

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

In the Matter of the Accusation/Petition to Revoke  
Probation Against:

**MEDRX, INC. DBA MEDRX PHARMACY,  
IRENE NAYGAS, MARK NAYGAS AND  
DMITRY NAYGAS, OWNERS**

18356 Oxnard St., Ste. 1  
Tarzana, CA 91356  
JULIE DAKOV, Pharmacist-in-Charge

**Original Permit No. PHY 49209**

and

**IRENE NAYGAS**  
19120 Sprague Street  
Tarzana, CA 91356

**Original Pharmacist License No. RPH 58720**

Respondents.

Case No. 5440

OAH No. 2016080645

**STIPULATED SETTLEMENT  
AND DISCIPLINARY ORDER AS  
TO RESPONDENT IRENE  
NAYGAYS ONLY (As to Original  
Pharmacist License No. RPH 58720)**

**DECISION AND ORDER**

The attached Stipulated Settlement 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 at 5:00 p.m. on October 18, 2017.

It is so ORDERED on September 18, 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 LINDA L. SUN  
Supervising Deputy Attorney General  
3 KEVIN J. RIGLEY  
Deputy Attorney General  
4 State Bar No. 131800  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 620-2558  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

11 In the Matter of the Accusation/Petition to  
Revoke Probation Against:

Case No. 5440

12 **MEDRX, INC. DBA MEDRX**  
13 **PHARMACY, IRENE NAYGAS, MARK**  
14 **NAYGAS AND DMITRY NAYGAS,**  
**OWNERS**  
15 18356 Oxnard St., Ste. 1  
Tarzana, CA 91356  
16 JULIE DAKOV, Pharmacist-in-Charge

OAH No. 2016080645

**STIPULATED SETTLEMENT AND**  
**DISCIPLINARY ORDER AS TO**  
**RESPONDENT IRENE NAYGAS ONLY**

17 **Original Permit No. PHY 49209**

18 **IRENE NAYGAS**  
19 19120 Sprague Street  
Tarzana, CA 91356

20 **Original Pharmacist License No. RPH 58720**

21 Respondents.  
22

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

25 PARTIES

26 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy  
27 (Board). She brought this action solely in her official capacity and is represented in this matter by  
28

1 Xavier Becerra, Attorney General of the State of California, by Kevin J. Rigley, Deputy Attorney  
2 General.

3 2. Respondent Irene Naygas (Respondent) is represented in this proceeding by attorney  
4 Theodore A. Cohen, whose address is: 3701 Wilshire Blvd., #535, Los Angeles, CA 90010.

5 3. On or about September 30, 2008, the Board issued Pharmacy Permit No. PHY 49209  
6 to MedRX, Inc., dba MedRX Pharmacy; Irene Naygas, Mark Naygas and Dmitry Naygas,  
7 Owners. The Pharmacy Permit was in full force and effect at all times relevant to the charges  
8 brought in Accusation/Petition to Revoke Probation No. 5440 and will expire on September 1,  
9 2017, unless renewed.

10 4. On or about September 8, 2006, the Board of Pharmacy issued Original Pharmacist  
11 License Number RPH 58720 to Respondent. The Original Pharmacist License, which was in full  
12 force and effect at all times relevant to the charges brought in Accusation/Petition to Revoke  
13 Probation No. 5440, will expire on December 31, 2017, unless renewed. Said license was  
14 suspended on November 12, 2015 pursuant to the terms and conditions of probation.

15 5. In a disciplinary action entitled "*In the Matter of the Accusation Against Irene*  
16 *Naygas*," Case No. 4432, the Board of Pharmacy issued a Decision and Order effective March 4,  
17 2014, in which Respondent Naygas' Original Pharmacist License was revoked. However, the  
18 revocation was stayed and Respondent Naygas' Original Pharmacist License was placed on  
19 probation for five (5) years with terms and conditions including a ninety (90) day suspension. A  
20 copy of that Decision and Order is attached as Exhibit A and is incorporated by reference.

21 JURISDICTION

22 6. Accusation/Petition to Revoke Probation No. 5440 was filed before the Board, and is  
23 currently pending against Respondent. The Accusation/Petition to Revoke Probation and all other  
24 statutorily required documents were properly served on Respondent on June 22, 2016.  
25 Respondent timely filed her Notice of Defense contesting the Accusation/Petition to Revoke  
26 Probation.

27 7. A copy of Accusation/Petition to Revoke Probation No. 5440 is attached as exhibit A  
28 and incorporated herein by reference.



1 or participation by Respondent or her counsel. By signing the stipulation, Respondent  
2 understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation  
3 prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation  
4 as its Decision and Order, the Stipulated Settlement and Disciplinary Order shall be of no force or  
5 effect, except for this paragraph, it shall be inadmissible in any legal action between the parties,  
6 and the Board shall not be disqualified from further action by having considered this matter.

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

10 16. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
11 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
12 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
13 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
14 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
15 writing executed by an authorized representative of each of the parties.

16 17. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Board may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

19 **DISCIPLINARY ORDER**

20 IT IS HEREBY ORDERED that Original Pharmacist License Number RPH 58720 issued  
21 to Respondent Irene Naygas is revoked. However, the revocation is stayed and Respondent's  
22 current probation is extended for five (5) years, beginning on the effective date of the Decision  
23 and Order, on the following terms and conditions.

24 **1. Suspension**

25 As part of probation, Respondent is suspended from the practice of pharmacy until deemed  
26 safe to practice by the Pharmacists Recovery Program (PRP), beginning the effective date of this  
27 decision.

28 ///

1 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
2 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
3 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
4 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
5 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
6 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
7 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
8 and devices or controlled substances.

9 Respondent shall not engage in any activity that requires the professional judgment of a  
10 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.  
11 Respondent shall not perform the duties of a pharmacy technician or a designated representative  
12 for any entity licensed by the board.

13 Failure to comply with this suspension shall be considered a violation of probation.

14 **2. Obey All Laws**

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

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

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

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

1           **3. Report to the Board**

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

10           **4. Interview with the Board**

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

16           **5. Cooperate with Board Staff**

17           Respondent shall cooperate with the board's inspection program and with the board's  
18           monitoring and investigation of Respondent's compliance with the terms and conditions of her  
19           probation. Failure to cooperate shall be considered a violation of probation.

20           **6. Continuing Education**

21           Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
22           pharmacist as directed by the board or its designee.

23           **7. Notice to Employers**

24           During the period of probation, Respondent shall notify all present and prospective  
25           employers of the decision in case number 5440 and the terms, conditions and restrictions imposed  
26           on Respondent by the decision, as follows:

27           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
28           Respondent undertaking any new employment, Respondent shall cause her direct supervisor,

1 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
2 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
3 individual(s) has/have read the decision in case number 5440, and terms and conditions imposed  
4 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
5 supervisor(s) submit timely acknowledgment(s) to the board.

6 If Respondent works for or is employed by or through a pharmacy employment service,  
7 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
8 licensed by the board of the terms and conditions of the decision in case number 5440 in advance  
9 of the Respondent commencing work at each licensed entity. A record of this notification must  
10 be provided to the board upon request.

11 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
12 (15) days of Respondent undertaking any new employment by or through a pharmacy  
13 employment service, Respondent shall cause her direct supervisor with the pharmacy  
14 employment service to report to the board in writing acknowledging that she has read the decision  
15 in case number 5440 and the terms and conditions imposed thereby. It shall be Respondent's  
16 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely  
17 acknowledgment(s) to the board.

18 Failure to timely notify present or prospective employer(s) or to cause that/those  
19 employer(s) to submit timely acknowledgments to the board shall be considered a violation of  
20 probation.

21 "Employment" within the meaning of this provision shall include any full-time,  
22 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
23 position for which a pharmacist license is a requirement or criterion for employment,  
24 whether the Respondent is an employee, independent contractor or volunteer.  
25

26 ///

27 ///

28 ///



1           **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**  
2           **Designated Representative-in-Charge, or Serving as a Consultant**

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

7           **9. Reimbursement of Board Costs**

8           As a condition precedent to successful completion of probation, Respondent shall be jointly  
9           and severally responsible for paying the agency its costs of investigation and enforcement in the  
10          amount of \$7,000.00. Respondent shall be permitted to pay these costs in a payment plan  
11          approved by the Board.

12          There shall be no deviation from this schedule absent prior written approval by the board or  
13          its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
14          probation.

15          The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility  
16          to reimburse the board its costs of investigation and prosecution.

17          **10. Probation Monitoring Costs**

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

22          **11. Status of License**

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

26          If Respondent's license expires or is cancelled by operation of law or otherwise at any time  
27          during the period of probation, including any extensions thereof due to tolling or otherwise, upon  
28

1 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this  
2 probation not previously satisfied.

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

4 Following the effective date of this decision, should Respondent cease practice due to  
5 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
6 Respondent may tender her license to the board for surrender. The board or its designee shall  
7 have the discretion whether to grant the request for surrender or take any other action it deems  
8 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent  
9 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
10 record of discipline and shall become a part of the Respondent's license history with the board.

11 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license  
12 to the board within ten (10) days of notification by the board that the surrender is accepted.  
13 Respondent may not reapply for any license from the board for three (3) years from the effective  
14 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
15 of the date the application for that license is submitted to the board, including any outstanding  
16 costs.

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

19 Respondent shall notify the board in writing within ten (10) days of any change of  
20 employment. Said notification shall include the reasons for leaving, the address of the new  
21 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
22 shall further notify the board in writing within ten (10) days of a change in name, residence  
23 address, mailing address, or phone number.

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

26 **14. Tolling of Probation**

27 Except during periods of suspension, Respondent shall, at all times while on probation, be  
28 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.

1 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
2 period of probation shall be extended by one month for each month during which this minimum is  
3 not met. During any such period of tolling of probation, Respondent must nonetheless comply  
4 with all terms and conditions of probation.

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

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

13 "Cessation of practice" means any calendar month during which Respondent is  
14 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and  
15 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
16 month during which Respondent is practicing as a pharmacist for at least forty (40)  
17 hours as a pharmacist as defined by Business and Professions Code section 4000 et  
18 seq.

#### 19 **15. Violation of Probation**

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

25 If Respondent violates probation in any respect, the board, after giving Respondent notice  
26 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
27 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a  
28 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If

1 a petition to revoke probation or an accusation is filed against Respondent during probation, the  
2 board shall have continuing jurisdiction and the period of probation shall be automatically  
3 extended until the petition to revoke probation or accusation is heard and decided, and the charges  
4 and allegations in the Accusation/Petition to Revoke Probation shall be deemed true and correct.

5 **16. Completion of Probation**

6 Upon written notice by the board or its designee indicating successful completion of  
7 probation, Respondent's license will be fully restored.

8 **17. Restricted Practice**

9 Respondent's practice of pharmacy shall be restricted as determined by the PRP.  
10 Respondent shall submit proof satisfactory to the board of compliance with this term of probation.

11 **18. Pharmacists Recovery Program (PRP)**

12 Within thirty (30) days of the effective date of this decision, Respondent shall contact the  
13 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,  
14 successfully participate in, and complete the treatment contract and any subsequent addendums as  
15 recommended and provided by the PRP and as approved by the board or its designee. The costs  
16 for PRP participation shall be borne by the Respondent.

17 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as  
18 of the effective date of this decision is no longer considered a self-referral under Business and  
19 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete  
20 her current contract and any subsequent addendums with the PRP.

21 Failure to timely contact or enroll in the PRP, or successfully participate in and complete  
22 the treatment contract and/or any addendums, shall be considered a violation of probation.

23 Probation shall be automatically extended until Respondent successfully completes the  
24 PRP. Any person terminated from the PRP program shall be automatically suspended by the  
25 board. Respondent may not resume the practice of pharmacy until notified by the board in  
26 writing.

27 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
28 licensed practitioner as part of a documented medical treatment shall result in the automatic

1 suspension of practice by Respondent and shall be considered a violation of probation.

2 Respondent may not resume the practice of pharmacy until notified by the board in writing.

3       During suspension, Respondent shall not enter any pharmacy area or any portion of the  
4 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
5 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
6 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
7 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
8 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
9 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
10 and controlled substances. Respondent shall not resume practice until notified by the board.

11       During suspension, Respondent shall not engage in any activity that requires the  
12 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
13 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
14 designated representative for any entity licensed by the board.

15       Failure to comply with this suspension shall be considered a violation of probation.

16       Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
17 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid  
18 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

19       Respondent shall work in a pharmacy setting with access to controlled substances for six  
20 (6) consecutive months before successfully completing probation. If Respondent fails to do so,  
21 probation shall be automatically extended until this condition has been met. Failure to satisfy this  
22 condition within six (6) months beyond the original date of expiration of the term of probation  
23 shall be considered a violation of probation.

#### 24       19. **Random Drug Screening**

25       Respondent, at her own expense, shall participate in random testing, including but not  
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
27 screening program as directed by the board or its designee. Respondent may be required to  
28 participate in testing for the entire probation period and the frequency of testing will be

1 determined by the board or its designee. At all times, Respondent shall fully cooperate with the  
2 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
3 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
4 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
5 of probation. Upon request of the board or its designee, Respondent shall provide documentation  
6 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
7 a necessary part of the treatment of the Respondent. Failure to timely provide such  
8 documentation shall be considered a violation of probation. Any confirmed positive test for  
9 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented  
10 medical treatment shall be considered a violation of probation and shall result in the automatic  
11 suspension of practice of pharmacy by Respondent. Respondent may not resume the practice of  
12 pharmacy until notified by the board in writing.

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

21         During suspension, Respondent shall not engage in any activity that requires the  
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
24 designated representative for any entity licensed by the board.

25         Failure to comply with this suspension shall be considered a violation of probation.

26         **20. Abstain from Drugs and Alcohol Use**

27         Respondent shall completely abstain from the possession or use of alcohol, controlled  
28 substances, dangerous drugs and their associated paraphernalia except when the drugs are

1 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
2 request of the board or its designee, Respondent shall provide documentation from the licensed  
3 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
4 treatment of the Respondent. Failure to timely provide such documentation shall be considered a  
5 violation of probation. Respondent shall ensure that she is not in the same physical location as  
6 individuals who are using illicit substances even if Respondent is not personally ingesting the  
7 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
8 not supported by the documentation timely provided, and/or any physical proximity to persons  
9 using illicit substances, shall be considered a violation of probation.

10 **21. Prescription Coordination and Monitoring of Prescription Use**

11 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
12 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
13 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
14 Respondent's history with the use of alcohol, controlled substances, and/or dangerous drugs, and  
15 who will coordinate and monitor any prescriptions for Respondent for dangerous drugs,  
16 controlled substances or mood-altering drugs. The approved practitioner shall be provided with a  
17 copy of the board's Accusation/Petition to Revoke Probation and decision. A record of this  
18 notification must be provided to the board upon request. Respondent shall sign a release  
19 authorizing the practitioner to communicate with the board about Respondent's treatment(s). The  
20 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the  
21 board on a quarterly basis for the duration of probation regarding Respondent's compliance with  
22 this condition. If any substances considered addictive have been prescribed, the report shall  
23 identify a program for the time limited use of any such substances. The board may require that  
24 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a  
25 specialist in addictive medicine, or consult a specialist in addictive medicine. Should  
26 Respondent, for any reason, cease supervision by the approved practitioner, Respondent shall  
27 notify the board immediately and, within thirty (30) days of ceasing treatment, submit the name  
28 of a replacement physician, nurse practitioner, physician assistant, or psychiatrist of Respondent's

1 choice to the board or its designee for its prior approval. Failure to timely submit the selected  
2 practitioner or replacement practitioner to the board for approval, or to ensure the required  
3 reporting thereby on the quarterly reports, shall be considered a violation of probation.

4 If at any time an approved practitioner determines that Respondent is unable to practice  
5 safely or independently as a pharmacist, the practitioner shall notify the board immediately by  
6 telephone and follow up by written letter within three (3) working days. Upon notification from  
7 the board or its designee of this determination, Respondent shall be automatically suspended and  
8 shall not resume practice until notified by the board that practice may be resumed.

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

17 During suspension, Respondent shall not engage in any activity that requires the  
18 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
19 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
20 designated representative for any entity licensed by the board.

21 Failure to comply with this suspension shall be considered a violation of probation.

22 **22. Supervised Practice**

23 During the period of probation, Respondent shall practice only under the supervision of a  
24 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
25 decision, Respondent shall not practice pharmacy and her license shall be automatically  
26 suspended until a supervisor is approved by the board or its designee. The supervision shall be,  
27 as required by the board or its designee, either:

28 ///



1 Continuous – At least 75% of a work week

2 Substantial - At least 50% of a work week

3 Partial - At least 25% of a work week

4 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

5 Within thirty (30) days of the effective date of this decision, Respondent shall have her  
6 supervisor submit notification to the board in writing stating that the supervisor has read the  
7 decision in case number 5440 and is familiar with the required level of supervision as determined  
8 by the board or its designee. It shall be the Respondent's responsibility to ensure that her  
9 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
10 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
11 acknowledgements to the board shall be considered a violation of probation.

12 If Respondent changes employment, it shall be the Respondent's responsibility to ensure  
13 that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
14 acknowledgement(s) to the board. Respondent shall have her new supervisor, within fifteen (15)  
15 days after employment commences, submit notification to the board in writing stating the direct  
16 supervisor and pharmacist-in-charge have read the decision in case number 5440 and is familiar  
17 with the level of supervision as determined by the board. Respondent shall not practice pharmacy  
18 and her license shall be automatically suspended until the board or its designee approves a new  
19 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
20 acknowledgements to the board shall be considered a violation of probation.

21 Within ten (10) days of leaving employment, Respondent shall notify the board in writing.

22 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
23 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
24 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
25 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
26 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
27 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of  
28 the board, or have access to or control the ordering, manufacturing or dispensing of dangerous

1 drugs and controlled substances. Respondent shall not resume practice until notified by the  
2 board.

3 During suspension, Respondent shall not engage in any activity that requires the  
4 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
5 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
6 designated representative for any entity licensed by the board.

7 Failure to comply with this suspension shall be considered a violation of probation.

8 **23. No Ownership of Licensed Premises**

9 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,  
10 administrator, member, officer, director, trustee, associate, or partner of any business, firm,  
11 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell  
12 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)  
13 days following the effective date of this decision and shall immediately thereafter provide written  
14 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide  
15 documentation thereof shall be considered a violation of probation.

16 **24. Report of Controlled Substances**

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

24 **25. Tolling of Suspension**

25 During the period of suspension, Respondent shall not leave California for any period  
26 exceeding ten (10) days, regardless of purpose (including vacation). Any such absence in excess  
27 of the (10) days during suspension shall be considered a violation of probation. Moreover, any  
28 absence from California during the period of suspension exceeding ten (10) days shall toll the

1 suspension, i.e., the suspension shall be extended by one day for each day over ten (10) days  
2 Respondent is absent from California. During any such period of tolling of suspension,  
3 Respondent must nonetheless comply with all terms and conditions of probation.

4 Respondent must notify the board in writing within ten (10) days of departure, and must  
5 further notify the board in writing within ten (10) days of return. The failure to provide such  
6 notification(s) shall constitute a violation of probation. Upon such departure and return,  
7 Respondent shall not resume the practice of pharmacy until notified by the board that the period  
8 of suspension has been satisfactorily completed.

9 **26. Ethics Course**

10 Within sixty (60) calendar days of the effective date of this decision, Respondent shall  
11 enroll in a course in ethics, at Respondent's expense, approved in advance by the board or its  
12 designee. Failure to initiate the course during the first year of probation, and complete it within  
13 the second year of probation, is a violation of probation.

14 Respondent shall submit a certificate of completion to the board or its designee within five  
15 days after completing the course.

16 ACCEPTANCE

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

22  
23 DATED: 6/30/2017

  
\_\_\_\_\_  
IRENE NAYGAS  
Respondent

24  
25  
26 ///

27 ///

28 ///

1 I have read and fully discussed with Respondent Irene Naygas the terms and conditions and  
2 other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its  
3 form and content.

4  
5 DATED: 6/30/17

  
6 THEODORE A. COHEN  
7 Attorney for Respondent

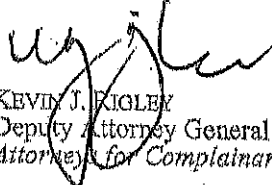
8 ENDORSEMENT

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

11 Dated: 6/30/17

Respectfully submitted,

12 XAVIER BECERRA  
13 Attorney General of California  
14 LINDA L. SUN  
15 Supervising Deputy Attorney General

  
16 KEVIN J. RIGLEY  
17 Deputy Attorney General  
18 Attorney for Complainant

19 LA2015500870  
20 52528782

**Exhibit A**

**Accusation/Petition to Revoke Probation No. 5440**

1 KAMALA D. HARRIS  
Attorney General of California  
2 LINDA L. SUN  
Supervising Deputy Attorney General  
3 ZACHARY T. FANSELOW  
Deputy Attorney General  
4 State Bar No. 274129  
300 So. Spring Street, Suite 1702  
5 Los Angeles, CA 90013  
Telephone: (213) 897-2562  
6 Facsimile: (213) 897-2804  
*Attorneys for Complainant*  
7

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

10 In the Matter of the Accusation and Petition to  
11 Revoke Probation Against:

Case No. 5440

12 **MEDRX, INC. DBA MEDRX**  
13 **PHARMACY, IRENE NAYGAS, MARK**  
**NAYGAS AND DMITRY NAYGAS,**  
14 **OWNERS**

**ACCUSATION AND PETITION TO**  
**REVOKE PROBATION**

15 18356 Oxnard St., Ste. 1  
Tarzana, CA 91356  
16 JULIE DAKOV, Pharmacist-in-Charge

17 **Original Permit No. PHY 49209**

18 **IRENE NAYGAS**  
19 19120 Sprague Street  
Tarzana, CA 91356

20 **Original Pharmacist License No. RPH 58720**

21 Respondent.

22  
23  
24 Complainant alleges:

25 **PARTIES**

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



1 jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding  
2 against, the licensee or to render a decision suspending or revoking the license."

3 8. Probation Condition 15 of the Decision and Order in the disciplinary action entitled "*In*  
4 *the Matter of the Accusation Against Irene Naygas*," Case No. 4432, states:

5 **Violation of Probation**

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

11 If Respondent violates probation in any respect, the board, after giving Respondent notice  
12 and an opportunity to be heard, may revoke probation and carry out the disciplinary order  
13 that was stayed. Notice and opportunity to be heard are not required for those provisions  
14 stating that a violation thereof may lead to automatic termination of the stay and/or  
15 revocation of the license. If a petition to revoke probation or an accusation is filed against  
16 Respondent during probation, the board shall have continuing jurisdiction and the period of  
17 probation shall be automatically extended until the petition to revoke probation or  
18 accusation is heard and decided.

13 **ACCUSATION**

14 **STATUTORY PROVISIONS**

15 9. Section 4022 states

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

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

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

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

25 10. Section 4036.5 states: "Pharmacist-in-charge" means a pharmacist proposed by a  
26 pharmacy and approved by the board as the supervisor or manager responsible for ensuring the  
27 pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of  
28 pharmacy."



1           11. Section 4104, subdivision (b), states:

2           "Every pharmacy shall have written policies and procedures for addressing chemical, mental,  
3 or physical impairment, as well as theft, diversion, or self-use of dangerous drugs, among licensed  
4 individuals employed by or with the pharmacy."

5           12. Section 4301 states:

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

9           ....

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

14           13. Section 4307 states, in pertinent part:

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

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

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

28           14. Section 4369 states:



1 “(1) Obey all laws and regulations substantially related to the practice of Pharmacy...”

2 **COST RECOVERY**

3 18. Section 125.3 states, in pertinent part, that the Board may request the administrative  
4 law judge to direct a licentiate found to have committed a violation or violations of the licensing  
5 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the  
6 case.

7 **CONTROLLED SUBSTANCES AND DANGEROUS DRUGS**

8 19. Norco, a combination product containing the controlled substance hydrocodone and  
9 non-narcotic acetaminophen, is a Schedule III controlled substance pursuant to Health and Safety  
10 Code section 11056, subdivision (e)(4), and a dangerous drug pursuant to Business and  
11 Professions Code section 4022.

12 20. Vicodin, a combination product containing the controlled substance hydrocodone and  
13 non-narcotic acetaminophen, is a Schedule III controlled substance pursuant to Health and Safety  
14 Code section 11056, subdivision (e)(4), and a dangerous drug pursuant to Business and  
15 Professions Code section 4022.

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Failure to Maintain Pharmacy to Prevent Theft)**

18 21. Respondent Pharmacy and Respondent Naygas (collectively, “Respondents”) are  
19 subject to disciplinary action under California Code of Regulations, title 16, section 1714,  
20 subdivision (b), in conjunction with section 4301, subdivision (o), in that a Board inspector  
21 discovered discrepancies of controlled substance medication contained at Respondent Pharmacy  
22 during a site inspection. Specifically, between November 30, 2012, and May 23, 2014,  
23 Respondents could not account for various strengths of the controlled substance and dangerous  
24 drug, Hydrocodone/APAP (brand names Norco and Vicodin), as follows:

25 ///

26 ///

27 ///

28 ///

Drug	Beginning Inventory	Purchases	Sales / Returns	Ending Inventory	Discrepancy
Hydrocodone /APAP 5/325	840	32,100	26,777	720	5,443 short
Hydrocodone /APAP 5/500	147	4,000	4,018	0	129 short
Hydrocodone /APAP 10/325	710	20,200	13,852	482	6,576 short
Hydrocodone /APAP 7.5/325	1,500	18,900	12,889	563	6,948 short
Hydrocodone /APAP 7.5/500	80	200	30	0	250 short

**SECOND CAUSE FOR DISCIPLINE**

**(Lack of Policies and Procedures for Employee Theft or Impairment)**

22. Respondents are subject to disciplinary action under section 4104, subdivision (b), in that during the Board's site inspection on April 28, 2014, Respondent Pharmacy did not have written policies and procedures for addressing employee theft and impairment for licensed individuals employed by or with Respondent Pharmacy.

**THIRD CAUSE FOR DISCIPLINE**

**(Lack of Operational Standards and Security)**

23. Respondent Naygas is subject to disciplinary action under California Code of Regulations, title 16, section 1714, subdivision (d), in conjunction with section 4301, subdivision (o), in that Respondent Naygas failed to maintain the security of Respondent Pharmacy's prescription department against theft or diversion of controlled substances and dangerous drugs. The circumstances are set forth in additional detail in paragraph 21, including the attached table, above, which is hereby incorporated by reference as though set forth fully.

**FOURTH CAUSE FOR DISCIPLINE**

**(Entering the Pharmacy Area while Under Suspension)**

24. Respondent Naygas is subject to disciplinary action under California Code of Regulations, title 16, section 1772, in conjunction with section 4301, subdivision (o), in that Respondent Naygas entered Respondent Pharmacy while she was under a probationary suspension that prohibited her from entering the pharmacy. The circumstances of this violation include that

1 Respondent Naygas was placed on five years probation that included a ninety (90) day suspension  
2 effective March 4, 2014. While under suspension, Respondent Naygas entered Respondent  
3 Pharmacy on multiple occasions to, amongst other activities, instruct staff, complete paperwork  
4 and interview pharmacists.

5 **FIFTH CAUSE FOR DISCIPLINE**

6 **(Failure to Comply with Treatment Program)**

7 25. Respondent Naygas is subject to disciplinary action under section 4369, subdivision  
8 (a), and California Code of Regulations, title 16, section 1773, subdivision (a)(1), in conjunction  
9 with section 4301, subdivision (o), in that Respondent Naygas failed to comply with a Board  
10 ordered treatment program by testing positive for alcohol, controlled substances and failing out of  
11 Maximus, the Board's designated treatment program. The circumstances of this violation include  
12 that Respondent Naygas was placed on five years probation effective March 4, 2014, that included  
13 a pharmacist recovery program, where she was required to abstain from alcohol and any drugs not  
14 lawfully prescribed by a physician. Respondent Naygas, while still on probation, failed to comply  
15 with the treatment program as follows:

16 a. Respondent Naygas tested positive for cocaine, its metabolite benzoylecgonine and  
17 hydrocodone from a random drug test collected on or about April 18, 2014. When asked to  
18 produce a prescription for hydrocodone or benzoylecgonine, Respondent Naygas was unable to.

19 b. Respondent Naygas tested positive for cocaine, hydrocodone and hydromorphone  
20 from a random drug test collected on or about April 25, 2014.

21 c. Respondent Naygas tested positive for cocaine, reported by Promises Treatment  
22 Center, while Respondent Naygas was undergoing inpatient treatment at that facility.

23 d. Respondent Naygas tested positive for alcohol from a random drug test collected on  
24 or about October 6, 2014.

25 e. Respondent Naygas tested positive for cocaine from a random drug test collected on  
26 or about November 7, 2015.

27 ///

28 ///

1 **PETITION TO REVOKE PROBATION**

2 26. Grounds exist to revoke Respondent Naygas' probation and re-impose revocation of  
3 Respondent Naygas' Original Pharmacist License Number RPH 58720 in that Respondent Naygas  
4 did not comply with the terms and conditions of her probation, as set forth below:

5 **FIRST CAUSE TO REVOKE PROBATION**

6 **(Failure to Comply with Suspension Requirement)**

7 27. At all times after the effective date of Respondent Naygas's probation, Condition 1  
8 stated:

9 **Suspension**

10 As part of probation, Respondent is suspended from the practice of pharmacy for 90 days  
11 beginning the effective date of this decision.

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

20 Respondent shall not engage in any activity that requires the professional judgment of a  
21 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.  
22 Respondent shall not perform the duties of a pharmacy technician or a designated  
23 representative for any entity licensed by the board.

24 Subject to the above restrictions, Respondent may continue to own or hold an interest in any  
25 licensed premises in which she holds an interest at the time this decision becomes effective  
26 unless otherwise specified in this order.

27 Failure to comply with this suspension shall be considered a violation of probation.

28 28. Respondent Naygas's probation is subject to revocation because she failed to comply  
with Probation Condition 1, referenced above. The facts and circumstances regarding this  
violation include that Respondent Naygas, while serving her ninety (90) day suspension, entered  
Respondent Pharmacy on multiple occasions to, amongst other activities, instruct staff, complete  
paperwork and interview pharmacists.

1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Obey All Laws)**

3 29. At all times after the effective date of Respondent Naygas's probation, Condition 2  
4 stated:

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

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

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

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

19 30. Respondent Naygas's probation is subject to revocation because she failed to comply  
20 with Probation Condition 2, referenced above. The facts and circumstances regarding this  
21 violation include:

22 a. Respondent Naygas failed to maintain Respondent Pharmacy to prevent theft in  
23 violation of California Code of Regulations, title 16, section 1714, subdivision (b);

24 b. Respondent Naygas failed to create or maintain policies and procedures regulating  
25 employee theft or impairment in violation of section 4104, subdivision (b);

26 c. Respondent Naygas failed to ensure operational standards and security in violation of  
27 California Code of Regulations, title 16, section 1714, subdivision (d);

28 d. Respondent Naygas entered Respondent Pharmacy while under probationary  
suspension in violation of California Code of Regulations, title 16, section 1772;

e. Respondent Naygas failed to comply with a Board ordered treatment program in  
violation of section 4369, subdivision (a), and California Code of Regulations, title 16, section  
1773, subdivision (a)(1); and,

///

1 f. The circumstances regarding these violations are set forth in additional detail in  
2 paragraphs 21 through 25, inclusive, which are hereby incorporated by reference as though set  
3 forth fully.

4 **THIRD CAUSE TO REVOKE PROBATION**

5 **(Failure to Comply with Pharmacists Recovery Program)**

6 31. At all times after the effective date of Respondent Naygas's probation, Condition 3  
7 stated:

8 **Pharmacists Recovery Program (PRP)**

9 Within thirty (30) days of the effective date of this decision, Respondent shall contact the  
10 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,  
11 successfully participate in, and complete the treatment contract and any subsequent  
12 addendums as recommended and provided by the PRP and as approved by the board or its  
13 designee. The costs for PRP participation shall be borne by the Respondent.

14 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as of  
15 the effective date of this decision is no longer considered a self-referral under Business and  
16 Professions Code section 4362(c)(2). Respondent shall successfully participate in and  
17 complete her current contract and any subsequent addendums with the PRP.

18 Failure to timely contact or enroll in the PRP, or successfully participate in and complete the  
19 treatment contract and/or any addendums, shall be considered a violation of probation.

20 Probation shall be automatically extended until Respondent successfully completes the PRP.

21 Any person terminated from the PRP program shall be automatically suspended by the  
22 board. Respondent may not resume the practice of pharmacy until notified by the board in  
23 writing.

24 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a licensed  
25 practitioner as part of a documented medical treatment shall result in the automatic  
26 suspension of practice by Respondent and shall be considered a violation of probation.  
27 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

During suspension, Respondent shall not engage in any activity that requires the professional  
judgment of a pharmacist. Respondent shall not direct or control any aspect of the practice  
of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
designated representative for any entity licensed by the board.

Subject to the above restrictions, Respondent may continue to own or hold an interest in any



1 licensed premises in which she holds an interest at the time this decision becomes effective  
2 unless otherwise specified in this order.

3 Failure to comply with this suspension shall be considered a violation of probation.

4 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
5 timely paid to the PRP shall constitute a violation for probation. The board will collect  
6 unpaid administrative fees as part of the annual probation monitoring costs if not submitted  
7 to the PRP.

8 Respondent shall work in a pharmacy setting with access to controlled substances for six (6)  
9 consecutive months before successfully completing probation. If Respondent fails to do so,  
10 probation shall be automatically extended until this condition has been met. Failure to satisfy  
11 this condition within six (6) months beyond the original date of expiration of the term of  
12 probation shall be considered a violation of probation.

13 32. Respondent Naygas's probation is subject to revocation because she failed to comply  
14 with Probation Condition 17, referenced above. The facts and circumstances regarding this  
15 violation include that Respondent Naygas tested positive for cocaine and hydrocodone on or about  
16 April 18, 2014, and April 25, 2014; Respondent Naygas tested positive for cocaine while being  
17 treated at Promises Treatment Center and again on or about November 7, 2015; and, Respondent  
18 Naygas tested positive for alcohol on or about October 6, 2014. The circumstances regarding this  
19 violation is set forth in additional detail in paragraph 25, subparagraphs (a) through (e) inclusive,  
20 which is hereby incorporated by reference as though set forth fully.

#### 21 **FOURTH CAUSE TO REVOKE PROBATION**

##### 22 **(Failure to Abstain from Alcohol, Dangerous Drugs and Controlled Substances)**

23 33. At all times after the effective date of Respondent Naygas's probation, Condition 19  
24 stated:

##### 25 **Abstain from Drugs and Alcohol Use**

26 Respondent shall completely abstain from the possession or use of alcohol, controlled  
27 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
28 lawfully prescribed by a licensed practitioner as part of a documented medical treatment.  
Upon request of the board or its designee, Respondent shall provide documentation from the  
licensed practitioner that the prescription for the drug was legitimately issued and is a  
necessary part of the treatment of the Respondent. Failure to timely provide such  
documentation shall be considered a violation of probation. Respondent shall ensure that  
she is not in the same physical location as individuals who are using illicit substances even if  
Respondent is not personally ingesting the drugs. Any possession or use of alcohol,  
controlled substances, or their associated paraphernalia not supported by the documentation  
timely provided, and/or any physical proximity to persons using illicit substances, shall be  
considered a violation of probation.



1 75% owner, Mark Naygas as the Vice President and 12% owner, and Dmitry Naygas as the  
2 Secretary and 12% owner;

3 2. Revoking the probation that was granted by the Board of Pharmacy in Case No. 4432  
4 and imposing the disciplinary order that was stayed thereby revoking Original Pharmacist License  
5 Number RPH 58720 issued to Irene Naygas;

6 3. Revoking or suspending Original Pharmacist License Number RPH 58720 issued to  
7 Irene Naygas;

8 4. Prohibiting MedRX, Inc. doing business as MedRX Pharmacy from serving as a  
9 manager, administrator, owner, member, officer, director, associate, or partner of a licensee for  
10 five years if Original Permit Number PHY 49209 is placed on probation or until Original Permit  
11 Number PHY 49209 is reinstated if Original Permit Number PHY 49209 issued to MedRX, Inc.  
12 doing business as MedRX Pharmacy is revoked;

13 5. Prohibiting Irene Naygas from serving as a manager, administrator, owner, member,  
14 officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY  
15 49209 is placed on probation or until Original Permit Number PHY 49209 is reinstated if Original  
16 Permit Number PHY 49209 issued to MedRX, Inc. doing business as MedRX Pharmacy is  
17 revoked;

18 6. Prohibiting Mark Naygas from serving as a manager, administrator, owner, member,  
19 officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY  
20 49209 is placed on probation or until Original Permit Number PHY 49209 is reinstated if Original  
21 Permit Number PHY 49209 issued to MedRX, Inc. doing business as MedRX Pharmacy is  
22 revoked;

23 7. Prohibiting Dmitry Naygas from serving as a manager, administrator, owner, member,  
24 officer, director, associate, or partner of a licensee for five years if Original Permit Number PHY  
25 49209 is placed on probation or until Original Permit Number PHY 49209 is reinstated if Original  
26 Permit Number PHY 49209 issued to MedRX, Inc. doing business as MedRX Pharmacy is  
27 revoked;

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

8. Ordering MedRX, Inc. doing business as MedRX Pharmacy and Irene Naygas 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; and,

9. Taking such other and further action as deemed necessary and proper.

DATED: 6/13/16



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

LA2015500870  
52097687.doc

**Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 4432**

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

In the Matter of the Accusation Against:

**IRENE NAYGAS**  
1342 N. Fuller Ave., #104  
Los Angeles, CA 90046

Pharmacist License No. RPH 58720

Respondent.

Case No. 4432

OAH No. 2013040760

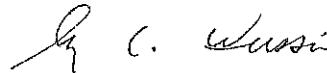
**DECISION AND ORDER**

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 March 4, 2014.

It is so ORDERED on February 25, 2014.

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  
Supervising Deputy Attorney General  
3 KAREN L. GORDON  
Deputy Attorney General  
4 State Bar No. 137969  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-2073  
7 Facsimile: (619) 645-2061  
*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:

12 **IRENE NAYGAS**  
13 **1342 N. Fuller Avenue, #104**  
14 **Los Angeles, CA 90046**

15 **Pharmacist License No. RPH 58720**

16 Respondent.

Case No. 4432

OAH No. 2013040760

17  
18 **STIPULATED SETTLEMENT AND**  
19 **DISCIPLINARY ORDER**

20 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
21 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,  
22 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will  
23 be submitted to the Board for approval and adoption as the final disposition of the Accusation.

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 Kamala  
27 D. Harris, Attorney General of the State of California, by Karen L. Gordon, Deputy Attorney  
28 General.





1 CULPABILITY

2 9. Respondent admits the truth of each and every charge and allegation in Accusation  
3 No. 4432.

4 10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees  
5 to be bound by the Board's probationary terms as set forth in the Disciplinary Order below.

6 CONTINGENCY

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

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

19 13. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an  
20 integrated writing representing the complete, final, and exclusive embodiment of their agreement.  
21 It supersedes any and all prior or contemporaneous agreements, understandings, discussions,  
22 negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary  
23 Order may not be altered, amended, modified, supplemented, or otherwise changed except by a  
24 writing executed by an authorized representative of each of the parties.

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

28 ///

1 **DISCIPLINARY ORDER**

2 IT IS HEREBY ORDERED that Pharmacist License No. RPH 58720 issued to Respondent  
3 Irene Naygas (Respondent) is revoked. However, the revocation is stayed and Respondent is  
4 placed on probation for five (5) years on the following terms and conditions.

5 1. **Suspension**

6 As part of probation, Respondent is suspended from the practice of pharmacy for 90 days  
7 beginning the effective date of this decision.

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

16 Respondent shall not engage in any activity that requires the professional judgment of a  
17 pharmacist. Respondent shall not direct or control any aspect of the practice of pharmacy.  
18 Respondent shall not perform the duties of a pharmacy technician or a designated representative  
19 for any entity licensed by the board.

20 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
21 any licensed premises in which she holds an interest at the time this decision becomes effective  
22 unless otherwise specified in this order.

23 Failure to comply with this suspension shall be considered a violation of probation.

24 2. **Obey All Laws**

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

26 Respondent shall report any of the following occurrences to the board, in writing, within  
27 seventy-two (72) hours of such occurrence:  
28

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

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

### 12 3. Report to the Board

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

### 21 4. Interview with the Board

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

27 ///

28 ///

1           **5. Cooperate with Board Staff**

2           Respondent shall cooperate with the board's inspection program and with the board's  
3 monitoring and investigation of Respondent's compliance with the terms and conditions of her  
4 probation. Failure to cooperate shall be considered a violation of probation.

5           **6. Continuing Education**

6           Respondent shall provide evidence of efforts to maintain skill and knowledge as a  
7 pharmacist as directed by the board or its designee.

8           **7. Notice to Employers**

9           During the period of probation, Respondent shall notify all present and prospective  
10 employers of the decision in case number 4432 and the terms, conditions and restrictions imposed  
11 on Respondent by the decision, as follows:

12           Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
13 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,  
14 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's  
15 tenure of employment) and owner to report to the board in writing acknowledging that the listed  
16 individual(s) has/have read the decision in case number 4432, and terms and conditions imposed  
17 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or  
18 supervisor(s) submit timely acknowledgment(s) to the board.

19           If Respondent works for or is employed by or through a pharmacy employment service,  
20 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity  
21 licensed by the board of the terms and conditions of the decision in case number 4432 in advance  
22 of the Respondent commencing work at each licensed entity. A record of this notification must  
23 be provided to the board upon request.

24           Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
25 (15) days of Respondent undertaking any new employment by or through a pharmacy  
26 employment service, Respondent shall cause her direct supervisor with the pharmacy  
27 employment service to report to the board in writing acknowledging that she has read the decision  
28 in case number 4432 and the terms and conditions imposed thereby. It shall be Respondent's

1 responsibility to ensure that her employer(s) and/or supervisor(s) submit timely  
2 acknowledgment(s) to the board.

3 Failure to timely notify present or prospective employer(s) or to cause that/those  
4 employer(s) to submit timely acknowledgments to the board shall be considered a violation of  
5 probation.

6 "Employment" within the meaning of this provision shall include any full-time,  
7 part-time, temporary, relief or pharmacy management service as a pharmacist or any  
8 position for which a pharmacist license is a requirement or criterion for employment,  
9 whether the Respondent is an employee, independent contractor or volunteer.

10 **8. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC),**  
11 **Serving as Designated Representative-in-Charge, or Serving as a Consultant**

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

16 **9. Reimbursement of Board Costs**

17 As a condition precedent to successful completion of probation, Respondent shall pay to the  
18 board its costs of investigation and prosecution in the amount of \$4,157.50. Respondent shall  
19 make said payments pursuant to a payment plan established by the Board or its designee.

20 There shall be no deviation from this schedule absent prior written approval by the board or  
21 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of  
22 probation.

23 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility  
24 to reimburse the board its costs of investigation and prosecution.

25 **10. Probation Monitoring Costs**

26 Respondent shall pay any costs associated with probation monitoring as determined by the  
27 board each and every year of probation. Such costs shall be payable to the board on a schedule as  
28

1 directed by the board or its designee. Failure to pay such costs by the deadline(s) as directed shall  
2 be considered a violation of probation.

3 **11. Status of License**

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

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

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

12 Following the effective date of this decision, should Respondent cease practice due to  
13 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
14 Respondent may tender her license to the board for surrender. The board or its designee shall  
15 have the discretion whether to grant the request for surrender or take any other action it deems  
16 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent  
17 will no longer be subject to the terms and conditions of probation. This surrender constitutes a  
18 record of discipline and shall become a part of the Respondent's license history with the board.

19 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license  
20 to the board within ten (10) days of notification by the board that the surrender is accepted.  
21 Respondent may not reapply for any license from the board for three (3) years from the effective  
22 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
23 of the date the application for that license is submitted to the board, including any outstanding  
24 costs.

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

27 Respondent shall notify the board in writing within ten (10) days of any change of  
28 employment. Said notification shall include the reasons for leaving, the address of the new

1 employer, the name of the supervisor and owner, and the work schedule if known. Respondent  
2 shall further notify the board in writing within ten (10) days of a change in name, residence  
3 address, mailing address, or phone number.

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

#### 6 14. Tolling of Probation

7 Except during periods of suspension, Respondent shall, at all times while on probation, be  
8 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.  
9 Any month during which this minimum is not met shall toll the period of probation, i.e., the  
10 period of probation shall be extended by one month for each month during which this minimum is  
11 not met. During any such period of tolling of probation, Respondent must nonetheless comply  
12 with all terms and conditions of probation.

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

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

21 "Cessation of practice" means any calendar month during which Respondent is  
22 not practicing as a pharmacist for at least forty (40) hours, as defined by Business and  
23 Professions Code section 4000 et seq. "Resumption of practice" means any calendar  
24 month during which Respondent is practicing as a pharmacist for at least forty (40)  
25 hours as a pharmacist as defined by Business and Professions Code section 4000 et  
26 seq.

27 Respondent is required to practice as a pharmacist in a licensed pharmacy setting that  
28 dispenses medication for a minimum of one year prior to the completion of probation. After the

1 first year of probation, the board or its designee may consider a modification of this requirement.  
2 If Respondent fails to comply with this requirement or a subsequent modification thereto, such  
3 failure shall be considered a violation of probation.

4 **15. Violation of Probation**

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

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

17 **16. Completion of Probation**

18 Upon written notice by the board or its designee indicating successful completion of  
19 probation, Respondent's license will be fully restored.

20 **17. Pharmacists Recovery Program (PRP)**

21 Within thirty (30) days of the effective date of this decision, Respondent shall contact the  
22 Pharmacists Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll,  
23 successfully participate in, and complete the treatment contract and any subsequent addendums as  
24 recommended and provided by the PRP and as approved by the board or its designee. The costs  
25 for PRP participation shall be borne by the Respondent.

26 ///

27 ///

28 ///



1 If Respondent is currently enrolled in the PRP, said participation is now mandatory and as  
2 of the effective date of this decision is no longer considered a self-referral under Business and  
3 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete  
4 her current contract and any subsequent addendums with the PRP.

5 Failure to timely contact or enroll in the PRP, or successfully participate in and complete  
6 the treatment contract and/or any addendums, shall be considered a violation of probation.

7 Probation shall be automatically extended until Respondent successfully completes the  
8 PRP. Any person terminated from the PRP program shall be automatically suspended by the  
9 board. Respondent may not resume the practice of pharmacy until notified by the board in  
10 writing.

11 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a  
12 licensed practitioner as part of a documented medical treatment shall result in the automatic  
13 suspension of practice by Respondent and shall be considered a violation of probation.  
14 Respondent may not resume the practice of pharmacy until notified by the board in writing.

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

23 During suspension, Respondent shall not engage in any activity that requires the  
24 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
25 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
26 designated representative for any entity licensed by the board.

27 ///

28 ///

1 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
2 any licensed premises in which she holds an interest at the time this decision becomes effective  
3 unless otherwise specified in this order.

4 Failure to comply with this suspension shall be considered a violation of probation.

5 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not  
6 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid  
7 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

8 Respondent shall work in a pharmacy setting with access to controlled substances for six  
9 (6) consecutive months before successfully completing probation. If Respondent fails to do so,  
10 probation shall be automatically extended until this condition has been met. Failure to satisfy this  
11 condition within six (6) months beyond the original date of expiration of the term of probation  
12 shall be considered a violation of probation.

#### 13 18. Random Drug Screening

14 Respondent, at her own expense, shall participate in random testing, including but not  
15 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug  
16 screening program as directed by the board or its designee. Respondent may be required to  
17 participate in testing for the entire probation period and the frequency of testing will be  
18 determined by the board or its designee. At all times, Respondent shall fully cooperate with the  
19 board or its designee, and shall, when directed, submit to such tests and samples for the detection  
20 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its  
21 designee may direct. Failure to timely submit to testing as directed shall be considered a violation  
22 of probation. Upon request of the board or its designee, Respondent shall provide documentation  
23 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is  
24 a necessary part of the treatment of the Respondent. Failure to timely provide such  
25 documentation shall be considered a violation of probation. Any confirmed positive test for  
26 alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a documented

27 ///

28 ///

1 medical treatment shall be considered a violation of probation and shall result in the automatic  
2 suspension of practice of pharmacy by Respondent. Respondent may not resume the practice of  
3 pharmacy until notified by the board in writing.

4 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
5 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
6 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
7 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
8 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
9 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
10 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
11 and controlled substances. Respondent shall not resume practice until notified by the board.

12 During suspension, Respondent shall not engage in any activity that requires the  
13 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
14 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
15 designated representative for any entity licensed by the board.

16 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
17 any licensed premises in which she holds an interest at the time this decision becomes effective  
18 unless otherwise specified in this order.

19 Failure to comply with this suspension shall be considered a violation of probation.

20 **19. Abstain from Drugs and Alcohol Use**

21 Respondent shall completely abstain from the possession or use of alcohol, controlled  
22 substances, dangerous drugs and their associated paraphernalia except when the drugs are  
23 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon  
24 request of the board or its designee, Respondent shall provide documentation from the licensed  
25 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the  
26 treatment of the Respondent. Failure to timely provide such documentation shall be considered a  
27 violation of probation. Respondent shall ensure that she is not in the same physical location as  
28 individuals who are using illicit substances even if Respondent is not personally ingesting the

1 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia  
2 not supported by the documentation timely provided, and/or any physical proximity to persons  
3 using illicit substances, shall be considered a violation of probation.

4 **20. Prescription Coordination and Monitoring of Prescription Use**

5 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the  
6 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,  
7 physician assistant, or psychiatrist of Respondent's choice, who shall be aware of the  
8 Respondent's history with the use of controlled substances and/or dangerous drugs and who will  
9 coordinate and monitor any prescriptions for Respondent for dangerous drugs, controlled  
10 substances or mood-altering drugs. The approved practitioner shall be provided with a copy of  
11 the board's Accusation and decision. A record of this notification must be provided to the board  
12 upon request. Respondent shall sign a release authorizing the practitioner to communicate with  
13 the board about Respondent's treatment(s). The coordinating physician, nurse practitioner,  
14 physician assistant, or psychiatrist shall report to the board on a quarterly basis for the duration of  
15 probation regarding Respondent's compliance with this condition. If any substances considered  
16 addictive have been prescribed, the report shall identify a program for the time limited use of any  
17 such substances. The board may require that the single coordinating physician, nurse practitioner,  
18 physician assistant or psychiatrist be a specialist in addictive medicine, or consult a specialist in  
19 addictive medicine. Should Respondent, for any reason, cease supervision by the approved  
20 practitioner, Respondent shall notify the board immediately and, within thirty (30) days of  
21 ceasing treatment, submit the name of a replacement physician, nurse practitioner, physician  
22 assistant, or psychiatrist of Respondent's choice to the board or its designee for its prior approval.  
23 Failure to timely submit the selected practitioner or replacement practitioner to the board for  
24 approval, or to ensure the required reporting thereby on the quarterly reports, shall be considered  
25 a violation of probation.

26 If at any time an approved practitioner determines that Respondent is unable to practice  
27 safely or independently as a pharmacist, the practitioner shall notify the board immediately by  
28 telephone and follow up by written letter within three (3) working days. Upon notification from

1 the board or its designee of this determination, Respondent shall be automatically suspended and  
2 shall not resume practice until notified by the board that practice may be resumed.

3 During suspension, Respondent shall not enter any pharmacy area or any portion of the  
4 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of  
5 drugs which is licensed by the board, or any manufacturer, or where dangerous drugs and devices  
6 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act  
7 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient  
8 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the  
9 board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs  
10 and controlled substances. Respondent shall not resume practice until notified by the board.

11 During suspension, Respondent shall not engage in any activity that requires the  
12 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
13 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
14 designated representative for any entity licensed by the board.

15 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
16 any licensed premises in which she holds an interest at the time this decision becomes effective  
17 unless otherwise specified in this order.

18 Failure to comply with this suspension shall be considered a violation of probation.

19 **21. Supervised Practice**

20 During the period of probation, Respondent shall practice only under the supervision of a  
21 licensed pharmacist not on probation with the board. Upon and after the effective date of this  
22 decision, Respondent shall not practice pharmacy and her license shall be automatically  
23 suspended until a supervisor is approved by the board or its designee. The supervision shall be,  
24 as required by the board or its designee, either:

25 Continuous – At least 75% of a work week

26 Substantial - At least 50% of a work week

27 Partial - At least 25% of a work week

28 Daily Review - Supervisor's review of probationer's daily activities within 24 hours

1           Within thirty (30) days of the effective date of this decision, Respondent shall have her  
2 supervisor submit notification to the board in writing stating that the supervisor has read the  
3 decision in case number 4432 and is familiar with the required level of supervision as determined  
4 by the board or its designee. It shall be the Respondent's responsibility to ensure that her  
5 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the  
6 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
7 acknowledgements to the board shall be considered a violation of probation.

8           If Respondent changes employment, it shall be the Respondent's responsibility to ensure  
9 that her employer(s), pharmacist-in-charge and/or supervisor(s) submit timely  
10 acknowledgement(s) to the board. Respondent shall have her new supervisor, within fifteen (15)  
11 days after employment commences, submit notification to the board in writing stating the direct  
12 supervisor and pharmacist-in-charge have read the decision in case number 4432 and is familiar  
13 with the level of supervision as determined by the board. Respondent shall not practice pharmacy  
14 and her license shall be automatically suspended until the board or its designee approves a new  
15 supervisor. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely  
16 acknowledgements to the board shall be considered a violation of probation.

17           Within ten (10) days of leaving employment, Respondent shall notify the board in writing.

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

26       ///

27       ///

28       ///

1 During suspension, Respondent shall not engage in any activity that requires the  
2 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the  
3 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a  
4 designated representative for any entity licensed by the board.

5 Subject to the above restrictions, Respondent may continue to own or hold an interest in  
6 any licensed premises in which she holds an interest at the time this decision becomes effective  
7 unless otherwise specified in this order.

8 Failure to comply with this suspension shall be considered a violation of probation.

9 **22. No Additional Ownership of Licensed Premises**

10 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a  
11 manager, administrator, member, officer, director, trustee, associate, or partner of any additional  
12 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or  
13 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,  
14 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently  
15 or hereinafter licensed by the board, Respondent may continue to serve in such capacity or hold  
16 that interest, but only to the extent of that position or interest as of the effective date of this  
17 decision. Violation of this restriction shall be considered a violation of probation.

18 **23. Report of Controlled Substances**

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

26 **24. Consultant for Owner or 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. Respondent may be a pharmacist-in-

1 charge. However, if during the period of probation Respondent serves as a pharmacist-in-charge,  
2 Respondent shall retain an independent consultant at her own expense who shall be responsible  
3 for reviewing pharmacy operations on a monthly basis for compliance by Respondent with state  
4 and 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 she is not the sole owner. Failure to timely retain, seek approval of, or ensure timely  
10 reporting by the consultant shall be considered a violation of probation.

11 **25. Tolling of Suspension**

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

19 Respondent must notify the board in writing within ten (10) days of departure, and must  
20 further notify the board in writing within ten (10) days of return. The failure to provide such  
21 notification(s) shall constitute a violation of probation. Upon such departure and return,  
22 Respondent shall not resume the practice of pharmacy until notified by the board that the period  
23 of suspension has been satisfactorily completed.

24 ///

25 ///

26 ///

27 ///

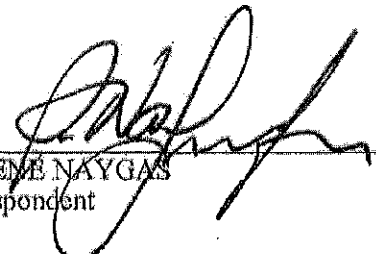
28 ///



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

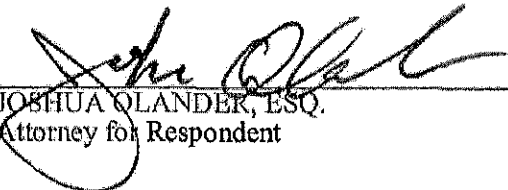
**ACCEPTANCE**

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Joshua Olander, Esq. 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: 1-9-14   
IRENE NAYGAS  
Respondent

**APPROVAL**

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

DATED: 1/9/14   
JOSHUA OLANDER, ESQ.  
Attorney for Respondent


ENDORSEMENT

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

Dated: 1-9-14

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
LINDA K. SCHNEIDER  
Supervising Deputy Attorney General

  
KAREN L. GORDON  
Deputy Attorney General  
*Attorneys for Complainant*

SD2012704261  
70808091.doc

**Exhibit A**

**Accusation No. 4432**

1 KAMALA D. HARRIS  
Attorney General of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 LINDA K. SCHNEIDER  
Supervising Deputy Attorney General  
4 State Bar No. 101336  
110 West "A" Street, Suite 1100  
5 San Diego, CA 92101  
P.O. Box 85266  
6 San Diego, CA 92186-5266  
Telephone: (619) 645-3037  
7 Facsimile: (619) 645-2061  
*Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 4432

13 **IRENE NAYGAS**  
1342 N. Fuller Avenue #104  
14 Los Angeles, CA 90046

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

15 **Pharmacist License No. RPH 58720**

16 Respondent.

17  
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about September 8, 2006, the Board of Pharmacy issued Pharmacist  
23 License Number RPH 58720 to Irene Naygas (Respondent). The Pharmacist License was in full  
24 force and effect at all times relevant to the charges brought herein and will expire on December  
25 31, 2013, unless renewed.

26 ///

27 ///

28 ///



1 is substantially related to the qualifications, functions, and duties of the licensee in  
2 question.

3 As used in this section, 'license' includes 'certificate,' 'permit,'  
4 'authority,' and 'registration.'

5 9. Section 4022 of the Code states

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

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

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

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

16 10. Section 4301 of the Code states:

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

21 . . . .

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

28 . . . .

(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.

. . . .

(l) The conviction of a crime substantially related to the qualifications,  
functions, and duties of a licensee under this chapter. The record of conviction of  
a violation of Chapter 13 (commencing with section 801) of Title 21 of the United  
States Code regulating controlled substances or of a violation of the statutes of  
this state regulating controlled substances or dangerous drugs shall be conclusive  
evidence of unprofessional conduct. In all other cases, the record of conviction  
shall be conclusive evidence only of the fact that the conviction occurred. The  
board may inquire into the circumstances surrounding the commission of the  
crime, in order to fix the degree of discipline or, in the case of a conviction not  
involving controlled substances or dangerous drugs, to determine if the conviction  
is of an offense substantially related to the qualifications, functions, and duties of  
a licensee under this chapter. A plea or verdict of guilty or a conviction following  
a plea of *nolo contendere* is deemed to be a conviction within the meaning of this

1 provision. The board may take action when the time for appeal has elapsed, or the  
2 judgment of conviction has been affirmed on appeal or when an order granting  
3 probation is made suspending the imposition of sentence, irrespective of a  
4 subsequent order under section 1203.4 of the Penal Code allowing the person to  
5 withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside  
6 the verdict of guilty, or dismissing the accusation, information, or indictment.

7 . . . .

## 8 **REGULATORY PROVISIONS**

9 11. California Code of Regulations, title 16, section 1769, states:

10 . . . .

11 (b) When considering the suspension or revocation of a facility or a  
12 personal license on the ground that the licensee or the registrant has been  
13 convicted of a crime, the board, in evaluating the rehabilitation of such person and  
14 his present eligibility for a license will consider the following criteria:

15 (1) Nature and severity of the act(s) or offense(s).

16 (2) Total criminal record.

17 (3) The time that has elapsed since commission of the act(s) or  
18 offense(s).

19 (4) Whether the licensee has complied with all terms of parole,  
20 probation, restitution or any other sanctions lawfully imposed against the licensee.

21 (5) Evidence, if any, of rehabilitation submitted by the licensee.

22 12. California Code of Regulations, title 16, section 1770, states:

23 For the purpose of denial, suspension, or revocation of a personal or  
24 facility license pursuant to Division 1.5 (commencing with Section 475) of the  
25 Business and Professions Code, a crime or act shall be considered substantially  
26 related to the qualifications, functions or duties of a licensee or registrant if to a  
27 substantial degree it evidences present or potential unfitness of a licensee or  
28 registrant to perform the functions authorized by his license or registration in a  
manner consistent with the public health, safety, or welfare.

## **COST RECOVERY**

13. Section 125.3 of the Code 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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**DRUGS AT ISSUE**

14. Alprazolam, is a depressant in the benzodiazepine family and is a Schedule IV controlled substance as designated by Health and Safety Code, section 11057, subdivision (d)(1). It is used to treat anxiety disorders, panic disorders, and anxiety.

15. Diazepam, is a depressant in the benzodiazepine family and is a Schedule IV controlled substance as designated by Health and Safety Code, section 11057, subdivision (d)(1). It is used to treat anxiety disorders, panic disorders, and anxiety.

16. Nordiazepam, is an active metabolite of Diazepam, a depressant in the benzodiazepine family and is a Schedule IV controlled substance as designated by Health and Safety Code, section 11057, subdivision (d)(1). It is used to treat anxiety disorders, panic disorders, and anxiety.

17. Temazepam, is a depressant in the benzodiazepine family and is a Schedule IV controlled substance as designated by Health and Safety Code, section 11057, subdivision (d)(1). It is used to treat anxiety disorders, panic disorders, and anxiety.

**FIRST CAUSE FOR DISCIPLINE**

**(September 27, 2012 Criminal Conviction for DUI on January 15, 2012)**

18. Respondent subjected her license to discipline under Code sections 490 and 4301, subdivision (l) in that she was convicted of a crime that is substantially related to the qualifications, functions, and duties of a Licensed Pharmacist. The circumstances are as follows:

a. On or about September 27, 2012, in a criminal proceeding entitled *The People of the State of California vs. Irene Naygas*, in Riverside County Superior Court Banning Courthouse, Case Number BAM1200814, Respondent was convicted on her plea of guilty to violating Vehicle Code (VC) 23152 subdivision (a), driving under the influence of alcohol and a drug and under their combined influence (DUI), a misdemeanor. Respondent was also charged with violating HSC section 11500, subdivision (a), unlawful use and being under the influence of a controlled substance, not having been administered by and under the direction of a person licensed by the State of California to prescribe and administer controlled substances, a misdemeanor, which was dismissed as a result of a plea bargain.





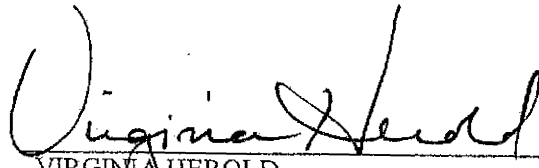
1 (a), unlawful use and being under the influence of a controlled substance, not having been  
2 administered by and under the direction of a person licensed by the State of California to  
3 prescribe and administer controlled substances, a statute of the State of California regulating  
4 controlled substances and dangerous drugs.

5 **PRAYER**

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

- 8 1. Revoking or suspending Pharmacist License Number RPH 58720, issued to Irene  
9 Naygas;
- 10 2. Ordering Irene Naygas to pay the Board of Pharmacy the reasonable costs of the  
11 investigation and enforcement of this case, pursuant to Business and Professions Code section  
12 125.3;
- 13 3. Taking such other and further action as deemed necessary and proper.

14  
15  
16 DATED: 2/27/13



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

17  
18  
19  
20 SD2012704261  
21 70634362.doc  
22  
23  
24  
25  
26  
27  
28