

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

In the Matter of the Accusation Against:

Case No. 3219

BLUEPOINT PHARMACY INC.
7743 North West lane, Suite B3
Stockton, CA 95210

Pharmacy License No. PHY 43188

Respondent.

DECISION AND ORDER

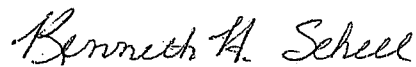
The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on February 10, 2010.

It is so ORDERED on January 11, 2010.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

By



KENNETH H. SCHELL
Board President

1 EDMUND G. BROWN JR.
Attorney General of California
2 ARTHUR TAGGART
Supervising Deputy Attorney General
3 STERLING A. SMITH
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 3219

13 **BLUEPOINT PHARMACY INC.**

OAH No. 2009060228

14 7743 North West Lane, Suite B3
Stockton, California 95210

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

15 Pharmacy License No. PHY 43188

16 and

17 **JOHN M. JELETI**

18 7743 N. Westlake #B3
Stockton, California 95210

19 Pharmacist License No. RPH 49954

20 Respondents.

21
22 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
23 entitled proceedings that the following matters are true:

24 **PARTIES**

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
26 She brought this action solely in her official capacity and is represented in this matter by Edmund
27 G. Brown Jr., Attorney General of the State of California, by Sterling A. Smith, Deputy Attorney
28 General.

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

4 **DISCIPLINARY ORDER**

5 IT IS HEREBY ORDERED that the Pharmacy License No. PHY 43188 issued to
6 Respondent Bluepoint Pharmacy Inc. is revoked. However, revocation is stayed and Respondent
7 is placed on probation for three (3) years on the following terms and conditions.

8 1. **Actual Suspension.** Pharmacy License No. PHY 43188 issued to Respondent
9 Bluepoint Pharmacy Inc. is suspended for a period of five (5) calendar days beginning on the
10 effective date of this decision. During suspension, Respondent shall not enter any pharmacy area
11 or any portion of the licensed premises of a wholesaler, veterinary food-animal drug retailer or
12 any other distributor of drugs which is licensed by the Board, or any manufacturer, or where
13 dangerous drugs and devices or controlled substances are maintained. Respondent shall not
14 practice pharmacy nor do any act involving drug selection, selection of stock, manufacturing,
15 compounding, dispensing or patient consultation; nor shall Respondent manage, administer, or be
16 a consultant to any licensee of the Board, or have access to or control the ordering, manufacturing
17 or dispensing of dangerous drugs and devices or controlled substances.

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

20 Respondent shall report any of the following occurrences to the Board, in writing, within 72
21 hours of such occurrence:

22 • an arrest or issuance of a criminal complaint for violation of any provision of the
23 Pharmacy Law, state and federal food and drug laws, or state and federal controlled substances
24 laws

25 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
26 criminal complaint, information or indictment

27 • a conviction of any crime

28 • discipline, citation, or other administrative action filed by any state and federal agency

1 which involves Respondent's license or which is related to the practice of pharmacy or the
2 manufacturing, obtaining, handling or distribution or billing or charging for any drug, device or
3 controlled substance.

4 Failure to timely report any such occurrence shall be considered a violation of probation.

5 3. **Report to the Board.** Respondent shall report to the Board quarterly, on a
6 schedule as directed by the board or its designee. The report shall be made either in person or in
7 writing, as directed. Respondent shall state under penalty of perjury whether there has been
8 compliance with all the terms and conditions of probation. Failure to submit timely reports in a
9 form as directed shall be considered a violation of probation. Any period(s) of delinquency in
10 submission of reports as directed may be added to the total period of probation. Moreover, if the
11 final probation report is not made as directed, probation shall be extended automatically until
12 such time as the final report is made and accepted by the Board.

13 4. **Interview with the Board.** Upon receipt of reasonable notice, Respondent shall
14 appear in person for interviews with the Board or its designee, at such intervals and locations as
15 are determined by the board or its designee. Failure to appear for a scheduled interview without
16 prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with
17 the board or its designee during the period of probation, shall be considered a violation of
18 probation.

19 5. **Cooperation with Board Staff.** Respondent shall cooperate with the Board's
20 inspectional program and in the Board's monitoring and investigation of Respondent's
21 compliance with the terms and conditions of their probation. Failure to comply shall be
22 considered a violation of probation.

23 6. **Notice to Employees.** Respondent shall, upon or before the effective date of this
24 decision, ensure that all employees involved in permit operations are made aware of all the terms
25 and conditions of probation, either by posting a notice of the terms and conditions, circulating
26 such notice, or both. If the notice required by this provision is posted, it shall be posted in a
27 prominent place and shall remain posted throughout the probation period. Respondent shall
28 ensure that any employees hired or used after the effective date of this decision are made aware of

1 the terms and conditions by posting a notice, circulating a notice, or both. Additionally,
2 respondent shall submit written notification to the board, within fifteen (15) days of the effective
3 date of this decision, that this term has been satisfied. Failure to submit such notification to the
4 board shall be considered a violation of probation.

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

8 **7. Owners and Officers: Knowledge of the Law.** Respondent shall provide,
9 within 30 days after the effective date of this decision, signed and dated statements from its
10 owners, including any owner or holder of 10% or more of the interest in respondent or
11 respondent's stock, and any officer, stating under penalty of perjury that said individuals have
12 read and are familiar with state and federal laws and regulations governing the practice of
13 pharmacy. The failure to timely provide said statements under penalty of perjury shall be
14 considered a violation of probation.

15 **8. Posted Notice of Suspension.** Respondent shall prominently post a
16 suspension notice provided by the board in a place conspicuous and readable to the public. The
17 suspension notice shall remain posted during the entire period of actual suspension.

18 Respondent shall not, directly or indirectly, engage in any conduct or make any statement,
19 orally, electronically or in writing, which is intended to mislead or is likely to have the effect of
20 misleading any patient, customer, member of the public, or other person as to the nature of and
21 reason for the closure of the licensed entity.

22 **9. Posted Notice of Probation.** Respondent shall prominently post a
23 probation notice provided by the board in a place conspicuous and readable to the public. The
24 probation notice shall remain posted during the entire period of probation.

25 Respondent shall not, directly or indirectly, engage in any conduct or make
26 any statement which is intended to mislead or is likely to have the effect of misleading any
27 patient, customer, member of the public, or other person(s) as to the nature of or reason for the
28 probation of the licensed entity.

1 Failure to post such notice shall be considered a violation of probation.

2 10. **Reimbursement of Board Costs.** Respondent shall pay to the Board its costs of
3 investigation and prosecution in the amount of \$5,500.00. Respondent shall pay such costs, in
4 full and in cash, within 30 days of the effective date of the decision.

5 The filing of bankruptcy by Respondent shall not relieve Respondent of its responsibility to
6 reimburse the Board for its costs of investigation and prosecution.

7 11. **Probation Monitoring Costs.** Respondent shall pay the costs associated with
8 probation monitoring as determined by the Board each and every year of probation. Such costs
9 shall be payable to the Board on a schedule as directed by the board or its designee. Failure to pay
10 such costs shall be considered a violation of probation.

11 12. **Status of License.** Respondent shall, at all times while on probation, maintain
12 current licensure with the board. If respondent submits an application to the board, and the
13 application is approved, for a change of location, change of permit or change of ownership, the
14 board shall retain continuing jurisdiction over the license, and the Respondent shall remain on
15 probation as determined by the board. Failure to maintain current licensure shall be considered a
16 violation of probation.

17 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
18 during the period of probation, including any extensions thereof or otherwise, upon renewal or
19 reapplication Respondent's license shall be subject to all terms and conditions of this probation
20 not previously satisfied.

21 13. **License Surrender While on Probation/Suspension.** Following the effective date
22 of this decision, should Respondent discontinue business, respondent may tender the premises
23 license to the board for surrender. The board or its designee shall have the discretion whether to
24 grant the request for surrender or take other action it deems appropriate and reasonable. Upon
25 formal acceptance of the surrender of the license, Respondent will no longer be subject to the
26 terms and conditions of probation.

27 Upon acceptance of the surrender, Respondent shall relinquish the premises wall and
28 renewal license to the board within 10 days of notification by the Board that the surrender is

1 accepted. Respondent shall further submit a completed Discontinuance of Business form
2 according to board guidelines and shall notify the board of the records inventory transfer.
3 Respondent shall also, by the effective date of this decision, arrange for the continuation of care
4 for ongoing patients that specifies the anticipated closing date of the pharmacy and that identifies
5 one or more area pharmacies capable of taking up the patients' care, and by cooperating as may
6 be necessary in the transfer of records or prescriptions for ongoing patients. Within five days of
7 its provision of the pharmacy's ongoing patients, Respondent shall provide a copy of the written
8 notice to the board. For the purposes of this provision, "ongoing patients" means those patients
9 for whom the pharmacy has on file a prescription with one or more refills outstanding, or for
10 whom the pharmacy has filled a prescription within the preceding sixty (60) days.

11 Respondent may not apply for any new licensure from the Board for three (3) years from
12 the effective date of the surrender. Respondent shall meet all requirements applicable to the
13 license sought as of the date the application for that license is submitted to the Board.

14 Respondent further stipulates that it shall reimburse the board for its cost of investigation
15 and prosecution prior to acceptance of the surrender.

16 **14. Tolling of Probation.** Should Respondent, regardless of residency and for any
17 reason, cease practicing pharmacy for a minimum of 40 hours per calendar month in California,
18 then Respondent must notify the Board in writing within 10 days of cessation of the practice of
19 pharmacy or the resumption of the practice of pharmacy. Such periods of time shall not apply to
20 the reduction of the probation period. It is a violation of probation for Respondent's probation to
21 remain tolled pursuant to the provisions of this condition for a period exceeding three years.

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

25 **15. Violation of Probation.** If Respondent has not complied with any term or condition
26 of probation, the board shall have continuing jurisdiction over Respondent license, and probation
27 shall be automatically extended until all terms and conditions have been satisfied or the board has

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1 taken other action as deemed appropriate to treat the failure to comply as a violation of probation,
2 to terminate probation, and to impose the penalty that was stayed.

3 If Respondent violates probation in any respect, the board, after giving Respondent notice
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
5 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
6 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
7 a petition to revoke probation or an accusation is filed against respondent during probation, the
8 Board shall have continuing jurisdiction and the period of probation shall be automatically
9 extended, until the petition to revoke probation or accusation is heard and decided.

10 **16. Completion of Probation.** Upon successful completion of its probationary terms,
11 Respondent's license will be fully restored.

12 **17. Community Services Program.** Within 60 days of the effective date of this
13 decision, Respondent shall submit to the Board, for its prior approval, a community service
14 program in which Respondent shall provide free health-care related services on a regular basis to
15 a community or charitable facility or agency for at least 100 hours, to be completed within the
16 first year of probation.

17 Within thirty (30) days of board approval thereof, Respondent shall submit
18 documentation to the board demonstrating commencement of the community service program.
19 Respondent owner shall report on progress with the community service program in the quarterly
20 reports.

21 **18. Report of Controlled Substances.** Respondent shall submit quarterly reports to the
22 Board detailing the total acquisition and disposition of such controlled substances as the Board
23 may direct. Respondent shall specify the manner of disposition (e.g., by prescription, due to
24 burglary, etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such
25 controlled substances. Respondent shall report on a quarterly basis or as directed by the Board.
26 The report shall be delivered or mailed to the Board no later than 10 days following the end of the
27 reporting period. Failure to timely prepare or submit such reports shall be considered a violation
28 of probation.

1 19. Tolling of Suspension. If Respondent leaves California to reside or practice outside
 2 this state, for any period exceeding 10 days (including vacation), Respondent must notify the
 3 Board in writing of the dates of departure and return. Periods of residency or practice outside the
 4 state - or any absence exceeding a period of 10 days shall not apply to the reduction of the
 5 suspension period.


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

8 **ACCEPTANCE BY RESPONDENT**

9 I, President of Respondent Bluepoint Pharmacy Inc., have carefully read the above
 10 Stipulated Settlement and Disciplinary Order and have fully discussed it with Gregory P. ^{Matsen}
 11 Lewis Brisbois Bisgaard & Smith, LLP, Respondent's attorney. I understand the stipulation and
 12 the effect it will have on Pharmacy License No. PHY 43188. I, as President of Respondent, enter
 13 into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently,
 14 and agree to be bound by the Decision and Order of the Board of Pharmacy.

15
 16 BLUEPOINT PHARMACY INC.

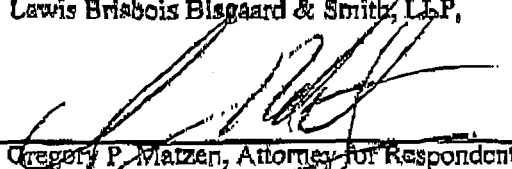
17
 18 DATED: 9/3/09


 19 By: Brian Vu, President

20 I have read and fully discussed with Respondent Bluepoint Pharmacy Inc. the terms and
 21 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
 22 I approve its form and content.

23
 24 Lewis Brisbois Bisgaard & Smith, LLP,

25
 26 DATED: 9/3/09


 27 Gregory P. Matsen, Attorney for Respondent

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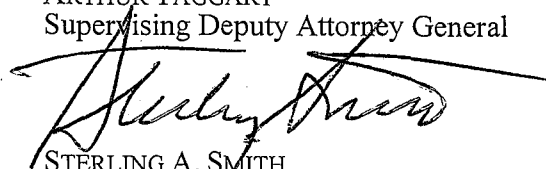
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ENDORSEMENT

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

Dated: *September 3, 2009*

EDMUND G. BROWN JR.
Attorney General of California
ARTHUR TAGGART
Supervising Deputy Attorney General



STERLING A. SMITH
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Amended Accusation No. 3219

1 EDMUND G. BROWN, JR., Attorney General
of the State of California
2 ARTHUR TAGGART,
Supervising Deputy Attorney General
3 STERLING A. SMITH, State Bar No. 83287
Deputy Attorney General
4 California Department of Justice
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6 Telephone: (916) 445-0378
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7 Attorneys for Complainant

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

11 In the Matter of the Accusation Against:

Case No. 3219

12 BLUEPOINT PHARMACY
7743 North West Lane, Suite B3
13 Stockton, CA 95210

ACCUSATION

14 Pharmacy License No. PHY 43188

15 And

16 JOHN M. JELETI
7743 North West Lane, Suite B3
17 Stockton, CA 95210

18 Pharmacy License RPH 49954

19 Respondents.

20

21 Complainant alleges:

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

25

LICENSE HISTORY

26

2. On March 18, 1998, the Board issued Pharmacist License RPH No. 49554
27 to Respondent John M. Jeleti to practice pharmacy in California. Mr. Jeleti's pharmacy license
28 was in full force and effect at all times relevant to the charges brought herein and will expire on

1 April 30, 2009, unless renewed. Mr. Jeleti was the Pharmacist-in-Charge of Respondent
2 Bluepoint Pharmacy continuously from on or about July 31, 2006, until on or about
3 July 24, 2008.

4 3. On or about September 12, 1997, the Board issued Original Pharmacy
5 Permit No. PHY 43188 to Brian Vu, to do business as Bluepoint Pharmacy. Respondent
6 Bluepoint Pharmacy is located at 7743 North West Lane, Suite B3, Stockton, California 95210.
7 Mr. Vu now is, and has been since on or about July 24, 2008, the Pharmacist-in-Charge of
8 Respondent Bluepoint Pharmacy. Respondent Bluepoint Pharmacy's pharmacy permit was in
9 full force and effect at all times relevant to the charges brought herein and will expire on
10 September 1, 2009, unless renewed.

11 STATUTORY PROVISIONS

12 4. Under Business and Professions Code section 4300, the Board may
13 discipline any license, for any reason provided in the Pharmacy Law, (i.e., Business &
14 Professions Code sections 4000 et. seq.)

15 5. Business & Professions Code section 4301 states, in pertinent part:

16 **§ 4301. Unprofessional conduct; licenses procured through
17 misrepresentation, fraud, or mistake**

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

21

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

23

24 (o) Violating or attempting to violate, directly or indirectly, or assisting in
25 or abetting the violation of or conspiring to violate any provision or term
governing pharmacy, including regulations established by the board.

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6. Business & Professions Code section 4059.5(a) states as follows:

§ 4059.5. Dangerous drugs and devices; license necessary to order; transfer, sale or delivery; deliveries to hospitals and pharmacies

(a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and must be delivered to the licensed premises and signed for and received by a pharmacist-in-charge or, in his or her absence, another pharmacist designated by the pharmacist-in-charge. Where a licensee is permitted to operate through an exemptee, the exemptee may sign for and receive the delivery.

7. Business & Professions Code section 4081, states, in pertinent part, the following:

§ 4081. Records; hours; preservation; violations

(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, . . . who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, . . . shall be jointly responsible, with the pharmacist-in-charge or exemptee, for maintaining the records and inventory described in this section.

8. Business & Professions Code section 4113, states, in pertinent part, the following:

§ 4113. Pharmacists-in-charge; designation; responsibilities; notifications

(a) Every pharmacy shall designate a pharmacist-in-charge and within 30 days thereof, shall notify the board in writing of the identity and license number of that pharmacist and the date he or she was designated.

(b) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of pharmacy.

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9. California Code of Regulations, title 16, section 1714(b) and (d), state the following:

§ 1714. Operational Standards and Security.

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

(d) Each pharmacist while on duty shall be responsible for the security of the prescription department, including provisions for effective control against theft or diversion of dangerous drugs and devices, and records for such drugs and devices. Possession of a key to the pharmacy where dangerous drugs and controlled substances are stored shall be restricted to a pharmacist.

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

§ 1718. Current Inventory Defined.

“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.

11. Business & Professions Code section 118 (b), states:

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

12. Bus. & Prof. Code section 125.3 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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- a. 84,261 dosage units of Hydrocodone/APAP (multiple strengths);
- b. 1,641 dosage units of APAP/Codeine (300mg/30mg and 300 mg/60 mg);
- c. 330 dosage units of Diazepam also known as Valium (5mg and 10mg);
- d. 3,000 dosage units of Phentermine (37.5 mg); and
- e. 567 (16oz) bottles of Promethazine with Codeine Syrup.

20. (Failure to Provide Effective Control of Security of Controlled Substances/Dangerous Drugs by Bluepoint Pharmacy)

From on or about June 20, 2007 through on or about May 28, 2008, Bluepoint Pharmacy failed to provide an effective control on the security of its facilities, space, fixtures and equipment to prevent theft, diversion or other loss of dangerous drugs/controlled substances as alleged in Paragraph 19 above.

21. (Failure to Maintain Current Inventory of Dangerous Drugs/Controlled Substances by Bluepoint Pharmacy)

During the period of on or about June 20, 2007 through on or about May 28, 2008, Bluepoint Pharmacy failed to maintain a current inventory of its stock of dangerous drugs and could not account for the dangerous drugs/controlled substances alleged in Paragraph 19 above.

22. (Receipt of Deliveries and Delivery Signatures by non-pharmacists by Bluepoint Pharmacy)

From on or about June 20, 2007 through on or about May 28, 2008, Bluepoint Pharmacy allowed _____, a non-pharmacist and sales clerk, to receive and sign for deliveries of dangerous drugs/controlled substances to Bluepoint Pharmacy by Valley Wholesale Drug Company, Inc.

23. (Ineffective Security and Controlled Substance Shortages under PIC Jeleti)

From on or about July 31, 2006, until on or about July 24, 2008, Respondent John M. Jeleti was Bluepoint Pharmacy's pharmacist-in-charge. During that time period, Bluepoint Pharmacy suffered the thefts/losses of dangerous drugs/controlled substances as alleged in Paragraph 19 above.

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24. (Failure to Maintain Current Inventory by PIC Jeleti)

From on or about July 31, 2006, until on or about July 24, 2008, Respondent John M. Jeleti was Bluepoint Pharmacy's pharmacist-in-charge. During that time period, Bluepoint Pharmacy failed to maintain a current inventory of its dangerous drugs, and could not account for the dangerous drugs/controlled substances alleged in Paragraph 19 above.

25. (John M. Jeleti's Allowance of Non-Pharmacist to accept Delivery of Controlled Substances/Dangerous Drugs)

From on or about July 31, 2006, until on or about July 24, 2008, Respondent John M. Jeleti was Bluepoint Pharmacy's pharmacist-in-charge. During that time period Mr. Jeleti allowed a non-pharmacist and sales clerk for Bluepoint Pharmacy, to sign for and receive delivery of controlled substances/dangerous drugs to Bluepoint Pharmacy made by Valley Wholesale Drug Company, Inc.

FIRST CAUSE FOR DISCIPLINE
(Failure to Provide Effective Control of Security by Bluepoint Pharmacy)

26. Paragraphs 13 through 19, and 20 above are incorporated herein by reference. Respondent Bluepoint Pharmacy is subject to disciplinary action pursuant to Business & Professions Code section 4301(o) on the ground of unprofessional conduct. Respondent violated section 1714(d), title 16, California Code of Regulations by failing to maintain its facilities, space, fixtures, and equipment so that drugs are safely and properly maintained, secured and distributed.

SECOND CAUSE FOR DISCIPLINE
(Failure to Maintain Current Inventory of Dangerous Drugs by Bluepoint Pharmacy)

27. Paragraphs 13 through 19 and 21 above are incorporated herein by reference. Respondent Bluepoint Pharmacy is subject to disciplinary action pursuant to Business & Professions Code section 4301(o) on the ground of unprofessional conduct. Respondent violated Business & Professions Code section 4081(a) and section 1718(b), title 16, California

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1 Code of Regulations, by failing to maintain a current inventory of its stock of dangerous drugs
2 and its inability to account for the dangerous drugs/controlled substances as alleged in Paragraph
3 19 above.

4 **THIRD CAUSE FOR DISCIPLINE**

5 (Allowing Non-pharmacist to Sign for and Receive Dangerous Drugs Against Bluepoint
6 Pharmacy)

7 28. Paragraphs 13 through 19 and 22 above are incorporated herein by
8 reference. Respondent Bluepoint Pharmacy is subject to disciplinary action pursuant to Business
9 & Professions Code sections 4301(j) and 4301(o) on the ground of unprofessional conduct.
10 Respondent violated Business & Professions Code section 4059.5 by allowing a non-pharmacist
11 to sign for and receive dangerous drugs/controlled substances purchased by Respondent from
12 Valley Wholesale Drug Company.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (Failure to Provide Effective Control of Security by John M. Jeleti)

15 29. Paragraphs 13 through 19 and 23 above are incorporated herein by
16 reference. Respondent John M. Jeleti is subject to disciplinary action pursuant to Business &
17 Professions Code sections 4301(o) and 4301(j) on the ground of unprofessional conduct. As the
18 pharmacist in charge of Bluepoint Pharmacy under Business & Professions Code section
19 4113(b), Respondent violated section 1714(d), title 16, California Code of Regulations, by failing
20 to maintain the facilities, space, fixtures, and equipment of Bluepoint Pharmacy so that drugs are
21 safely and properly maintained, secured and distributed.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 (Failure to Maintain Current Inventory of Dangerous Drugs by John M. Jeleti)

24 30. Paragraphs 13 through 19 and 24 above are incorporated herein by
25 reference. Respondent John M. Jeleti is subject to disciplinary action pursuant to Business &
26 Professions Code sections 4301(j) and 4301(o) on the ground of unprofessional conduct. As the
27 pharmacist in charge of Bluepoint Pharmacy under Business & Professions Code section
28 4113(b), Respondent violated Business & Professions Code section 4081 and section 1718, title
16, California Code of Regulations, by failing to keep a current inventory of the stock of

1 dangerous drugs at Bluepoint Pharmacy so as to maintain complete accountability for all
2 such dangerous drugs.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 (Allowing Non-pharmacist to Sign for and Receive Dangerous Drugs Against John M. Jeleti)

5 31. Paragraphs 13 through 19 and 25 above are incorporated herein by
6 reference. Respondent John M. Jeleti is subject to disciplinary action pursuant to Business &
7 Professions Code sections 4301(j) and 4301(o) on the ground of unprofessional conduct. As the
8 pharmacist in charge of Bluepoint Pharmacy under Business & Professions Code section
9 4113(b), Respondent violated Business & Professions Code section 4059.5 by allowing
10 a non-pharmacist and former sales clerk for Bluepoint Pharmacy, to sign for and receive
11 dangerous drugs/controlled substances delivered to Bluepoint Pharmacy by Valley Wholesale
12 Drug Company.

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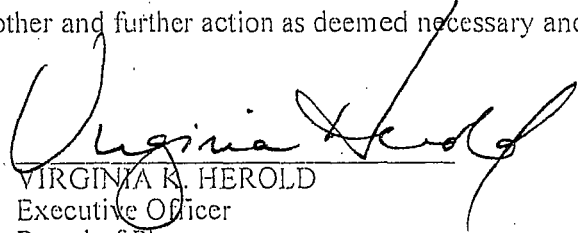
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PRAYER

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

1. Revoking or suspending Pharmacist License No.49954, issued to John M. Jeleti;
2. Revoking or suspending Pharmacy Permit No. PHY 43188, issued to Bluepoint Pharmacy;
3. Ordering Respondent John M. Jeleti 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;
4. Ordering Respondent Blue Point Pharmacy 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;
5. Taking such other and further action as deemed necessary and proper.

DATED: 3/9/09



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