or device unsafe for  
13 self-use, except veterinary drugs that are labeled as such, and includes the following:

14                   "(a) Any drug that bears the legend: 'Caution: federal law prohibits dispensing  
15 without prescription,' 'Rx only,' or words of similar import.

16                   "(b) Any device that bears the statement: 'Caution: federal law restricts this device  
17 to sale by or on the order of a \_\_\_\_\_,' 'Rx only,' or words of similar import, the blank to  
18 be filled in with the designation of the practitioner licensed to use or order use of the device.

19                   "(c) Any other drug or device that by federal or state law can be lawfully  
20 dispensed only on prescription or furnished pursuant to Section 4006."

21                  9.       Section 4081 states, in pertinent part:

22                   "(a) All records of manufacture and of sale, acquisition, or disposition of  
23 dangerous drugs or dangerous devices shall be at all times during business hours open to  
24 inspection by authorized officers of the law, and shall be preserved for at least three years from  
25 the date of making. A current inventory shall be kept by every manufacturer, wholesaler,  
26 pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian,  
27 laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked  
28 certificate, license, permit, registration, or exemption under Division 2 (commencing with

1 Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000)  
2 of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or  
3 dangerous devices.

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

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

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

11 11. Health and Safety Code section 11056 states:

12 "(a) The controlled substances listed in this section are included in Schedule III.

13 ...

14 "(e) Narcotic drugs. Unless specifically excepted or unless listed in another  
15 schedule, any material, compound, mixture, or preparation containing any of the following  
16 narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited  
17 quantities as set forth below:

18 ...

19 "(2) Not more than 1.8 grams of codeine per 100 milliliters or not more than 90  
20 milligrams per dosage unit, with one or more active, nonnarcotic ingredients in recognized  
21 therapeutic amounts.

22 ...

23 "(4) Not more than 300 milligrams of dihydrocodeinone per 100 milliliters or not  
24 more than 15 milligrams per dosage unit, with one or more active nonnarcotic ingredients in  
25 recognized therapeutic amounts. Additionally, oral liquid preparations of dihydrocodeinone  
26 containing the above specified amounts may not contain as its nonnarcotic ingredients two or  
27 more antihistamines in combination with each other."

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12. Health and Safety Code section 11057 states, in pertinent part:

“(a) The controlled substances listed in this section are included in Schedule IV.

...

“(d) Depressants. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including its salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation:

...

“(9) Diazepam.”

13. Health and Safety Code section 11058, states, in pertinent part:

“(a) The controlled substances listed in this section are included in Schedule V.

...

“(c) Narcotic drugs containing nonnarcotic active medicinal ingredients. Any compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below, which shall include one or more nonnarcotic active medicinal ingredients in sufficient proportion to confer upon the compound, mixture, or preparation valuable medicinal qualities other than those possessed by narcotic drugs alone:

“(1) Not more than 200 milligrams of codeine per 100 milliliters or per 100 grams.”

14. Health and Safety Code section 11153 states, in pertinent part:

“(a) A prescription for a controlled substance shall only be issued for a legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription.”

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1           15.     Section 125.3, subdivision (a), states, in pertinent part:

2           "Except as otherwise provided by law, in any order issued in resolution of a  
3 disciplinary proceeding before any board within the department . . . the board may request the  
4 administrative law judge to direct a licentiate found to have committed a violation or violations  
5 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and  
6 enforcement of the case."

7           16.     CONTROLLED SUBSTANCES/DANGEROUS DRUGS

8           a.     "Clonazepam," is a Schedule IV controlled substance as designated by  
9 Health and Safety Code section 11057(d)(7) and is categorized as a dangerous drug pursuant to  
10 section 4022 of the Code

11           b.     "Phenergan with Codeine," a brand name for Promethazine with Codeine,  
12 is a Schedule V controlled substance as designated by Health and Safety Code section  
13 11058(c)(1) and is categorized as a dangerous drug pursuant to section 4022 of the Code.

14           c.     "Serostim," a brand name for generic Somatropin, is categorized as a  
15 dangerous drug pursuant to Business and Professions Code section 4022.

16           d.     "Tylenol with Codeine #3" and "Tylenol with Codeine #4," a brand name  
17 for generic Codeine with Acetaminophen (30 mg. Codeine for #3, 60 mg. Codeine for #4), is a  
18 Schedule III controlled substance as designated by Health and Safety Code section 11056(e)(2)  
19 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

20           e.     "Valium," a brand name for Diazepam, a benzodiazepam derivative, is a  
21 Schedule IV controlled substance as designated by Health and Safety Code section 11057(d)(9)  
22 and is categorized as a dangerous drug pursuant to section 4022 of the Code.

23           f.     "Vicodin," a brand name for generic Hydrocodone with Acetaminophen is  
24 a Schedule III controlled substance pursuant to Health and Safety Code Section 11056,  
25 subdivision (e)(4), and is categorized as a dangerous drug pursuant to defined by Business and  
26 Professions Code section 4022.

27     ///

28     ///

FIRST CAUSE FOR DISCIPLINE

(Failure to Verify and Document Legitimacy of, and Excessive  
Furnishing of, Controlled Substance Prescriptions)

17. Respondent Stepner is subject to disciplinary action pursuant to Business and Professions Code section 4301(d), (j), and (o), on the grounds of unprofessional conduct, in that from on or about and between November 11, 2002, and May 1, 2003, Respondent Stepner, filled prescriptions for controlled substances for patients without verifying and documenting that the prescriptions were for legitimate medical purposes, and/or which were clearly excessive, in violation of Health and Safety Code section 11153, as follows:

a. Patient Sharon W.

11/11/02	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg	100 tablets 100 tablets
01/13/03	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg	100 tablets 100 tablets
04/23/03	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg	100 tablets 100 tablets

b. Patient Quinten B.

11/13/02	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg Diazepam, 10 mg.	100 tablets 100 tablets 100 tablets
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c. Patient Patricia S.

05/01/03	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg Diazepam, 10 mg.	100 tablets 100 tablets 100 tablets
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d. Patient Kevin H.

10/31/02	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg	100 tablets 100 tablets
12/27/03	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg Diazepam, 10 mg.	100 tablets 100 tablets 100 tablets

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1	01/28/03	Hydrocodone/APAP 7.5-750mg	100 tablets
2		Diazepam, 10 mg.	100 tablets
3		Codeine/APAP 60-300mg	100 tablets
4		Hydrocodone/APAP 10-500mg	100 tablets
5		Promethazine/Codeine 6.25/10mg	480
6	02/26/03	Hydrocodone/APAP 10-500mg	100 tablets
7		Diazepam, 10 mg.	100 tablets
8		Hydrocodone/APAP 7.5-750mg	100 tablets
9		Promethazine/Codeine 6.25/10mg	480
10		Codeine/APAP 60-300mg	100 tablets
11	e. <u>Patient James C.</u>		
12	11/13/02	Promethazine/Codeine 6.25/10mg	480
13		Codeine/APAP 60-300mg	100 tablets
14		Hydrocodone/APAP 7.5-750mg	100 tablets
15	04/25/03	Promethazine/Codeine 6.25/10mg	480
16		Hydrocodone/APAP 7.5-750mg	100 tablets
17		Codeine/APAP 60-300mg	100 tablets
18		Diazepam, 10 mg.	100 tablets
19	f. <u>Patient Jimmie B.</u>		
20	12/02/02	Promethazine/Codeine 6.25/10mg	480
21		Clonazepam, 2mg	100 tablets
22		Codeine/APAP 30-300mg	45 tablets
23	01/03/03	Clonazepam, 2mg	100 tablets
24		Promethazine/Codeine, 6.25/10mg	480
25		Codeine/APAP 30-300mg,	45 tablets
26	02/03/03	Promethazine/Codeine, 6.25/10mg	480
27		Codeine/APAP 30-300mg	45 tablets
28		Hydrocodone/APAP 7.5-750mg	100 tablets
	03/05/03	Codeine/APAP 30-300mg	45 tablets
		Promethazine/Codeine 6.25/10mg	480
		Clonazepam, 2mg,	100 tablets
	04/07/03	Clonazepam, 2mg	100 tablets
		Codeine/APAP 30-300mg	45 tablets
		Promethazine/Codeine 6.25/10mg	480

1 g. Patient Eldin B.

2	01/22/03	Hydrocodone/APAP 7.5-750mg Codeine/APAP 60-300mg	100 tablets 100 tablets
3	03/03/03	Codeine/APAP 60-300mg Hydrocodone/APAP 7.5-750mg Diazepam, 10 mg.	100 tablets 100 tablets 60 tablets
4	04/09/03	Promethazine/Codeine 6.25/10mg Codeine/APAP 60-300mg Diazepam, 5 mg. Hydrocodone/APAP 7.5-750mg	480 100 tablets 60 tablets 100 tablets

8 SECOND CAUSE FOR DISCIPLINE

9 (Failure to Maintain Current Inventory for All Dangerous Drugs)

10 18. Respondent Stepner and Respondent Pharmacy are subject to disciplinary  
11 action pursuant to Business and Professions Code sections 4301(j) and (o), for violation of  
12 Business and Professions Code section 4081(a) and (b), and of California Code of Regulations,  
13 title 16, section 1718, on the grounds of unprofessional conduct, in that from on or about and  
14 between July 1, 2001, and September 18, 2003, Respondent Pharmacy had a shortage of  
15 approximately 864 boxes of Serostim 6mg., for which Respondents Stepner and Pharmacy failed  
16 to keep a current inventory to include complete accountability for all dangerous drugs, including  
17 Serostim.

18 PRAYER

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

- 21 1. Revoking or suspending Pharmacy License Number PHY 45565, issued to  
22 S & S Valley Homecare Pharmacy, d.b.a. Valley Homecare Pharmacy, Stella Roytman,  
23 President.
- 24 2. Revoking or suspending Pharmacist License Number RPH 23460, issued  
25 to Neil A. Stepner.
- 26 3. Ordering S & S Valley Homecare Pharmacy, d.b.a. Valley Homecare  
27 Pharmacy, Stella Roytman, President, and Neil A. Stepner to pay the Board of Pharmacy the  
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1 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
2 Professions Code section 125.3;

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

4 DATED: 11/1/04

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*P. F. Harris*  
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PATRICIA F. HARRIS  
Executive Officer  
Board of Pharmacy  
Department of Consumer Affairs  
State of California  
Complainant

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