

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

In the Matter of the Accusation Against:

Case No. 3341

**STEPHEN JAMES GOLKA**  
75 Sandburg Dr.  
Sacramento, CA 95819

Pharmacist License No. RPH 32396

Respondent.

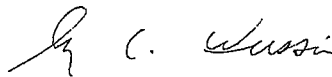
**DECISION AND ORDER**

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 January 7, 2011.

It is so ORDERED on December 8, 2010.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
STANLEY C. WEISSER  
Board President

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
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7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3341

12 **STEPHEN JAMES GOLKA**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

13 75 Sandburg Dr.  
Sacramento, Ca 95819

14 **Pharmacist License No. RPH 32396**

15 Respondent.  
16

17  
18 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
19 entitled proceedings that the following matters are true:

20 **PARTIES**

21 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.  
22 She brought this action solely in her official capacity and is represented in this matter by Edmund  
23 G. Brown Jr., Attorney General of the State of California, by Anahita S. Crawford, Deputy  
24 Attorney General.

25 2. Respondent Stephen James Golka (Respondent) is represented in this proceeding by  
26 attorney Van Longyear, whose address is 3620 American River Drive, Suite 230, Sacramento,  
27 California 95864-5923.

28 //







1           **2. Obey All Laws**

2           Respondent shall obey all state and federal laws and regulations.

3           Respondent shall report any of the following occurrences to the Board, in writing, within  
4 seventy-two (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 controlled  
7           substances laws
- 8           • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
9           criminal complaint, information or indictment
- 10          • a conviction of any crime
- 11          • discipline, citation, or other administrative action filed by any state or federal agency  
12          which involves Respondent's pharmacist license or which is related to the practice of  
13          pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging  
14          for any drug, device or controlled substance.

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

16           **3. Report to the Board**

17          Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its  
18          designee. The report shall be made either in person or in writing, as directed. Among other  
19          requirements, Respondent shall state in each report under penalty of perjury whether there has  
20          been compliance with all the terms and conditions of probation. Failure to submit timely reports  
21          in a form as directed shall be considered a violation of probation. Any period(s) of delinquency  
22          in submission of reports as directed may be added to the total period of probation. Moreover, if  
23          the final probation report is not made as directed, probation shall be automatically extended until  
24          such time as the final report is made and accepted by the Board.

25           **4. Interview with the Board**

26          Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews  
27          with the Board or its designee, at such intervals and locations as are determined by the Board or  
28          its designee. Failure to appear for any scheduled interview without prior notification to Board

1 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee  
2 during the period of probation, shall be considered a violation of probation.

3 **5. Cooperate with Board Staff**

4 Respondent shall cooperate with the Board's inspection program and with the Board's  
5 monitoring and investigation of Respondent's compliance with the terms and conditions of his  
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **6. Continuing Education**

8 Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
9 pharmacist as directed by the Board or its designee. Prior to the termination of his probation,  
10 Respondent shall complete an additional 50 hours of continuing education which shall be  
11 completed at 10 hours per year, at Respondent's own expense. All continuing education shall be  
12 in addition to, and shall not be credited toward, continuing education courses used for license  
13 renewal purposes.

14 Failure to timely submit or complete the continuing education shall be considered a  
15 violation of probation. The period of probation will be automatically extended until such  
16 continuing education is successfully completed and written proof, in a form acceptable to the  
17 Board, is provided to the Board or its designee.

18 **7. Notice to Employers**

19 During the period of probation, Respondent shall notify all present and prospective  
20 employers of the decision in case number 3341 and the terms, conditions and restrictions imposed  
21 on Respondent by the decision, as follows:

22 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
23 Respondent undertaking any new employment, Respondent shall cause his direct supervisor,  
24 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
25 tenure of employment) and owner to report to the Board in writing acknowledging that the listed  
26 individual(s) has/have read the decision in case number 3341, and terms and conditions imposed  
27 thereby. It shall be Respondent's responsibility to ensure that his employer(s) and/or  
28 supervisor(s) submit timely acknowledgment(s) to the Board.

1 If Respondent works for or is employed by or through a pharmacy employment service,  
2 Respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity  
3 licensed by the Board of the terms and conditions of the decision in case number 3341 in advance  
4 of the Respondent commencing work at each licensed entity. A record of this notification must  
5 be provided to the Board upon request.

6 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
7 (15) days of Respondent undertaking any new employment by or through a pharmacy  
8 employment service, Respondent shall cause his direct supervisor with the pharmacy employment  
9 service to report to the Board in writing acknowledging that he has read the decision in case  
10 number 3341 and the terms and conditions imposed thereby. It shall be Respondent's  
11 responsibility to ensure that his employer(s) and/or supervisor(s) submit timely  
12 acknowledgment(s) to the Board.

13 Failure to timely notify present or prospective employer(s) or to cause that/those  
14 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of  
15 probation.

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 or any position for  
18 which a pharmacist license is a requirement or criterion for employment, whether the  
19 Respondent is an employee, independent contractor or volunteer.

20 **8. No Supervision of Interns, Serving as Designated Representative-in-Charge, or**  
21 **Serving as a Consultant**

22 During the period of probation, Respondent shall not supervise any intern pharmacist or be  
23 the designated representative-in-charge of any entity licensed by the Board nor serve as a  
24 consultant unless otherwise specified in this order. Assumption of any such unauthorized  
25 supervision responsibilities shall be considered a violation of probation.

26 **9. Consultant for Pharmacist-In-Charge**

27 During the period of probation, Respondent shall not supervise any intern pharmacist, or  
28 serve as a consultant to any entity licensed by the Board. In the event that the Respondent is



1 currently the pharmacist-in-charge of a pharmacy, the pharmacy shall retain an independent  
2 consultant at its own expense who shall be responsible for reviewing pharmacy operations on a  
3 monthly basis, or as determined by the board, for compliance by Respondent with state and  
4 federal laws and regulations governing the practice of pharmacy and for compliance by  
5 Respondent with the obligations of a pharmacist-in-charge. The consultant shall be a pharmacist  
6 licensed by and not on probation with the Board and whose name shall be submitted to the Board  
7 or its designee, for prior approval. Within thirty (30) days of the effective date of this decision.  
8 Respondent shall not be a pharmacist-in-charge at more than one pharmacy or at any pharmacy of  
9 which he or she is not the current PIC. The Board may, in case of an employment change by  
10 Respondent or for other reasons as deemed appropriate by the Board or its designee, preclude the  
11 Respondent from acting as a pharmacist-in-charge. Failure to timely retain, seek approval of, or  
12 ensure timely reporting by the consultant shall be considered a violation of probation.

13 **10. Probation Monitoring Costs**

14 Respondent shall pay any costs associated with probation monitoring as determined by the  
15 Board each and every year of probation. Such costs shall be payable to the Board on a schedule  
16 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed  
17 shall be considered a violation of probation.

18 **11. Status of License**

19 Respondent shall, at all times while on probation, maintain an active, current license with  
20 the Board, including any period during which suspension or probation is tolled. Failure to  
21 maintain an active, current license shall be considered a violation of probation.

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

26 **12. License Surrender While on Probation/Suspension**

27 Following the effective date of this decision, should Respondent cease practice due to  
28 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,

1 Respondent may tender his license to the Board for surrender. The Board or its designee shall  
2 have the discretion whether to grant the request for surrender or take any other action it deems  
3 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent  
4 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
5 record of discipline and shall become a part of the Respondent's license history with the Board.

6 Upon acceptance of the surrender, Respondent shall relinquish his pocket and wall license  
7 to the Board within ten (10) days of notification by the Board that the surrender is accepted.  
8 Respondent may not reapply for any license from the Board for three (3) years from the effective  
9 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
10 of the date the application for that license is submitted to the Board, including any outstanding  
11 costs and retaking of all examinations required of initial licensure for a pharmacist.

12 **13. Notification of a Change in Name, Residence Address, Mailing Address or**  
13 **Employment**

14 Respondent shall notify the Board in writing within ten (10) days of any change of  
15 employment. Said notification shall include the reasons for leaving, the address of the new  
16 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
17 shall further notify the Board in writing within ten (10) days of a change in name, residence  
18 address, mailing address, or phone number.

19 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or  
20 phone number(s) shall be considered a violation of probation.

21 **14. Tolling of Probation**

22 Except during periods of suspension, Respondent shall, at all times while on probation, be  
23 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any  
24 month during which this minimum is not met shall toll the period of probation, i.e., the period of  
25 probation shall be extended by one month for each month during which this minimum is not met.  
26 During any such period of tolling of probation, Respondent must nonetheless comply with all  
27 terms and conditions of probation.

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1           Should Respondent, regardless of residency, for any reason (including vacation) cease  
2 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,  
3 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and  
4 must further notify the Board in writing within ten (10) days of the resumption of practice. Any  
5 failure to provide such notification(s) shall be considered a violation of probation.

6           It is a violation of probation for Respondent's probation to remain tolled pursuant to the  
7 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
8 exceeding thirty-six (36) months.

9           "Cessation of practice" means any calendar month during which Respondent is not  
10 practicing as a pharmacist for at least 40 hours, as defined by Business and Professions  
11 Code section 4000 et seq . "Resumption of practice" means any calendar month during  
12 which Respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as  
13 defined by Business and Professions Code section 4000 et seq.

14           **15. Violation of Probation**

15           If a Respondent has not complied with any term or condition of probation, the Board shall  
16 have continuing jurisdiction over Respondent, and probation shall automatically be extended,  
17 until all terms and conditions have been satisfied or the Board has taken other action as deemed  
18 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and  
19 to impose the penalty that was stayed.

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

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1           **16. Completion of Probation**

2           Upon written notice by the Board or its designee indicating successful completion of  
3 probation, Respondent's license will be fully restored.

4           **17. Community Services Program**

5           Respondent must complete 200 hours of community service prior to the termination of  
6 probation. Within sixty (60) days of the effective date of this decision, Respondent shall submit  
7 to the Board or its designee, for prior approval, a community service program in which  
8 Respondent shall provide free health-care related services on a regular basis to a community or  
9 charitable facility or agency. Within thirty (30) days of Board approval thereof, or as otherwise  
10 permitted by the Board, Respondent shall submit documentation to the Board demonstrating  
11 commencement of the community service program unless otherwise permitted by the Board. A  
12 record of this notification must be provided to the Board upon request. Respondent shall report  
13 on progress with the community service program in the quarterly reports. Failure to timely  
14 submit, commence, or comply with the community service requirements shall be considered a  
15 violation of probation. All or a portion of Respondent's community service may include  
16 assistance to the Board in matters pertaining to Respondent's unique knowledge and skill set of  
17 pharmacy operations in dealing with other troubled pharmacy operations.

18           **18. Pharmacy Self-Assessment Report**

19           Within the first full quarter of probation, and on a quarterly basis thereafter, Respondent  
20 shall complete and submit to the Board, on a schedule as directed by the Board or its designee, a  
21 Pharmacy Self-Assessment (Form 17M-13 (Rev 10/08)). Failure to submit timely reports in a  
22 form as directed shall be considered a violation of probation. Any period(s) of delinquency in  
23 submission of reports as directed may be added to the total period of probation. Moreover, if the  
24 final report is not made as directed, probation shall be automatically extended until such time as  
25 the final report is made and accepted by the Board.

26           **19. Separate File of Records**

27           Respondent shall maintain and make available for inspection a separate file of all records  
28 pertaining to the acquisition, disposition and ending tally on hand of all controlled substances.

1 Respondent owner shall specify the manner of disposition (e.g., by prescription, due to burglary,  
2 etc.) or acquisition (e.g., from a manufacturer, from another retailer, etc.) of such controlled  
3 substances. Failure to maintain such file or make it available for inspection shall be considered a  
4 violation of probation.

5 **20. Tolling of Suspension**

6 During the period of suspension, Respondent shall not leave California for any period  
7 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
8 of the (10) days during suspension shall be considered a violation of probation. Moreover, any  
9 absence from California during the period of suspension exceeding ten (10) days shall toll the  
10 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days  
11 Respondent is absent from California. During any such period of tolling of suspension,  
12 Respondent must nonetheless comply with all terms and conditions of probation.


13 Respondent must notify the Board in writing within ten (10) days of departure, and must  
14 further notify the Board in writing within ten (10) days of return. The failure to provide such  
15 notification(s) shall constitute a violation of probation. Upon such departure and return,  
16 Respondent shall not resume the practice of pharmacy until notified by the Board that the period  
17 of suspension has been satisfactorily completed.

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ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Van Longyear. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 9/1/2010   
STEPHEN JAMES GOLKA  
Respondent

I have read and fully discussed with Respondent Stephen James Golka the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

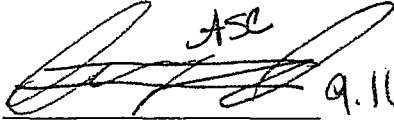
DATED: 9-1-10   
VAN LONGYEAR  
Attorney for Respondent

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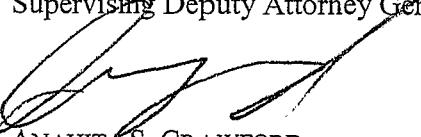
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ENDORSEMENT

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:  <sup>ASC</sup> 9.16.10

Respectfully Submitted,  
EDMUND G. BROWN JR.  
Attorney General of California  
JANICE K. LACHMAN  
Supervising Deputy Attorney General

  
ANAHITA S. CRAWFORD  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 3341**



1 EDMUND G. BROWN JR.  
Attorney General of California  
2 JANICE K. LACHMAN  
Supervising Deputy Attorney General  
3 ANAHITA S. CRAWFORD  
Deputy Attorney General  
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**STATE OF CALIFORNIA**

11  
12 In the Matter of the Accusation Against:

Case No. 3341

13 **COUNTY OF SACRAMENTO PRIMARY**  
14 **CARE**  
15 4600 Broadway #1500  
Sacramento, Ca 95820  
16 Permit No. PHE 46273,

**ACCUSATION**

17 and

18 **STEPHEN JAMES GOLKA**  
75 Sandburg Dr.  
19 Sacramento, Ca 95819  
Pharmacist License No. RPH 32396,

20 and

21 **ROBERT JOHN PAYNE**  
428 J Street, Ste 610  
22 Sacramento, Ca 95814  
Pharmacist License No. RPH 26146

23 Respondents.  
24

25 Complainant alleges:

26 **PARTIES**

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



1 (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.

2 (c) Every pharmacy shall notify the board within 30 days of the date when a  
3 pharmacist ceases to be a pharmacist-in-charge.

4 9. Code section 4301 states in part:

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

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

10 . . . .

11 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting  
12 the violation of or conspiring to violate any provision or term of this chapter or of the  
13 applicable federal and state laws and regulations governing pharmacy, including regulations  
14 established by the board or by any other state or federal regulatory agency.

15 10. Code section 4306.5 states, in part:

16 Unprofessional conduct for a pharmacist may include any of the following:

17 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or  
18 implement his or her best professional judgment or corresponding responsibility with  
19 regard to the dispensing or furnishing of controlled substances, dangerous drugs, or  
20 dangerous devices, or with regard to the provision of services.

21 11. Section 4059 of the Code states:

22 (a) A person may not furnish any dangerous drug, except upon the prescription  
23 of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor  
24 pursuant to Section 3640.7. A person may not furnish any dangerous device, except  
25 upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or  
26 naturopathic doctor pursuant to Section 3640.7.

27 12. Section 4059.5 of the Code states, in part:

28 (b) A dangerous drug or dangerous device transferred, sold, or delivered to a  
person within this state shall be transferred, sold, or delivered only to an entity  
licensed by the board, to a manufacturer, or to an ultimate user or the ultimate user's  
agent.

13. Section 4126.5 of the Code states, in part:

(a) A pharmacy may furnish dangerous drugs only to the following:

(1) A wholesaler owned or under common control by the wholesaler from  
whom the dangerous drug was acquired.

1 (2) The pharmaceutical manufacturer from whom the dangerous drug was  
acquired.

2 (3) A licensed wholesaler acting as a reverse distributor.

3 (4) Another pharmacy or wholesaler to alleviate a temporary shortage of a  
4 dangerous drug that could result in the denial of health care. A pharmacy furnishing  
5 dangerous drugs pursuant to this paragraph may only furnish a quantity sufficient to  
alleviate the temporary shortage.

6 (5) A patient or to another pharmacy pursuant to a prescription or as otherwise  
authorized by law.

7 (6) A health care provider that is not a pharmacy but that is authorized to  
8 purchase dangerous drugs.

9 (7) To another pharmacy under common control.

10 14. Section 4160 of the Code states that (a) a person may not act as a wholesaler of any  
11 dangerous drug or dangerous device unless he or she has obtained a license from the board.

12 15. California Code of Regulations, Title 16, Section 1714 states, in part:

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

16  
17 (d) Each pharmacist while on duty shall be responsible for the security of the  
18 prescription department, including provisions for effective control against theft or  
19 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.

20 16. Section 4022 of the Code states

21 "Dangerous drug" or "dangerous device" means any drug or device unsafe for  
22 self-use in humans or animals, and includes the following:

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

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

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

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17. Section 4043 of the Code states:

(a) "Wholesaler" means and includes a person who acts as a wholesale merchant, broker, jobber, customs broker, reverse distributor, agent, or a nonresident wholesaler, who sells for resale, or negotiates for distribution, or takes possession of, any drug or device included in Section 4022. Unless otherwise authorized by law, a wholesaler may not store, warehouse, or authorize the storage or warehousing of drugs with any person or at any location not licensed by the board.

18. Code section 4307 states:

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

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

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

(b) "Manager, administrator, owner, member, officer, director, associate, or partner," as used in this section and Section 4308, may refer to a pharmacist or to any other person who serves in that capacity in or for a licensee.

(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. However, no order may be issued in that case except as to a person who is named in the caption, as to whom the pleading alleges the applicability of this section, and where the person has been given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision shall be in addition to the board's authority to proceed under Section 4339 or any other provision of law.

COST RECOVERY

19. Code section 125.3 provides, in pertinent part, that the board may request the administrative law judge to direct a licensee 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.

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1 districts/colleges and other locations, without a required Board wholesaler license (defined in  
2 section 4043), as further set forth in paragraphs 20-21, above.

3 **THIRD CAUSE FOR DISCIPLINE**

4 **(Inadequate Pharmacy Security)**

5 24. Respondent Sacramento Primary Care is subject to disciplinary action under section  
6 4301, subdivision (o) for unprofessional conduct as defined in California Code of Regulations,  
7 Title 16, Section 1714, subdivision (b), in that Respondent failed to maintain appropriate security  
8 against theft or diversion of dangerous drugs, including records for the drugs.

9 25. A Pharmacy audit revealed that between or about March 2005 through February  
10 2008, there was an unexplained loss of approximately 215,994 hydrocodone/acetaminophen  
11 10/325 tablets, a schedule III controlled substance and dangerous drug. Additionally, in  
12 December 2007, pharmacist Marvin Gibson admitted to stealing approximately 480 tablets of  
13 hydrocodone/acetaminophen combination products for illegal self-administration between  
14 October and December 2007. The loss of the tablets, as well as Mr. Gibson's admitted theft  
15 demonstrate a lack of appropriate pharmacy security.

16 **STEPHEN JAMES GOLKA**

17 26. Respondent Golka received his Pharmacist license on August 25, 1978. He has been  
18 employed as the Pharmacist-in-Charge with Respondent Sacramento Primary Care from April 20,  
19 2007 to present.

20 **FOURTH CAUSE FOR DISCIPLINE**

21 **(Unlawful Furnishing of Drugs and Controlled Substances)**

22 27. Respondent Golka is subject to disciplinary action under section 4301, subdivision (j)  
23 for unprofessional conduct, in that Respondent Golka violated the laws and provisions of the  
24 Code regulating dangerous drugs and controlled substances as set for in section 4059(a)  
25 (furnishing dangerous drugs and devices without a prescription), section 4059.5, subdivision (b)  
26 (dangerous drugs and devices sold /transferred/delivered to non-board licensed entities,  
27 manufacturer or ultimate user), and section 4126.5, subdivision (a) (furnishing dangerous drugs to  
28 non-approved entities), as more fully set forth in paragraphs 20-21, above.

1 FIFTH CAUSE FOR DISCIPLINE

2 (Failure to Exercise Professional Judgment)

3 28. Respondent Golka is subject to disciplinary action under sections 4301 for  
4 unprofessional conduct as defined in section 4306.5, subdivision (b), in that, during Respondent's  
5 status as Pharmacist-in-Charge, Respondent Golka failed to exercise or implement his best  
6 professional judgment or corresponding responsibility with regard to the dispensing or furnishing  
7 of controlled substances, dangerous drugs, or dangerous devices. Despite knowing that  
8 Respondent Sacramento Primary Care's activities of selling bulk controlled substances and  
9 dangerous drugs to unlicensed entities were illegal, Respondent Golka allowed such activities to  
10 continue, as further set forth in paragraph 20-23, above.

11 SIXTH CAUSE FOR DISCIPLINE

12 (Unlicensed Activity)

13 29. Respondent Stephen James Golka is subject to disciplinary action under section 4301,  
14 subdivision (o) for unprofessional conduct, in that as Pharmacist-in-Charge for Respondent  
15 Sacramento Primary Care, Respondent Golka violated the drug wholesaler licensing requirements  
16 as set for in section 4160, subdivision (a) (acting as a wholesaler without a license), as more fully  
17 set forth in paragraphs 20-23, above.

18 SEVENTH CAUSE FOR DISCIPLINE

19 (Inadequate Pharmacy Security)

20 30. Respondent Golka is subject to disciplinary action under section 4301, subdivision (o)  
21 for unprofessional conduct as defined in California Code of Regulations, Title 16, Section 1714,  
22 subdivision (d), in that Respondent failed to maintain appropriate security against theft or  
23 diversion of dangerous drugs, including records for the drugs.

24 31. A Pharmacy audit revealed that between or about March 2005 through February  
25 2008, there was an unexplained loss of approximately 215,994 hydrocodone/acetaminophen  
26 10/325 tablets, a schedule III controlled substance and dangerous drug. Additionally in  
27 December 2007, pharmacist Marvin Gibson admitted to stealing approximately 480 tablets of  
28 hydrocodone/acetaminophen combination products for illegal self-administration between



1 October and December 2007. The loss of the tablets from April 20, 2007 to February 2008, as  
2 well as Mr. Gibson's admitted theft, occurred during Respondent Golka's status as Pharmacist-in-  
3 Charge.

4 **ROBERT JOHN PAYNE**

5 32. Respondent Payne received his license on July 24, 1969. He was employed as the  
6 Pharmacist-in-Charge with Respondent County of Sacramento Primary Care from December 8,  
7 2003 through March 23, 2007.

8 **EIGHTH CAUSE FOR DISCIPLINE**

9 **(Unlawful Furnishing of Drugs and Controlled Substances)**

10 33. Respondent Payne is subject to disciplinary action under section 4301, subdivision (j)  
11 for unprofessional conduct, in that Respondent Payne violated the laws and provisions of the  
12 Code regulating dangerous drugs and controlled substances as set for in section 4059(a)  
13 (furnishing dangerous drugs and devices without a prescription), section 4059.5, subdivision (b)  
14 (dangerous drugs and devices sold /transferred/delivered to non-board licensed entities,  
15 manufacturer or ultimate user) and section 4126.5, subdivision (a) (furnishing dangerous drugs to  
16 non-approved entities), as more fully set forth in paragraphs 20-23, above.

17 **NINTH CAUSE FOR DISCIPLINE**

18 **(Unlicensed Activity)**

19 34. Respondent Robert John Payne is subject to disciplinary action under section 4301,  
20 subdivision (o) for unprofessional conduct, in that Respondent violated the board's drug  
21 wholesaler licensing requirements as set for in section 4160, subdivision (a) (acting as a  
22 wholesaler without a license), as more fully set forth in paragraphs 19-20, above.

23 **TENTH CAUSE FOR DISCIPLINE**

24 **(Failure to Exercise Professional Judgment)**

25 35. Respondent Payne is subject to disciplinary action under sections 4301 for  
26 unprofessional conduct as defined in section 4306.5, subdivision (b), in that, during Respondent's  
27 status as Pharmacist-in-Charge, Respondent Payne to exercise or implement his best professional  
28 judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled

1 substances, dangerous drugs, or dangerous devices. Despite knowing that Respondent  
2 Sacramento Primary Care's activities of selling bulk controlled substances and dangerous drugs  
3 to unlicensed entities were illegal, Respondent Payne allowed such activities to continue, as  
4 further set forth in paragraph 20-23, above.

5 ELEVENTH CAUSE FOR DISCIPLINE

6 (Inadequate Pharmacy Security)

7 36. Respondent Robert John Payne is subject to disciplinary action under section 4301,  
8 subdivision (o) for unprofessional conduct as defined in California Code of Regulations, Title 16,  
9 Section 1714, subdivision (d), in that Respondent failed to maintain appropriate security against  
10 theft or diversion of dangerous drugs, including records for the drugs.

11 37. A Pharmacy audit revealed that between or about March 2005 through February  
12 2008, there was an unexplained loss of approximately 215,994 hydrocodone/acetaminophen  
13 10/325 tablets, a schedule III controlled substance and dangerous drug. The loss of tablets from  
14 December 8, 2003 through March 23, 2007 occurred during Respondent Payne's status as  
15 Pharmacist-in-Charge.

16 OTHER MATTERS

17 38. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License Number  
18 RPH 32396 issued to Stephen James Golka, Respondent Golka shall be prohibited from serving  
19 as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee.

20 39. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License  
21 Number RPH 26146 issued to Robert John Payne, Respondent Payne shall be prohibited from  
22 serving as a manager, administrator, owner, member, officer, director, associate, or partner of a  
23 licensee.

24 PRAYER

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

27 1. Revoking or suspending Permit Number PHE 46273, issued to County of Sacramento  
28 Primary Care.

1           2.    Revoking or suspending Pharmacist License Number RPH 32396, issued to Stephen  
2 James Golka.

3           3.    Prohibiting Stephen James Golka from serving as a manager, administrator, owner,  
4 member, officer, director, associate, or partner of a licensee during the period that discipline is  
5 imposed on Pharmacist License Number RPH 32396 issued to Stephen James Golka.

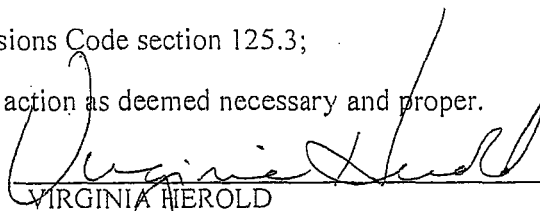
6           4.    Revoking or suspending Pharmacist License Number RPH 26146, issued to Robert  
7 John Payne.

8           5.    Prohibiting Robert John Payne from serving as a manager, administrator, owner,  
9 member, officer, director, associate, or partner of a licensee during the period that discipline is  
10 imposed on Pharmacist License Number RPH 26146 issued to Robert John Payne.

11          6.    Ordering County of Sacramento Primary Care, Stephen James Golka and Robert John  
12 Payne to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of  
13 this case, pursuant to Business and Professions Code section 125.3;

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

15 DATED: 12/16/09

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

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