

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

In the Matter of the Second Amended
Accusation Against:

RIVER CITY PHARMACY INC.;
MICHELLE DAWN HAVERLOCK, PIC
5491 Carlson Dr.
Sacramento, CA 95819

**Pharmacy Permit No. PHY 51249 & Original
Sterile Compounding Permit No. LSC 100527**

and

MICHELLE DAWN HAVERLOCK
2626 Duchamp St.
Davis, CA 95618

Pharmacist License No. RPH 50759

Respondents.

Case No. 5916

OAH No. 2017120619

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC REPROVAL**

[Bus. & Prof. Code § 495]

(Michelle Dawn Haverlock Only)

The attached Stipulated Settlement and Disciplinary Order for Public Reproval 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 February 13, 2019.

It is so ORDERED on January 14, 2019.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read 'Victor Law', with a long horizontal flourish extending to the right.

By

Victor Law, R.Ph.
Board President

1 XAVIER BECERRA
Attorney General of California
2 DAVID BRICE
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **RIVER CITY PHARMACY INC.;**
14 **MICHELLE DAWN HAVERLOCK,, PIC**
15 **1724 Van Damme Dr.**
Davis CA 95616
16 **Pharmacist No. 50759,**

17 **and**

18 **MICHELLE DAWN HAVERLOCK**
2518 Rockwell Drive
19 **Davis, CA 95618**
Pharmacist License (RPH) No. 50759

20 Respondents.

Case No. 5916

OAH No. 2017120619

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL**

[Bus. & Prof. Code § 495]

(Michelle Dawn Haverklock only)

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

23 **PARTIES**

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

2. Respondent Michelle Dawn Haverlock, (Respondent Haverlock) is represented in this proceeding by Paul Chan, whose address is Kravitz & Chan, LLP: 1851 Heritage Lane, Suite 128 Sacramento, CA 95815-4996.

JURISDICTION

3. On or about January 22, 2013, the Board of Pharmacy issued Pharmacy Permit (PHY) Number 51249 to Option Care Enterprises Inc., Walgreens Infusion Services Inc., Walgreen Co. to do Business as River City Pharmacy Inc.; (Respondent River City Pharmacy). Michelle Dawn Haverlock was the Pharmacist-in Charge from January 22, 2013 to January 26, 2015. The Pharmacy Permit was cancelled on January 6, 2015.

4. On or about March 30, 1999, the Board of Pharmacy issued Pharmacist License No. RPH 50759 to Respondent Haverlock. The Pharmacist license will expire September 30, 2020, unless renewed.

5. The Second Amended Accusation in Case No. 5916 was filed before the Board of Pharmacy (Board), Department of Consumer Affairs and is currently pending against Respondent Haverlock. The Second Amended Accusation and all other statutorily required documents were properly served on Respondent Haverlock on October 2, 2018. Respondent Haverlock timely filed her Notice of Defense. A copy of the Second Amended Accusation in Case No. 5916 is attached as exhibit A and incorporated herein by reference.

ADVISEMENT AND WAIVERS

6. Respondent Haverlock has carefully read, fully discussed with counsel, and understands the charges and allegations in the Second Amended Accusation in Case No. 5916. Respondent Haverlock has also carefully read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary Order for Public Reprimand.

7. Respondent Haverlock is fully aware of her legal rights in this matter, including the right to a hearing on the charges and allegations in the Second Amended Accusation; the right to be represented by counsel at her own expense; the right to confront and cross-examine the witnesses against her; the right to present evidence and to testify on her own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of

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

8. Respondent Haverlock voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

9. Respondent Haverlock admits the truth of each and every charge and allegation in the Second Amended Accusation in Case No. 5916.

10. Respondent Haverlock agrees that her Pharmacist license is subject to discipline and she agrees to be bound by the Disciplinary Order below.

CONTINGENCY

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

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

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

1 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
2 supplemented, or otherwise changed except by a writing executed by an authorized representative
3 of each of the parties.

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

7 **DISCIPLINARY ORDER**


8 IT IS HEREBY ORDERED that Pharmacist License No. RPH 50759 issued to Michelle
9 Dawn Haverlock,, shall be publicly reproved by the Board of Pharmacy under Business and
10 Professions Code section 495 in resolution of the Second Amended Accusation in Case No.
11 5916, attached as exhibit A.

12 IT IS FURTHER ORDERED that Within sixty (60) calendar days of the effective date of
13 this decision, respondent Haverlock shall enroll in a course in ethics, at her own expense,
14 approved in advance by the board or its designee that complies with Title 16 California Code of
15 Regulations section 1773.5. Respondent Haverlock shall provide proof of enrollment upon
16 request. Within five (5) days of completion, respondent Haverlock shall submit a copy of the
17 certificate of completion to the board or its designee. If Respondent Haverlock fails to enroll in an
18 approved ethics course and to successfully complete the course or to submit proof of completion
19 within two years as ordered, Respondent Haverlock shall not be allowed to renew her Pharmacist
20 License until she has completed the ethics class.

1 ACCEPTANCE

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

7
8 DATED: 10 / 4 / 18


9 MICHELLE DAWN HAVERLOCK,
Respondent

10 I have read and fully discussed with Michelle Dawn Haverlock, the terms and conditions
11 and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
12 Reproval. I approve its form and content.

13 DATED: 10-4-18


14 PAUL CHAN
Attorney for Respondent


ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order for Public Reapproval is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

Dated: 10/4/18

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
DAVID BRICE
Supervising Deputy Attorney General


ELENA L. ALMANZO
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Second Amended Accusation No. 5916

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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

Case No. 5916

13 **RIVER CITY PHARMACY INC.**
14 **5491 Carlson Dr.**
Sacramento, CA 95819

**SECOND AMENDED
ACCUSATION**

15 **Pharmacy Permit PHY 51249**
16 **Sterile Compounding Permit No. LSC**
100527

17 **MICHELLE DAWN HAVERLOCK,**
18 **1724 Van Damme Dr.**
Davis, CA 95616

19 **Pharmacist License No. RPH 50759**

20 Respondents.
21

22 Complainant alleges:

23 **PARTIES**

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

27 2. On or about January 22, 2013, the Board of Pharmacy issued Pharmacy Permit (PHY)
28 Number 51249 to Option Care Enterprises Inc., Walgreens Infusion Services Inc., Walgreen Co.

1 to do Business as River City Pharmacy Inc.; (Respondent River City Pharmacy). Michelle Dawn
2 Haverlock was the Pharmacist-in Charge from January 22, 2013 to January 26, 2015. The
3 Pharmacy Permit (PHY) was cancelled on January 6, 2015.

4 3. On or about January 22, 2013, the Board of Pharmacy issued Original Sterile
5 Compounding Permit Number (LSC) Number 100527 issued to Option Care Enterprises Inc.,
6 Walgreens Infusion Services Inc., Walgreen Co. to do business as River City Pharmacy Inc.;
7 (Respondent River City Pharmacy). The Original Sterile Compounding Permit Pharmacy Permit
8 was cancelled on January 6, 2015.

9 4. On or about March 30, 1999, the Board of Pharmacy issued Pharmacist License No.
10 RPH 50759 to Michelle Haverlock (Respondent Haverlock). The Pharmacist license will expire
11 September 30, 2018, unless renewed.

12 JURISDICTION

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

16 6. Section 4300 of the Code states in pertinent part:

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

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

20 "(1) Suspending judgment.

21 "(2) Placing him or her upon probation.

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

23 "(4) Revoking his or her license.

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

26 7. Section 4300.1 of the Code provides:

27 The expiration, cancellation, forfeiture, or suspension of a board-issued license by
28 operation of law or by order or decision of the board or a court of law, the placement
of a license on a retired status, or the voluntary surrender of a license by a licensee
shall not deprive the board of jurisdiction to commence or proceed with any

1 investigation of, or action or disciplinary proceeding against, the licensee or to render
2 a decision suspending or revoking the license.

3 8. Section 4301 of the Code states in pertinent part:

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

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

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

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

17 9. Section 4342 of the Code states in pertinent part:

18 (a) The board may institute any action or actions as may be provided by law and that,
19 in its discretion, are necessary, to prevent the sale of pharmaceutical preparations and
20 drugs that do not conform to the standard and tests as to quality and strength,
21 provided in the latest edition of the United States Pharmacopoeia or the National
22 Formulary, or that violate any provision of the Sherman Food, Drug, and Cosmetic
23 Law (Part 5 (commencing with Section 109875) of Division 104 of the Health and
24 Safety Code).

25 10. Health and Safety Code Section 111295 provides:

26 It is unlawful for any person to manufacture, sell, deliver, hold, or offer
27 for sale any drug or device that is adulterated.

28 11. Health and Safety Code Section 111255 provides:

Any drug or device is adulterated if it has been produced, prepared,
packed, or held under conditions whereby it may have been contaminated with filth,
or whereby it may have been rendered injurious to health.

REGULATIONS

12. Title 16, California Code of Regulation section 1714 provides in pertinent part:

(b) Each pharmacy licensed by the board shall maintain its facilities, space, fixtures,
and equipment so that drugs are safely and properly prepared, maintained, secured
and distributed. The pharmacy shall be of sufficient size and unobstructed area to
accommodate the safe practice of pharmacy.

(c) The pharmacy and fixtures and equipment shall be maintained in a clean and
orderly condition. The pharmacy shall be dry, well-ventilated, free from rodents and
insects, and properly lighted. The pharmacy shall be equipped with a sink with hot
and cold running water for pharmaceutical purposes....

13. California Code of Regulations Section 1751 provides in pertinent part:

"(a) Any pharmacy engaged in compounding sterile drug preparations shall conform to the parameters and requirements stated by Article 4.5 (Section 1735 et seq.), applicable to all compounding, and shall also conform to the parameters and requirements stated by this Article 7 (Section 1751 et seq.), applicable solely to sterile injectable compounding.

(b) Any pharmacy compounding sterile injectable drug products shall have a designated area for the preparation of sterile injectable products which shall meet the following standards:

(1) Clean Room and Work Station Requirements shall be in accordance with Section 1250 of Title 24, Part 2, Chapter 12, of the California Code of Regulations.

(2) Walls ceilings and floors shall be constructed in accordance with Section 1250 of Title 24, Part 2, Chapter 12, of the California Code of Regulations.

(3) Be ventilated in a manner in accordance with section 505.12 of Title 24, Chapter 5 of the California Code of Regulations.

(4) Be certified annually by a qualified technician who is familiar with the methods and procedures for certifying laminar flow hoods and clean room requirements in accordance with standards adopted by the United States General Services Administration, Certification records must be retained for at least 3 years.

(5) The Pharmacy shall be arranged in accordance with Section 1250 of Title 24, Part 2, Chapter 12, of the California Code of Regulations. Items related to the compounding of sterile injectable products within the compounding area shall be stored in such a way as to maintain the integrity of an aseptic environment....

14. California Code of Regulation section 1751.4 provides in pertinent part:

(a) No sterile injectable product shall be compounded if it is known, or reasonably should be known, that the compounding environment fails to meet criteria specified in the pharmacy's written policies and procedures for the safe compounding of sterile injectable drug products.

(b) During the preparation of sterile injectable products, access to the designated area or cleanroom must be limited to those individuals who are properly attired.

(c) All equipment used in the designated area or cleanroom must be made of a material that can be easily cleaned and disinfected.

(d) Exterior workbench surfaces and other hard surfaces in the designated area, such as walls, floors, ceilings, shelves, tables, and stools, must be disinfected weekly and after any unanticipated event that could increase the risk of contamination....

COST RECOVERY

15. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

1 enforcement of the case, with failure of the licensee to comply subjecting the license to not
2 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
3 may be included in a stipulated settlement.

4 **BACKGROUND**

5 16. On or about December 8, 2014, the Board conducted an inspection of the River City
6 Pharmacy. The inspection revealed four rooms used for compounding which did not meet the
7 minimum requirements for compounding. The rooms were unsanitary. During the inspection,
8 cleaning logs were requested. The employees of River City Pharmacy informed investigators that
9 the cleaning logs were initialed even when the area had not been cleaned.

10 **FIRST CAUSE FOR DISCIPLINE**

11 **(Failure to Provide a Compounding Area Which was Easily Cleanable)**

12 17. Respondents River City Pharmacy and Haverlock are subject to disciplinary action
13 under Business and Professions Code section 4301 (j) and (o) in conjunction with Title 16,
14 California Code of Regulations section 1751 in that they failed to provide a designated area for
15 sterile compounding which was compliant with the requirements of non-porous and easily
16 cleanable surfaces.

17 **SECOND CAUSE FOR DISCIPLINE**

18 **(Maintenance of Pharmacy Fixtures and Equipment)**

19 18. Respondents River City Pharmacy and Haverlock are subject to disciplinary action
20 under Business and Professions Code section 4301 (j) and (o) in conjunction with Title 16,
21 California Code of Regulations section 1714 in that they failed to provide clean and orderly
22 equipment as follows: a. the equipment was not free from insects; and, b. the storage area
23 contained an unknown, yellow sticky substance.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Compounding in an Area that Failed to Comply with Policies)**

26 19. Respondents River City Pharmacy and Haverlock are subject to disciplinary action
27 under Business and Professions Code section 4301 (j) and (o) in conjunction with Title 16,
28 California Code of Regulations section 1751.4 (a) in that the environment used for compounding
did not meet the requirements of their own policies for safe compounding of sterile injectable

1 products. During the inspection Respondent Haverlock provided the inspectors a copy of River
2 City Policies in place for safe compounding. The inspection revealed that the Pharmacy did not
3 comply with their own policies as follows:

- 4 a. On December 8, 2014, the anteroom used for garbing was dirty.
- 5 b. The Storage room for dangerous injectable drugs contained a yellow sticky substance
6 in which insects were enmeshed. The light fixtures in said room had insects and the base boards
7 had been ripped out leaving exposed wood.
- 8 c. The Compounding area had a dirty fan that was pointed at the hood used for sterile
9 compounding which increased the risk of interruption of airflow and increased the risk of
10 contamination of the final product.

11 **FOURTH CAUSE FOR DISCIPLINE**
12 **(Failure to Clean Compounding Area)**

13 20. Respondents River City Pharmacy and Haverlock are subject to disciplinary action
14 under section 4301 (f), (j), and (o) in conjunction with title 16, California Code of Regulations
15 section 1751.1 subd. (b) (4) and 1751.4 subd. (d) in that between September 1, 2014, and
16 December 8, 2014, cleaning logs were kept in which it was reported that the compounding area
17 was cleaned, but employees, as well as a visual inspection by the Board's inspectors confirmed
18 that the area for compounding was not cleaned as reported.

19 **PRAYER**

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

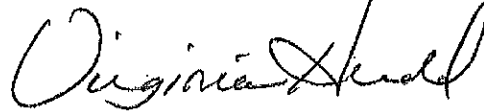
- 22 1. Revoking or suspending Pharmacy Permit PHY 51249, issued to River City
23 Pharmacy Inc.;
- 24 2. Revoking or Original Sterile Compounding Permit Number LSC 100527 issued to
25 River City Pharmacy Inc.;
- 26 3. Revoking or suspending Pharmacist License No. Number RPH 50759, issued to
27 Michelle Dawn Haverlock;
28

1 4. Ordering River City Pharmacy and Michelle Dawn Haverlock to pay the Board of
2 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to
3 Business and Professions Code section 125.3; and,

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

5
6 DATED: _____

9/28/18



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

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