

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

In the Matter of the Accusation Against:

Case No. 5926

**CVS PHARMACY LLC,  
dba CVS/PHARMACY #9248  
1700 McHenry Avenue  
Modesto, CA 95350**

**Pharmacy Permit No. PHY 49725**

and

**STAVROS MICHAEL STATHOUDAKIS  
1700 Joann Avenue  
Modesto, CA 95350**

**Pharmacist License No. RPH 65725**

Respondents.

**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 September 20, 2018.

It is so ORDERED on August 21, 2018.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA



By

\_\_\_\_\_  
Victor Law, R.Ph.  
Board President

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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. 5926

13 **CVS PHARMACY LLC,**  
14 **dba CVS/PHARMACY #9248**  
15 **1700 McHenry Avenue**  
16 **Modesto, CA 95350**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

17 **Pharmacy Permit No. PHY 49725**

18 **and**

19 **STAVROS MICHAEL STATHOUDAKIS**  
20 **1700 Joann Avenue**  
21 **Modesto, CA 95350**

22 **Pharmacist License No. RPH 65725**

23 Respondents.

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

26 PARTIES

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



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. Respondents voluntarily, knowingly, and intelligently waive and give up each and  
4 every right set forth above.

5 CULPABILITY

6 10. Respondents understands and agrees that the charges and allegations in Accusation  
7 No. 5926, if proven at a hearing, constitute cause for imposing discipline upon their Pharmacy  
8 Permit and Pharmacist license.

9 11. For the purpose of resolving the Accusation without the expense and uncertainty of  
10 further proceedings, Respondents agree that, at a hearing, Complainant could establish a factual  
11 basis for the charges in the Accusation, and that Respondents hereby gives up their right to  
12 contest those charges.

13 12. Respondents agree that their Pharmacy Permit and Pharmacist license is subject to  
14 discipline and they agree to be bound by the Board's probationary terms as set forth in the  
15 Disciplinary Order below.

16 CONTINGENCY

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

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

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

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

13 **DISCIPLINARY ORDER**

14 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 49725 issued to Respondent  
15 CVS Pharmacy LLC dba CVS Pharmacy #92489 is revoked. However, the revocation is stayed  
16 and Respondent is placed on probation for three (3) years on the following terms and conditions.

17 **1. Definition: Respondent**

18 For the purposes of terms and conditions one through seventeen, "respondent" shall refer to  
19 CVS Pharmacy LLC dba CVS Pharmacy #9248. Terms and conditions one through seventeen  
20 stated herein shall bind and be applicable to the licensed premises and to all owners, managers,  
21 officers, administrators, members, directors, trustees, associates, or partners thereof. For purposes  
22 of compliance with any term or condition, any report, submission, filing, payment, or appearance  
23 required to be made by respondent to or before the board or its designee shall be made by an  
24 owner or executive officer with authority to act on behalf of and legally bind the licensed entity.

25 **2. Obey All Laws**

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

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

- 1 • an arrest or issuance of a criminal complaint for violation of any provision of the Pharmacy  
2 Law, state and federal food and drug laws, or state and federal controlled substances laws;
- 3 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal criminal  
4 proceeding to any criminal complaint, information or indictment;
- 5 • a conviction of any crime; or
- 6 • discipline, citation, or other administrative action filed by any state or federal agency which  
7 involves respondent's pharmacy permit or which is related to the practice of pharmacy or  
8 the manufacturing, obtaining, handling or distributing, billing, or charging for any  
9 dangerous drug, and/or dangerous device or controlled substance.

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

11 **3. Report to the Board**

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

20 **4. Interview with the Board**

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

26 **5. Cooperate with Board Staff**

27 Respondent shall timely cooperate with the board's inspection program and with the board's  
28 monitoring and investigation of respondent's compliance with the terms and conditions of the

1 probation, including but not limited to: timely responses to requests for information by board  
2 staff; timely compliance with directives from board staff regarding requirements of any term or  
3 condition of probation; and timely completion of documentation pertaining to a term or condition  
4 of probation. Failure to timely cooperate shall be considered a violation of probation.

5 **6. 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 \$10,000. Respondent shall make  
8 said payments as follows: payment shall be made within ninety (90) days. There shall be no  
9 deviation from this schedule absent prior written approval by the board or its designee. Failure to  
10 pay costs by the deadline(s) as directed shall be considered a violation of probation.

11 Respondent shall be permitted to pay these costs in a payment plan approved by the board  
12 or its designee, so long as full payment is completed no later than one (1) year prior to the end  
13 date of probation.

14 **7. Probation Monitoring Costs**

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

19 **8. Status of License**

20 Respondent shall, at all times while on probation, maintain current pharmacy permit with  
21 the board. Failure to maintain current licensure shall be considered a violation of probation.

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

26 **9. License Surrender While on Probation/Suspension**

27 Following the effective date of this decision, should respondent wish to discontinue  
28 business, respondent may tender the premises license to the board for surrender. The board or its

1 designee shall have the discretion whether to grant the request for surrender or take any other  
2 action it deems appropriate and reasonable. Upon formal acceptance of the surrender of the  
3 license, respondent will no longer be subject to the terms and conditions of probation.

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

7 Respondent further stipulates that it shall reimburse the board for its costs of investigation  
8 and prosecution prior to the acceptance of the surrender.

9 **10. Sale or Discontinuance of Business**

10 During the period of probation, should respondent sell, trade or transfer all or part of the  
11 ownership of the licensed entity, discontinue doing business under the license issued to  
12 respondent, or should practice at that location be assumed by another full or partial owner,  
13 person, firm, business, or entity, under the same or a different premises license number, the board  
14 or its designee shall have the sole discretion to determine whether to exercise continuing  
15 jurisdiction over the licensed location, under the current or new premises license number, and/or  
16 carry the remaining period of probation forward to be applicable to the current or new premises  
17 license number of the new owner.

18 **11. Notice to Employees**

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



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

4 **12. Owners and Officers: Knowledge of the Law**

5 Respondent CVS shall provide, within thirty (30) days after the date of this Decision,  
6 signed and dated statement(s) from an authorized corporate agent other than its PIC stating under  
7 penalty of perjury that said individual(s) has read and is familiar with state and federal laws and  
8 regulations governing the practice of pharmacy. The failure to timely provide said statements  
9 under penalty of perjury shall be considered a violation of probation.

10 **13. Premises Open for Business**

11 Respondent shall remain open and engaged in its ordinary business as a pharmacy in  
12 California for a minimum of 40 hours per calendar month. Any month during which this  
13 minimum is not met shall toll the period of probation, i.e., the period of probation shall be  
14 extended by one month for each month during with this minimum is not met. During any such  
15 period of tolling of probation, respondent must nonetheless comply with all terms and conditions  
16 of probation, unless respondent is informed otherwise in writing by the board or its designee. If  
17 respondent is not open and engaged in its ordinary business as a pharmacy for a minimum of 40  
18 hours in any calendar month, for any reason (including vacation), respondent shall notify the  
19 board in writing within ten (10) days of the conclusion of that calendar month. This notification  
20 shall include at minimum all of the following: the date(s) and hours respondent was open; the  
21 reason(s) for the interruption or why business was not conducted; and the anticipated date(s) on  
22 which respondent will resume business as required. Respondent shall further notify the board in  
23 writing with ten (10) days following the next calendar month during which respondent is open  
24 and engaged in its ordinary business as a pharmacy in California for a minimum of 40 hours.  
25 Any failure to timely provide such notification(s) shall be considered a violation of probation.

26 **14. Posted Notice of Probation**

27 Respondent shall prominently post a probation notice provided by the board or its designee  
28 in a place conspicuous to and readable by the public within two (2) days of receipt thereof from

1 the board or its designee. Failure to timely post such notice, or to maintain the posting during the  
2 entire period of probation, shall be considered a violation of probation.

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

7 **15. Violation of Probation**

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

13 If respondent violates probation in any respect, the board, after giving respondent notice  
14 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
15 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
16 probation, the board shall have continuing jurisdiction and the period of probation shall be  
17 automatically extended until the petition to revoke probation or accusation is heard and decided.

18 **16. Completion of Probation**

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

21 **17. Community Services Program**

22 Within sixty (60) days of the effective date of this decision, respondent shall submit to the  
23 board or its designee, for prior approval, a community service program in which respondent shall  
24 provide free health-care related services to a community or charitable facility or agency for  
25 \$10,000 worth of Naloxone and/or sharps containers per year of probation.

26 Within thirty (30) days of board approval thereof, respondent shall submit documentation to  
27 the board demonstrating commencement of the community service program. Respondent shall  
28 report on progress with the community service program in the quarterly reports.

1 Failure to timely submit, commence, or comply with the program shall be considered a  
2 violation of probation.

3 IT IS FURTHER ORDERED that Pharmacist License No. RPH 65725 issued to  
4 Respondent Stathoudakis is revoked. However, the revocation is stayed and Respondent is placed  
5 on probation for two (2) years on the following terms and conditions.

6 **18. Obey All Laws**

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

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

- 10 • an arrest or issuance of a criminal complaint for violation of any provision of the  
11 Pharmacy Law, state and federal food and drug laws, or state and federal controlled  
12 substances laws
- 13 • a plea of guilty, or nolo contendere, no contest, or similar, in any state or federal  
14 criminal proceeding to any criminal complaint, information or indictment
- 15 • a conviction of any crime
- 16 • the filing of a disciplinary pleading, issuance of a citation, or initiation of another  
17 administrative action filed by any state or federal agency which involves  
18 respondent's license or which is related to the practice of pharmacy or the  
19 manufacturing, obtaining, handling, distributing, billing, or charging for any drug,  
20 device or controlled substance.

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

22 **19. Report to the Board**

23 Respondent shall report to the board quarterly, on a schedule as directed by the board or its  
24 designee. The report shall be made either in person or in writing, as directed. Among other  
25 requirements, respondent shall state in each report under penalty of perjury whether there has  
26 been compliance with all the terms and conditions of probation.

27 Failure to submit timely reports in a form as directed shall be considered a violation of  
28 probation. Any period(s) of delinquency in submission of reports as directed may be added to the

1 total period of probation. Moreover, if the final probation report is not made as directed,  
2 probation shall be automatically extended until such time as the final report is made and accepted  
3 by the board.

#### 4 **20. Interview with the Board**

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

#### 10 **21. Cooperate with Board Staff**

11 Respondent shall timely cooperate with the board's inspection program and with the board's  
12 monitoring and investigation of respondent's compliance with the terms and conditions of Entity  
13 probation, including but not limited to: timely responses to requests for information by board  
14 staff; timely compliance with directives from board staff regarding requirements of any term or  
15 condition of probation; and timely completion of documentation pertaining to a term or condition  
16 of probation. Failure to timely cooperate shall be considered a violation of probation.

#### 17 **22. Continuing Education**

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

#### 20 **23. Reporting of Employment and Notice to Employers**

21 During the period of probation, respondent shall notify all present and prospective  
22 employers of the decision in case number 5926 and the terms, conditions and restrictions imposed  
23 on respondent by the decision, as follows:

24 Within thirty (30) days of the effective date of this decision, and within ten (10) days of  
25 undertaking any new employment, respondent shall report to the board in writing the name,  
26 physical address, and mailing address of each of Entity employer(s), and the name(s) and  
27 telephone number(s) of all of Entity direct supervisor(s), as well as any pharmacist(s)-in- charge,  
28 designated representative(s)-in-charge, responsible manager, or other compliance supervisor(s)

1 and the work schedule, if known. Respondent shall also include the reason(s) for leaving the  
2 prior employment. Respondent shall sign and return to the board a written consent authorizing  
3 the board or its designee to communicate with all of respondent's employer(s) and supervisor(s),  
4 and authorizing those employer(s) or supervisor(s) to communicate with the board or its designee,  
5 concerning respondent's work status, performance, and monitoring. Failure to comply with the  
6 requirements or deadlines of this condition shall be considered a violation of probation.

7       Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of  
8 respondent undertaking any new employment, respondent shall cause (a) Entity direct supervisor,  
9 (b) Entity pharmacist-in-charge, designated representative-in-charge, responsible manager, or  
10 other compliance supervisor, and (c) the owner or owner representative of Entity employer, to  
11 report to the board in writing acknowledging that the listed individual(s) has/have read the  
12 decision in case number 5926, and terms and conditions imposed thereby. If one person serves in  
13 more than one role described in (a), (b), or (c), the acknowledgment shall so state. It shall be the  
14 respondent's responsibility to ensure that these acknowledgment(s) are timely submitted to the  
15 board. In the event of a change in the person(s) serving the role(s) described in (a), (b), or (c)  
16 during the term of probation, respondent shall cause the person(s) taking over the role(s) to report  
17 to the board in writing within fifteen (15) days of the change acknowledging that he or she has  
18 read the decision in case number 5926, and the terms and conditions imposed thereby.

19       If respondent works for or is employed by or through an employment service, respondent  
20 must notify the person(s) described in (a), (b), and (c) above at every entity licensed by the board  
21 of the decision in case number 5926, and the terms and conditions imposed thereby in advance of  
22 respondent commencing work at such licensed entity. A record of this notification must be  
23 provided to the board upon request.

24       Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen  
25 (15) days of respondent undertaking any new employment by or through an employment service,  
26 respondent shall cause the person(s) described in (a), (b), and (c) above at the employment service  
27 to report to the board in writing acknowledging that he or she has read the decision in case  
28

1 number, and the terms and conditions imposed thereby. It shall be respondent's responsibility to  
2 ensure that these acknowledgment(s) are timely submitted to the board.

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

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

#### 10 **24. Notification of Change(s) in Name, Address(es), or Phone Number(s)**

11 Respondent shall further notify the board in writing within ten (10) days of any change in  
12 name, residence address, mailing address, e-mail address or phone number.

13 Failure to timely notify the board of any change in employer, name, address, or phone  
14 number shall be considered a violation of probation.

#### 15 **25. Restrictions on Supervision and Oversight of Licensed Facilities**

16 During the period of probation, respondent shall not supervise any intern pharmacist, be the  
17 pharmacist-in-charge, designated representative-in-charge, responsible manager or other  
18 compliance supervisor of any entity licensed by the board, nor serve as a consultant. Assumption  
19 of any such unauthorized supervision responsibilities shall be considered a violation of probation.

#### 20 **26. Probation Monitoring Costs**

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

#### 25 **27. Status of License**

26 Respondent shall, at all times while on probation, maintain an active, current Pharmacist  
27 License with the board, including any period during which suspension or probation is tolled.  
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1 Failure to maintain an active, current Pharmacist License shall be considered a violation of  
2 probation.

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

### 7 **28. License Surrender While on Probation**

8 Following the effective date of this decision, should respondent cease practice due to  
9 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,  
10 respondent may relinquish his license, including any indicia of licensure issued by the board,  
11 along with a request to surrender the license. The board or its designee shall have the discretion  
12 whether to accept the surrender or take any other action it deems appropriate and reasonable.  
13 Upon formal acceptance of the surrender of the license, respondent will no longer be subject to  
14 the terms and conditions of probation. This surrender constitutes a record of discipline and shall  
15 become a part of the respondent's license history with the board.

16 Upon acceptance of the surrender, respondent shall relinquish his pocket and/or wall  
17 license, including any indicia of licensure not previously provided to the board within ten (10)  
18 days of notification by the board that the surrender is accepted if not already provided.  
19 Respondent may not reapply for any license from the board for three (3) years from the effective  
20 date of the surrender. Respondent shall meet all requirements applicable to the license sought as  
21 of the date the application for that license is submitted to the board, including any outstanding  
22 costs.

### 23 **28. Practice Requirement-Extension of Probation**

24 Except during periods of suspension, respondent shall, at all times while on probation, be  
25 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any  
26 month during which this minimum is not met shall extend the period of probation by one month.  
27 During any such period of insufficient employment, respondent must nonetheless comply with all  
28

1 terms and conditions of probation, unless respondent receives a waiver in writing from the board  
2 or its designee.

3 If respondent does not practice as a pharmacist in California for the minimum number of  
4 hours in any calendar month, for any reason (including vacation), respondent shall notify the  
5 board in writing within ten (10) days of the conclusion of that calendar month. This notification  
6 shall include at least: the date(s), location(s), and hours of last practice; the reason(s) for the  
7 interruption or reduction in practice; and the anticipated date(s) on which respondent will resume  
8 practice at the required level. Respondent shall further notify the board in writing within ten (10)  
9 days following the next calendar month during which respondent practices as a pharmacist in  
10 California for the minimum of hours. Any failure to timely provide such notification(s) shall be  
11 considered a violation of probation.

12 It is a violation of probation for respondent's probation to be extended pursuant to the  
13 provisions of this condition for a total period, counting consecutive and non-consecutive months,  
14 exceeding thirty-six (36) months. The board or its designee may post a notice of the extended  
15 probation period on its website.

16 **30. No Ownership or Management of Licensed Premises**

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

24 **31. Violation of Probation**

25 If respondent has not complied with any term or condition of probation, the board shall  
26 have continuing jurisdiction over respondent, and the board shall provide notice to respondent  
27 that probation shall automatically be extended, until all terms and conditions have been satisfied  
28 or the board has taken other action as deemed appropriate to treat the failure to comply as a



1 violation of probation, to terminate probation, and to impose the penalty that was stayed. The  
2 board or its designee may post a notice of the extended probation period on its website.

3 If respondent violates probation in any respect, the board, after giving respondent notice  
4 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that  
5 was stayed. If a petition to revoke probation or an accusation is filed against respondent during  
6 probation, or the preparation of an accusation or petition to revoke probation is requested from  
7 the Office of the Attorney General, the board shall have continuing jurisdiction and the period of  
8 probation shall be automatically extended until the petition to revoke probation or accusation is  
9 heard and decided.

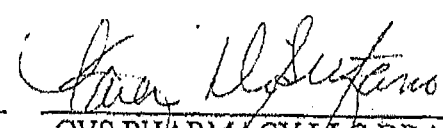
10 **32. Completion of Probation**

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

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ACCEPTANCE

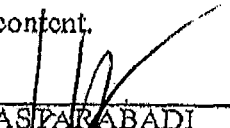
I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my Pharmacy Permit. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4/12/18   
CVS PHARMACY LLC DBA CVS PHARMACY  
#9248 *Director Pharmacy Reg Affairs*  
Respondent

I have also carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: \_\_\_\_\_  
STAVROS MICHAEL STATHOUDAKIS  
Respondent

I have read and fully discussed with Respondent CVS Pharmacy LLC dba CVS Pharmacy #9248 the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4/25/18   
JEFF J. ASTARABADI  
Attorney for Respondent

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ACCEPTANCE

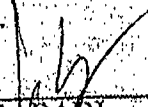
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DATED: \_\_\_\_\_  
CVS PHARMACY LLC DBA CVS PHARMACY  
#9248  
Respondent

I have also carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Jeff J. Astarabadi. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: 4/13/2018 \_\_\_\_\_  
  
STAVROS MICHAEL STATHOUDAKIS  
Respondent

I have read and fully discussed with Respondent CVS Pharmacy LLC dba CVS Pharmacy #9248 the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 4/25/18 \_\_\_\_\_  
  
JEFF J. ASTARABADI  
Attorney for Respondent

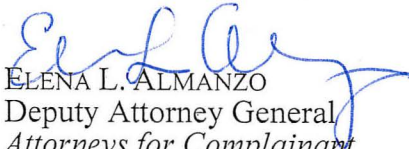
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ENDORSEMENT

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

Dated: 4/25/2018

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**

**Accusation No. 5926**

1 XAVIER BECERRA  
Attorney General of California  
2 KENT D. HARRIS  
Supervising Deputy Attorney General  
3 ELENA L. ALMANZO  
Deputy Attorney General  
4 State Bar No. 131058  
1300 I Street, Suite 125  
5 P.O. Box 944255  
Sacramento, CA 94244-2550  
6 Telephone: (916) 210-7902  
Facsimile: (916) 327-8643  
7 *Attorneys for Complainant*

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

10  
11 In the Matter of the Accusation Against:

Case No. 5926

12 **CVS PHARMACY LLC,**  
**dba CVS/PHARMACY #9248**  
13 **1700 McHenry Avenue**  
**Modesto, CA 95350**

**ACCUSATION**

14 **Pharmacy Permit No. PHY 49725**

15 **and**

16 **STAVROS MICHAEL STATHOUDAKIS**  
17 **1700 Joann Avenue**  
**Modesto, CA 95350**

18 **Pharmacist License No. RPH 65725**

19 Respondents.  
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 ("Board"), Department of Consumer Affairs.

25 2. On or about November 10, 2008, the Board issued Pharmacy Permit Number PHY  
26 49725 to CVS Pharmacy LLC ("Respondent CVS"), doing business as CVS/Pharmacy #9248.

27 On and between October 14, 2012 and August 4, 2015, Stavros Michael Stathoudakis  
28

1 ("Respondent Stathoudakis") was the pharmacist-in-charge. The pharmacy permit was in full  
2 force and effect at all times relevant to the charges brought herein and will expire on November 1,  
3 2017, unless renewed.

4 3. On or about August 16, 2011, the Board issued Pharmacist License Number RPH  
5 65725 to Respondent Stathoudakis. The pharmacist license was in full force and effect at all  
6 times relevant to the charges brought herein and will expire on November 30, 2018, unless  
7 renewed.

### 8 JURISDICTION

9 4. 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 5. Code section 4300 states, in pertinent part:

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

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

16 (1) Suspending judgment.

17 (2) Placing him or her upon probation.

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

20 (4) Revoking his or her license.

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

22 6. Code section 4300.1 states:

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

27 ///

28 ///





1 establishment holding a currently valid and unrevoked certificate, license, permit,  
2 registration, or exemption under Division 2 (commencing with Section 1200) of the  
3 Health and Safety Code or under Part 4 (commencing with Section 16000) of  
4 Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous  
5 drugs or dangerous devices.

6 (b) The owner, officer, and partner of any pharmacy, wholesaler, or  
7 veterinary food-animal drug retailer shall be jointly responsible, with the  
8 pharmacist-in-charge or representative-in-charge, for maintaining the records and  
9 inventory described in this section . . .

10 11. Code section 4113, subdivision (c), states that "[t]he pharmacist-in-charge shall be  
11 responsible for a pharmacy's compliance with all state and federal laws and regulations pertaining  
12 to the practice of pharmacy.

13 12. Code section 4306.5 (b) provides in pertinent part that unprofessional conduct may  
14 include any of the following:

15 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or  
16 implement his or her best professional judgement or corresponding, responsibility  
17 with regard to the dispensing or furnishing of controlled substances, dangerous drugs,  
18 or dangerous devices, or with regard to the provision of services

19 13. Health and Safety Code section 11153, subdivision (a), states:

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

14. Title 16, California Code of Regulations, section 1718 states, in pertinent part:

"Current Inventory" as used in Sections 4081 and 4332 of the Business  
and Professions Code shall be considered to include complete accountability for all  
dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332 . . .

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1 **COST RECOVERY**

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

6 **DRUG CLASSIFICATIONS**

7 16. "Roxicodone", a brand name for oxycodone, is a Schedule II controlled substance  
8 pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M). Roxicodone is also a  
9 dangerous drug pursuant to Code section 4022 and is used to treat pain.

10 17. "Norco", a brand name for hydrocodone/acetaminophen, is a Schedule III controlled  
11 substance pursuant to Health and Safety Code section 11056. Norco is also a dangerous drug  
12 pursuant to Code section 4022 and is used to treat pain.

13 18. "Xanax", a brand name for alprazolam, is a Schedule IV controlled substance  
14 pursuant to Health and Safety Code section 11057, subdivision (d)(1). Xanax is also a dangerous  
15 drug pursuant to Code section 4022 and is used to treat anxiety.

16 19. "Adipex-P", a brand name for phentermine, is a Schedule IV controlled substance  
17 pursuant to Health and Safety Code section 11057, subdivision (f)(4). Adipex-P is also a  
18 dangerous drug pursuant to Code section 4022 and is used as an appetite suppressant.

19 20. "Soma", a brand name for carisoprodol, is a Schedule IV Controlled Substance  
20 pursuant to Title 21, Code of Federal Regulations, section 1308.14, subdivision (c)(6). Soma is  
21 also a dangerous drug pursuant to Code section 4022 and is used as a muscle relaxant.

22 21. "Adderall", a brand name for amphetamine salts, is a Schedule II controlled substance  
23 pursuant to Health and Safety Code section 11055, subdivision (d)(1). Adderall is also a  
24 dangerous drug pursuant to Code section 4022 and is used to treat Attention Deficit Hyperactivity  
25 Disorder.

26 **FACTUAL ALLEGATIONS**

27 22. On or about January 13, 2015, pharmacy technician Mona Chavarin ("Chavarin") was  
28 arrested by the Modesto Police Department for, among other things, filling altered prescriptions

1 and criminal conspiracy<sup>1</sup>. The arrest report indicated that Lenele Nunez (“Nunez”) stole  
2 prescription pads belonging to physician assistant R. S. and sold them to Christina Martinez  
3 (“Martinez”). Martinez forged the prescriptions, and she and Lance Wilson had the prescriptions  
4 filled at CVS/Pharmacy #9248 (“CVS #9248”) where Chavarin was employed. Chavarin verified  
5 the prescriptions through Nunez. Fourteen patient names, 8 actual and 6 fictional, were  
6 connected to the fraud and approximately 286 prescriptions were issued. The prescriptions were  
7 filled for approximately 17,350 oxycodone tablets, 23,760 hydrocodone tablets, and 7,650 tablets  
8 of Schedule IV controlled drugs.

9 23. On or about January 13, 2015, the Modesto Police Department Narcotic Enforcement  
10 Team (“MNET”) and Drug Enforcement Administration (“DEA”) agents served a search warrant  
11 at Central Valley Pain Management (“CVPM”) in Modesto, California, where R. S. was  
12 employed as a physician assistant. The search warrant was part of the investigation of the  
13 fraudulent prescriptions; prescriptions were forged for oxycodone, mixed amphetamine salts,  
14 hydrocodone/acetaminophen (H/APAP), alprazolam, phentermine, and carisoprodol. Detective  
15 M., the lead investigator on the MNET, informed Board Inspector H. (“inspector”) that Nunez  
16 was the officer manager for CVPM. All of the prescription forms were forged using R. S.’s  
17 name. Martinez brought the fraudulent prescriptions to CVS #9248 when Chavarin was on duty.  
18 Martinez or Wilson returned at a later time to receive the dispensed medication from Chavarin.  
19 MNET identified 14 fraudulent patient records at CVS #9248.

20 24. On or about January 14, 2015, the inspector assisted the MNET in serving a search  
21 warrant at CVS #9248 (DEA agents were also present at the time). Respondent Stathoudakis  
22 (“Stathoudakis”) assisted with the retrieval of documents for the search warrant. The inspector  
23 worked with the MNET officers in locating patient prescription profiles and pertinent prescription  
24 documents for each fraudulent patient identified by the MNET. The MNET removed all original  
25

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26 <sup>1</sup> On or about August 29, 2016, Chavarin pled guilty in United States District Court,  
27 Eastern District of California, Case No. 1:15CR00046-LJO-SKO, to one count of violating  
28 21U.S.C. sections 846, 841 (a) (1) and 841 (b) (1) (c) (Conspiracy to distribute oxycodone and hydrocodone).

1 fraudulent prescription documents from the pharmacy (the inspector obtained copies of the  
2 fraudulent prescriptions and patient prescription profiles on October 28, 2015).

3 25. The inspector reviewed the patient prescription records for the fraudulent  
4 prescriptions with Stathoudakis. None of the records listed any additional medication other than  
5 the controlled substances noted above. There were no records of any notes either in the  
6 pharmacy's computer records or written on the prescription documents indicating that pharmacy  
7 staff called the prescriber or the prescriber's agent to verify any of the fraudulent prescriptions.  
8 There were no notes from the pharmacist or any other staff about the patient, patient's medical  
9 condition(s), history, or diagnosis. As the inspector and Stathoudakis reviewed each prescription  
10 profile, they noticed that the fraudulent prescriptions were all paid using cash discount cards<sup>2</sup>.  
11 The inspector pointed out to Stathoudakis various "red flags" on the prescriptions; most of the  
12 prescriptions were for "Holy Trinity" drugs ("Holy Trinity" is the street name for the combination  
13 of oxycodone IR 30 mg, Norco or H/APAP 10/325 mg, and Xanax 2 mg), the dosage strengths  
14 were high, large quantities of commonly abused controlled substances were prescribed, and the  
15 prescriptions were paid for in cash. Further, the diagnosis code was completed on the  
16 prescription forms, which was unusual.

17 26. After the MNET and DEA left, the inspector completed an inspection of the  
18 pharmacy. The inspector found that approximately 213 of the fraudulent prescriptions at the  
19 pharmacy appeared to be typed by Chavarin, using the initials "MC". The date range for all of  
20 the fraudulent prescriptions was from August 2013 to January 2015. Most of the prescriptions  
21 were typed many days after the date written on the prescription and dispensed even later. Few  
22 prescriptions were typed and dispensed on the same shift. The inspector noticed that patient  
23 phone numbers were written on each prescription; some of the same phone numbers were written  
24 on prescriptions for different patients and several phone numbers applied to multiple patients.

25  
26  
27 <sup>2</sup> A cash discount card is often billed the same way as regular insurance and includes an  
28 ID number. However, the patient must provide his or her name, address, and date of birth.  
Patients sometimes receive a discounted cash price for a prescription.



#9248, Respondent's pharmacists verified and dispensed approximately 238 fraudulent prescriptions for the controlled substances oxycodone, mixed amphetamine salts, hydrocodone/acetaminophen, alprazolam, phentermine, and carisoprodol, including the following:

	<b>Prescription Numbers</b>	<b>Fraudulent Patient: Initials &amp; Date of Birth</b>
1.	482816, 482818, 482820	JW (7/28/51)
2.	506508, 506509, 506510	
3.	521117, 521118, 521119	
4.	532374, 532375, 532376	
5.	495344, 495345, 495346	
6.	387427	
7.	450459, 450460, 450461	
8.	470236, 470237, 470238	
	<b>Prescription Numbers</b>	<b>Fraudulent Patient: Initials &amp; Date of Birth</b>
9.	509872, 509873, 509874	DS (3/8/74)
10.	538452, 538453, 538454	
11.	498599, 498600, 498601	
12.	521141, 521142, 521143	
13.	466428, 466429, 466430	
14.	477326, 477327, 477328	
15.	534572, 534573, 534574	PS (2/3/58)
16.	500286, 500287, 500288	
17.	480394, 480395, 480396	
18.	467314, 467315, 467393	
19.	524638, 524639, 524640	
20.	383571	MS (9/7/58)
21.	450969, 450970, 450971	

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22.	543060, 543061, 543062	
23.	473641, 473642, 473643	
24.	528019, 528020, 528021	
25.	513897, 513898	
26.	489221, 489222	
27.	502861, 502862, 502863	
28.	416344, 416346, 416347	
29.	542118, 542119, 542120	PM (6/25/72)
30.	420452, 420453, 420454	
31.	483094, 483103, 483105	
32.	502351, 502352, 502353	
33.	472948, 472949, 472950	
34.	516644, 516645, 516646	
	<b>Prescription Numbers</b>	<b>Fraudulent Patient: Initials &amp; Date of Birth</b>
35.	531162, 531163, 531164	
36.	502817, 502818, 502819	RL (7/1/79)
37.	539339, 539346, 539347	
38.	490656, 490657	
39.	528476, 528477, 528478	
40.	449821, 449822, 449823	
41.	473647, 473648, 473649	
42.	492433, 492435, 492434	CL (4/1/80)
43.	476686, 476687, 476688	
44.	535035, 535036, 535037	
45.	466121, 466122, 466123	
46.	504448, 504449, 504450	
47.	409672, 409673, 409674	

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48.	519127, 519128, 519129	
49.	507371, 507372, 507373	JG (6/24/68)
50.	536302, 536303, 536304	
51.	521127, 521128, 521129	
52.	506889, 506890, 506891	MG (7/11/74)
53.	519130, 519131, 519132	
54.	532371, 532372, 532373	
55.	523727, 523728, 523729	ID (9/8/69)
56.	470190, 470191, 470192	
57.	500290, 500291, 500292	
58.	512670, 512672	
59.	480838, 480839, 480841	
60.	534521 534523, 534524	
	<b>Prescription Numbers</b>	<b>Fraudulent Patient: Initials &amp; Date of Birth</b>
61.	494825, 494826, 494829	CC (11/8/77)
62.	504824, 504826, 504827	
63.	478032, 478033, 478034	
64.	540289, 540290	
65.	468540, 468541, 468542	
66.	528506, 528507, 528508	
67.	514222, 514223	
68.	510278, 510279, 510280	RA (9/3/67)
69.	460820, 460821, 460823	
70.	525827, 525829, 525830	
71.	478544, 478545, 478546	
72.	499064, 499065, 499066	
73.	492445, 492446, 492447	AA (2/16/54)



1	74.	53945, 539451, 539452	
2	75.	458329, 458331, 458333	
3	76.	521533, 521534, 521535	
4	77.	504456, 504457, 504458	
5	78.	489198, 489199	AA (11/24/69)
6	79.	513925, 513926	
7	80.	415895	
8	81.	502790, 502791, 502792	
9	82.	526335, 526336, 526337	
10	83.	475009, 475010, 475014	
11	84.	541703, 541704, 541705	

**SECOND CAUSE FOR DISCIPLINE**

**(Failure to Exercise Corresponding Responsibility with Regard to  
the Dispensing or Furnishing of Controlled Substances)**

32. Respondent CVS is subject to disciplinary action pursuant to Code section 4301, subdivision (j), for unprofessional conduct, in that Respondent violated state laws regulating controlled substances, specifically, Health and Safety Code section 11153, subdivision (a), as follows: In and between August 2013 and January 2015, while employed and on duty at CVS/Pharmacy #9248, Respondent's pharmacists failed to exercise or implement their best professional judgment or corresponding responsibility with regard to the dispensing or furnishing of controlled substances and dangerous drugs, as set forth in paragraph 31 above.

**THIRD CAUSE FOR DISCIPLINE**

**(Failure to Maintain a Current Inventory of All Dangerous Drugs)**

33. Respondent CVS is subject to disciplinary action for unprofessional conduct pursuant to Code section 4301, subdivision (o), in that Respondent violated or attempted to violate, directly or indirectly, assisted in or abetted the violation of, or conspired to violate state laws and regulations governing pharmacy, specifically, Code section 4081, subdivision (a), and Title 16, California Code of Regulations, section 1718, as follows: On and between May 1, 2014 and

1 January 26, 2015, Respondent failed to maintain an accurate or current inventory of all dangerous  
2 drugs in the pharmacy, resulting in an overage of 478 oxycodone IR 30 mg tablets, 7,920  
3 hydrocodone/acetaminophen 10/325 mg tablets, 865 alprazolam 2 mg tablets, and 543 ml of  
4 promethazine with codeine syrup.

5 **FOURTH CAUSE FOR DISCIPLINE**  
6 **(Unlawful Furnishing of Dangerous Drugs)**

7 34. Respondent Stathoudakis is subject to disciplinary action pursuant to Code section  
8 4301, subdivision (o), for unprofessional conduct, in that Respondent, as pharmacist-in-charge of  
9 CVS/Pharmacy #9248, violated or attempted to violate, directly or indirectly, assisted in or  
10 abetted the violation of, or conspired to violate state laws governing pharmacy, specifically, Code  
11 section 4059, subdivision (a), in conjunction with 4113 and 4060 as follows: In and between  
12 August 2013 and January 2015, Respondent's pharmacists verified and dispensed approximately  
13 238 fraudulent prescriptions for the controlled substances oxycodone, mixed amphetamine salts,  
14 hydrocodone/acetaminophen, alprazolam, phentermine, and carisoprodol, including the  
15 prescriptions identified in paragraph 31 above.

16 **FIFTH CAUSE FOR DISCIPLINE**  
17 **(Failure to Exercise Corresponding Responsibility with Regard to**  
18 **the Dispensing or Furnishing of Controlled Substances)**

19 35. Respondent Stathoudakis is subject to disciplinary action pursuant to Code section  
20 4301, subdivision (j) and 4306.5 (b), for unprofessional conduct, in that Respondent, as  
21 pharmacist-in-charge of CVS/Pharmacy #9248, violated state laws regulating controlled  
22 substances, specifically, Health and Safety Code section 11153, subdivision (a), as follows: In  
23 and between August 2013 and January 2015, Respondent's pharmacists failed to exercise or  
24 implement their best professional judgment or corresponding responsibility with regard to the  
25 dispensing or furnishing of controlled substances and dangerous drugs, as set forth in paragraph  
26 31 above.

27 **SIXTH CAUSE FOR DISCIPLINE**  
28 **(Failure to Maintain a Current Inventory of All Dangerous Drugs)**

36. Respondent Stathoudakis is subject to disciplinary action for unprofessional conduct  
pursuant to Code section 4301, subdivision (o), in that Respondent, as pharmacist-in-charge of

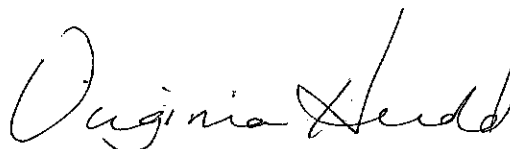
1 CVS/Pharmacy #9248, violated or attempted to violate, directly or indirectly, assisted in or  
2 abetted the violation of, or conspired to violate state laws and regulations governing pharmacy,  
3 specifically, Code section 4081, subdivision (a), and Title 16, California Code of Regulations,  
4 section 1718, as follows: On and between May 1, 2014 and January 26, 2015, Respondent failed  
5 to maintain an accurate or current inventory of all dangerous drugs in the pharmacy, resulting in  
6 an overage of 478 oxycodone IR 30 mg tablets, 7,920 hydrocodone/acetaminophen 10/325 mg  
7 tablets, 865 alprazolam 2 mg tablets, and 543 ml of promethazine with codeine syrup.

8 **PRAYER**

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

- 11 1. Revoking or suspending Pharmacy Permit Number PHY 49725, issued to CVS  
12 Pharmacy LLC, doing business as CVS/Pharmacy #9248;
  - 13 2. Revoking or suspending Pharmacist License Number RPH 65725, issued to Stavros  
14 Michael Stathoudakis;
  - 15 3. Ordering CVS Pharmacy LLC, doing business as CVS/Pharmacy #9248, and Stavros  
16 Michael Stathoudakis to pay the Board of Pharmacy the reasonable costs of the investigation and  
17 enforcement of this case, pursuant to Business and Professions Code section 125.3; and
  - 18 4. Taking such other and further action as deemed necessary and proper.
- 19  
20  
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22  
23 DATED: 10/7/17



24 VIRGINIA HEROLD  
25 Executive Officer  
26 Board of Pharmacy  
27 Department of Consumer Affairs  
28 State of California  
*Complainant*

SA2016103131