

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

In the Matter of the Accusation
Against:

AMER LATIF NAIK
2210 N. Schnoor Street, Apt. 207
Madera, CA 93637

Intern Pharmacist Registration No.
INT 35312

Respondent.

Case No. 6031

**STIPULATED SETTLEMENT
AND DISCIPLINARY ORDER**

DECISION AND ORDER

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

This Decision shall become effective at 5:00 p.m. on September 27, 2017.

It is so ORDERED on August 28, 2017.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

Amy Gutierrez, Pharm.D.
Board President

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9 **BEFORE THE
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11 In the Matter of the Accusation Against:

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12 **AMER LATIF NAIK**
2210 N. Schnoor Street, Apt. 207
13 Madera, CA 93637

**STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER**

14 **Intern Pharmacist Registration No.**
15 **INT 35312**

16 Respondent.

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

19 **PARTIES**

20 1. Virginia Herold (Complainant) is the Executive Officer of the Board of Pharmacy
21 (Board). She brought this action solely in her official capacity and is represented in this matter by
22 Xavier Becerra, Attorney General of the State of California, by Kristina T. Jarvis, Deputy
23 Attorney General.

24 2. On or about February 17, 2015, the Board issued Intern Pharmacist Registration No.
25 INT 35312 to Amer Latif Naik (Respondent). The Intern Pharmacist Registration was in full
26 force and effect at all times relevant to the charges brought in Accusation No. 6031, and will
27 expire on May 31, 2019, unless renewed.

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1 CONTINGENCY

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

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

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

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

23 DISCIPLINARY ORDER

24 IT IS HEREBY ORDERED that Intern Pharmacist Registration No. INT 35312 issued to
25 Respondent Amer Latif Naik is revoked. However, the revocation is stayed and Respondent is
26 placed on probation for five (5) years on the following terms and conditions. Should Respondent
27 apply for and be granted a pharmacist license during the period of probation, the terms and
28 conditions herein will be applied to the pharmacist license.

1 **1. Obey All Laws**

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

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

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

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

16 **2. Report to the Board**

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

25 **3. Interview with the Board**

26 Upon receipt of reasonable prior notice, respondent shall appear in person for interviews
27 with the board or its designee, at such intervals and locations as are determined by the board or its
28 designee. Failure to appear for any scheduled interview without prior notification to board staff,

1 or failure to appear for two (2) or more scheduled interviews with the board or its designee during
2 the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

4 Respondent shall cooperate with the board's inspection program and with the board's
5 monitoring and investigation of respondent's compliance with the terms and conditions of his
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **5. Continuing Education**

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

10 **6. Notice to Employers**

11 During the period of probation, respondent shall notify all present and prospective
12 employers of the decision in case number 6031 and the terms, conditions and restrictions imposed
13 on respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
15 respondent undertaking any new employment, respondent shall cause his direct supervisor,
16 pharmacist-in-charge (including each new pharmacist-in-charge employed during respondent's
17 tenure of employment) and owner to report to the board in writing acknowledging that the listed
18 individual(s) has/have read the decision in case number 6031, and terms and conditions imposed
19 thereby. It shall be respondent's responsibility to ensure that his employer(s) and/or supervisor(s)
20 submit timely acknowledgment(s) to the board.

21 If respondent works for or is employed by or through a pharmacy employment service,
22 respondent must notify his direct supervisor, pharmacist-in-charge, and owner at every entity
23 licensed by the board of the terms and conditions of the decision in case number 6031 in advance
24 of the respondent commencing work at each licensed entity. A record of this notification must be
25 provided to the board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
27 (15) days of respondent undertaking any new employment by or through a pharmacy employment
28 service, respondent shall cause his direct supervisor with the pharmacy employment service to

1 report to the board in writing acknowledging that he has read the decision in case number 6031
2 and the terms and conditions imposed thereby. It shall be respondent's responsibility to ensure
3 that his employer(s) and/or supervisor(s) submit timely acknowledgment(s) to the board.

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

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

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

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

17 **8. Reimbursement of Board Costs**

18 As a condition precedent to successful completion of probation, respondent shall pay to the
19 board its costs of investigation and prosecution in the amount of \$1,827.50. Respondent shall
20 make said payment no later than sixty (60) days after the effective date of this Order, or in a
21 payment plan as approved in writing by the Board or its designee. If a payment plan is approved,
22 all costs must be paid in full no later than twelve (12) months prior to the scheduled date for the
23 termination of probation.

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

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

1 **9. Probation Monitoring Costs**

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

6 **10. Status of License**

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

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

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

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

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

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

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

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

13. **Tolling of Probation**

While an intern pharmacist, respondent shall, at all times while on probation, be fully compliant with the intern pharmacist program in which he is enrolled and work as an intern pharmacist as directed by the program. Should respondent fail to remain enrolled in the intern pharmacist program, his probation shall be tolled.

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

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

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

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1 "Cessation of practice" means any calendar month during which respondent is not
2 practicing as a pharmacist for at least forty (40) hours, as defined by Business and
3 Professions Code section 4000 et seq . "Resumption of practice" means any calendar
4 month during which respondent is practicing as a pharmacist for at least forty (40)
5 hours as a pharmacist as defined by Business and Professions Code section 4000 et seq.

6 **14. Violation of Probation**

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

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

19 **15. Completion of Probation**

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

22 **16. Pharmacists Recovery Program (PRP)**

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

28 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of

1 the effective date of this decision is no longer considered a self-referral under Business and
2 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
3 his current contract and any subsequent addendums with the PRP.

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

6 Probation shall be automatically extended until respondent successfully completes the PRP.

7 Any person terminated from the PRP program shall be automatically suspended by the board.

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

9 Any confirmed positive test for alcohol or for any drug not lawfully prescribed by a
10 licensed practitioner as part of a documented medical treatment shall result in the automatic
11 suspension of practice by respondent and shall be considered a violation of probation.

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

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

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

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

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

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

4 **17. Random Drug Screening**

5 Respondent, at his own expense, shall participate in random testing, including but not
6 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
7 screening program as directed by the board or its designee. Respondent may be required to
8 participate in testing for the entire probation period and the frequency of testing will be
9 determined by the board or its designee. At all times, respondent shall fully cooperate with the
10 board or its designee, and shall, when directed, submit to such tests and samples for the detection
11 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the board or its
12 designee may direct. Failure to timely submit to testing as directed shall be considered a violation
13 of probation. Upon request of the board or its designee, respondent shall provide documentation
14 from a licensed practitioner that the prescription for a detected drug was legitimately issued and is
15 a necessary part of the treatment of the respondent. Failure to timely provide such documentation
16 shall be considered a violation of probation. Any confirmed positive test for alcohol or for any
17 drug not lawfully prescribed by a licensed practitioner as part of a documented medical treatment
18 shall be considered a violation of probation and shall result in the automatic suspension of
19 practice of pharmacy by respondent. Respondent may not resume the practice of pharmacy until
20 notified by the board in writing.

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

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

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

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

9 **18. Abstain from Drugs and Alcohol Use**

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

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

22 Within thirty (30) days of the effective date of this decision, respondent shall submit to the
23 board, for its prior approval, the name and qualifications of a single physician, nurse practitioner,
24 physician assistant, or psychiatrist of respondent's choice, who shall be aware of the respondent's
25 history with the use of alcohol and who will coordinate and monitor any prescriptions for
26 respondent for dangerous drugs, controlled substances or mood-altering drugs. The approved
27 practitioner shall be provided with a copy of the board's Accusation and decision. A record of
28 this notification must be provided to the board upon request. Respondent shall sign a release

1 authorizing the practitioner to communicate with the board about respondent's treatment(s). The
2 coordinating physician, nurse practitioner, physician assistant, or psychiatrist shall report to the
3 board on a quarterly basis for the duration of probation regarding respondent's compliance with
4 this condition. If any substances considered addictive have been prescribed, the report shall
5 identify a program for the time limited use of any such substances. The board may require that
6 the single coordinating physician, nurse practitioner, physician assistant or psychiatrist be a
7 specialist in addictive medicine, or consult a specialist in addictive medicine. Should respondent,
8 for any reason, cease supervision by the approved practitioner, respondent shall notify the board
9 immediately and, within thirty (30) days of ceasing treatment, submit the name of a replacement
10 physician, nurse practitioner, physician assistant, or psychiatrist of respondent's choice to the
11 board or its designee for its prior approval. Failure to timely submit the selected practitioner or
12 replacement practitioner to the board for approval, or to ensure the required reporting thereby on
13 the quarterly reports, shall be considered a violation of probation.

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

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

27 During suspension, respondent shall not engage in any activity that requires the
28 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the

1 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
2 designated representative for any entity licensed by the board.

3 Subject to the above restrictions, respondent may continue to own or hold an interest in any
4 licensed premises in which he holds an interest at the time this decision becomes effective unless
5 otherwise specified in this order.

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

7 **20. Supervised Practice**

8 During the period of probation, respondent shall practice only under the supervision of a
9 licensed pharmacist not on probation with the board. Upon and after the effective date of this
10 decision, respondent shall not practice pharmacy and his license shall be automatically suspended
11 until a supervisor is approved by the board or its designee. The supervision shall be, as required
12 by the board or its designee, either:

13 Continuous – At least 75% of a work week

14 Substantial - At least 50% of a work week

15 Partial - At least 25% of a work week

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

17 Within thirty (30) days of the effective date of this decision, respondent shall have his
18 supervisor submit notification to the board in writing stating that the supervisor has read the
19 decision in case number 6031 and is familiar with the required level of supervision as determined
20 by the board or its designee. It shall be the respondent's responsibility to ensure that his
21 employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to the
22 board. Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
23 acknowledgements to the board shall be considered a violation of probation.

24 If respondent changes employment, it shall be the respondent's responsibility to ensure that
25 his employer(s), pharmacist-in-charge and/or supervisor(s) submit timely acknowledgement(s) to
26 the board. Respondent shall have his new supervisor, within fifteen (15) days after employment
27 commences, submit notification to the board in writing stating the direct supervisor and
28 pharmacist-in-charge have read the decision in case number 6031 and is familiar with the level of

1 supervision as determined by the board. Respondent shall not practice pharmacy and his license
2 shall be automatically suspended until the board or its designee approves a new supervisor.

3 Failure to cause the direct supervisor and the pharmacist-in-charge to submit timely
4 acknowledgements to the board shall be considered a violation of probation.

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

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

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

18 Subject to the above restrictions, respondent may continue to own or hold an interest in any
19 licensed premises in which he holds an interest at the time this decision becomes effective unless
20 otherwise specified in this order.

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

22 **21. No Ownership of Licensed Premises**

23 Respondent shall not own, have any legal or beneficial interest in, or serve as a manager,
24 administrator, member, officer, director, trustee, associate, or partner of any business, firm,
25 partnership, or corporation currently or hereinafter licensed by the board. Respondent shall sell
26 or transfer any legal or beneficial interest in any entity licensed by the board within ninety (90)
27 days following the effective date of this decision and shall immediately thereafter provide written
28 proof thereof to the board. Failure to timely divest any legal or beneficial interest(s) or provide

1 documentation thereof shall be considered a violation of probation.

2 **22. Criminal Probation/Parole Reports**

3 Respondent shall provide a copy of the conditions of any criminal probation/parole to the
4 board, in writing, within ten (10) days of the issuance or modification of those conditions.

5 Respondent shall provide the name of his probation/parole officer to the board, in writing, within
6 ten (10) days after that officer is designated or a replacement for that officer is designated.

7 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten
8 (10) days after respondent receives a copy of such a report. Failure to timely make any of the
9 submissions required hereby shall be considered a violation of probation.

10 **23. Ethics Course**

11 Within sixty (60) calendar days of the effective date of this decision, respondent shall enroll
12 in a course in ethics, at respondent's expense, approved in advance by the board or its designee.

13 Failure to initiate the course during the first year of probation, and complete it within the second
14 year of probation, is a violation of probation. Respondent shall submit a certificate of completion
15 to the board or its designee within five days after completing the course.

16 **ACCEPTANCE**

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Intern Pharmacist. I enter into this Stipulated
19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
20 bound by the Decision and Order of the Board of Pharmacy.

21
22 DATED: 7/28/2017

23 _____
24 AMER LATIF NAIK
25 Respondent

26 ///

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28 ///

1 documentation thereof shall be considered a violation of probation.

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3 Respondent shall provide a copy of the conditions of any criminal probation/parole to the
4 board, in writing, within ten (10) days of the issuance or modification of those conditions.

5 Respondent shall provide the name of his probation/parole officer to the board, in writing, within
6 ten (10) days after that officer is designated or a replacement for that officer is designated.

7 Respondent shall provide a copy of all criminal probation/parole reports to the board within ten
8 (10) days after respondent receives a copy of such a report. Failure to timely make any of the
9 submissions required hereby shall be considered a violation of probation.

10 **23. Ethics Course**

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

16 **ACCEPTANCE**

17 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the
18 stipulation and the effect it will have on my Intern Pharmacist. I enter into this Stipulated
19 Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be
20 bound by the Decision and Order of the Board of Pharmacy.

21
22 DATED: 7/28/2017


23 AMER LATIF NAIK
24 Respondent

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26 ///

27 ///

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ENDORSEMENT

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

Dated: July 31, 2017

Respectfully submitted,

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


KRISTINA JARVIS
Deputy Attorney General
Attorneys for Complainant

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Exhibit A

Accusation No. 6031

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Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KRISTINA T. JARVIS
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6 Telephone: (916) 324-5403
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 6031

12 **AMER LATIF NAIK**
13 **2210 N. Schnoor Street, Apt. 207**
Madera, CA 93637

ACCUSATION

14 **Intern Pharmacist Registration No. INT 35312**

15 Respondent.

17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about February 17, 2015, the Board issued Intern Pharmacist Registration
22 Number INT 35312 to Amer Latif Naik ("Respondent"). The intern pharmacist registration was
23 in full force and effect at all times relevant to the charges brought herein and will expire on May
24 31, 2019, unless renewed.

25 **JURISDICTION/STATUTORY PROVISIONS**

26 3. This Accusation is brought before the Board under the authority of the following
27 laws. All section references are to the Business and Professions Code ("Code") unless otherwise
28 indicated.

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4. Code section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

5. Code section 4300.1 states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by 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 investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

6. Code section 4301 states, in pertinent part:

The board shall take action against any holder of a license who is guilty of unprofessional conduct . . . Unprofessional conduct shall include, but is not limited to, any of the following:

....

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

....

(k) The conviction of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug or alcoholic beverage, or any combination of those substances.

(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 13 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive

1 evidence of unprofessional conduct. In all other cases, the record of conviction shall
2 be conclusive evidence only of the fact that the conviction occurred. The board may
3 inquire into the circumstances surrounding the commission of the crime, in order to
4 fix the degree of discipline or, in the case of a conviction not involving controlled
5 substances or dangerous drugs, to determine if the conviction is of an offense
6 substantially related to the qualifications, functions, and duties of a licensee under this
7 chapter. A plea or verdict of guilty or a conviction following a plea of nolo
8 contendere is deemed to be a conviction within the meaning of this provision. The
9 board may take action when the time for appeal has elapsed, or the judgment of
10 conviction has been affirmed on appeal or when an order granting probation is made
11 suspending the imposition of sentence, irrespective of a subsequent order under
12 Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of
13 guilty and to enter a plea of not guilty, or setting aside the verdict of guilty, or
14 dismissing the accusation, information, or indictment . . .

8 COST RECOVERY

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

13 FIRST CAUSE FOR DISCIPLINE

14 (Criminal Conviction)

15 8. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
16 Code section 4301, subdivision (I), in that on or about September 7, 2016, in the criminal
17 proceeding entitled *People vs. Amer Latif Naik* (Fresno County Super. Ct., Case No.
18 M16919718), Respondent was convicted by the court, on his plea of nolo contendere, of violating
19 Vehicle Code section 23152, subdivision (b) (misdemeanor driving with a 0.08% or higher blood
20 alcohol level), a crime substantially related to the qualifications, functions, and duties of an intern
21 pharmacist. Respondent stipulated that his blood alcohol level was 0.14 percent. Respondent
22 also admitted the enhancement pursuant to Vehicle Code section 23540 in that the current offense
23 occurred within ten years of Respondent's conviction for wet/reckless driving on December 12,
24 2007, in Fresno County Superior Court, Case No. 079253, as more particularly set forth in
25 paragraph 11 below. The imposition of Respondent's sentence was suspended and Respondent
26 was placed on probation for 3 years on terms and conditions, including that he attend and
27 complete an 18 Month Alcohol Program. Respondent was also ordered to serve 10 days in the
28 Fresno County Jail. The circumstances of the crime are as follows: On or about November 20,

1 2015, Officer A. of the Fresno Police Department was dispatched to the area of Blackstone and
2 McKinley to assist another officer with a possible DUI. Upon arrival, Officer A. contacted the
3 driver, who was later identified as Respondent. Officer A. asked Respondent how much he had to
4 drink that night. Respondent admitted that he consumed two 16 ounce IPA beers. Officer A.
5 could smell a strong odor of an alcoholic beverage coming from Respondent's breath.
6 Respondent also had bloodshot, watery eyes and slurred speech. Officer A. administered field
7 sobriety tests, then placed Respondent under arrest for driving under the influence of alcohol.
8 Later, Respondent underwent a breath test. Respondent's blood alcohol content results were .15
9 percent at 0021 hours and .15 percent at 0024 hours.

10 **SECOND CAUSE FOR DISCIPLINE**

11 **(Use of Alcoholic Beverages to an Extent or in a Manner**

12 **Dangerous or Injurious to Oneself, Others and the Public)**

13 9. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
14 Code section 4301, subdivision (h), in that Respondent used alcoholic beverages to an extent or in
15 a manner dangerous or injurious to himself, others, and the public, as set forth in paragraph 8
16 above.

17 **THIRD CAUSE FOR DISCIPLINE**

18 **(Conviction of More than one Misdemeanor**

19 **Involving the Consumption of Alcoholic beverages)**

20 10. Respondent is subject to disciplinary action for unprofessional conduct pursuant to
21 Code section 4301, subdivision (k), in that Respondent has been convicted of more than one
22 misdemeanor involving the consumption of alcoholic beverages, as set forth in paragraph 8 above
23 and 11 below.

24 **MATTERS IN AGGRAVATION**

25 11. To determine the degree of discipline to be assessed against Respondent, if any,
26 Complainant alleges as follows:

27 a. On or about October 2, 2014, the Board received an application for an intern
28 pharmacist registration from Respondent. Respondent admitted on his application that he had

1 been convicted of a crime. On or about December 12, 2007, in Fresno County Superior Court,
2 Case No. M07925348, Respondent was convicted by the court, on his plea of nolo contendere, of
3 violating Vehicle Code section 23103, subdivision (a), pursuant to 23103.5 (wet/reckless driving),
4 a misdemeanor. On or about February 17, 2015, the Board issued Respondent an intern
5 pharmacist registration, as set forth in paragraph 2 above.

6 b. On or about October 4, 2016, the Board issued Citation and Fine No. CI 2014 65994
7 against Respondent for violating Code section 4301, subdivisions (h) (use of alcoholic beverages
8 to an extent or in a manner dangerous or injurious to oneself, others and the public), (k)
9 (conviction of more than one misdemeanor involving the consumption of alcoholic beverages),
10 and (l) (conviction of crimes substantially related to the practice of pharmacy). The citation was
11 based on Respondent's conviction of December 12, 2007, set forth in subparagraph (a) above, and
12 on the following: On or about September 21, 2016, in Madera County Superior Court, Case No.
13 CCR050923, Respondent was convicted by the court, on his plea of nolo contendere, of violating
14 Vehicle Code section 23152, subdivision (b) (driving a vehicle while having 0.08 percent and
15 more, by weight, of alcohol in his blood), a misdemeanor. The Board ordered Respondent to pay
16 a fine of \$1,700 by November 3, 2016. Respondent complied with the citation on November 7,
17 2016.

18 **PRAYER**

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

21 1. Revoking or suspending Intern Pharmacist Registration Number INT 35312, issued to
22 Amer Latif Naik;

23 2. Ordering Amer Latif Naik to pay the Board of Pharmacy the reasonable costs of the
24 investigation and enforcement of this case, pursuant to Business and Professions Code section
25 125.3; and

26 ///

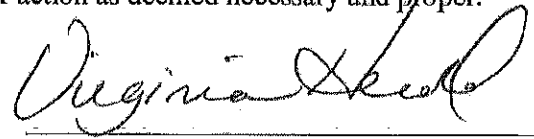
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3. Taking such other and further action as deemed necessary and proper.

DATED: 4/24/17



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

SA2017105030