

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

In the Matter of the Accusation Against:

**NATHAN HUNT LLC, dba JONATHAN'S
PHARMACY, JONATHAN HUNT BUDGE
19341 Bear Valley Rd. Ste. 103
Apple Valley, CA 92308**

Permit No. PHY 50941

and

**JONATHAN HUNT BUDGE
19341 Bear Valley Rd. Ste 103
Apple Valley, CA 92308**

Pharmacist License No. RPH 54616

Respondents.

Case No. 5524

OAH No. 5017080331

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on June 7, 2018.

It is so ORDERED on May 8, 2018.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

1 XAVIER BECERRA
Attorney General of California
2 THOMAS L. RINALDI
Supervising Deputy Attorney General
3 HEATHER VO
Deputy Attorney General
4 State Bar No. 223418
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 269-6317
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 Against:

Case No. 5524

12 **NATHAN HUNT LLC, dba JONATHAN'S**
13 **PHARMACY, JONATHAN HUNT BUDGE**
14 **19341 Bear Valley Rd. Ste. 103**
Apple Valley, CA 92308

OAH No. 2017080331

STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

15 **Permit No. PHY 50941**

16 **and**

17 **JONATHAN HUNT BUDGE**
18 **19341 Bear Valley Rd. Ste. 103**
Apple Valley, CA 92308

19 **Pharmacist License No. RPH 54616**

20 **Respondent.**

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

24 **PARTIES**

25 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
26 (Board). She brought this action solely in her official capacity and is represented in this matter by
27 Xavier Becerra, Attorney General of the State of California, by Heather Vo, Deputy Attorney
28 General,

2. Respondent Nathan Hunt LLC, dba Jonathan's Pharmacy, and Jonathan Hunt Budge (Respondent) is represented in this proceeding by attorney Elizabeth M. Brady, Esq., whose address is: 8880 Rio San Diego Drive Suite 800, San Diego, California 92108-1642.

3. On or about September 4, 2012, the Board of Pharmacy issued Permit Number PHY 50941 to Nathan Hunt LLC, dba Jonathan's Pharmacy. The Permit was in full force and effect at all times relevant to the charges brought herein and expires on September 1, 2018, unless renewed.

4. On or about August 20, 2003, the Board of Pharmacy issued Pharmacist License Number RPH 54616 to Jonathan Hunt Budge. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2019, unless renewed.

JURISDICTION

5. Accusation No. 5524 was filed before the Board, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 14, 2016. Respondent timely filed his Notice of Defense contesting the Accusation.

6. A copy of Accusation No. 5524 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

7. Respondent has carefully read, fully discussed with counsel, and understands the charges and allegations in Accusation No. 5524. Respondent has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order.

8. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of

1 documents; the right to reconsideration and court review of an adverse decision; and all other
2 rights accorded by the California Administrative Procedure Act and other applicable laws.

3 9. Respondent voluntarily, knowingly, and intelligently waives and gives up each and
4 every right set forth above.

5 CULPABILITY

6 10. Respondent admits the truth of each and every charge and allegation in Accusation
7 No. 5524.

8 11. Respondent agrees that his Original Permit Number PHY 50941 and his Pharmacist
9 License No. RPH 54616 are subject to discipline and he agrees to be bound by the Board's
10 probationary terms as set forth in the Disciplinary Order below.

11 CONTINGENCY

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

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

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

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

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

6 **DISCIPLINARY ORDER AS TO NATHAN HUNT LLC, dba**

7 **JONATHAN'S PHARMACY**

8 **PERMIT NO. PHY 50941**

9 IT IS HEREBY ORDERED that Permit No. PHY 50941 issued to Respondent Nathan Hunt
10 LLC, dba Jonathan's Pharmacy is revoked. However, the revocation is stayed and Respondent is
11 placed on probation for five (5) years on the following terms and conditions.

12 1. **Obey All Laws**

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

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

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

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

27 2. **Report to the Board**

28 Respondent owner shall report to the board quarterly, on a schedule as directed by the board

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

8 **3. Interview with the Board**

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

14 **4. Cooperate with Board Staff**

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

18 **5. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the
20 board its costs of investigation and prosecution in the amount of \$14,498.00. Respondent Nathan
21 Hunt LLC, dba Jonathan's Pharmacy is jointly and severally responsible with Jonathan Hunt
22 Budge for payment in full of this total amount. Respondent shall make said payments in accord
23 with a payment plan approved by the board or its designee.

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

27 The filing of bankruptcy by Respondent shall not relieve Respondent of his responsibility to
28 reimburse the board its costs of investigation and prosecution.

1 **6. Probation Monitoring Costs**

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

6 **7. Status of License**

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

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

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

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

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

27 Respondent owner shall also, by the effective date of this decision, arrange for the
28 continuation of care for ongoing patients of the pharmacy by, at minimum, providing a written

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

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

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

14 **9. Notice to Employees**

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

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

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

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

8 **11. Posted Notice of Probation**

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

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

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

17 **12. Violation of Probation**

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

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

1 automatically extended until the petition to revoke probation or accusation is heard and decided.

2 **13. Completion of Probation**

3 Upon written notice by the board or its designee indicating successful completion of
4 probation, Respondent license will be fully restored.

5 **14. Community Services Program**

6 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
7 board or its designee, for prior approval, a community service program for the benefit of the
8 community where Johnathan's Pharmacy is located – in which Respondent shall provide to a
9 community or charitable group(s), facility or agency – free health-care related services and/or
10 programs providing consumer education awareness, including but not limited to drug abuse or
11 dispensing Naloxone, an opioid overdose medication, at no charge to the public. Said community
12 service program(s) shall have an approximate value of \$50,000 (fifty thousand dollars), and shall
13 be completed prior to completion of probation.

14 Within thirty (30) days of board approval thereof, Respondent shall submit documentation
15 to the board demonstrating commencement of the community service program. A record of this
16 notification must be provided to the board upon request. Respondent shall report on progress
17 with the community service program in the quarterly reports. Failure to timely submit,
18 commence, or comply with the program shall be considered a violation of probation.

19 **15. Independent Consultant**

20 During the period of probation, Respondent owner shall retain an independent consultant at
21 its own expense, who shall be responsible for reviewing pharmacy operations on a monthly basis
22 for compliance by Respondent owner with state and federal laws and regulations and for
23 compliance by Respondent owner with the obligations of a pharmacist-in-charge. A physical
24 inspection shall be completed by the consultant on a monthly basis. The consultant shall be a
25 pharmacist licensed by and not on probation with any board of pharmacy and whose name shall
26 be submitted to the Board or its designee for prior approval within (30) days of the effective date
27 of this decision. Respondent may submit the names and obtain approval of two consultants. Any
28 consultant who is not licensed in California may not participate in or supervise any activity

1 constituting the practice of pharmacy in California, and shall, within 30 days of the effective date
2 of this decision, sign and return to the Board an acknowledgement stating that the consultant has
3 reviewed and is familiar with all California statutes and regulations governing practices being
4 overseen by the consultant, including compounding practices. During the period of probation, the
5 Board or its designee retains the discretion to reduce the frequency of the pharmacist consultant's
6 review of Respondent's operations. Failure to timely retain, seek approval of, or ensure timely
7 reporting by the consultant shall be considered a violation of probation.

8
9 **DISCIPLINARY ORDER AS TO JONATHAN HUNT BUDGE**

10 **PHARMACIST LICENSE NO. RPH 54616**

11 IT IS HEREBY ORDERED that Pharmacist License No. RPH 54616 issued to Respondent
12 Jonathan Hunt Budge is revoked. However, the revocation is stayed and Respondent is placed on
13 probation for five (5) years on the following terms and conditions.

14 1. **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 **2. 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 **3. 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 **4. 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 his
19 probation. Failure to cooperate shall be considered a violation of probation.

20 **5. 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 **6. Notice to Employers**

24 During the period of probation, respondent shall notify all present and prospective
25 employers of the decision in case number 5524 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 his 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 5524, and terms and conditions imposed
4 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
5 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 his 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 5524 in advance
9 of the respondent commencing work at each licensed entity. A record of this notification must be
10 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 his direct supervisor with the pharmacy employment
14 service to report to the board in writing acknowledging that he has read the decision in case
15 number 5524 and the terms and conditions imposed thereby. It shall be Respondent's
16 responsibility to ensure that his 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 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
26 **Designated Representative-in-Charge, or Serving as a Consultant**

27 During the period of probation, Respondent can remain as Pharmacist-in-Charge of
28 Jonathan's Pharmacy only, Permit No. PHY 50941. Respondent shall not supervise any intern

1 pharmacist, be the pharmacist-in-charge or designated representative-in-charge of any entity
2 licensed by the board nor serve as a consultant unless otherwise specified in this order.
3 Assumption of any such unauthorized supervision responsibilities shall be considered a violation
4 of probation.

5 **8. Reimbursement of Board Costs**

6 As a condition precedent to successful completion of probation, Respondent shall pay to the
7 board its costs of investigation and prosecution in the amount of \$14,498.00. Respondent
8 Jonathan Hunt Budge is jointly and severally responsible with Nathan Hunt LLC, dba Jonathan's
9 Pharmacy for payment in full of this total amount. Respondent shall make said payments in
10 accord with a payment plan approved by the board or its designee.

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

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

16 **9. Probation Monitoring Costs**

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

21 **10. Status of License**

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

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

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

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

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

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

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

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

24 **13. Tolling of Probation**

25 Except during periods of suspension, Respondent shall, at all times while on probation, be
26 employed as a pharmacist in California for a minimum of forty (40) hours per calendar month.
27 Any month during which this minimum is not met shall toll the period of probation, i.e., the
28 period of probation shall be extended by one month for each month during which this minimum is

1 not met. During any such period of tolling of probation, respondent must nonetheless comply
2 with all terms and conditions of probation.

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

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

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

17 **14. Violation of Probation**

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

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

1 board shall have continuing jurisdiction and the period of probation shall be automatically
2 extended until the petition to revoke probation or accusation is heard and decided.

3 **15. Completion of Probation**

4 Upon written notice by the board or its designee indicating successful completion of
5 probation, respondent's license will be fully restored.

6 **16. Remedial Education**

7 Within thirty (30) days of the effective date of this decision, Respondent shall submit to the
8 board or its designee, for prior approval, an appropriate program of remedial education in
9 pharmacy law, drug abuse, corresponding responsibility, or underlying charges in Accusation
10 case number 5524. Within six (6) months of the effective date of this decision, at Respondent's
11 expense, Respondent must complete the continuing education course offered jointly by the Board
12 and the United States Drug Enforcement Agency (DEA). Thereafter, in subsequent years,
13 Respondent shall complete a total of six (6) hours per year of remedial education in
14 corresponding responsibility and pharmacy law. Fifty percent (50%) of the remedial education
15 must be in-person education. All remedial education shall be in addition to, and shall not be
16 credited toward, continuing education (CE) courses used for license renewal purposes.

17 Failure to timely submit or complete the approved remedial education shall be considered a
18 violation of probation. The period of probation will be automatically extended until such
19 remedial education is successfully completed and written proof, in a form acceptable to the board,
20 is provided to the board or its designee.

21 Following the completion of each course, the board or its designee may require the
22 Respondent, at his own expense, to take an approved examination to test the Respondent's
23 knowledge of the course. If the Respondent does not achieve a passing score on the examination,
24 this failure shall be considered a violation of probation. Any such examination failure shall
25 require Respondent to take another course approved by the board in the same subject area.

26 **17. No New Ownership of Licensed Premises**

27 Respondent shall not acquire any new ownership, legal or beneficial interest nor serve as a
28 manager, administrator, member, officer, director, trustee, associate, or partner of any additional

1 business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or
2 has any legal or beneficial interest in, or serves as a manager, administrator, member, officer,
3 director, trustee, associate, or partner of any business, firm, partnership, or corporation currently
4 or hereinafter licensed by the board, Respondent may continue to serve in such capacity or hold
5 that interest, but only to the extent of that position or interest as of the effective date of this
6 decision. Violation of this restriction shall be considered a violation of probation.

7 **18. Ethics Course**

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

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

14 **ACCEPTANCE**

15 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
16 discussed it with my attorney, Elizabeth M. Brady, Esq. I understand the stipulation and the
17 effect it will have on my Original Permit No. PHY 50941 and Pharmacist License No. RPH
18 54616. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and
19 intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

20
21 DATED: _____

Signature page attached

NATHAN HUNT, LLC dba JONATHAN'S
PHARMACY
Permit No. PHY 50941
Respondent

22
23
24
25
26 DATED: _____

JONATHAN HUNT BUDGE
Pharmacist License No. RPH 54616
Respondent

1 I have read and fully discussed with Respondent Nathan Hunt LLC, dba Jonathan's
2 Pharmacy and Jonathan Hunt Budge the terms and conditions and other matters contained in the
3 above Stipulated Settlement and Disciplinary Order. I approve its form and content.

4
5
6 DATED: _____

signature page attached

ELIZABETH M. BRADY, Esq.
Attorney for Respondent

8
9 ENDORSEMENT

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

12 Dated:

Respectfully submitted,

13
14 XAVIER BECERRA
Attorney General of California
15 THOMAS L. RINALDI
Supervising Deputy Attorney General

16
17 HEATHER VO
18 Deputy Attorney General
Attorneys for Complainant

19
20
21 LA2015501371
22 52786747_2.doc

business, firm, partnership, or corporation licensed by the board. If Respondent currently owns or has any legal or beneficial interest in, or serves as a manager, administrator, member, officer, director, trustee, associate, or partner of any business, firm, partnership, or corporation currently or hereinafter licensed by the board, Respondent may continue to serve in such capacity or hold that interest, but only to the extent of that position or interest as of the effective date of this decision. Violation of this restriction shall be considered a violation of probation.

18. **Ethics Course**

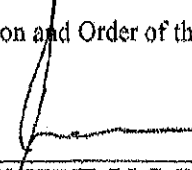
Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the board or its designee. Failure to initiate the course during the first year of probation, and complete it within the second year of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

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

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Elizabeth M. Brady, Esq. I understand the stipulation and the effect it will have on my Original Permit No. PHY 50941 and Pharmacist License No. RPH 54616. 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: 2/07/2018



NATHAN HUNT, LLC dba JONATHAN'S
PHARMACY
Permit No. PHY 50941
Respondent

DATED: 2/07/2018


JONATHAN HUNT BUDGE
Pharmacist License No. RPH 54616
Respondent

1 I have read and fully discussed with Respondent Nathan Hunt LLC, dba Jonathan's
2 Pharmacy and Jonathan Hunt Budge the terms and conditions and other matters contained in the
3 above Stipulated Settlement and Disciplinary Order. I approve its form and content.
4

5
6 DATED: Feb. 7, 2018



7 **ELIZABETH M. BRADY, Esq.**
8 *Attorney for Respondent*

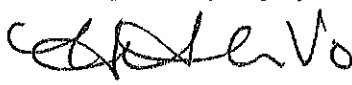
9 **ENDORSEMENT**

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

12
13 Dated: *February 9, 2018*

Respectfully submitted,

14 XAVIER BECERRA
15 Attorney General of California
16 THOMAS L. RINALDI
17 Supervising Deputy Attorney General


18 HEATHER VO
19 Deputy Attorney General
20 *Attorneys for Complainant*

21 LA2015501371
22 52786747_2.doc
23
24
25
26
27
28

Exhibit A

Accusation No. 5524

1 KAMALA D. HARRIS
Attorney General of California
2 MARC D. GREENBAUM
Supervising Deputy Attorney General
3 LESLIE A. WALDEN
Deputy Attorney General
4 State Bar No. 196882
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-3465
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 Against:

Case No. 5524

11 **NATHAN HUNT LLC DBA JONATHAN'S**
12 **PHARMACY, JONATHAN HUNT BUDGE**
13 **19341 Bear Valley Rd. Ste. 103**
Apple Valley, CA 92308

A C C U S A T I O N

14 **Permit No. PHY 50941,**

15 **and**

16 **JONATHAN HUNT BUDGE**
17 **19341 Bear Valley Rd. Ste. 103**
Apple Valley, CA 92308

18 **Pharmacist License No. RPH 54616**

19 Respondent.
20

21 Complainant alleges:

22 **PARTIES**

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

25 2. On or about September 4, 2012, the Board of Pharmacy issued Permit Number PHY
26 50941 to Nathan Hunt LLC dba Jonathan's Pharmacy, Jonathan Hunt Budge. The Permit was in
27 full force and effect at all times relevant to the charges brought herein and will expires on
28 September 1, 2016, unless renewed.

3. On or about August 20, 2003, the Board of Pharmacy issued Pharmacist License Number RPH 54616 to Jonathan Hunt Budge. The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and will expire on February 28, 2017, unless renewed.

JURISDICTION

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

5. Section 4300 of the Code states:

"(a) Every license issued may be suspended or revoked.

"(b) The board shall discipline the holder of any license issued by the board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:

"(1) Suspending judgment.

"(2) Placing him or her upon probation.

"(3) Suspending his or her right to practice for a period not exceeding one year.

"(4) Revoking his or her license.

"(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper.

"(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The board may, in its sole discretion, issue a probationary license to any applicant for a license who is guilty of unprofessional conduct and who has met all other requirements for licensure. The board may issue the license subject to any terms or conditions not contrary to public policy, including, but not limited to, the following:

"(1) Medical or psychiatric evaluation.

"(2) Continuing medical or psychiatric treatment.

"(3) Restriction of type or circumstances of practice.

"(4) Continuing participation in a board-approved rehabilitation program.

1 "(5) Abstention from the use of alcohol or drugs.

2 "(6) Random fluid testing for alcohol or drugs.

3 "(7) Compliance with laws and regulations governing the practice of pharmacy.

4 "(d) The board may initiate disciplinary proceedings to revoke or suspend any probationary
5 certificate of licensure for any violation of the terms and conditions of probation. Upon
6 satisfactory completion of probation, the board shall convert the probationary certificate to a
7 regular certificate, free of conditions.

8 "(e) The proceedings under this article shall be conducted in accordance with Chapter 5
9 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board
10 shall have all the powers granted therein. The action shall be final, except that the propriety of the
11 action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil
12 Procedure."

13 6. Section 4301 of the Code states:

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

17 "...

18 "(d) The clearly excessive furnishing of controlled substances in violation of subdivision (a)
19 of Section 11153 of the Health and Safety Code.

20 "...."

21 7. Section 4040 of the Code states:

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

24 (1) Given individually for the person or persons for whom ordered that includes all of the
25 following:

26 (A) The name or names and address of the patient or patients.

27 (B) The name and quantity of the drug or device prescribed and the directions for use.

28 (C) The date of issue.

(D) Either rubber stamped, typed, or printed by hand or typeset, the name, address, and telephone number of the prescriber, his or her license classification, and his or her federal registry number, if a controlled substance is prescribed.

(E) A legible, clear notice of the condition or purpose for which the drug is being prescribed, if requested by the patient or patients.

(F) If in writing, signed by the prescriber issuing the order, or the certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor who issues a drug order pursuant to Section 2746.51, 2836.1, 3502.1, or 3640.5, respectively, or the pharmacist who issues a drug order pursuant to either Section 4052.1 or 4052.2.

(2) Issued by a physician, dentist, optometrist, podiatrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7 or, if a drug order is issued pursuant to Section 2746.51, 2836.1, 3502.1, or 3460.5, by a certified nurse-midwife, nurse practitioner, physician assistant, or naturopathic doctor licensed in this state, or pursuant to either Section 4052.1 or 4052.2 by a pharmacist licensed in this state.

(b) Notwithstanding subdivision (a), a written order of the prescriber for a dangerous drug, except for any Schedule II controlled substance, that contains at least the name and signature of the prescriber, the name and address of the patient in a manner consistent with paragraph (2) of subdivision (a) of Section 11164 of the Health and Safety Code, the name and quantity of the drug prescribed, directions for use, and the date of issue may be treated as a prescription by the dispensing pharmacist as long as any additional information required by subdivision (a) is readily retrievable in the pharmacy. In the event of a conflict between this subdivision and Section 11164 of the Health and Safety Code, Section 11164 of the Health and Safety Code shall prevail.

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

1 (d) The use of commonly used abbreviations shall not invalidate an otherwise valid
2 prescription.

3 (e) Nothing in the amendments made to this section (formerly Section 4036) at the 1969
4 Regular Session of the Legislature shall be construed as expanding or limiting the right that a
5 chiropractor, while acting within the scope of his or her license, may have to prescribe a device.

6 8. Section 4307 of the Code states:

7 "Individuals with Denied, Revoked, Suspended, etc. Licenses Prohibited From Pharmacy
8 Ownership or Association with Board Licensed Entities"

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

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

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

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

25 "(c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
26 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
27 However, no order may be issued in that case except as to a person who is named in the caption,
28 as to whom the pleading alleges the applicability of this section, and where the person has been

1 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
2 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
3 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
4 of law."

5 9. Section 11153 subdivision (a) of the Health and Safety Code states:

6 "(a) A prescription for a controlled substance shall only be issued for a legitimate medical
7 purpose by an individual practitioner acting in the usual course of his or her professional practice.
8 The responsibility for the proper prescribing and dispensing of controlled substances is upon the
9 prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the
10 prescription. Except as authorized by this division, the following are not legal prescriptions: (1)
11 an order purporting to be a prescription which is issued not in the usual course of professional
12 treatment or in legitimate and authorized research; or (2) an order for an addict or habitual user of
13 controlled substances, which is issued not in the course of professional treatment or as part of an
14 authorized narcotic treatment program, for the purpose of providing the user with controlled
15 substances, sufficient to keep him or her comfortable by maintaining customary use

16 "..."

17 REGULATIONS

18 10. Section 1761 of title 8 of the California Code of Regulations states:

19 "(a) No pharmacist shall compound or dispense any prescription which contains any
20 significant error, omission, irregularity, uncertainty, ambiguity or alteration. Upon receipt of any
21 such prescription, the pharmacist shall contact the prescriber to obtain the information needed to
22 validate the prescription.

23 "(b) Even after conferring with the prescriber, a pharmacist shall not compound or dispense
24 a controlled substance prescription where the pharmacist knows or has objective reason to know
25 that said prescription was not issued for a legitimate medical purpose."

26 11. Section 1716 of title 2 of the California Code of Regulations states:
27
28

1 "Pharmacists shall not deviate from the requirements of a prescription except upon the prior
2 consent of the prescriber or to select the drug product in accordance with Section 4073 of the
3 Business and Professions Code."

4 "Nothing in this regulation is intended to prohibit a pharmacist from exercising commonly-
5 accepted pharmaceutical practice in the compounding or dispensing of a prescription."

6 12. Section 1304.11 subdivision (b) of the of title 21 of the Code of Federal Regulations
7 states:

8 "..."

9 "(b) Initial inventory date. Every person required to keep records shall take an inventory of
10 all stocks of controlled substances on hand on the date he/she first engages in the manufacture,
11 distribution, or dispensing of controlled substances, in accordance with paragraph (e) of this
12 section as applicable. In the event a person commences business with no controlled substances on
13 hand, he/she shall record this fact as the initial inventory.

14 "(c) Biennial inventory date. After the initial inventory is taken, the registrant shall take a
15 new inventory of all stocks of controlled substances on hand at least every two years. The biennial
16 inventory may be taken on any date which is within two years of the previous biennial inventory
17 date.

18 "...."

19 COSTS

20 13. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
24 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
25 included in a stipulated settlement.

26
27 ////

28 ////

1 **CONTROLLED SUBSTANCES**

2 14. Roxicodone is the brand name for Oxycodone 30 mg, it is a dangerous drug pursuant
3 to Business and Professions Code section 4022 and it a Schedule II controlled substance pursuant
4 to Health and Safety Code section 11055 subdivision (b)(1)M. It is typically used to treat pain.

5 15. Soma is the brand name for Carisoprodol 350 mg, it is a dangerous drug pursuant to
6 Business and Professions Code section 4022 and it a Schedule IV controlled substance. It is
7 typically used as a muscle relaxant.

8 16. Xanax is the brand name for Alprazolam 2 mg, it is a dangerous drug pursuant to
9 Business and Professions Code section 4022 and it a Schedule IV controlled substance pursuant
10 to Health and Safety Code section 11057 subdivision (d)(1). It is typically used to treat anxiety.

11 17. Phenergan with Codeine is the brand name for Promethazine with Codeine, it is a
12 dangerous drug pursuant to Business and Professions Code section 4022 and it a Schedule IV
13 controlled substance pursuant to Health and Safety Code section 11058 subdivision (c)(1). It is a
14 narcotic cough suppressant.

15 **FIRST CAUSE FOR DISCIPLINE**

16 (Corresponding Responsibility)

17 18. Respondents Nathan Hunt LLC, dba Jonathan's Pharmacy and Jonathan Hunt Budge
18 are subject to disciplinary action under section 4301 of the Code in conjunction with Health and
19 Safety Code section 11153 and title 8 of the California Code of Regulations section 1761 in that
20 Respondents excessively furnished controlled substances without exercising their corresponding
21 responsibility to demonstrate the legitimacy of its prescriptions and without verifying said
22 prescriptions for significant errors, omissions, irregularities, uncertainties, ambiguities or
23 alterations. The circumstances are as follows:

24 19. From on or about January 1, 2013 through July 14, 2014, Respondents failed to
25 assume their corresponding responsibility when they dispensed numerous prescriptions of
26 controlled substances despite multiple cues of irregularity and uncertainty related to patient and
27 prescriber factors. Such factors included the distance from the prescribing physician to each
28 patient's home, distance from the pharmacy to each patient's home, percentage of cash patients

1 specific to the prescribing physician, the pattern of patients willing to pay cash for highly
2 expensive prescriptions, early refills, and the same or similar prescribing patterns for individual
3 patients from the same prescribing physician. Respondents further failed to assume its
4 corresponding responsibility when it failed to appropriately scrutinize patients' drug therapy with
5 readily available tools such as the Controlled Substance Utilization Review and Evaluation
6 System (CURES) reports and its own pharmacy records.

7 20. From on or about January 1, 2013 through July 14, 2014, narcotic pain drugs and anti
8 anxiety drugs including Roxicodone, Soma, Xanax and Phenergan with Codeine were
9 continuously prescribed in large quantities as follows:

- 10 a. Respondents dispensed 4,557 prescriptions of controlled substances.
- 11 b. Of the 4,557 prescriptions, a disproportionate amount of 32.78% were paid for
12 in cash.
- 13 c. Of the 4,557 prescriptions, 166 were for oxycodone and of the 166
14 prescriptions for oxycodone, 93.37% were paid for in cash.
- 15 d. Of the 4,557 prescriptions, 442 prescriptions were dispensed for Dr. S.¹, when
16 none of the surrounding pharmacies dispensed for Dr. S.

17 21. A sample of 23 patients purchasing controlled substances from the Respondents from
18 on or about January 1, 2013 through July 14, 2014 shows the following:

- 19 a. The average distance traveled by these patients to purchase drugs from the
20 Respondents was 60.52 miles.
- 21 b. Of the 23 patients, seven (7) had the same home address and no addresses could
22 be located for six (6) of the patients.
- 23 c. Of the 23 patients, none lived in Apple Valley where the Respondent Pharmacy
24 was located.
- 25 d. All 23 of the patients paid cash for the controlled substances.
- 26 e. Of the 23 patients, 16 had the same or similar diagnosis.

27 ¹ The prescribing physician's initials are used in order to protect the privacy rights of that
28 individual.

1 f. Respondents failed to keep notes or files on any of the patients' pain
2 management drug therapy.

3 g. All 23 patients were using Dr. S. as one of their prescribing physicians to obtain
4 the controlled substances.

5 h. CURES reports were not requested by Respondents to determine the
6 appropriateness of the controlled substance prescriptions to these 23 patients.

7 **SECOND CAUSE FOR DISCIPLINE**

8 (Erroneous or Uncertain Prescriptions)

9 22. Respondents Nathan Hunt LLC, dba Jonathan's Pharmacy and Jonathan Hunt Budge
10 are subject to disciplinary action under title 8 of the California Code of Regulations section 1761
11 as it relates to section 4040 of the Code in that no pharmacists shall compound or dispense any
12 prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or
13 alterations. The circumstances are as follows:

14 23. Between November 19, 2012 and January 2, 2014, Respondents dispensed the
15 following prescriptions with errors:

16 a. 1/2/2014- RX# 2001092, 4003318, and 4003319- Date was not written in
17 prescriber's handwriting.

18 b. 10/2/2013- RX# 4002794, 4002795, 2000966- Date was not written in
19 prescriber's handwriting.

20 c. 11/19/2012- RX# 4000025 and 2000004- Date was not written in prescriber's
21 handwriting.

22 d. 5/1/2013- RX# 2000558 and 4001524- There was no date on the prescription

23 e. 10/2/2013- RX# 4002797, 4002796 and 2000967- Date was not written in
24 prescriber's handwriting.

25 f. 12/30/2013- RX# 2001088, 4003303 and 4003302- Date was not written in
26 prescriber's handwriting.

27 g. 10/1/2013- RX# 2400278 and 4002787- Date was not written in prescriber's
28 handwriting.

1 **THIRD CAUSE FOR DISCIPLINE**

2 (Validation from Prescription)

3 24. Respondents Nathan Hunt LLC, dba Jonathan's Pharmacy and Jonathan Hunt Budge
4 are subject to disciplinary action under title 16 of the California Code of Regulations section 1716
5 in that Respondents deviated from the requirements of a prescription without prior consent of the
6 prescriber. The circumstances are as follows:

7 25. On or about June 26, 2013, Respondent's dispensed RX# 4002081 with incorrect
8 directions. Specifically, prescription # 4002081 stated "alprazolam 2mg, 1 tablet twice daily".
9 Instead, Respondents dispensed "alprazolam 2mg 2 tablets twice daily".

10 26. On or about November 26, 2013, Respondent's dispensed RX# 2001041 with
11 incorrect directions. Prescription # 2001041 stated, "oxycodone 30mg, 2 tablets three times
12 daily." Instead Respondents dispensed "oxycodone 30mg, 2 tablets four times daily."

13 **FOURTH CAUSE FOR DISCIPLINE**

14 (Controlled Substance Biennial Inventory)

15 27. Respondents Nathan Hunt LLC, dba Jonathan's Pharmacy and Jonathan Hunt Budge
16 are subject to disciplinary action under title 21 of the Code of Federal Regulations section
17 1304.11 subdivision (b) and (c) in that Respondents were required to keep records and take an
18 initial inventory of all controlled substances on the date they first engaged in the manufacture,
19 distribution or dispensing of controlled substance. Thereafter, Respondents were required to take
20 a new inventory of all controlled substances at least every two years. The circumstances are as
21 follows:

22 28. On or about January 14, 2015, Respondent Jonathan Hunt Budge, while pharmacist in
23 charge at Respondent Jonathan's Pharmacy failed to provide a current controlled substance
24 inventory and failed to provide an initial controlled substance inventory from when the pharmacy
25 first opened on November 1, 2012.

26 **OTHER MATTERS**

27 29. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
28 PHY 50941, issued to Nathan Hunt LLC dba Jonathan's Pharmacy, Jonathan Hunt Budge

(Budge) while acting as the manager, administrator, owner, member, officer, director, associate, or partner of Nathan Hunt LLC dba Jonathan's Pharmacy had knowledge of or knowingly participated in any conduct for which Pharmacy Permit Number PHY 50941, issued to Nathan Hunt LLC dba Jonathan's Pharmacy was revoked, suspended or placed on probation, Budge shall be prohibited from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 50941 issued to Nathan Hunt LLC dba Jonathan's Pharmacy is placed on probation or until Pharmacy Permit Number PHY 50941 issued to Nathan Hunt LLC dba Jonathan's Pharmacy is reinstated if it is revoked.

PRAYER

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

1. Revoking or suspending Permit Number PHY 50941, issued to Nathan Hunt LLC dba Jonathan's Pharmacy, Jonathan Hunt Budge;

2. Revoking or suspending Pharmacist License Number RPH 54616, issued to Jonathan Hunt Budge;

3. Prohibiting Jonathan Hunt Budge from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number 50941 issued to Nathan Hunt LLC dba Jonathan's Pharmacy is placed on probation or until Pharmacy Permit Number 50941 issued to Nathan Hunt LLC dba Jonathan's Pharmacy is reinstated if Pharmacy Permit Number 50941 issued to Nathan Hunt LLC dba Jonathan's Pharmacy issued is revoked;

4. Ordering Jonathan's Pharmacy and Jonathan Hunt Budge 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

////

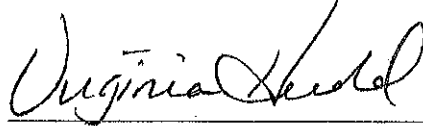
////

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

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

DATED: _____

11/4/16



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

LA2015501371
61806168.doc