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6 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

12 OYEBISI OLANTUNDE ALAGBE
P.O. Box 260062
13 Encino, CA 91426
Pharmacist License No. RPH 42414

14 and

15 PARAMEDIX INC. dba
16 CALIFORNIA PHARMACY
555 S. Lake Ave.
17 Pasadena, CA 91101
OYEBISI OLANTUNDE ALAGBE,
18 Pharmacist-in-Charge
Pharmacy Permit No. PHY 46502,
19

20 Respondents.

Case No. 2800

OAH No. L-2005110212

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the
23 above-entitled proceedings 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 Anne Hunter, Deputy Attorney
28 General.

1 reconsideration and court review of an adverse decision; and all other rights accorded by the
2 California Administrative Procedure Act and other applicable laws.

3 8. Respondents voluntarily, knowingly, and intelligently waive and give up
4 each and every right set forth above.

5 **CULPABILITY**

6 9. Respondents understand that the charges and allegations in Accusation No.
7 2008, if proven at a hearing, constitute cause for imposing discipline upon Pharmacy Permit No.
8 PHY 46502 and Pharmacist License No. RPH 42414.

9 10. For the purpose of resolving the Accusation without the expense and
10 uncertainty of further proceedings, respondents agree that, at a hearing, complainant could
11 establish a factual basis for the charges in the Accusation and that those charges constitute cause
12 for discipline. Respondents hereby give up their right to contest that cause for discipline exists
13 based on those charges.

14 11. Respondents agree that their Pharmacy Permit No. PHY 46502 and
15 Pharmacist License No. RPH 42414 are subject to discipline and they agree to be bound by the
16 Board's imposition of discipline as set forth in the Disciplinary Order below.

17 **CONTINGENCY**

18 12. The parties understand and agree that facsimile copies of this Stipulated
19 Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same
20 force and effect as the originals.

21 13. This stipulation shall be subject to approval by the Board. Respondents
22 understand and agree that counsel for complainant and the staff of the Board may communicate
23 directly with the Board regarding this stipulation and settlement, without notice to or
24 participation by respondents. By signing the stipulation, respondents understand and agree that
25 they may not withdraw their agreement or seek to rescind the stipulation prior to the time the
26 Board considers and acts upon it. If the Board fails to adopt this stipulation as its Decision and
27 Order, the Stipulated Settlement and Disciplinary Order shall be of no force or effect; except for

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1 this paragraph, it shall be inadmissible in any legal action between the parties, and the Board
2 shall not be disqualified from further action by having considered this matter.

3 14. In consideration of the foregoing admissions and stipulations, the parties
4 agree that the Board may, without further notice or formal proceeding, issue and enter the
5 following Disciplinary Order:

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 46502 issued to
8 Paramedix Inc. to do business as California Pharmacy (Respondent Pharmacy) and Pharmacist
9 License No. RPH 42414 issued to Oyebisi Olantunde Alagbe (Respondent Alagbe) are revoked.
10 However, the revocation of both licenses is stayed and respondents are placed on probation for
11 three (3) years on the following terms and conditions.

12 1. **Actual Suspension - Pharmacist.** Pharmacist License No. RPH 42414,
13 issued to Respondent Alagbe, is suspended for a period of 60 days.

14 During suspension, Respondent Alagbe shall not enter any pharmacy area or any
15 portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or any other
16 distributor of drugs which is licensed by the Board, or any manufacturer, or where dangerous
17 drugs and devices or controlled substances are maintained. Respondent Alagbe shall not practice
18 pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
19 compounding, dispensing or patient consultation; nor shall Respondent Alagbe manage,
20 administer, or be a consultant to any licensee of the Board, or have access to or control the
21 ordering, manufacturing or dispensing of dangerous drugs and devices or controlled substances.

22 Respondent Alagbe shall not engage in any activity that requires the professional
23 judgment of a pharmacist. Respondent Alagbe shall not direct or control any aspect of the
24 practice of pharmacy. Respondent Alagbe shall not perform the duties of a pharmacy technician
25 or an exemptee for any entity licensed by the Board. Subject to the above restrictions,
26 Respondent Alagbe may continue to own or hold an interest in any pharmacy in which he holds
27 an interest at the time this decision becomes effective unless otherwise specified in this order.

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1 2. **Obey All Laws.** Respondents shall obey all state and federal laws and
2 regulations substantially related to or governing the practice of pharmacy.

3 Respondents shall report any of the following occurrences to the Board, in
4 writing, within 72 hours of such occurrence:

- 5 • an arrest or issuance of a criminal complaint for violation of any provision of the
6 Pharmacy Law, state and federal food and drug laws, or state and federal
7 controlled substances laws
- 8 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to
9 any criminal complaint, information or indictment
- 10 • a conviction of any crime
- 11 • discipline, citation, or other administrative action filed by any state and federal
12 agency which involves Respondents' licenses or which is related to the practice
13 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
14 or charging for any drug, device or controlled substance.

15 3. **Reporting to the Board.** During the first year of probation respondent
16 Alagbe shall report to the Board monthly. For the remaining two years of probation
17 Respondent Alagbe shall report to the Board quarterly. The report shall be made either in
18 person or in writing, as directed. Respondent Alagbe shall state under penalty of perjury
19 whether there has been compliance with all the terms and conditions of probation. If the final
20 probation report **is not** made as directed, probation shall be extended automatically until such
21 time as the final report is made and accepted by the Board.

22 4. **Interview with the Board.** Upon receipt of reasonable notice,
23 Respondent Alagbe shall appear in person for interviews with the Board upon request at
24 various intervals at a location to be determined by the Board. Failure to appear for a
25 scheduled interview without prior notification to Board staff shall be considered a violation of
26 probation.

27 5. **Cooperation with Board Staff.** Respondents shall cooperate with the
28 Board's inspectional program and in the Board's monitoring and investigation of Respondent's

1 compliance with the terms and conditions of their probation. Failure to comply shall be
2 considered a violation of probation.

3 6. **Continuing Education.** Respondent Alagbe shall provide evidence of
4 efforts to maintain skill and knowledge as a pharmacist as directed by the Board.

5 7. **Notice to Employers.** Respondent Alagbe shall notify all present and
6 prospective employers of the decision in case number 2008 and the terms, conditions and
7 restrictions imposed on Respondent Alagbe by the decision. Within 30 days of the effective
8 date of this decision, and within 15 days of Respondent Alagbe undertaking new employment,
9 Respondent Alagbe shall cause his direct supervisor, pharmacist-in-charge and/or owner to
10 report to the Board in writing acknowledging the employer has read the decision in case
11 number 2008.

12 If Respondent Alagbe works for or is employed by or through a pharmacy
13 employment service, he must notify the direct supervisor, pharmacist-in-charge, and/or owner
14 at every pharmacy of the and terms conditions of the decision in case number 2008 in advance
15 of his commencing work at each pharmacy.

16 "Employment" within the meaning of this provision shall include any full-time, part-
17 time, temporary, relief or pharmacy management service as a pharmacist, whether the
18 Respondent is considered an employee or independent contractor.

19 8. **Notice to Employees.** Respondent Paramedix, Inc. dba California
20 Pharmacy shall, upon or before the effective date of this decision, ensure that all employees
21 involved in its permit operations are made aware of all the terms and conditions of probation
22 by circulating to all such employees a notice of the terms and conditions. Respondent shall
23 ensure that any employees hired or used after the effective date of this decision are made
24 aware of the terms and conditions by circulating a notice to them.

25 "Employees" as used in this provision includes all full-time, part-time,
26 temporary and relief employees and independent contractors employed or hired
27 at any time during probation.

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1 9. **No Preceptorships, Supervision of Interns, Being Pharmacist-in-**
2 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern
3 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the
4 pharmacist-in-charge of any entity licensed by the Board for the sixty days he is suspended.

5 10. **Reimbursement of Board Costs.** Respondents shall pay to the Board
6 its costs of investigation and prosecution in the amount of \$16,000.00. Respondent shall
7 make said payments as follows: quarterly, in equal installments, starting 30 days after the
8 effective date of the Decision and Order and ending 90 days before the end of his probation.

9 The filing of bankruptcy by either respondent shall not relieve either
10 respondent of the responsibility to reimburse the Board its costs of investigation and
11 prosecution.

12 11. **Probation Monitoring Costs.** Respondents shall pay the costs
13 associated with probation monitoring as determined by the Board each and every year of
14 probation. Such costs shall be payable to the Board at the end of each year of probation.
15 Failure to pay such costs shall be considered a violation of probation.

16 12. **Status of License.** Respondents shall, at all times while on probation,
17 maintain active current licenses with the Board, including any period during which suspension
18 or probation is tolled.

19 If either of respondent's licenses expires or is canceled by operation of law or
20 otherwise, upon renewal or reapplication, the license shall be subject to all terms and
21 conditions of this probation not previously satisfied.

22 13. **Consultant for Owner or Pharmacist-in-Charge.** Respondent
23 Alagbe shall not supervise any intern pharmacist, perform any of the duties of a preceptor or
24 serve as a consultant to any entity licensed by the Board. Respondent Alagbe may be a
25 pharmacist-in-charge after he has served the 60 day suspension. However, respondents shall,
26 at their own expense, retain an independent consultant who shall be responsible for reviewing
27 pharmacy operations on a monthly basis during the first year of probation and on a quarterly
28 basis during the second two years of probation for respondents' compliance with state and

1 federal laws and regulations governing the practice of pharmacy and for respondents'
2 compliance with the obligations of a pharmacist-in-charge. The consultant shall be a
3 pharmacist licensed by and not on probation with the Board and whose name shall be
4 submitted to the Board, for its prior approval, within 30 days of the effective date of this
5 decision. Respondent shall not be a pharmacist-in-charge at more than one pharmacy.

6 **14. License Surrender while on Probation/Suspension.** Following the
7 effective date of this decision, should Respondent Alagbe cease practice due to retirement or
8 health, or be otherwise unable to satisfy the terms and conditions of probation, he may tender
9 their license to the Board for surrender. The Board shall have the discretion whether to grant
10 the request for surrender or take any other action it deems appropriate and reasonable. Upon
11 formal acceptance of the surrender of the license, Respondent Alagbe will no longer be subject
12 to the terms and conditions of probation.

13 Upon acceptance of the surrender, Respondent Alagbe shall relinquish his
14 pocket license to the Board within 10 days of notification by the Board that the surrender is
15 accepted. Respondent Alagbe may not reapply for any license from the Board for three years
16 from the effective date of the surrender. Respondent Alagbe shall meet all requirements
17 applicable to the license sought as of the date the application for that license is submitted to
18 the Board.

19 **15. Notification of Employment/Mailing Address Change.** Respondent
20 Alagbe shall notify the Board in writing within 10 days of any change of employment. Said
21 notification shall include the reasons for leaving and/or the address of the new employer,
22 supervisor or owner and work schedule if known. Respondents shall notify the Board in
23 writing within 10 days of a change in name, mailing address or phone number.

24 **16. Tolling of Probation.** Should Respondent Alagbe, regardless of
25 residency, for any reason cease practicing pharmacy for a minimum of 40 hours per calendar
26 month in California, Respondent Alagbe must notify the Board in writing within 10 days of
27 cessation of the practice of pharmacy or the resumption of the practice of pharmacy. Such
28 periods of time shall not apply to the reduction of the probation period. It is a violation of

1 probation for Respondent Alagbe's probation to remain tolled pursuant to the provisions of
2 this condition for a period exceeding three years.

3 Cessation of practice" means any period of time exceeding 30 days in which
4 Respondent is not engaged in the practice of pharmacy as defined in Section 4052 of
5 the Business and Professions Code.

6 Respondent Alagbe shall work at least 40 hours in each calendar month as a
7 pharmacist and at least an average of 80 hours per month in any six consecutive months.
8 Failure to do so will be a violation of probation. If Respondent Alagbe has not complied with
9 this condition during the probationary term, and Respondent has presented sufficient
10 documentation of his good faith efforts to comply with this condition, and if no other
11 conditions have been violated, the Board, in its discretion, may grant an extension of
12 Respondent Alagbe's probation period up to one year without further hearing in order to
13 comply with this condition.

14 17. **Violation of Probation.** If either respondent violates probation in any
15 respect, the Board, after giving that respondent notice and an opportunity to be heard, may
16 revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke
17 probation or an accusation is filed against either respondent during probation, the Board shall
18 have continuing jurisdiction over that respondent and the period of probation shall be
19 extended, until the petition to revoke probation or accusation is heard and decided.

20 If either respondent has not complied with any term or condition of probation,
21 the Board shall have continuing jurisdiction over respondent, and probation shall
22 automatically be extended until all terms and conditions have been satisfied or the Board has
23 taken other action as deemed appropriate to treat the failure to comply as a violation of
24 probation, to terminate probation, and to impose the penalty which was stayed.

25 18. **Completion of Probation.** Upon successful completion of probation,
26 Respondents' licenses will be fully restored.

27 19. **Tolling of Suspension.** If Respondent Alagbe leaves California to
28 reside or practice outside this state, for any period exceeding 10 days (including vacation),

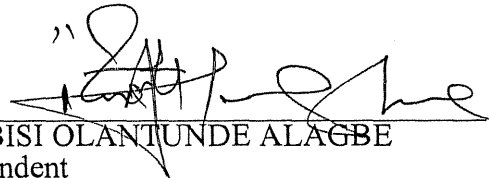
1 Respondent must notify the Board in writing of the dates of departure and return. Periods of
2 residency or practice outside the state - or any absence exceeding a period of 10 days shall not
3 apply to reduce the suspension period.

4 Respondent shall not practice pharmacy upon returning to this state until
5 notified by the Board that the period of suspension has been completed.

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7 **ACCEPTANCE**

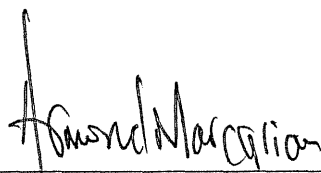
8 I have carefully read the above Stipulated Settlement and Disciplinary Order
9 and have fully discussed it with my attorney, Armond Marcarian. I understand the stipulation
10 and the effect it will have on my Pharmacist License No. RPH 42414. I enter into this
11 Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and
12 agree to be bound by the Decision and Order of the Board of Pharmacy.

13 DATED: 7/14/06.

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16 OYEBISI OLANTUNDE ALAGBE
17 Respondent

18 I have read and fully discussed with Respondent OYEBISI OLANTUNDE
19 ALAGBE the terms and conditions and other matters contained in the above Stipulated
20 Settlement and Disciplinary Order. I approve its form and content.

21 DATED: July 14, 2006.

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24 ARMOND MARCARIAN
25 Attorney for Respondent

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

In the Matter of the Accusation Against:

OYEBISI OLANTUNDE ALAGBE
P.O. Box 260062
Encino, CA 91426
Pharmacist License No. RPH 42414

and

PARAMEDIX INC. dba
CALIFORNIA PHARMACY
555 S. Lake Ave.
Pasadena, CA 91101
OYEBISI OLANTUNDE ALAGBE,
Pharmacist-in-Charge
Pharmacy Permit No. PHY 46502,

Respondents.

Case No. 2800

OAH No. L-2005110212

DECISION AND ORDER

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

This Decision shall become effective on October 19, 2006.

It is so ORDERED September 19, 2006.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



WILLIAM POWERS
Board President

Exhibit A
Accusation No. 2800

1 BILL LOCKYER, Attorney General
of the State of California
2 ANNE HUNTER, State Bar No. 136982
Deputy Attorney General
3 California Department of Justice
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-2114
5 Facsimile: (213) 897-2804

6 Attorneys for Complainant

7

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

9

10
11 In the Matter of the Accusation Against:

Case No. 2800

12 OYEBISI OLANTUNDE ALAGBE
P.O. Box 260062
13 Encino, CA 91426
Pharmacist License No. RPH 42414

ACCUSATION

14

15 PARAMEDIX INC. dba
CALIFORNIA PHARMACY
16 555 S. Lake Ave.
Pasadena, CA 91101
17 OYEBISI OLANTUNDE ALAGBE,
Pharmacist-in-Charge
18 Pharmacy Permit No. PHY 46502,

19

Respondents.

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21 Complainant alleges:

22

PARTIES

23

24 1. Patricia F. Harris (Complainant) brings this Accusation solely in her
25 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
Consumer Affairs.

26

27 2. On or about August 18, 2003, the Board of Pharmacy issued Original
Pharmacy Permit No. PHY 46502 to Paramedix Inc. to do business as California Pharmacy

28

\\ \

1 (Respondent Pharmacy). Pharmacy Permit No. 46502 was in full force and effect at all times
2 relevant to the charges brought herein and will expire on August 1, 2006, unless renewed.

3 3. On or about March 10, 1989, the Board of Pharmacy issued Pharmacist
4 License No. RPH 42414 to Oyebisi Olantunde Alagbe (Respondent Alagbe). The Pharmacist
5 License was in full force and effect at all times relevant to the charges brought herein and will
6 expire on February 28, 2007, unless renewed. Respondent Alagbe has been Pharmacist-in-
7 Charge and President of respondent Pharmacy since August 18, 2003.

8 **JURISDICTION**

9 4. This Accusation is brought before the Board of Pharmacy, Department of
10 Consumer Affairs, under the authority of the following laws. All section references are to the
11 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(b) states that the suspension, expiration, or forfeiture by
15 operation of law of a license issued by a Board in the department, or its suspension, forfeiture, or
16 cancellation by order of the Board or by order of a court of law, or its surrender without the
17 written consent of the Board, shall not, during any period in which it may be renewed, restored,
18 reissued, or reinstated.

19 7. Section 125.3 states, 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
21 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
22 enforcement of the case.

23 8. Section 4301 states that the Board shall take action against any holder of a
24 license who is guilty of unprofessional conduct or whose license has been procured by fraud or
25 misrepresentation or issued by mistake. Unprofessional conduct shall include, but is not limited
26 to, any of the following:

27

28 (f) The commission of any act involving moral turpitude, dishonesty, fraud,

1 deceit, or corruption, whether the act is committed in the course of relations as a licensee or
2 otherwise, and whether the act is a felony or misdemeanor or not.

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 Chapter 9 (commencing
9 with Section 4000) of the Business and Professions Code or of the applicable federal and state
10 laws and regulations governing pharmacy, including regulations established by the Board.

11 9. Section 4022 defines "Dangerous Drugs" as any drug that is unsafe for
12 self-medication and which by federal or state law can be lawfully dispensed only on prescription.

13 10. Section 4040, subdivision (a), defines "prescription" as an "oral, written,
14 or electronic transmission order that is both of the following:

15 "(1) Given individually for the person or persons for whom ordered that includes
16 all of the following:

17 "(A) The name or names and address of the patient or patients.

18 "(B) The name and quantity of the drug or device prescribed and the directions
19 for use.

20 "(C) The date of issue.

21 "(D) Either rubber stamped, typed, or printed by hand or typeset, the name,
22 address, and telephone number of the prescriber, his or her license classification, and his
23 or her federal registry number, if a controlled substance is prescribed.

24 "(E)

25 "(F)

26 "(2) Issued by a physician, dentist, optometrist, podiatrist, or veterinarian . . .
27 licensed in this state."

1 11. Title 16, California Code of Regulations section 1717, subdivision (b),
2 requires pharmacies to maintain the following information for each prescription on file:

3 “(1) The date dispensed, and the name or initials of the dispensing pharmacist. . . .

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

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

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

11 12. Title 16, California Code of Regulations section 1717, subdivision (c),
12 states:

13 “Promptly upon receipt of an orally transmitted prescription, the pharmacist shall
14 reduce it to writing, and initial it, and identify it as an orally transmitted prescription. If
15 the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall
16 also initial the prescription to identify him or herself. All orally transmitted prescriptions
17 shall be received and transcribed by a pharmacist prior to compounding, filling,
18 dispensing, or furnishing. . . .”

19 13. Title 16, California Code of Regulations section 1715.5 requires that the
20 “collection of information authorized by Health and Safety Code section 11165 shall be provided
21 as follows:

22 “(a) For each prescription for a Schedule II controlled substance, the dispensing
23 pharmacy shall provide the following information: the full name and address of the
24 patient; the gender and date of birth of the patient; the DEA (Drug Enforcement
25 Administration) number of the prescriber; the triplicate prescription number; the
26 pharmacy prescription number; the pharmacy license number; the NDC (National Drug
27 Code) number and the quantity of the controlled substance; the ICD-9 (diagnosis code), if
28 available; the date of issue of the prescription, the date of dispensing of the prescription,

1 and the state medical license number of any prescriber using the DEA number of a
2 government exempt facility.”

3 14. Title 16, California Code of Regulations section 1709.1 provides in
4 pertinent part:

5 “(a) The pharmacist-in-charge of a pharmacy shall be employed at that location
6 and shall have responsibility for the daily operation of the pharmacy.

7 “(b) The pharmacy owner shall vest the pharmacist-in-charge with adequate
8 authority to assure compliance with the laws governing the operation of a pharmacy.

9 15. Title 16, California Code of Regulations section 1761 provides:

10 “(a) No pharmacist shall compound or dispense any prescription which contains
11 any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon
12 receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the
13 information needed to validate the prescription.

14 “(b) Even after conferring with the prescriber, a pharmacist shall not compound or
15 dispense a controlled substance prescription where the pharmacist knows or has objective
16 reason to know that said prescription was not issued for a legitimate medical purpose.”

17 16. Health and Safety Code section 11153, subdivision (a), states in pertinent
18 part that a prescription for a controlled substance shall only be issued for a legitimate medical
19 purpose by an individual practitioner acting in the usual course of his or her professional practice.
20 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
21 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
22 prescription. An order purporting to be a prescription which is not issued in the usual course of
23 professional treatment is not a legal prescription.

24 **DANGEROUS DRUGS**

25 17. Cialis (generic - Tadalafil) is a dangerous drug as defined by section 4022.
26 It is used in the treatment of erectile dysfunction.

27 18. Fioricet (generic - APAP, Butalbital and Caffeine) is a dangerous drug as
28 defined by section 4022. It is used in the treatment of tension or muscle contraction headaches.

1 BH6586145. The Green Street address is the address of record for Robert Hansen, D.D.S. The
2 DEA number listed on the prescription is registered to Robert Hansen, D.D.S. Albuterol is a
3 dangerous drug used to treat asthma. Treating asthma is not within a dentist's normal scope of
4 practice. Respondent Alagbe initialed the label attached to the back of the prescription.

5 26. On May 31, 2003, respondents dispensed telephoned prescription #302249
6 for Albuterol Metered Dose Inhaler to patient Robert H. Prescription #302249 was refilled on
7 July 2, 2003, September 9, 2003, September 25, 2003, October 18, 2003, November 6, 2003,
8 November 19, 2003, January 10, 2004, and February 23, 2004. The address listed for the patient
9 was 74 N. Arroyo Blvd., Pasadena, CA 91105. The prescriber listed was Robert Hansen, Sr.,
10 M.D., at 960 East Green Street, Pasadena, CA. The prescriber's DEA number was listed as
11 BH6586145. The Green Street address is the address of record for Robert Hansen, D.D.S. The
12 DEA number listed on the prescription is registered to Robert Hansen, D.D.S. Albuterol is a
13 dangerous drug used to treat asthma. Treating asthma is not within a dentist's normal scope of
14 practice. Respondent Alagbe initialed the label attached to on the back of the prescription.

15 27. On October 10, 2003, respondents dispensed telephoned prescription
16 #310114 for Guaifenesin, 600mg, to patient Robert H. The prescriber was listed as Robert
17 Hansen, M.D. The patient's address was listed as 74 N. Arroyo Blvd., Pasadena, CA 91105. The
18 prescriber's address was listed as 960 East Green Street, Pasadena, CA. The prescriber's DEA
19 number was listed as BH6586145. The prescriber's address and DEA number are both registered
20 to Robert Hansen, D.D.S. Guaifenesin is an expectorant generally used to treat asthma. Treating
21 asthma is not within a dentist's normal scope of practice. Respondent Alagbe initialed the label
22 attached to the back of the prescription.

23 28. On February 14, 2004, respondents dispensed telephoned prescription
24 #318431 for Cialis, 10mg, to patient Robert H. at 74 N. Arroyo Blvd. in Pasadena. The prescriber
25 was listed as Dr. Robert Hansen, Snr, 1808 Vergudo Blvd., Glendale, CA (818) 790-4188. The
26 DEA number BH1718557 listed on the label is registered to a Thomas Hanson, M.D., on Whittier
27 Boulevard in Los Angeles. Cialis is used to treat erectile dysfunction. Treating erectile

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Bob D.

32. On May 20, 2003, respondents dispensed telephone prescription #301497 for 20 tablets of Ambien and prescription #301498 for 100 tablets of Fioricet for patient Bob D. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No patient address was written on the prescriptions and the patient profile listed an address of "Pasadena, CA 91104." The pharmacist who took the verbal order did not initial the prescription. Respondent Alagbe initialed the label affixed to the back of the prescription. Payment for both prescriptions was noted as "CASH."

Charles G.

33. On January 25, 2003, respondents dispensed telephone prescription #294140 for 20 tablets of Ambien 10mg and prescription 294141 for 100 tablets of Vicodin ES for patient Charles G. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No patient address was written on the prescriptions and the patient profile listed an address of "Pasadena, CA 91104." Respondent Alagbe initialed the label affixed to the back of the prescription. Payment for the prescriptions was noted as "CASH."

Kirsten H.

34. On July 25, 2003, respondents dispensed telephone prescription #305696 for 100 tablets of Vicodin ES for patient Kirsten H. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No patient address was written on the prescription and the label and patient profile listed an address of 74 N. Arroyo, Pasadena, CA." The pharmacist who took the order did not initial the front of the prescription order form. Respondent Alagbe initialed the label affixed to the back of the prescription. The payment for the prescription was noted as "CASH."

35. On August 1, 2003, respondents dispensed telephone prescription #306104 for 100 tablets of Fioricet for patient Kirsten H. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No patient address written on the prescription and the label and patient profile listed an address of 74 N. Arroyo, Pasadena, CA." The pharmacist who took the verbal

1 order did not initial the front of the prescription order form. Respondent Alagbe initialed the label
2 affixed to the back of the prescription. Payment for the prescription was noted as "CASH."

3 Kip H.

4 36. On April 18, 2003, respondents dispensed telephone prescription #299497
5 for 100 tablets of Vicodin ES and prescription #299498 for 20 tablets of Ambien, 10mg., for
6 patient Kip H. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No
7 patient address written on the prescription and the label, and the patient profile listed an address of
8 "Pasadena, CA 91101." The pharmacist who took the verbal orders did not initial the front of the
9 order form. Respondent Alagbe initialed the labels attached to the back of both prescriptions.

10 Coverage for the prescriptions was noted as "CASH."

11 37. On September 5, 2003, respondents dispensed telephone prescription
12 #307972 for 100 tablets of Fioricet and prescription #307973 for 20 tablets of Ambien, 10mg., for
13 patient Kip H. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No
14 patient address written on the prescription and the label and patient profile listed an address of
15 "Pasadena, CA 91101." The pharmacist who took the verbal orders did not initial the front of
16 the order forms. Respondent Alagbe initialed the labels attached to the back of both
17 prescriptions. Coverage for both prescriptions was noted as "CASH."

18 38. On October 10, 2003, respondents dispensed telephone prescription
19 #310113 for 30 tablets of Ambien 10mg. for patient Kip H. No patient address was written on
20 the prescription and the label and patient profile listed an address of "Pasadena, CA 91101."
21 The pharmacist who took the verbal order did not initial the front of the order form. Respondent
22 Alagbe initialed the labels attached to the back of the prescription. Payment for the prescription
23 was noted as "CASH."

24 39. On October 18, 2003, respondents dispensed telephone
25 prescription #310623 for 100 tablets of Fioricet for patient Kip H. No patient address was written
26 on the prescription and the label and patient profile listed an address of "Pasadena, CA 91101."
27 The pharmacist who took the verbal order did not initial the front of the order form. Respondent

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1 Alagbe initialed the labels attached to the back of the prescription. Payment for the prescription
2 was noted as "CASH."

3 Lee H.

4 40. On February 21, 2003, respondents dispensed telephone prescription
5 #295945 for 100 tablets of Vicodin ES and prescription #295946 for 20 tablets of Ambien, 10mg.,
6 for patient Lee H. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena.
7 No patient address was written on the prescription and the label and patient profile listed an
8 address of "Pasadena, CA 91101." Respondent Alagbe initialed the label attached to the back of of
prescription. Payment for the prescription was noted as "CASH."

10 John M.

11 41. On April 26, 2003, respondents dispensed telephone prescription #299969
12 for 100 tablets of Fioricet and prescription #299970 for 20 tablets of Ambien 10mg. for patient
13 John M. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No patient
14 address was written on the prescription and the label and patient profile listed an address of
15 "Pasadena, CA 91101." Respondent Alagbe initialed the labels attached to the back of both
16 prescriptions. Coverage for the prescriptions was noted as "CASH."

17 Linda M.

18 42. On April 14, 2003, respondents dispensed telephone prescription #299184
19 for 100 tablets of Fioricet for patient Linda M. The prescriber was listed as Dr. Robert Hansen at
20 960 E. Green in Pasadena. No patient address was written on the prescription and the label and
21 patient profile listed an address of "Pasadena, CA 91101." Respondent Alagbe initialed the label
22 attached to the back of the prescription. Payment for the prescription was noted as "CASH."

23 43. On May 9, 2003, respondents dispensed telephone prescription #300791 for
24 100 tablets of Fioricet and prescription #300786 for 20 tablets of Ambien, 10mg., for patient
25 Linda M. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. No
26 patient address was written on the prescription and the label and patient profile listed an address
27 of "Pasadena, CA 91101." Respondent Alagbe initialed the label attached to the back of the
28 prescription. Payment for the prescription was noted as "CASH."

1 listed an address of "Pasadena, CA 91101." Respondent Alagbe initialed the label attached to
2 the back of the prescription. Payment for the prescription was noted as "CASH."

3 Leila S.

4 49. On or about January 17, 2003, according to its patient profile, respondents
5 dispensed telephone prescription # 291017 for 100 tablets of Vicodin ES for patient Leila S. The
6 prescriber was listed as Dr. Robert Hansen at 960 E. Green in Pasadena. According to
7 respondent pharmacy's prescription and label forms, the pharmacy received telephone
8 prescription # 291017 for 100 tablets of Vicodin ES and prescription #291018 for 10 tablets of
9 Ambien, 10 mg., for patient Leila S. on December 6, 2002. Respondent Alagbe initialed the
10 labels attached to the back of the prescriptions. Coverage for the dispensed prescription was
11 noted as "CASH."

12 50. On January 6, 2003, respondents dispensed telephone prescription #292802
13 for 20 tablets of Ambien, 10mg., for patient Leila S. The prescriber was listed as Dr. Robert
14 Hansen at 960 E. Green in Pasadena. The prescription was stamped "waiting," indicating the
15 patient was in the pharmacy waiting for the prescription to be filled. Respondent Alagbe initialed
16 the label attached to the back of the prescription. Payment for the prescription was noted as
17 "CASH."

18 51. On February 26, 2003, respondents dispensed telephone prescription
19 #296318 for 100 tablets of Vicodin ES for patient Leila S. The prescriber was listed as Dr. Robert
20 Hansen at 960 E. Green in Pasadena. Respondent Alagbe initialed the label attached to the back
21 of the prescription. Payment for the prescription was noted as "CASH."

22 52. On April 14, 2003, respondents dispensed telephone prescription #299185
23 for 100 tablets of Vicodin ES. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in
24 Pasadena. Respondent Alagbe initialed the label attached to the back of the prescription.
25 Payment for the prescription was noted as "CASH."

26 53. On May 31, 2003, respondents dispensed telephone prescription #302251
27 for 100 tablets of Vicodin ES for patient Leila S. The prescriber was listed as Dr. Robert Hansen

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1 at 960 E. Green in Pasadena. Respondent Alagbe initialed the label attached to the back of the
2 prescription. Payment for the prescription was noted as "CASH."

3 54. On November 8, 2003, respondents dispensed telephone prescription
4 #312037 for 100 tablets of Vicodin ES for patient Leila S. The prescriber was listed as Dr. Robert
5 Hansen at 960 E. Green in Pasadena. Respondent Alagbe initialed the label attached to the back
6 of the prescription. Payment for the prescription was noted as "CASH."

7 55. On February 18, 2004, respondents compounded telephone prescription
8 #318635 for 100 tablets of Vicodin ES for patient Linda M. The prescriber was listed as Dr.
9 Robert Hansen at 960 E. Green in Pasadena. No patient address was written on the prescription
10 and the label listed an address of "Pasadena, CA 91101." Respondent Alagbe initialed the label
11 attached to the back of the prescription. The patient profile did not list the prescription as being
12 dispensed.

13 Steven W.

14 56. On February 25, 2003, respondents dispensed telephone prescription
15 #296237 for 100 tablets of Vicodin ES and prescription #296238 for 20 tablets of Ambien, 10mg.,
16 for patient Steven W. The prescriber was listed as Dr. Robert Hansen at 960 E. Green in
17 Pasadena. No patient address written on the prescription and the label and patient profile listed an
18 address of "Pasadena, CA 91101." Respondent Alagbe initialed the labels attached to the back
19 of the prescriptions. Payment for the prescriptions was noted as "CASH." On February 28, 2003,
20 respondents refilled prescription #296237 for 100 tablets of Vicodin ES for patient Steven W.
21 The payment for the refill prescription was noted as "CASH."

22 SECOND CAUSE FOR DISCIPLINE

23 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

24 57. Respondents subjected their licenses to discipline pursuant to section 4301,
25 subdivision (f), by committing acts involving moral turpitude, dishonesty, fraud, deceit, or
26 corruption through their dispensation of dangerous drugs and controlled substances as set forth
27 above in paragraphs 25 through 56.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Corresponding Responsibility)**

3 58. Respondents have further subjected their licenses to discipline pursuant to
4 sections Code sections 4300 and 4301 for unprofessional conduct as defined in section 4301,
5 subdivision (j), in conjunction with Health & Safety Code section 11153, subdivision (a), and
6 Title 16 California Code of Regulations section 1761, for violating sections of the Pharmacy Law
7 as stated above in paragraphs 25 through 56. In addition, respondents failed to verify the address
8 and phone number, medical license number, and DEA number of Robert E. Hansen, M.D., the
9 listed medical doctor prescribing dangerous and controlled drugs for Robert Hansen, D.D.S.,
10 before compounding or dispensing the drugs allegedly prescribed by this medical doctor.

11 59. On November 6, 2003, respondents dispensed prescription 311976 for
12 Advair Diskus, a dangerous drug used to treat asthma, for patient Robert H. The prescription
13 label lists Dr. Robert Hansen, Snr, at 1808 Verdugo Blvd., in Glendale, California as the
14 prescriber. It lists the prescriber's DEA number as BH1718557. The address does not exist, and
15 the DEA number is registered to a Thomas Hanson, M.D., on Whittier Boulevard in Los Angeles.
16 Prescription #311976 was a refill authorization request form for prescription #311158, which
17 listed Dr. Robert Hansen, D.D.S., as the prescriber. Dr. Robert Hansen, D.D.S. was crossed out
18 and changed to Robert Hansen Snr.

19 60. On February 23, 2004, respondents dispensed prescription 318927 for
20 Nicotrol NS, 10mg/ml spray, a dangerous drug used to stop smoking, for patient Robert H. The
21 prescription label lists Dr. Robert Hansen, Snr, at 1808 Verdugo Blvd., in Glendale, California as
22 the prescriber. It lists the prescriber's DEA number as BH1718557. The address does not exist,
23 and the DEA number is registered to a Thomas Hanson, M.D., on Whittier Boulevard in Los
24 Angeles.

25 **FOURTH CAUSE FOR DISCIPLINE**

26 **(Failure To Provide Correct Pharmacy License Number)**

27 61. Respondents have further subjected their licenses to discipline pursuant to
28 Code sections 4300 and 4301 for unprofessional conduct as defined in section 4301, subdivision

1 (j), in conjunction with Title 16, California Code of Regulations section 1715.5, in that from
2 January 1, 2003 to March 4, 2004, they transmitted controlled substance information for the
3 Controlled Substance Utilization Review and Evaluation System (CURES) using an inaccurate
4 pharmacy license number.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Failure To Initial Orally Transmitted Prescription)**

7 62. Respondents have subjected their licenses to discipline pursuant to Code
8 sections 4300 and 4301 for unprofessional conduct as defined in section 4301, subdivision (o), by
9 violating Title 16 California Code of Regulations section 1717, subdivision (c), in that from
10 January 1, 2003, to March 4, 2004, as set forth above in paragraphs 25 through 56, the pharmacist
11 who took the telephoned prescriptions failed to inscribe his initials on the telephoned prescription
12 order or refill authorization request forms.

13 **SIXTH CAUSE FOR DISCIPLINE**

14 **(Failure To Include Patient Information on Prescription Forms and Labels)**

15 63. Respondents have subjected their licenses to discipline pursuant to Code
16 sections 4300 and 4301 for unprofessional conduct as defined in section 4301, subdivision (o), by
17 violating Code section 4040, subdivision (a), in that from January 1, 2003, to March 4, 2004, as
18 set forth above in paragraphs 25 through 56, respondents failed to include patient addresses on
19 verbal orders for prescriptions and on the prescription labels.

20 **PRAYER**


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

- 23 1. Revoking or suspending Pharmacy Permit No. PHY 46502, issued to
24 Paramedix Inc. to do business as California Pharmacy;
- 25 2. Revoking or suspending Original Pharmacy License No. PHY 21664,
26 issued to Oyebisi Olantunde Alagbe;
- 27 3. Ordering Oyebisi Alagbe and Paramedix, Inc., dba California Pharmacy, to

1 pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case,
2 pursuant to Business and Professions Code section 125.3; and

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

4 DATED: 9/19/05

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7 PATRICIA F. HARRIS
8 Executive Officer
9 Board of Pharmacy
10 Department of Consumer Affairs
11 State of California
12 Complainant

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