

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

**In the Matter of the First Amended Accusation
Against:**

Case No. 5748

OAH No. 2017040108

**FLORIDA AVENUE PRESCRIPTIONS
ELAINE GEORGE-PARDINI
CHIEF EXECUTIVE OFFICER, 100%
SHAREHOLDER, PRESIDENT, DIRECTOR,
SECRETARY, TREASURER/CFO
1541 Florida Avenue, Suite P
Modesto, CA 95350**

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER AS TO
ELAINE GEORGE-PARDINI**

Original Pharmacy Permit No. PHY 55943,

**[Previously FLORIDA AVENUE
PRESCRIPTIONS MARK V. PARDINI
PRESIDENT AND VICE PRESIDENT
ELAINE GEORGE-PARDINI,
SECRETARY, TREASURER/CFO
1541 Florida Avenue, Suite P
Modesto, CA 95350**

Original Pharmacy Permit No. PHY 38942]

**MARK VICTOR PARDINI
9890 Gainsborough Ln.,
Reno, NV 89521**

Original Pharmacist License No. RPH 37855,

and

**ELAINE GEORGE-PARDINI
2021 Lake Wind Court
Modesto, CA 95355**

Original Pharmacist License No. RPH 37856

Respondents.

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Respondent Elaine George-Pardini 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
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Supervising Deputy Attorney General
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9 **BOARD OF PHARMACY**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
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16 1541 Florida Avenue, Suite P
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STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR
RESPONDENT ELAINE GEORGE-
PARDINI

17 **Original Pharmacy Permit No. PHY 55943**

18 [Previously **FLORIDA AVENUE**
19 **PRESCRIPTIONS MARK V. PARDINI**
20 **PRESIDENT AND VICE PRESIDENT**
21 **ELAINE GEORGE-PARDINI,**
SECRETARY, TREASURER/CFO
22 1541 Florida Avenue, Suite P
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23 **Original Pharmacy Permit No. PHY 38942]**

24 **MARK VICTOR PARDINI**
25 9890 Gainsborough Ln.,
Reno, NV 89521

26 **Original Pharmacist License No. RPH 37855**

27 and
28

1 **ELAINE GEORGE-PARDINI**
2021 Lake Wind Court
2 Modesto, CA 95355

3 **Original Pharmacist License No. RPH 37856**

4 Respondents.

5
6 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
7 entitled proceedings that the following matters are true:

8 PARTIES

9 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
10 (Board). She brought this action solely in her official capacity and is represented in this matter by
11 Xavier Becerra, Attorney General of the State of California, by Lorrie M. Yost, Deputy Attorney
12 General.

13 2. Respondent Elaine George-Pardini (Respondent George-Pardini), is represented in
14 this proceeding by attorney Peter Gregorovic, Esq., whose address is:

15 Peter Gregorovic, Esq.
16 Law Office of Tony J. Park, Inc.
17 CPL - CALIFORNIA PHARMACY LAWYERS
49 Discovery, Ste. 240
18 Irvine, CA 92618

19 3. On or about August 30, 1983, the Board issued Original Pharmacist License Number
20 RPH 37856 to Elaine George-Pardini. The Original Pharmacist License was in full force and
21 effect at all times relevant to the charges brought herein and will expire on July 31, 2019, unless
22 renewed.

23 JURISDICTION

24 4. First Amended Accusation No. 5748 was filed before the Board, and is currently
25 pending against Respondent George-Pardini. The original Accusation and all other statutorily
26 required documents were properly served on Respondent on September 8, 2016. Respondent
27 timely filed her Notice of Defense contesting the Accusation. The First Amended Accusation
28 was served on Respondent on December 26, 2017.

DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Original Pharmacist License Number RPH 37856 to Respondent Elaine George-Pardini is revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. Obey All Laws

Respondent George-Pardini shall obey all state and federal laws and regulations.

Respondent George-Pardini shall report any of the following occurrences to the Board, in writing, within seventy-two (72) hours of such occurrence:

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

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

2. Report to the Board

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

1 **3. Interview with the Board**

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

7 **4. Cooperate with Board Staff**

8 Respondent George-Pardini shall cooperate with the Board's inspection program and with
9 the Board's monitoring and investigation of Respondent's compliance with the terms and
10 conditions of her probation. Failure to cooperate shall be considered a violation of probation.

11 **5. Continuing Education**

12 Respondent George-Pardini shall provide evidence of efforts to maintain skill and
13 knowledge as a pharmacist as directed by the Board or its designee.

14 **6. Notice to Employers**

15 During the period of probation, Respondent George-Pardini shall notify all present and
16 prospective employers of the decision in case number 5748 and the terms, conditions and
17 restrictions imposed on Respondent by the decision, as follows:

18 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
19 Respondent George-Pardini undertaking any new employment, Respondent shall cause her direct
20 supervisor, pharmacist-in-charge (including each new pharmacist-in-charge employed during
21 Respondent's tenure of employment) and owner to report to the Board in writing acknowledging
22 that the listed individual(s) has/have read the decision in case number 5748, and terms and
23 conditions imposed thereby. It shall be Respondent's responsibility to ensure that her
24 employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the Board.

25 If Respondent George-Pardini works for or is employed by or through a pharmacy
26 employment service, Respondent must notify her direct supervisor, pharmacist-in-charge, and
27 owner at every entity licensed by the Board of the terms and conditions of the decision in case
28 number 5748 in advance of Respondent commencing work at each licensed entity. A record of

1 this notification must be provided to the Board upon request.

2 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
3 (15) days of Respondent George-Pardini undertaking any new employment by or through a
4 pharmacy employment service, Respondent shall cause her direct supervisor with the pharmacy
5 employment service to report to the Board in writing acknowledging that she has read the
6 decision in case number 5748 and the terms and conditions imposed thereby. It shall be
7 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
8 acknowledgment(s) to the Board.

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

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

16 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
17 **Designated Representative-in-Charge, or Serving as a Consultant**

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

23 **8. Reimbursement of Board Costs**

24 As a condition precedent to successful completion of probation, Respondent George-
25 Pardini shall pay to the Board its costs of investigation and prosecution in the amount of
26 \$4,500.00. Respondent shall be liable for the payment of said costs jointly and severally with
27 Respondent Florida Avenue Prescriptions. Respondent shall make said payments pursuant to a
28 payment plan approved by the Board.

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

4 The filing of bankruptcy by Respondent George-Pardini shall not relieve Respondent of her
5 responsibility to reimburse the Board its costs of investigation and prosecution.

6 **9. Probation Monitoring Costs**

7 Respondent George-Pardini shall pay any costs associated with probation monitoring as
8 determined by the Board each and every year of probation. Such costs shall be payable to the
9 Board on a schedule as directed by the Board or its designee. Failure to pay such costs by the
10 deadline(s) as directed shall be considered a violation of probation.

11 **10. Status of License**

12 Respondent George-Pardini shall, at all times while on probation, maintain an active,
13 current license with the Board, including any period during which suspension or probation is
14 tolled. Failure to maintain an active, current license shall be considered a violation of probation.

15 If Respondent George-Pardini's license expires or is cancelled by operation of law or
16 otherwise at any time during the period of probation, including any extensions thereof due to
17 tolling or otherwise, upon renewal or reapplication, Respondent's license shall be subject to all
18 terms and conditions of this probation not previously satisfied.

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

20 Following the effective date of this decision, should Respondent George-Pardini cease practice
21 due to retirement or health, or be otherwise unable to satisfy the terms and conditions of
22 probation, Respondent may tender her license to the Board for surrender. The Board or its
23 designee shall have the discretion whether to grant the request for surrender or take any other
24 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the
25 license, Respondent will no longer be subject to the terms and conditions of probation. This
26 surrender constitutes a record of discipline and shall become a part of Respondent's license
27 history with the Board.

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1 Upon acceptance of the surrender, Respondent George-Pardini shall relinquish her pocket
2 and wall license to the Board within ten (10) days of notification by the Board that the surrender
3 is accepted. Respondent may not reapply for any license from the Board for three (3) years from
4 the effective date of the surrender. Respondent shall meet all requirements applicable to the
5 license sought as of the date the application for that license is submitted to the Board, including
6 any outstanding costs.

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

9 Respondent George-Pardini shall notify the Board in writing within ten (10) days of any
10 change of employment. Said notification shall include the reasons for leaving, the address of the
11 new employer, the name of the supervisor and owner, and the work schedule if known.
12 Respondent shall further notify the Board in writing within ten (10) days of a change in name,
13 residence address, mailing address, or phone number.

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

16 **13. Tolling of Probation**

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

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

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

4 "Cessation of practice" means any calendar month during which Respondent George-
5 Pardini is not practicing as a pharmacist for at least 40 hours, as defined by Business and
6 Professions Code section 4000 et seq. "Resumption of practice" means any calendar month
7 during which Respondent is practicing as a pharmacist for at least 40 hours as a pharmacist as
8 defined by Business and Professions Code section 4000 et seq.

9 **14. Violation of Probation**

10 If Respondent George-Pardini has not complied with any term or condition of probation,
11 the Board shall have continuing jurisdiction over Respondent, and probation shall automatically
12 be extended, until all terms and conditions have been satisfied or the Board has taken other action
13 as deemed appropriate to treat the failure to comply as a violation of probation, to terminate
14 probation, and to impose the penalty that was stayed.

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

23 **15. Completion of Probation**

24 Upon written notice by the Board or its designee indicating successful completion of
25 probation, Respondent George-Pardini's license will be fully restored.

26 **16. Remedial Education**

27 Within sixty (60) days of the effective date of this decision, Respondent George-Pardini
28 shall submit to the Board or its designee, for prior approval, an appropriate program of remedial

1 education regarding prescription drug abuse and corresponding responsibility. The program of
2 remedial education shall consist of at least 6 hours, which shall be completed within the first two
3 years of probation at Respondent's expense. All remedial education shall be in addition to, and
4 shall not be credited toward, continuing education (CE) courses used for license renewal
5 purposes.

6 Failure to timely submit or complete the approved remedial education shall be considered a
7 violation of probation. The period of probation will be automatically extended until such
8 remedial education is successfully completed and written proof, in a form acceptable to the
9 Board, is provided to the Board or its designee.

10 Following the completion of each course, the Board or its designee may require Respondent
11 George-Pardini, at her own expense, to take an approved examination to test Respondent's
12 knowledge of the course. If Respondent does not achieve a passing score on the examination, this
13 failure shall be considered a violation of probation. Any such examination failure shall require
14 Respondent to take another course approved by the Board in the same subject area.

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

16 Respondent George-Pardini shall not acquire any new ownership, legal or beneficial
17 interest nor serve as a manager, administrator, member, officer, director, trustee, associate, or
18 partner of any additional business, firm, partnership, or corporation licensed by the Board. If
19 Respondent currently owns or has any legal or beneficial interest in, or serves as a manager,
20 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
21 partnership, or corporation currently or hereinafter licensed by the Board, Respondent may
22 continue to serve in such capacity or hold that interest, but only to the extent of that position or
23 interest as of the effective date of this decision. Violation of this restriction shall be considered a
24 violation of probation.

25 **18. Consultant for Owner or Pharmacist-In-Charge**

26 During the period of probation, Respondent George-Pardini shall not supervise any intern
27 pharmacist or serve as a consultant to any entity licensed by the Board. Respondent may be a
28 pharmacist-in-charge. However, if during the period of probation Respondent serves as a

1 pharmacist-in-charge, Respondent shall retain an independent consultant at her own expense who
 2 shall be responsible for reviewing pharmacy operations on a monthly basis for compliance by
 3 Respondent with state and federal laws and regulations governing the practice of pharmacy and
 4 for compliance by Respondent with the obligations of a pharmacist-in-charge. The consultant
 5 shall be a pharmacist licensed by and not on probation with the Board and whose name shall be
 6 submitted to the Board or its designee, for prior approval, within thirty (30) days of the effective
 7 date of this decision. Respondent shall not be a pharmacist-in-charge at more than one pharmacy
 8 or at any pharmacy of which she is not the sole owner. Failure to timely retain, seek approval of,
 9 or ensure timely reporting by the consultant shall be considered a violation of probation.

10 19.

11 ACCEPTANCE

12 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
 13 discussed it with my attorney, Peter Gregorovic, Esq. I understand the stipulation and the effect it
 14 will have on my Original Pharmacist License. I enter into this Stipulated Settlement and
 15 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the
 16 Decision and Order of the Board of Pharmacy.

17 DATED:

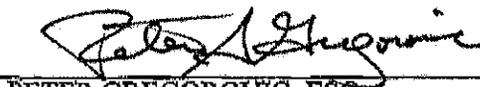
18 2-1-18

19 
 ELAINE GEORGE-PARDINI,
 Respondent

20
 21 I have read and fully discussed with Respondent Elaine George-Pardini, the terms and
 22 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
 23 I approve its form and content.

24 DATED:

25 2/2/18

26 
 PETER GREGOROVIC, ESQ.
 Attorney for Respondent George-Pardini

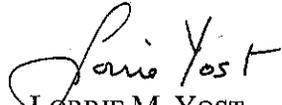
ENDORSEMENT

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

Dated: 2-12-18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
JANICE K. LACHMAN
Supervising Deputy Attorney General


LORRIE M. YOST
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

First Amended Accusation No. 5748

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 LORRIE M. YOST
Deputy Attorney General
4 State Bar No. 119088
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6 Telephone: (916) 445-2271
Facsimile: (916) 327-8643
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17 **DIRECTOR, SECRETARY,**
18 **TREASURER/CFO**
1541 Florida Avenue, Suite P
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FIRST AMENDED ACCUSATION

18 **Original Pharmacy Permit No. PHY 55943**

19 **[Previously FLORIDA AVENUE**
20 **PRESCRIPTIONS MARK V. PARDINI**
21 **PRESIDENT AND VICE PRESIDENT**
22 **ELAINE GEORGE-PARDINI,**
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23 **Original Pharmacy Permit No. PHY 38942]**

24 **MARK VICTOR PARDINI**
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26 **Original Pharmacist License No. RPH 37855**

27 and
28

1 **ELAINE GEORGE-PARDINI**
2 2021 Lake Wind Court
3 Modesto, CA 95355

4 **Original Pharmacist License No. RPH 37856**

5 Respondents.

6 Virginia Herold ("Complainant") alleges:

7 **PARTIES**

8 1. Complainant brings this Accusation solely in her official capacity as the Executive
9 Officer of the Board of Pharmacy ("Board"), Department of Consumer Affairs.

10 **Pharmacy Permit**

11 2. On or about November 16, 1992, the Board issued Original Pharmacy Permit Number
12 PHY 38942 to Florida Avenue Prescriptions ("Respondent Florida Ave"), with Mark V. Pardini
13 as its President, Vice President, and Pharmacist in Charge; and, Elaine George-Pardini as its
14 Secretary and Treasurer/Chief Financial Officer. On or about September 1, 2008, Elaine George-
15 Pardini, RPH 37867, became the Pharmacist-in-Charge for Respondent Florida Avenue
16 Prescriptions. The Original Pharmacy Permit was in full force and effect at all times relevant to
17 the charges brought herein and expired on November 1, 2017. In addition, on or about November
18 7, 2017, the permit was cancelled due to Discontinuance of Business, effective November 1,
19 2017, to permit a transfer of ownership of the entity to Elaine George-Pardini, as described
20 below.

21 3. On or about November 2, 2017, the Board issued Original Permit Number PHY
22 55943 to Florida Avenue Prescriptions, Inc. ("Respondent Florida Ave"), to do business as
23 Florida Avenue Prescriptions Inc., with Elaine George-Pardini as its Chief Executive Officer,
24 100 % Shareholder, President, Director, Secretary and Treasurer/Chief Financial Officer, and
25 Pharmacist in Charge. Said permit is in full force and effect until February 15, 2018.

26 **Pharmacist License – Mark Victor Pardini**

27 4. On or about August 30, 1983, the Board issued Original Pharmacist License Number
28 RPH 37855 to Mark Victor Pardini (Respondent Pardini). The Original Pharmacist License was \

1 in full force and effect at all times relevant to the charges brought herein and will expire on
2 August 31, 2019, unless renewed.

3 **Pharmacist License - Elaine George-Pardini**

4 5. On or about August 30, 1983, the Board issued Original Pharmacist License Number
5 RPH 37856 to Elaine George-Pardini (Respondent George-Pardini). The Original Pharmacist
6 License was in full force and effect at all times relevant to the charges brought herein and will
7 expire on July 31, 2019, unless renewed.

8 **JURISDICTION**

9 6. This Accusation is brought before the Board under the authority of the following
10 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
11 indicated.

12 7. Code section 4083 states, in pertinent part:

13 (a) An inspector may issue an order of correction to a licensee directing the
14 licensee to comply with this chapter or regulations adopted pursuant to this chapter.

15 (f) Nothing in this section shall in any way limit the board's authority or ability
16 to do any of the following:

17 (3) Institute disciplinary proceedings pursuant to Article 19 (commencing with
18 Section 4300).

18 8. Code section 4300 states, in pertinent part:

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

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

23 (1) Suspending judgment.

24 (2) Placing him or her upon probation.

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

26 (4) Revoking his or her license.

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

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1 9. Code section 4300.1 states:

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

8 **STATUTORY AND REGULATORY PROVISIONS**

9 10. Code section 4301 states, in pertinent part:

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

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

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

22 11. Health and Safety Code section 11165(d) states, in pertinent part:

23 For each prescription for a Schedule II, Schedule III, or Schedule IV controlled
24 substance, as defined in the controlled substances schedules in federal law and
25 regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of
26 Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other
27 dispenser shall report the following information to the Department of Justice as soon
28 as reasonably possible, but not more than seven days after the date a controlled
substance is dispensed, in a format specified by the Department of Justice. . . .

12. Code section 4113(c) states, "The pharmacist-in-charge shall be responsible for a
pharmacy's compliance with all state and federal laws and regulations pertaining to the practice of
pharmacy."

13. California Code of Regulations ("Regulations), title 16, section 1707.2 states, in
pertinent part:

(a) A pharmacist shall provide oral consultation to his or her patient or the
patient's agent in all care settings:

(1) upon request; or

(2) whenever the pharmacist deems it warranted in the exercise of his or her
professional judgment.

1 (b)(1) In addition to the obligation to consult set forth in subsection (a), a
2 pharmacist shall provide oral consultation to his or her patient or the patient's agent in
any care setting in which the patient or agent is present:

3 (A) whenever the prescription drug has not previously been dispensed to a
4 patient; or

5 (B) whenever a prescription drug not previously dispensed to a patient in the same dosage
6 form, strength or with the same written directions, is dispensed by the pharmacy.

7 14. Code section 4115 states, in pertinent part:

8 (a) A pharmacy technician may perform packaging, manipulative, repetitive, or
9 other nondiscretionary tasks only while assisting, and while under the direct
supervision and control of, a pharmacist. The pharmacist shall be responsible for the
10 duties performed under his or her supervision by a technician.

11 (h) The pharmacist on duty shall be directly responsible for the conduct of a
pharmacy technician supervised by that pharmacist.

12 15. Regulations section 1793.7 states, in pertinent part:

13 (b) Pharmacy technicians must work under the direct supervision of a
14 pharmacist and in such a relationship that the supervising pharmacist is fully aware of
all activities involved in the preparation and dispensing of medications, including the
15 maintenance of appropriate records.

16 (c) A pharmacy technician must wear identification clearly identifying him or
her as a pharmacy technician.

17 (e) A pharmacist shall be responsible for all activities of pharmacy technicians
18 to ensure that all such activities are performed completely, safely and without risk of
harm to patients.

19 16. Code section 4307 states, in pertinent part:

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

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

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

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

6 COST RECOVERY

7 17. Code section 125.3 provides, in pertinent part, that the Board may request the
8 administrative law judge to direct a licentiate found to have committed a violation or violations of
9 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
10 enforcement of the case, with failure of the licentiate to comply subjecting the license to not being
11 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
12 included in a stipulated settlement.

13 INSPECTION – SEPTEMBER 2, 2015

14 18. On or about August 31, 2015, a Board inspector (the "inspector") requested a
15 Controlled Substance Utilization Review and Evaluation System (CURES) report¹ for Florida
16 Avenue Prescriptions, which is located in Modesto, California. A CURES report could not be
17 produced; it appeared Florida Avenue Prescriptions had not reported any controlled substances.

18 19. On or about September 2, 2015, the inspector entered the premises of Respondent
19 Florida Ave to conduct an inspection. He observed a female customer at the counter ("J.C.'s
20 agent") pick up a prescription for her husband, J.C. J.C.'s agent asked the individual serving her
21 if the medication should be taken with food. That individual was not wearing identification, but
22 was later identified to be "S.M.", a pharmacy technician employed by Respondent Florida Ave.
23 S.M. told J.C.'s agent that the medication should be taken with food but did not offer to have a
24 pharmacist consult with her. The scripts for J.C., Norco 10/325 (hydrocodone/acetaminophen 10-
25 325 mg.), a controlled substance, and Phenergan (promethazine, 25 mg.), were new.

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27 ¹ Operative January 1, 2005, and effective October 4, 2005, Health and Safety Code
28 section 11165(d) required pharmacies to report prescriptions for Schedule II or III controlled
substances for the Department of Justice on a weekly basis. Effective January 1, 2007, 11165(d)
was amended to require reporting of Schedule IV controlled substances as well.

1 **FOURTH CAUSE FOR DISCIPLINE**

2 (Violation of State Laws Governing Pharmacy - Reporting)

3 24. Respondent Florida Ave, Respondent George-Pardini, and Respondent Pardini are
4 subject to discipline pursuant to Code section 4301(o), on the grounds of unprofessional conduct,
5 in that they violated state laws applicable to governing pharmacy, as follows:

6 a. Between on or about September 1, 2008, and September 2, 2015, Respondents
7 Florida Ave and George-Pardini, as pharmacist-in-charge, failed to report prescriptions for
8 Schedule II through IV controlled substances to the Department of Justice, in violation of Health
9 and Safety Code section 11165(d).

10 b. Between on or about October 4, 2005, and August 30, 2008, Respondents Florida
11 Ave and Pardini, as pharmacist-in-charge, failed to report prescriptions for Schedule II, III, and/or
12 IV controlled substances to the Department of Justice, in violation of Health and Safety Code
13 section 11165(d).

14 **OTHER MATTERS**

15 25. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.
16 PHY 55943, issued to Florida Avenue Prescriptions, Florida Avenue Prescriptions shall be
17 prohibited from serving as a manager, administrator, owner, member, officer, director, associate,
18 or partner of a licensee for five years if Pharmacy Permit Number PHY 55943, is placed on
19 probation or until Pharmacy Permit Number PHY 55943 is reinstated if it is revoked.

20 26. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit No.
21 PHY 55943, issued to Florida Avenue Prescriptions, for conduct which occurred while Mark
22 Victor Pardini and/or Elaine George-Pardini was an officer, and had knowledge of or knowingly
23 participated in any conduct for which the permit was disciplined, Mark Victor Pardini and/or
24 Elaine George-Pardini shall be prohibited from serving as a manager, administrator, owner,
25 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)
26 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit
27 Number PHY 55943 is reinstated, if revoked.

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1 PRAYER

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

4 1. Revoking or suspending Pharmacy Permit Number PHY 55943, issued to Florida
5 Avenue Prescriptions;

6 2. Revoking or suspending Pharmacist License Number RPH 37855, issued to Mark
7 Victor Pardini;

8 3. Prohibiting Mark Victor Pardini from serving as a manager, administrator, owner,
9 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)
10 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit
11 Number PHY 55943 is reinstated, if revoked;

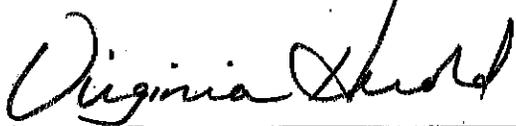
12 4. Revoking or suspending Pharmacist License Number RPH 37856, issued to Elaine
13 George-Pardini;

14 5. Prohibiting Elaine George-Pardini from serving as a manager, administrator, owner,
15 member, officer, director, associate, or partner of any licensed or permitted entity for five (5)
16 years if Pharmacy Permit Number PHY 55943 is placed on probation, or until Pharmacy Permit
17 Number PHY 55943 is reinstated, if revoked;

18 6. Ordering Florida Avenue Prescriptions, Mark Victor Pardini, and/or Elaine George
19 Pardini to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement
20 of this case, pursuant to Business and Professions Code section 125.3;

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

22
23 DATED: 12/13/17


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

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