

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

In the Matter of the Accusation Against:

**ARTESIA PHARMACY, INC. DBA  
TRIAD COMPOUNDING PHARMACY  
11090 Artesia Blvd., Suite H  
Cerritos, CA 90703**

**Pharmacy Permit No. PHY 41551**

**RONALD STEPHEN MILLER  
736 N. Skyridge Drive  
Anaheim, CA 92808**

**Pharmacist License No. RPH 29677**

Respondents.

Case No. 5186

OAH No. 2016090353

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER AS TO  
ARTESIA PHARMACY INC. DBA  
TRIAD COMPOUNDING  
PHARMACY ONLY**

**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 at 5:00 p.m. on November 15, 2017.

It is so ORDERED on October 16, 2017.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Amy Gutierrez, Pharm.D.  
Board President

1 XAVIER BECERRA  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804  
E-mail: Cristina.Felix@doj.ca.gov  
7 *Attorneys for Complainant*

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

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17 **Pharmacy Permit No. PHY 41551**

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19 **736 S. Skyridge Dr.**  
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**DISCIPLINARY ORDER AS TO**  
**ARTESIA PHARMACY INC. DBA**  
**TRIAD COMPOUNDING PHARMACY**  
**ONLY**

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 (Board). She brought this action solely in her official capacity and is represented in this matter by  
27 Xavier Becerra, Attorney General of the State of California, by Cristina Felix, Deputy Attorney  
28 General.

///



1 CULPABILITY

2 9. Respondent understands and agrees that the charges and allegations in Accusation  
3 No. 5186, if proven at a hearing, constitute cause for imposing discipline upon his pharmacist  
4 license

5 10. For the purpose of resolving the Accusation without the expense and uncertainty of  
6 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual  
7 basis for the charges in the Accusation, and that Respondent hereby gives up her right to contest  
8 those charges.

9 11. Respondent further agrees that in any future proceedings before the Board all  
10 allegations set forth in the Accusation shall be deemed admitted.

11 CONTINGENCY

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

21 13. The parties understand and agree that Portable Document Format (PDF) and facsimile  
22 copies of this Stipulated Settlement and Disciplinary Order, including PDF and facsimile  
23 signatures thereto, shall have the same force and effect as the originals.

24 14. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
25 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
26 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
27 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
28

1 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
2 writing executed by an authorized representative of each of the parties.

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

6 **DISCIPLINARY ORDER**

7 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 41551 issued to Respondent  
8 Artesia Pharmacy Inc. dba Triad Compounding Pharmacy is revoked. However, the revocation is  
9 stayed and Respondent is placed on probation for five (5) years on the following terms and  
10 conditions.

11 1. **Obey All Laws**

12 Respondent owner shall obey all state and federal laws and regulations.

13 Respondent owner shall report any of the following occurrences to the board, in writing,  
14 within seventy-two (72) hours of such occurrence:

- 15  an arrest or issuance of a criminal complaint for violation of any provision of the  
16 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
17 substances laws
- 18  a plea of guilty or nolo contendere in any state or federal criminal proceeding to any  
19 criminal complaint, information or indictment
- 20  a conviction of any crime
- 21  discipline, citation, or other administrative action filed by any state or federal agency  
22 which involves respondent's Permit or Sterile Compounding Permit or which is  
23 related to the practice of pharmacy or the manufacturing, obtaining, handling or  
24 distributing, billing, or charging for any drug, device or controlled substance.

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

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**2. Report to the Board**

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

**3. Interview with the Board**

Upon receipt of reasonable prior notice, respondent owner shall appear in person for interviews with the board or its designee, at such intervals and locations as are determined by the board or its designee. Failure to appear for any scheduled interview without prior notification to board staff, or failure to appear for two (2) or more scheduled interviews with the board or its designee during the period of probation, shall be considered a violation of probation.

**4. Cooperate with Board Staff**

Respondent owner shall cooperate with the board's inspection program and with the board's monitoring and investigation of respondent's compliance with the terms and conditions of their probation. Failure to cooperate shall be considered a violation of probation.

**5. Reimbursement of Board Costs**

As a condition precedent to successful completion of probation, respondent owner shall pay to the board its costs of investigation and prosecution in the amount of \$18,500. Respondent owner is jointly and severally responsible with Ronald Stephen Miller for payment in full of this total amount. Effective the date of the Decision, Respondent owner and Ronald Stephen Miller shall make fifty-eight (58) monthly payments in the amount of \$318.96 and one final payment of \$318.97. There shall be no deviation from this schedule absent prior written approval by the board or its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of probation.

1           The filing of bankruptcy by respondent shall not relieve respondent of their responsibility to  
2 reimburse the board its costs of investigation and prosecution.

3           **6. Probation Monitoring Costs**

4           Respondent owner shall pay any costs associated with probation monitoring as determined  
5 by the board each and every year of probation. Such costs shall be payable to the board on a  
6 schedule as directed by the board or its designee. Failure to pay such costs by the deadline(s) as  
7 directed shall be considered a violation of probation.

8           **7. Status of License**

9           Respondent owner shall, at all times while on probation, maintain an active, current license  
10 with the board, including any period during which suspension or probation is tolled. Failure to  
11 maintain an active, current license shall be considered a violation of probation.

12           If respondent owner's license expires or is cancelled by operation of law or otherwise at any  
13 time during the period of probation, including any extensions thereof due to tolling or otherwise,  
14 upon renewal or reapplication respondent's license shall be subject to all terms and conditions of  
15 this probation not previously satisfied.

16           **8. License Surrender While on Probation/Suspension**

17           Following the effective date of this decision, should respondent owner discontinue  
18 business, respondent owner may tender the premises license to the board for surrender. The  
19 board or its designee shall have the discretion whether to grant the request for surrender or take  
20 any other action it deems appropriate and reasonable. Upon formal acceptance of the surrender of  
21 the license, respondent will no longer be subject to the terms and conditions of probation.

22           Upon acceptance of the surrender, respondent owner shall relinquish the premises wall and  
23 renewal license to the board within ten (10) days of notification by the board that the surrender is  
24 accepted. Respondent owner shall further submit a completed Discontinuance of Business form  
25 according to board guidelines and shall notify the board of the records inventory transfer.

26           Respondent owner shall also, by the effective date of this decision, arrange for the  
27 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written  
28 notice to ongoing patients that specifies the anticipated closing date of the pharmacy and that

1 identifies one or more area pharmacies capable of taking up the patients' care, and by cooperating  
2 as may be necessary in the transfer of records or prescriptions for ongoing patients. Within five  
3 days of its provision to the pharmacy's ongoing patients, Respondent owner shall provide a copy  
4 of the written notice to the board. For the purposes of this provision, "ongoing patients" means  
5 those patients for whom the pharmacy has on file a prescription with one or more refills  
6 outstanding, or for whom the pharmacy has filled a prescription within the preceding sixty (60)  
7 days.

8 Respondent owner may not apply for any new licensure from the board for three (3) years  
9 from the effective date of the surrender. Respondent owner shall meet all requirements applicable  
10 to the license sought as of the date the application for that license is submitted to the board.

11 Respondent owner further stipulates that he or she shall reimburse the board for its costs of  
12 investigation and prosecution prior to the acceptance of the surrender.

#### 13 9. Notice to Employees

14 Respondent owner shall, upon or before the effective date of this decision, ensure that all  
15 employees involved in permit operations are made aware of all the terms and conditions of  
16 probation, either by posting a notice of the terms and conditions, circulating such notice, or both.  
17 If the notice required by this provision is posted, it shall be posted in a prominent place and shall  
18 remain posted throughout the probation period. Respondent owner shall ensure that any  
19 employees hired or used after the effective date of this decision are made aware of the terms and  
20 conditions of probation by posting a notice, circulating a notice, or both. Additionally,  
21 respondent owner shall submit written notification to the board, within fifteen (15) days of the  
22 effective date of this decision, that this term has been satisfied. Failure to submit such  
23 notification to the board shall be considered a violation of probation.

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

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1           **10. Owners and Officers: Knowledge of the Law**

2           Respondent shall provide, within thirty (30) days after the effective date of this decision,  
3 signed and dated statements from its owners, including any owner or holder of ten percent (10%)  
4 or more of the interest in respondent or respondent's stock, and any officer, stating under penalty  
5 of perjury that said individuals have read and are familiar with state and federal laws and  
6 regulations governing the practice of pharmacy. The failure to timely provide said statements  
7 under penalty of perjury shall be considered a violation of probation.

8           **11. Posted Notice of Probation**

9           Respondent owner shall prominently post a probation notice provided by the board in a  
10 place conspicuous and readable to the public. The probation notice shall remain posted during  
11 the entire period of probation.

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

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

17           **12. Violation of Probation**

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

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

1 automatically extended until the petition to revoke probation or accusation is heard and decided,  
2 and the charges and allegations in the First Amended Accusation shall be deemed true and  
3 correct.

4 **Consultant for Owner or Pharmacist-in-Charge**

5 13. During the period of probation, Respondent shall retain an independent consultant  
6 who specializes in compounding at its own expense, who shall be responsible for reviewing  
7 pharmacy operations on a monthly basis for compliance by Respondent with state and federal  
8 laws and regulations governing the practice of a compounding pharmacy and for compliance by  
9 Respondent with the obligations of a pharmacist-in-charge. A physical inspection shall be  
10 completed by the consultant on a quarterly basis. The consultant shall be a pharmacist licensed by  
11 and not on probation with any board of pharmacy and whose name shall be submitted to the  
12 Board or its designee for prior approval within (30) days of the effective date of this decision.  
13 Respondent may submit the names and obtain approval of two consultants. Any consultant who is  
14 not licensed in California may not participate in or supervise any activity constituting the practice  
15 of pharmacy in California, and shall, within 30 days of the effective date of this decision, sign and  
16 return to the Board an acknowledgement stating that the consultant has reviewed and is familiar  
17 with all California statutes and regulations governing practices being overseen by the consultant,  
18 including compounding practices. During the period of probation, the Board or its designee  
19 retains the discretion to reduce the frequency of the pharmacist consultant's review of  
20 Respondent's operations. Failure to timely retain, seek approval of, or ensure timely reporting by  
21 the consultant shall be considered a violation of probation.

22 **14. Completion of Probation**

23 Upon written notice by the board or its designee indicating successful completion of  
24 probation, respondent license will be fully restored.

25 **15. Ethics Course**

26 Within sixty (60) calendar days of the effective date of this decision, licensed pharmacists  
27 employed by respondent shall enroll in a course in ethics, at respondent's expense, approved in  
28 advance by the board or its designee. Failure to initiate the course during the first year of

1 probation, and complete it within the second year of probation, is a violation of probation.

2 Respondent shall submit a certificate of completion to the board or its designee for each  
3 pharmacist within five days after completing the course.

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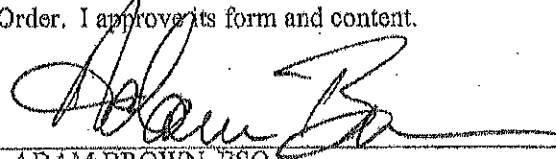
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1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Adam Brown, Esq. I understand the stipulation and the effect it  
4 will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order  
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the  
6 Board of Pharmacy.

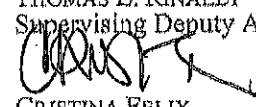
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8 DATED: 8/25/17   
9 ARTESIA PHARMACY INC. DBA TRIAD  
10 COMPOUNDING PHARMACY  
11 RONALD STEPHEN MILLER, OWNER  
12 Respondent

13 I have read and fully discussed with Respondent Artesia Pharmacy Inc. dba Triad  
14 Compounding Pharmacy the terms and conditions and other matters contained in the above  
15 Stipulated Settlement and Disciplinary Order. I approve its form and content.

16 DATED: 8-25-17   
17 ADAM BROWN, ESQ.  
18 Attorney for Respondent

19 ENDORSEMENT

20 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
21 submitted for consideration by the Board of Pharmacy.

22 Dated: 8-25-17 Respectfully submitted,  
23 XAVIER BECERRA  
24 Attorney General of California  
25 THOMAS L. RINALDI  
26 Supervising Deputy Attorney General  
27   
28 CRISTINA FELIX  
29 Deputy Attorney General  
30 Attorneys for Complainant

**Exhibit A**

**Accusation No. 5186**

1 KAMALA D. HARRIS  
Attorney General of California  
2 THOMAS L. RINALDI  
Supervising Deputy Attorney General  
3 CRISTINA FELIX  
Deputy Attorney General  
4 State Bar No. 195663  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2455  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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13 Cerritos, CA 90703

**A C C U S A T I O N**

14 Pharmacy Permit No. PHY 41551

15 **RONALD STEPHEN MILLER**  
736 S. Skyridge Dr.  
16 Anaheim, CA 92808

17 Pharmacist License No. RPH 29677

18 Respondent.  
19

20 Complainant alleges:

21 **PARTIES**

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

24 2. On or about April 5, 1996, the Board of Pharmacy issued Pharmacy Permit Number  
25 PHY 41551 to Artesia Pharmacy, Inc. doing business as Triad Compounding Pharmacy  
26 (Respondent Triad Compounding Pharmacy). The Pharmacy Permit was in full force and effect  
27 at all times relevant to the charges brought herein and will expire on April 1, 2015, unless  
28 renewed.

1           3. On or about June 24, 1975, the Board of Pharmacy issued Pharmacist License  
2 Number 29677 to Ronald Stephen Miller (Respondent Ronald Miller). The Pharmacist License  
3 was in full force and effect at all times relevant to the charges brought herein and will expire on  
4 April 30, 2016, unless renewed.

### 5   **JURISDICTION**

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

9           5. Section 4011 of the Code provides that the Board shall administer and enforce both  
10 the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances  
11 Act [Health & Safety Code, § 11000 et seq.].

12           6. Section 4300(a) of the Code provides that every license issued by the Board may be  
13 suspended or revoked.

14           7. Section 4300.1 of the Code states:

15                         The expiration, cancellation, forfeiture, or suspension of a board-issued license  
16 by operation of law or by order or decision of the board or a court of law, the  
17 placement of a license on a retired status, or the voluntary surrender of a license by a  
18 licensee shall not deprive the board of jurisdiction to commence or proceed with any  
investigation of, or action or disciplinary proceeding against, the licensee or to render  
a decision suspending or revoking the license.

### 19   **STATUTORY AND REGULATORY PROVISIONS**

20           8. Section 4040(a)(1)(c) and (e) of the Code states:

21                         (a) "Prescription" means an oral, written, or electronic transmission order that is both  
22 of the following:

23                                 ....  
24                                 (C) The date of issue.

25                                 ....  
26                         (c) "Electronic transmission prescription" includes both image and data  
27 prescriptions. "Electronic image transmission prescription" means any prescription  
28 order for which a facsimile of the order is received by a pharmacy from a licensed  
prescriber. "Electronic data transmission prescription" means any prescription order,  
other than an electronic image transmission prescription, that is electronically  
transmitted from a licensed prescriber to a pharmacy.

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9. Section 4052(a)(1) of the Code states:

(a) Notwithstanding any other law, a pharmacist:

(1) Furnish a reasonable quantity of compounded drug product to a prescriber for office use by the prescriber.

10. Section 4126.5 (a) of the Code states:

(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.

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

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

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

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

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

(7) To another pharmacy under common control.

11. Section 4163 (a) of the Code states:

A manufacturer, wholesaler, repackager, or pharmacy may not furnish a dangerous drug or dangerous device to an unauthorized person.

12. Section 4169 (a)(1) of the Code states:

A person may not do any of the following: Purchase, trade, sell, or transfer dangerous drugs or dangerous devices at wholesale with a person or entity that is not licensed with the board as a wholesaler.

13. Section 4301 of the Code states in pertinent part:

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

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...  
(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 any other state or federal regulatory agency.  
...

14. Section 4113 (c) of the Code states:

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,

15. California Code of Regulations, title 16, section 1717 (c) states:

Promptly upon receipt of an orally transmitted prescription, the pharmacist shall reduce it to writing, and initial it, and identify it as an orally transmitted prescription. If the prescription is then dispensed by another pharmacist, the dispensing pharmacist shall also initial the prescription to identify him or herself. All orally transmitted prescriptions shall be received and transcribed by a pharmacist prior to compounding, filling, dispensing or furnishing. Chart orders as defined in section 4019 of the Business and Professions Code are not subject to the provisions of this subsection.

16. California Code of Regulations, title 16, section 1761 (a) states:

No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.

**COST RECOVERY**

17. Section 125.3 of the Code 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 and enforcement of the case.

**FACTUAL ALLEGATIONS**

18. At all times referenced herein, Respondent Ronald Miller was the Pharmacist-in-Charge of Respondent Triad Compounding Pharmacy.

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1 19. From at least October 28, 2011 through August 8, 2013, Respondents received  
2 electronic image and data transmission prescription orders via facsimile or email from an  
3 unlicensed entity, SportPharm Pharmaceuticals, Inc. or a wholesaler, Champion Health Services,  
4 Inc. instead of a prescriber. Respondents then dispensed, furnished and sold drugs to SportPharm  
5 Pharmaceuticals, Inc. which the Board had issued two citations and fines for engaging in  
6 unlicensed activities and/or to Champion Health Services, Inc.

7 20. Respondents furnished non-patient specific compounded drug products, allegedly for  
8 "prescriber office use" to Champion Healthcare Services, Inc. and SportPharm Pharmaceuticals,  
9 Inc. who were not prescribers.

10 21. Respondents accepted and filled prescriptions which did not contain the dates of  
11 issuance on them. Respondents also accepted and filled prescriptions from sources other than the  
12 prescriber, SportsPharm Pharmaceuticals, Inc. and Champion Healthcare Services, Inc. without  
13 documenting that they contacted the prescribers to validate the prescriptions. Respondents also  
14 did not reduce oral prescriptions to writing nor did pharmacists initial oral prescriptions which  
15 were reduced to writing.

16 22. From June 25, 2013 through August 8, 2013, Respondents sold and shipped drugs to  
17 states where Respondent Triad Compounding Pharmacy was not licensed to ship drugs but was  
18 required to be licensed to ship drugs into those states.

19 **FIRST CAUSE FOR DISCIPLINE**

20 **(Sold Drugs to Unlicensed Entity)**

21 23. Respondents are subject to disciplinary action under Code section 4301(o), for  
22 violating Business and Professions Code section 4169(a)(1), in that they sold or transferred  
23 dangerous drugs to an unlicensed entity, as set forth in paragraphs 18 through 22 above, which  
24 are incorporated herein by reference.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Furnished Drugs to Unauthorized Entities)**

3 24. Respondents are subject to disciplinary action under Code section 4301(o), for  
4 violating Business and Professions Code section 4126.5(a)(1), in that they furnished dangerous  
5 drugs to an unlicensed entity and a wholesaler, as set forth in paragraphs 18 through 22 above,  
6 which are incorporated herein by reference.

7 **THIRD CAUSE FOR DISCIPLINE**

8 **(Furnished Drugs to Unauthorized Person)**

9 25. Respondents are subject to disciplinary action under Code section 4301(o), for  
10 violating Business and Professions Code section 4163(a)(1), in that they furnished dangerous  
11 drugs to an unauthorized person, an unlicensed entity, as set forth in paragraphs 18 through 22  
12 above, which are incorporated herein by reference.

13 **FOURTH CAUSE FOR DISCIPLINE**

14 **(Sold or Delivered Drugs Out of State Without Licensure)**

15 26. Respondents are subject to disciplinary action under Code section 4301(o), for  
16 violating Business and Professions Code section 4059.5(e), in that they sold and shipped  
17 dangerous drugs into states where Respondent Triad Compounding Pharmacy was unlicensed to  
18 ship drugs but was required to be licensed to do so, as set forth in paragraphs 18 through 22  
19 above, which are incorporated herein by reference.

20 **FIFTH CAUSE FOR DISCIPLINE**

21 **(Failure to Reduce Oral Prescriptions to Writing or Initial Them)**

22 27. Respondents are subject to disciplinary action under Code section 4301(o), for  
23 violating California Code of Regulations, title 16, section 1717(c), in that they failed to reduce  
24 oral prescriptions to writing and failed to have the pharmacist initial oral prescriptions reduced to  
25 writing, as set forth in paragraphs 18 through 22 above, which are incorporated herein by  
26 reference.

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**SIXTH CAUSE FOR DISCIPLINE**

**(Failure to Contact Prescriber to Validate Prescriptions)**

28. Respondents are subject to disciplinary action under Code section 4301(o), for violating California Code of Regulations, title 16, section 1761(a), in that they did not contact the prescriber to validate prescriptions received from sources other than the prescribers, as set forth in paragraphs 18 through 22 above, which are incorporated herein by reference.

**SEVENTH CAUSE FOR DISCIPLINE**

**(Accepted and Filled Prescriptions Without Date of Issue)**

29. Respondents are subject to disciplinary action under Code section 4301(o), for violating Business and Professions Code section 4040(a)(1)(C), in that they accepted and filled prescriptions which did not contain the date issue written on them, as set forth in paragraphs 18 through 22 above, which are incorporated herein by reference.

**EIGHTH CAUSE FOR DISCIPLINE**

**(Accepted and Received Prescriptions From Unlicensed Entity and Wholesaler)**

30. Respondents are subject to disciplinary action under Code section 4301(o), for violating California Code of Regulations, title 16, section 1761(a), in that they accepted and filled electronic transmission prescriptions from an unlicensed entity and a wholesaler, as set forth in paragraphs 18 through 22 above, which are incorporated herein by reference.

**NINTH CAUSE FOR DISCIPLINE**

**(Furnished Non-Patient Specific Compounded Drugs to Unlicensed Entity and Wholesaler)**

31. Respondents are subject to disciplinary action under Code section 4301(o), for violating Business and Professions Code section 4052(a)(1), in that they furnished non-patient specific compounded drugs for "prescriber office use" to entities who were not prescribers, as set forth in paragraphs 18 through 22 above, which are incorporated herein by reference.

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1 TENTH CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct)

3 32. Respondents are subject to disciplinary action under Code section 4301 for  
4 unprofessional conduct in that they engaged in the activities described in paragraphs 18 through  
5 22 above, which are incorporated herein by reference.

6 PRAYER

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

- 9 1. Revoking or suspending Pharmacy Permit Number PHY 41551, issued to Artesia  
10 Pharmacy, Inc., doing business as Triad Compounding Pharmacy;
- 11 2. Revoking or suspending Pharmacist License Number RPH 29677, issued to Ronald  
12 Stephen Miller;
- 13 3. Ordering Artesia Pharmacy, Inc. doing business as Triad Compounding Pharmacy  
14 and Ronald Stephen Miller to pay the Board of Pharmacy the reasonable costs of the investigation  
15 and enforcement of this case, pursuant to Business and Professions Code section 125.3;
- 16 4. Taking such other and further action as deemed necessary and proper.

17  
18 DATED: 3/15/16

*Virginia Herold*

19 \_\_\_\_\_  
20 VIRGINIA HEROLD  
21 Executive Officer  
22 Board of Pharmacy  
23 Department of Consumer Affairs  
24 State of California  
25 Complainant

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