

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

In the Matter of the Accusation Against:

Case No. 4942

**George M. Arragg
P.O. Box 27
Montebello, CA 90640
Pharmacist License No. RPH 19827**

Respondent.

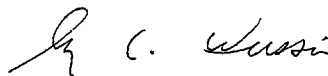
DECISION AND ORDER

The attached Stipulated Surrender of License and 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 May 13, 2015.

It is so ORDERED on May 6, 2015.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STAN C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 THOMAS L. RINALDI
Supervising Deputy Attorney General
4 State Bar No. 206911
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Attorneys for Complainant
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8 **BEFORE THE**
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9 **STATE OF CALIFORNIA**

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11 **GEORGE M. ARRAGG**
12 P.O. Box 27
Montebello, CA 90640
13 Pharmacist License No. RPH 19827

**STIPULATED SURRENDER OF
LICENSE AND ORDER**

14 Respondent.
15

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

18 PARTIES

19 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy.
20 She brought this action solely in her official capacity and is represented in this matter by Kamala
21 D. Harris, Attorney General of the State of California, by Thomas L. Rinaldi, Deputy Attorney
22 General.

23 2. George M. Arragg (Respondent) is represented in this proceeding by attorney Nicole
24 D. Hendrickson, whose address is 3835 North Freeway Blvd., Suite 228, Sacramento, CA 95834.

25 3. On or about January 28, 1957, the Board of Pharmacy issued Pharmacist License No.
26 RPH 19827 to Respondent. The Pharmacist License was in full force and effect at all times
27 relevant to the charges brought in Accusation No. 4942 and will expire on November 30, 2015,
28 unless renewed.

1 This stipulation constitutes a record of the discipline and shall become a part of Respondent's
2 license history with the Board of Pharmacy.

3 2. Respondent shall lose all rights and privileges as a pharmacist in California as of the
4 effective date of the Board's Decision and Order.

5 3. Respondent shall cause to be delivered to the Board his pocket license and, if one was
6 issued, his wall certificate on or before the effective date of the Decision and Order.

7 4. Respondent understands and agrees that if he ever files an application an application
8 for licensure or a petition for reinstatement in the State of California, the Board shall treat it as a
9 new application for licensure.

10 5. Respondent may not apply for any license, permit, or registration from the Board for
11 three years from the effective date of this decision. Respondent stipulates that should he apply for
12 any license from the Board on or after the effective date of this decision, all allegations set forth
13 in the Accusation shall be deemed to be true, correct and admitted by Respondent when the Board
14 determines whether or not to grant or deny the application. Respondent shall satisfy all
15 requirements applicable to that license as of the date the application is submitted to the Board,
16 including, but not limited to taking and passing the California Pharmacist Licensure Examination
17 prior to the issuance of a new license. Respondent is required to report this surrender as
18 disciplinary action.

19 6. Respondent further stipulates that should he apply for any license from the Board on
20 or after the effective date of this decision the investigation and enforcement costs in the amount
21 of \$2,805.00 shall be paid to the Board prior to issuance of the new reinstated license.

22 ACCEPTANCE

23 I have carefully read the above Stipulated Surrender of License and Order and have fully
24 discussed it with my attorney, Nicole D. Hendrickson. I understand the stipulation and the effect
25 it will have on my Pharmacist License. I enter into this Stipulated Surrender of License and
26 Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order
27 of the Board of Pharmacy.

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DATED: March 29, 2015


GEORGE M. ARRAGG
Respondent

I have read and fully discussed with Respondent George M. Arragg the terms and conditions and other matters contained in this Stipulated Surrender of License and Order. I approve its form and content.

DATED: 3/30/2015



NICOLE D. HENDRICKSON
Attorney for Respondent

ENDORSEMENT

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

Dated: 4-13-2015

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
MARC GREENBAUM
Supervising Deputy Attorney General


THOMAS L. RINALDI
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 4942

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 THOMAS L. RINALDI
Deputy Attorney General
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12 **P.O. Box 27**
13 **Montebello, CA 90640**

A C C U S A T I O N

14 **Pharmacist License No. RPH 19827**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about January 28, 1957, the Board of Pharmacy issued Pharmacist License
22 Number RPH 19827 to George M. Arragg (Respondent). The Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on November
24 30, 2015, unless renewed.

25 **JURISDICTION**

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

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b), provides that the suspension, expiration, surrender,
3 cancellation of a license shall not deprive the Board to proceed with a disciplinary action during
4 the period within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 4060 provides, in pertinent part:

6 "No person shall possess any controlled substance, except that furnished to a person upon
7 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
8 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified nurse-
9 midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
10 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
11 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
12 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052."

13 6. Section 4300 provides, in pertinent part, that every license issued by the Board is
14 subject to discipline, including suspension or revocation.

15 7. Section 4301 provides, in pertinent part:

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

19

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

23

24 "(h) The administering to oneself, of any controlled substance, or the use of any dangerous
25 drug or of alcoholic beverages to the extent or in a manner as to be dangerous or injurious to
26 oneself, to a person holding a license under this chapter, or to any other person or to the public, or
27 to the extent that the use impairs the ability of the person to conduct with safety to the public the
28 practice authorized by the license.

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

....

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

8. Health and Safety Code section 11170 states:

No person shall prescribe, administer, or furnish a controlled substance for himself.

COST RECOVERY

9. Section 125.3 provides, 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.

DANGEROUS DRUG/CONTROLLED SUBSTANCES

10. "Lorazepam" a benzodiazepine derivative, is a Schedule IV controlled substance as designated by Health and Safety Code section 11057, subdivision (d)(16), and is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

BACKGROUND

11. On or around August 1, 2011, Respondent was working as a pharmacist at Rite Aid Pharmacy, located in Lynwood, CA. Towards the end of the day, a pharmacy technician noticed that Respondent was handling Lorazepam, a controlled substance, despite the fact that there were no remaining scripts. An investigation ensued which included a review of surveillance video and a Lorazepam audit. Respondent was subsequently interviewed during which he admitted taking twelve tablets of Lorazepam from the pharmacy.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Unlawful Possession of Controlled Substances)**

3 12. Respondent is subject to disciplinary action under sections 4300, and 4301,
4 subdivisions (j) and (o) in conjunction with section 4060, in that Respondent unlawfully
5 possessed a controlled substance while working as a pharmacist at Rite Aid Pharmacy in
6 Lynwood, CA. Complainant refers to, and by this reference incorporates, the allegations set forth
7 above in paragraph 11, as though set forth fully.

8 **SECOND CAUSE FOR DISCIPLINE**

9 **(Unlawful Self-Administration of Controlled Substances)**

10 13. Respondent is subject to disciplinary action under section 4301, subdivision (h) and
11 Health and Safety Code section 11170 in that he furnished and administered controlled substances
12 to himself while working as pharmacist at Rite Aid Pharmacy. Complainant refers to, and by this
13 reference incorporates, the allegations set forth above in paragraph 11, as though set forth fully.

14 **THIRD CAUSE FOR DISCIPLINE**

15 **(Theft of Controlled Substances)**

16 14. Respondent is subject to disciplinary action under sections 4300 and 4301,
17 subdivision (f), in that Respondent committed acts of moral turpitude and/or dishonesty when he
18 stole narcotic substances from his employer, Rite Aid Pharmacy. Complainant refers to, and by
19 this reference incorporates, the allegations set forth above in paragraph 11 as though set forth
20 fully.

21 **FOURTH CAUSE FOR DISCIPLINE**

22 **(Furnishing Dangerous Drugs Without a Prescription)**

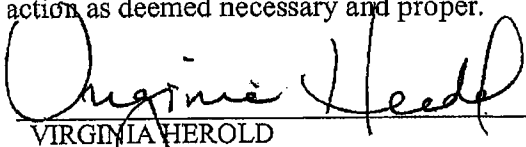
23 15. Respondent is subject to disciplinary action under sections 4300, and 4301,
24 subdivision (j), in conjunction with section 4059, subdivision (a) in that Respondent furnished
25 drugs to herself without a prescription while employed as a pharmacist at Rite Aid Pharmacy.
26 Complainant refers to, and by this reference incorporates, the allegations set forth above in
27 paragraph 11 as though set forth fully.

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 Number RPH 19827, issued to George M. Arragg;
2. Ordering George M. Arragg 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;
3. Taking such other and further action as deemed necessary and proper.

DATED: 7/1/14



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

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