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

In the Matter of the Accusation Against:

SAFEWAY INC., dba SAFEWAY PHARMACY #1266, Pharmacy Permit No. PHY 52234, Pharmacy Permit No. PHY 37147;

ANTARA SHERGILL-HIRSH, Pharmacist License No. RPH 52264;

and

DAVID SCOTT CARROLL, Pharmacist License No. RPH 39533,

Respondents

Agency Case No. 6518

OAH No. 2020110462

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Reproval is hereby

adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this

matter.

This Decision shall become effective at 5:00 p.m. on February 2, 2022.

It is so ORDERED on January 3, 2022.

BOARD OF PHARMACY DEPARTMENT OF CONSUMER AFFAIRS STATE OF CALIFORNIA

Seung W. Oh, Pharm.D. Board President

1	ROB BONTA Attorney General of California	
2	Attorney General of California ANDREW M. STEINHEIMER	
3	Supervising Deputy Attorney General State Bar No. 200524	
4	1300 I Street, Suite 125 P.O. Box 944255	
5	Sacramento, CA 94244-2550 Telephone: (916) 210-7892	
6	Facsimile: (916) 327-8643 Attorneys for Complainant	
7		
8	BEFOR BOARD OF 1	
9	DEPARTMENT OF C STATE OF C	ONSUMER AFFAIRS ALIFORNIA
10		
11	In the Matter of the Accusation Against:	Case No. 6518
12	SAFEWAY INC.,	OAH No. 2020110462
13	dba SAFEWAY PHARMACY #1266 11290 Donner Pass Road	
14	Truckee, CA 96161	STIPULATED SETTLEMENT AND DISCIPLINARY ORDER FOR PUBLIC
15	Pharmacy Permit No. PHY 52234	REPROVAL AS TO RESPONDENT ANTARA SHERGILL-HIRSH
16	Pharmacy Permit No. PHY 37147	[Bus. & Prof. Code § 495]
17	ANTARA SHERGILL-HIRSH P.O. Box 3776	
18	Incline Village, NV 89450	
19	Pharmacist License No. RPH 52264,	
20	and	
21	DAVID SCOTT CARROLL 9001 Poplar Hollow Way	
22	Elk Grove, CA 95624-9489	
23	Pharmacist License No. RPH 39533	
24	Respondents.	
25		J
26		
27	IT IS HEREBY STIPULATED AND AGR	EED by and between Complainant and
28	Respondent Antara Shergill-Hirsh that the follow	ing matters are true:
		1
	STIP SETTLEMEN	NT & DISC ORDER FOR PUBLIC REPROVAL (6518)

1	PARTIES
2	1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
3	(Board). She brought this action solely in her official capacity and is represented in this matter by
4	Rob Bonta, Attorney General of the State of California, by Andrew M. Steinheimer, Supervising
5	Deputy Attorney General.
6	2. Respondent Antara Shergill-Hirsh is represented in this proceeding by attorney Alissa
7	Castaneda whose address is: Quarles & Brady, LLP, One Renaissance Square, Two North
8	Central Avenue, Phoenix, AZ 85004-2391.
9	JURISDICTION
10	3. On or about October 25, 2000, the Board issued Pharmacist License Number RPH
11	52264 to Respondent Shergill-Hirsh. The pharmacist license was in full force and effect at all
12	times relevant to the charges brought herein and will expire on April 30, 2022, unless renewed.
13	4. Accusation No. 6518 was filed before the Board and is currently pending against
14	Respondent. The Accusation and all other statutorily required documents were properly served
15	on Respondent on February 3, 2020. Respondent timely filed her Notice of Defense contesting
16	the Accusation. A copy of Accusation No. 6518 is attached as exhibit A and incorporated herein
17	by reference.
18	ADVISEMENT AND WAIVERS
19	5. Respondent has carefully read, fully discussed with counsel, and understands the
20	charges and allegations in Accusation No. 6518. Respondent has also carefully read, fully
21	discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
22	Order for Public Reproval.
23	6. Respondent is fully aware of her legal rights in this matter, including the right to a
24	hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
25	her own expense; the right to confront and cross-examine the witnesses against her; the right to
26	present evidence and to testify on her own behalf; the right to the issuance of subpoenas to
27	compel the attendance of witnesses and the production of documents; the right to reconsideration
28	and court review of an adverse decision; and all other rights accorded by the California
	2
	STIP SETTLEMENT & DISC ORDER FOR PUBLIC REPROVAL (6518)

Administrative Procedure Act and other applicable laws. 1 2 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above. 3 CULPABILITY 4 8. Respondent understands and agrees that the charges and allegations in Accusation 5 No. 6518, if proven at a hearing, constitute cause for imposing discipline upon Pharmacist 6 License Number RPH 52264. 7 9. For the purpose of resolving the Accusation without the expense and uncertainty of 8 9 further proceedings, Respondent agrees that, at a hearing, Complainant could establish a prima facie basis for the charges in the Accusation, and that Respondent hereby give up her right to 10 contest those charges and that in any future proceeding between the Board and any Respondent, 11 the allegations in the Accusation will be deemed admitted. 12 10. Respondent agrees that her Pharmacist License is subject to discipline and she agrees 13 to be bound by the Disciplinary Order below. 14 CONTINGENCY 15 This stipulation shall be subject to approval by the Board of Pharmacy. Respondent 11. 16 understands and agrees that counsel for Complainant and the staff of the Board of Pharmacy may 17 communicate directly with the Board regarding this stipulation and settlement, without notice to 18 19 or participation by Respondent or her counsel. By signing the stipulation, Respondent understands and agrees that she may not withdraw her agreement or seek to rescind the stipulation 20prior to the time the Board considers and acts upon it. If the Board fails to adopt this stipulation 21 as its Decision and Order, the Stipulated Settlement and Disciplinary Order for Public Reproval 22 shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal action 23 24 between the parties, and the Board shall not be disqualified from further action by having considered this matter. 25 12. The parties understand and agree that Portable Document Format (PDF) and facsimile 26 copies of this Stipulated Settlement and Disciplinary Order for Public Reproval, including PDF 27 and facsimile signatures thereto, shall have the same force and effect as the originals. 28

This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by 13. 1 2 the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, 3 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated 4 5 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative 6 7 of each of the parties. In consideration of the foregoing admissions and stipulations, the parties agree that 14. 8 the Board may, without further notice or formal proceeding, issue and enter the following 9 **Disciplinary Order:** 10 **DISCIPLINARY ORDER** 11 IT IS HEREBY ORDERED that Pharmacist License Number RPH 52264 issued to 12 Respondent Antara Shergill-Hirsh, shall be publicly reproved by the Board of Pharmacy under 13 Business and Professions Code section 495 in resolution of Accusation No. 6518, attached as 14 exhibit A. 15 Board's One-Day Training Program. Within one year from the effective date of this 16 Order, respondent shall enroll in the board's one-day, six (6) hour, training program, "Preventing 17 Prescription Drug Abuse and Drug Diversion," at respondent's expense. Respondent shall 18 provide proof of enrollment upon request. Within thirty (30) days of completion, respondent shall 19 submit a copy of the certificate of completion to the board or its designee. Failure to timely enroll 20in the training program, to initiate and complete the training program within one year, or to timely 21 submit proof of completion to the board or its designee, shall constitute a cause for discipline, 22 including outright revocation of respondent's license. 23 24 Full Compliance. As a resolution of the charges in Accusation No. 6518, this stipulated settlement is contingent upon Respondent's full compliance with all conditions of this Order. If 25 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for 26 discipline, including outright revocation, of Respondent's Pharmacist License Number RPH 27 52264. 28

1	ACCEPTANCE
2	I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3	Reproval and have fully discussed it with my attorney, Alissa Brice Castaneda. I understand the
4	stipulation and the effect it will have on my Pharmacy License. I enter into this Stipulated
5	Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently,
5	and agree to be bound by the Decision and Order of the Board of Pharmacy.
7	
3	DATED:
,	ANTARA SHERGILL-HIRSH, Respondent
	I have read and fully discussed with Antara Shergill-Hirsh the terms and conditions and
	other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
	Reproval. I approve its form and content.
	DATED:
	ALISSA BRICE CASTANEDA Attorney for Respondents Safeway, Inc. and Antara Shergill Hirsh
	<u>ENDORSEMENT</u>
	The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is hereby
	respectfully submitted for consideration by the Board of Pharmacy of the Department of
	Consumer Affairs.
	DATED: Respectfully submitted,
	ROB BONTA
	Attorney General of California
	ANDREW M. STEINHEIMER Supervising Deputy Attorney General
	Attorneys for Complainant
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1	ACCEPTANCE
2	I have carefully read the above Stipulated Settlement and Disciplinary Order for Public
3	Reproval and have fully discussed it with my attorney, Alissa Brice Castaneda. I understand the
4	stipulation and the effect it will have on my Pharmacy License. I enter into this Stipulated
5	Settlement and Disciplinary Order for Public Reproval voluntarily, knowingly, and intelligently
6	and agree to be bound by the Decision and Order of the Board of Pharmacy.
7	
8	DATED: 9/21/21 Antala Sligill-Hund
9	ANTARA SHERGILL HIRSH, Respondent
10	I have read and fully discussed with Antara Shergill-Hirsh the terms and conditions and
11	other matters contained in the above Stipulated Settlement and Disciplinary Order for Public
12	Reproval. I approve its form and content.
13	DATED: 09/21/21 Alisschielastando
14	ALISSA BRICE CASTANEDA Attorney for Respondents
15	Safeway, Inc. and Antara Shergill- Hirsh
16	ENDORSEMENT
17	The foregoing Stipulated Settlement and Disciplinary Order for Public Reproval is herel
18	respectfully submitted for consideration by the Board of Pharmacy of the Department of
19	Consumer Affairs.
20	
21	DATED: Respectfully submitted,
22	ROB BONTA Attorney General of California
23	Automey General of Carifornia
24	
25	ANDREW M. STEINHEIMER Supervising Deputy Attorney General
26	Attorneys for Complainant
27	SA2018102532
28	Stip Shergill-Hirsh.docx
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1	1 ACCEPTAN	<u>CE</u>
2	2 I have carefully read the above Stipulated Settler	ment and Disciplinary Order for Public
3	Reproval and have fully discussed it with my attorney,	Alissa Brice Castaneda. I understand the
4	4 stipulation and the effect it will have on my Pharmacy	License. I enter into this Stipulated
5	5 Settlement and Disciplinary Order for Public Reproval	voluntarily, knowingly, and intelligently,
6	6 and agree to be bound by the Decision and Order of the	e Board of Pharmacy.
7	7	
8		
9	9 ANTARA SH	IERGILL-HIRSH, Respondent
10	0 I have read and fully discussed with Antara Sher	gill-Hirsh the terms and conditions and
11	1 other matters contained in the above Stipulated Settlen	nent and Disciplinary Order for Public
12	2 Reproval. I approve its form and content.	
13	3 DATED:	
14	4	ALISSA BRICE CASTANEDA Attorney for Respondents Safeway,
15	5	Inc. and Antara Shergill Hirsh
16	6 ENDORSEMI	FNT
17		
18		• • •
19		of the Department of
20		
21	1 DATED:9/23/2021 F	Respectfully submitted,
22	1	ROB BONTA
23	3	Attorney General of California
24	4	Andrew Steinheimer
25		ANDREW M. STEINHEIMER Supervising Deputy Attorney General
26		Attorneys for Complainant
27	7 SA2018102532	
28		
	5	
	STIP SETTLEMENT & I	DISC ORDER FOR PUBLIC REPROVAL (6518)

Exhibit A

Accusation No. 6518

XAVIER BECERRA	
Attorney General of California	
DAVID É. BRICE Supervising Deputy Attorney General	
ANDREW M. STEINHEIMER Deputy Attorney General	
State Bar No. 200524 1300 I Street, Suite 125	
P.O. Box 944255	
Sacramento, CA 94244-2550 Telephone: (916) 210-7892	
Facsimile: (916) 327-8643	
Attorneys for Complainant	
BEFOR	
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STATE OF C	
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In the Matter of the Accusation Against:	Case No. 6518
SAFEWAY INC., dba SAFEWAY PHARMACY #1266	
11290 Donner Pass Road Truckee, CA 96161	ACCUSATION
Pharmacy Permit No. PHY 52234	
Pharmacy Permit No. PHY 37147	
ANTARA SHERGILL-HIRSH	
P.O. Box 3776 Incline Village, NV 89450	
Pharmacist License No. RPH 52264,	
and	
DAVID SCOTT CARROLL 9001 Poplar Hollow Way	
Elk Grove, CA 95624-9489	
Pharmacist License No. RPH 39533	
Respondents.	
///	

PARTIES

1	Complainant alleges:	
2	PARTIES	
3	1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity	
4	as the Executive Officer of the Board of Pharmacy (Board), Department of Consumer Affairs.	
5	2. On or about May 17, 1991, the Board issued Pharmacy Permit Number PHY 37147 to	
6	Safeway, Inc. (Respondent Safeway), doing business as Safeway Pharmacy # 1266. Respondent	
7	Antara Shergill-Hirsch was the pharmacist-in-charge (PIC) from December 12, 2010 to March 4,	
8	2015. The license expired on January 30, 2015 due to a change in ownership.	
9	3. On or about January 30, 2015, the Board issued Pharmacy Permit Number PHY	
10	52234 to Respondent Safeway, doing business as Safeway Pharmacy #1266, with Respondent	
11	Shergill-Hirsch as PIC. On or about February 14, 2016, David Scott Carroll (Respondent Carroll)	
12	replaced Respondent Shergill-Hirsh as the PIC. On or about September 25, 2016, Nicholas Rust	
13	replaced Respondent Carroll as the PIC. On or about April 17, 2017, Robert Chan replaced	
14	Nicholas Rust as the PIC. The pharmacy permit was in full force and effect at all times relevant	
15	to the charges brought herein and will expire on January 1, 2019, unless renewed.	
16	4. On or about October 25, 2000, the Board issued Pharmacist License Number RPH	
17	52264 to Respondent Shergill-Hirsh. The pharmacist license was in full force and effect at all	
18	times relevant to the charges brought herein and will expire on April 30, 2020, unless renewed.	
19	5. On or about August 28, 1985, the Board issued Pharmacist License Number RPH	
20	39533 to Respondent Carroll. The Pharmacist License was in full force and effect at all times	
21	relevant to the charges brought herein and will expire on December 31, 2020, unless renewed.	
22	JURISDICTION	
23	6. This Accusation is brought before the Board under the authority of the following	
24	laws. All section references are to the Business and Professions Code (Code) unless otherwise	
25	indicated.	
26	7. Section 4300 of the Code states, in pertinent part:	
27	(a) Every license issued may be suspended or revoked.	
28	(b) The board shall discipline the holder of any license issued by the	
	2	
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION	1

1	board, whose default has been entered or whose case has been heard by the board and found guilty, by any of the following methods:
2	(1) Suspending judgment.
3	(2) Placing him or her upon probation.
4	(3) Suspending his or her right to practice for a period not exceeding one
5	year.
6	(4) Revoking his or her license.(5) Taking anged the particulation to disciplining him on her each of the second secon
7	(5) Taking any other action in relation to disciplining him or her as the board in its discretion may deem proper
8	8. Section 4300.1 of the Code states:
9	The expiration, cancellation, forfeiture, or suspension of a board-issued
10	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
11	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
12	a decision suspending or revoking the license.
13	STATUTORY AND REGULATORY PROVISIONS
14	9. Section 4081, subdivision (a), of the Code states:
15	All records of manufacture and of sale, acquisition, or disposition of
16 17	dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least
17 18	three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dominate modiate interview of the provided in the state of th
18 19	dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the
20	Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous
20 21	drugs or dangerous devices.
21	10. Section 4101, subdivision (a), of the Code states:
22	A pharmacist may take charge of and act as the pharmacist-in-charge of a pharmacy upon application by the pharmacy and approval by the board. A
24	pharmacist-in-charge who ceases to act as the pharmacist-in-charge of the pharmacy shall notify the board in writing within 30 days of the date of that change in status.
25	
26	11. Section 4113, subdivision (c), of the Code states that "[t]he pharmacist-in-charge
27	shall be responsible for a pharmacy's compliance with all state and federal laws and regulations
28	pertaining to the practice of pharmacy."
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	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATIO

1	12. Section 4301 of the Code states, in pertinent part:
2	The board shall take action against any holder of a license who is guilty
3	of unprofessional conduct or whose license has been issued by mistake. Unprofessional conduct shall include, but is not limited to, any of the following:
4	
5	(j) The violation of any of the statutes of this state, or any other state, or of the United States regulating controlled substances and dangerous drugs.
6	
7	(o) Violating or attempting to violate, directly or indirectly, or assisting in
8 9	or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or
10	federal regulatory agency
	13. Health and Safety Code section 11153, subdivision (a), states:
11	A prescription for a controlled substance shall only be issued for a
12	legitimate medical purpose by an individual practitioner acting in the usual course of his or her professional practice. The responsibility for the proper prescribing and
13 14	dispensing of controlled substances is upon the prescribing practitioner, but a corresponding responsibility rests with the pharmacist who fills the prescription. Except as authorized by this division, the following are not legal prescriptions: (1) an
14	order purporting to be a prescription which is issued not in the usual course of professional treatment or in legitimate and authorized research; or (2) an order for an
16	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
17	purpose of providing the user with controlled substances, sufficient to keep him or her comfortable by maintaining customary use.
18	14. Health and Safety Code section 11165, subdivision (d), states:
19	For each prescription for a Schedule II, Schedule III, or Schedule IV
20	controlled substance, as defined in the controlled substances schedules in federal law and regulations, specifically Sections 1308.12, 1308.13, and 1308.14, respectively, of
21 22	Title 21 of the Code of Federal Regulations, the dispensing pharmacy, clinic, or other dispenser shall report the following information to the Department of Justice as soon as reasonably possible, but not more than seven days after the date a controlled
23	substance is dispensed, in a format specified by the Department of Justice:
24	(1) Full name, address, and, if available, telephone number of the ultimate user or research subject, or contact information as determined by the Secretary of the
25	United States Department of Health and Human Services, and the gender, and date of birth of the ultimate user.
26	(2) The prescriber's category of licensure, license number, national
27	provider identifier (NPI) number, if applicable, the federal controlled substance registration number, and the state medical license number of any prescriber using the federal controlled substance registration number of a government-exempt facility.
28	4
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSAT

(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

1	(3) Pharmacy prescription number, license number, NPI number, and federal controlled substance registration number.
2	(4) National Drug Code (NDC) number of the controlled substance dispensed.
3	(5) Quantity of the controlled substance dispensed.
4	(6) International Statistical Classification of Diseases, 9th revision (ICD-
5	9) or 10th revision (ICD-10) Code, if available.
6	(7) Number of refills ordered.
7	(8) Whether the drug was dispensed as a refill of a prescription or as a
8	first-time request.
9	(9) Date of origin of the prescription.
10	(10) Date of dispensing of the prescription.
11	15. Health and Safety Code section 11170 states that "[n]o person shall prescribe,
12	administer, or furnish a controlled substance for himself."
13	16. Title 21, Code of Federal Regulations (CFR), section 1305.05, subdivision (a), states:
14	A registrant may authorize one or more individuals, whether or not
15	located at his or her registered location, to issue orders for Schedule I and II controlled substances on the registrant's behalf by executing a power of attorney for
16	each such individual, if the power of attorney is retained in the files, with executed Forms 222 where applicable, for the same period as any order bearing the signature of
17	the attorney. The power of attorney must be available for inspection together with other order records.
18	17. Title 16, California Code of Regulations (CCR), section 1707.1 states:
19	(a) A pharmacy shall maintain medication profiles on all patients who
20	have prescriptions filled in that pharmacy except when the pharmacist has reasonable belief that the patient will not continue to obtain prescription medications from that
21	pharmacy.
22	(1) A patient medication record shall be maintained in an automated data processing or manual record mode such that the following information is readily
23	retrievable during the pharmacy's normal operating hours.
24	(A) The patient's full name and address, telephone number, date of birth (or age) and gender;
25	(B) For each prescription dispensed by the pharmacy:
26	1. The name, strength, dosage form, route of administration, if other than
27	oral, quantity and directions for use of any drug dispensed;
28	2. The prescriber's name and where appropriate, license number, DEA registration number or other unique identifier;
	5
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

1	3. The date on which a drug was dispensed or refilled;
1 2	4. The prescription number for each prescription; and
2	5. The information required by section 1717.
	(C) Any of the following which may relate to drug therapy: patient
4 5	allergies, idiosyncracies, current medications and relevant prior medications including nonprescription medications and relevant devices, or medical conditions which are communicated by the patient or the patient's agent.
6	(D) Any other information which the pharmacist, in his or her professional judgment, deems appropriate.
7 8	(2) The patient medication record shall be maintained for at least one year from the date when the last prescription was filled.
9	18. Title 16, CCR, section 1714 states, in pertinent part:
10	
11	(b) Each pharmacy licensed by the board shall maintain its facilities,
12	space, fixtures, and equipment so that drugs are safely and properly prepared, maintained, secured and distributed. The pharmacy shall be of sufficient size and
13	unobstructed area to accommodate the safe practice of pharmacy
14	19. Title 16, CCR, section 1718 states, in pertinent part:
15	"Current Inventory" as used in Sections 4081 and 4332 of the Business and Professions Code shall be considered to include complete accountability for all
16	dangerous drugs handled by every licensee enumerated in Sections 4081 and 4332
17	20. Title 16, CCR, section 1761 states:
18	(a) No pharmacist shall compound or dispense any prescription which contains any significant error, omission, irregularity, uncertainty, ambiguity or
19	alteration. Upon receipt of any such prescription, the pharmacist shall contact the prescriber to obtain the information needed to validate the prescription.
20	(b) Even after conferring with the prescriber, a pharmacist shall not
21	compound or dispense a controlled substance prescription where the pharmacist knows or has objective reason to know that said prescription was not issued for a
22	legitimate medical purpose.
23	<u>COST RECOVERY</u>
24	21. Section 125.3 of the Code provides, in pertinent part, that a Board may request the
25	administrative law judge to direct a licentiate found to have committed a violation or violations of
26	the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
27	enforcement of the case.
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	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

1	DRUG CLASSIFICATIONS
2	22. Oxycodone is a Schedule II controlled substance pursuant to Health and Safety Code
3	section 11055, subdivision (b)(1)(M). Oxycodone is also a dangerous drug pursuant to section
4	4022 of the Code and is used to treat pain. "Oxycontin" is a brand name for oxycodone.
5	23. Morphine is a Schedule II controlled substance pursuant to Health and Safety Code
6	section 11055, subdivision (b)(1)(L), and is used to treat pain. Morphine is also a dangerous drug
7	pursuant to Code section 4022.
8	24. "Soma," a brand name for carisoprodol, is a Schedule IV Controlled Substance as
9	designated by Title 21, CFR, section 1308.14, subdivision (c)(6), and is a controlled substance
10	pursuant to Health and Safety Code section 110507, subdivision (d). Soma is used to treat muscle
11	spasms. Soma is also a dangerous drug pursuant to Code section 4022.
12	25. Methadone is a Schedule II controlled substance pursuant to Health and Safety Code
13	section 11055, subdivision (c)(14), and is used to treat pain. Methadone is also a dangerous drug
14	pursuant to Code section 4022.
15	26. Alprazolam is a Schedule IV controlled substance pursuant to Health and Safety Code
16	section 11057, subdivision (d)(1). Alprazolam is also a dangerous drug pursuant to Code section
17	4022 and is used to treat anxiety. "Xanax" is a brand name for alprazolam.
18	27. Diazepam is a Schedule IV controlled substance pursuant to Health and Safety Code
19	section 11057, subdivision (d)(9). Diazepam is also a dangerous drug pursuant to Code section
20	4022 and is used to treat anxiety and muscle spasms. "Valium" is a brand name for diazepam.
21	28. "Percocet" and "Endocet" are brand names for a combination drug containing
22	oxycodone and APAP and are used to treat chronic pain. Oxycodone is a Schedule II controlled
23	substance pursuant to Health and Safety Code section 11055, subdivision (b)(1)(M). Oxycodone
24	is also a dangerous drug pursuant to Code section 4022.
25	///
26	///
27	///
28	///
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	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

1	FACTUAL ALLEGATIONS	
2	29. On or about December 15, 2015, the Board received a complaint from J. H., alleging	
3	that Safeway Pharmacy #1266 had questionable prescribing and filling practices. J. H. stated that	
4	the pharmacy had filled E-Scripts from Lloyd Castello, M. D., who was located in Pomona,	
5	California, 400 miles away. On or about November 23, 2015, the pharmacy had dispensed the	
6	controlled substances morphine, Oxycontin and carisoprodol to patient Z B that had been	
7	prescribed by Dr. Castello (Z B's address was located in Truckee, California).	
8	30. On or about May 2, 2016, Board Inspector P. P. requested and received CURES	
9	reports for Z B, J. H., and the pharmacy, including a CURES report covering the time period from	
10	May 1, 2013 through May 1, 2016. Between 2013 and 2016, ZB had received controlled	
11	substance prescriptions for carisoprodol 350 mg, oxycodone 30 mg, morphine 30 mg, Nuvagil	
12	150 mg, hydromorphone 8 mg, and morphine 100 mg. The primary prescriber was Dr. Costello,	
13	whose office was located approximately 515 miles from Safeway Pharmacy #1266.	
14	31. On or about September 19, 2016, inspector P. P. requested and received CURES	
15	reports from the Board on the pharmacy and Dr. Costello. Dr. Costello primarily provided	
16	controlled substance prescriptions for patients located in Southern California with the exception	
17	of ZB. ZB's profile demonstrated the longest distance from Dr. Costello. Some of the other	
18	patients also had questionable profiles. Inspector P. P. created various PIVOT tables in order to	
19	review areas of non-compliance by the pharmacy or data demonstrating the pharmacy's failure to	
20	exercise or implement their best professional judgment or corresponding responsibility with	
21	regard to the dispensing or furnishing of controlled substances and dangerous drugs. The pivot	
22	tables showed the patients who received the largest number of controlled substances at the	
23	pharmacy. Further, the pivot tables showed that the pharmacy dispensed controlled substances to	
24	patients who resided in other states, including Nevada (247 prescriptions), Arizona, Idaho,	
25	Washington, Florida and 23 other states. The bulk were in California. The report covered the	
26	time period from September 1, 2013 to September 20, 2016. Inspector P. P. made a list of	
27	patients with their dates of birth and places of residence in order to pull prescription profiles for	
28	the patients from the pharmacy.	
		l

32. On or about September 21, 2016, Inspector P. P. and Board Inspector J. H. conducted 1 an inspection at the pharmacy and were assisted by pharmacist G. S. G. S. identified himself as a 2 floater pharmacist. Respondent Carroll (Carroll), who was the designated PIC of the pharmacy as 3 of that time, was not present. G. S. informed the inspectors that Carroll left on medical leave on 4 August 15, 2016, and his projected date of return was in November or January 2017. P. P. asked 5 G. S. who the interim PIC was and G. S. stated that they did not have an assigned interim PIC. 6 The Board had no record of a change of PIC or interim PIC as of the date of the inspection. The 7 Board inspectors obtained various documents from the pharmacy, including a biennial inventory 8 of April 30, 2014, and a biennial inventory of May 11, 2016. The inspectors also obtained 9 10 McKesson Invoices with DEA 222 forms (U.S. Official Order form for Schedule I and II controlled substances), including a DEA 222 form signed by pharmacist Nicholas Rust (Rust) 11 dated August 1, 2016, as well as pharmacist work schedules for August and September 2016. 12 The Board inspectors could not find a power of attorney form for Rust allowing him to order 13 14 Schedule II controlled substances. The schedules showed that Carroll had not worked at the pharmacy since August 11, 2016. The Board inspector then obtained certain patient profiles. 15 33. Inspector P. P. checked hard copies of controlled substance prescriptions to determine 16 if there were notes written on the copies of any contacts made with prescribers. G. S. checked the 17 notes sections on each of the patient profiles and there was no indication that the prescribers were 18 19 called to verify medical necessity of the drugs for the patients. G. S. had pharmacy technician B. V. print out various medication profiles, including notes, that were requested by the board 2021 inspectors. G. S. explained the pharmacy's process for checking for "red flags" (indications of 22 suspicious prescriptions) to the inspectors. A stamp was placed on the back of the prescriptions. The pharmacist was to check appropriate boxes for the patient in determining whether the 23 24 prescriptions were legitimate. For example, on one of ZB's prescriptions, several boxes had been checked, including the "cocktail" box and out of area prescriber. Inspector P. P. did not see any 25 documentation on any of the prescriptions she obtained and no evidence that any actions were 26 taken after the pharmacist checked the boxes to verify the legitimacy of most of the controlled 27 substances dispensed. P. P. reviewed the stamps on many of the prescriptions and found that 28

boxes were not checked which would have been appropriate for the prescription. Later, Inspector 1 2 P. P. created tables to demonstrate that high dose controlled substances were dispensed to patients without any evidence pharmacy staff had communicated with the individual prescribers, 3 including combinations of drugs referred to as "trinity" drugs (combinations of drugs which 4 5 would be considered at high risk for diversion or abuse, including hydrocodone, alprazolam, and carisoprodol; promethazine/codeine, methylphenidate, and carisoprodol; hydromorphone, 6 carisoprodol and buprenorphine; and methadone, diazepam and tramadol) and "holy trinity" 7 8 drugs (combinations of the above-listed drugs, but adding oxycodone used with alprazolam and 9 carisoprodol). The tables showed the combinations of drugs that were dispensed to patients, 10 prescriptions that were dispensed to patients who resided out of the area or out of state, and prescriptions that were dispensed to patients with only a post office box address (when physical 11 addresses were required). 12

34. During the inspection, and while pharmacy technician B. V. was printing patient
profiles, inspector J. H. was looking through Schedule II controlled substance hardcopy
prescriptions and pulling prescriptions for certain patients. J. H. found a Schedule II controlled
substance prescription for Carroll. The back label indicated that Carroll had filled the
prescription for himself. This was verified by pharmacy technician B. V. who confirmed his
initials.

35. On or about October 3, 2016, Inspector P. P. received an email from Safeway 19 Supervisor C. P. along with various documents, including a change of PIC application, a power of 20 21 attorney form for Rust, which was not signed, and acquisition and dispensing data for requested drugs for the time period of April 30, 2014 through May 11, 2016. The drugs had been purchased 22 from distributors McKesson and Cardinal Health. P. P. conducted an audit based on the 23 24 information provided by C. P. and the biennial inventories. P. P. found that the pharmacy had significant shortages of five controlled substances and notable overages of five controlled 25 substances, as set forth below. Respondent Shergill-Hirsch was the PIC for the pharmacy from 26 September 30, 2014 through February 14, 2016. Carroll was the PIC from February 14, 2016, 27 through September 25, 2016. 28

1	36. On or about May 24, 2018, Inspector P. P. sent a fax to the pharmacy requesting hard								
2	copies of prescriptions for certain patients as well as notes from the patient profiles. That same								
3	day, P. P. received various documents from the pharmacy. P. P. created a table of controlled								
4	substances that had been dispensed for various patients to verify lack of medical necessity for the								
5	drugs; i.e., prescriptions for medications with no logical connection to the diagnosis or treatment.								
6	RESPONDENT SAFEWAY								
7	FIRST CAUSE FOR DISCIPLINE								
8	(Failure to Report Absence of Pharmacist-in-Charge to Board)								
9	37. Respondent Safeway is subject to disciplinary action for unprofessional conduct								
10	pursuant to Code section 4301, subdivision (o), in that Respondent violated Code section 4101,								
11	subdivision (a), as follows:								
12	a. On or about September 21, 2016, Respondent failed to notify the Board that								
13	pharmacist-in-charge Carroll had been absent from the pharmacy since at least August 15, 2016.								
14	b. On or about September 21, 2016, no interim pharmacist-in-charge was assigned to the								
15	pharmacy.								
16	SECOND CAUSE FOR DISCIPLINE								
17	(Failure to Produce Power of Attorney)								
18	38. Respondent Safeway is subject to disciplinary action for unprofessional conduct								
19	pursuant to Code section 4301, subdivision (o), in that Respondent violated Title 21, CFR, section								
20	1305.05, subdivision (a), as follows:								
21	a. On or about August 1, 2016, Respondent allowed pharmacist Nicholas Rust to sign a								
22	DEA 222 form to order oxycodone drugs without a power of attorney form on file with the								
23	pharmacy.								
24	b. On or about October 3, 2016, Respondent submitted the power of attorney form for								
25	Nicholas Rust to the Board; however, it was not signed.								
26	///								
27	///								
28	///								
	11								
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION								

	THIRD CAUSE FOR DISCIPLINE							
	(Failure to Identify Legitimacy of Prescriptions)							
	39. Respond	ent Safeway is subject to dis	sciplinary action pu	rsuant to Code section 4301				
	subdivisions (o) and	(j), for unprofessional condu	uct, in that Respond	lent violated Health and				
	Safety Code section	11153, subdivision (a), and	Title 16, California	Code of Regulations, sectio				
	1761, as follows: Or	or about September 21, 20	16, pharmacists, wl	nile working at Safeway				
	Pharmacy #1266, dis	pensed controlled substance	e prescriptions with	out first verifying a legitima				
	medical purpose for	he drugs. In addition, even	when the prescript	ions contained uncertainties				
	or irregularities, the p	pharmacists continued to dis	pense high dose, hi	igher quantities of controlled				
	substances. Specific	ally, between April 1, 2014	and September 21,	2016, Respondent's				
	pharmacists filled co	ntrolled substances without	contacting the pres	criber in order to identify the				
	medical necessity pri	or to dispensing, dispensed	drugs to patients w	ho lived long distances from				
	both the pharmacy ar	nd the prescribers, and dispe	nsed drugs to patie	nts who lived out of state an				
	obtained prescription	s from Southern California	prescribers and the	n had them filled at the				
	pharmacy:							
	a. The follo	wing prescriptions were iss	ued to patients with	no known medical necessit				
	for the drugs, the pat	ients were issued prescription	ons of combinations	s of drugs known as "trinity"				
	or "holy trinity", and	there was no documentation	n of contact with th	e prescribers for the				
	prescriptions:							
	Patient initials	Controlled substance:	Prescriber:	Date Issued:				
	AP	Hydrocode/apap 10/325mg #60	Rice	4/9/14 4/20/14				
		Oxycodone 30mg #180		4/20/14 4/21/14				
		Clonazepam 2mg #30 Hydrocod/apap		4/25/14 and				
		10/325mg #180 Carisoprodol 350mg						
	AP	#90 Hydrocod/apap	Bouchier	8/2/16				
		10/325mg #180 Oxycodone 30mg #90		7/22/16 8/3/16				
		to take 6/day Oxycodone 30mg		8/6/16 and 8/16/16 9/1/16				
11		#90-to take every 4hrs						
	Alprazolam 0.5mg							

Patient initials	Controlled substance:	Prescriber:	Date Issued:
	#5, 15 once daily		
	Oxycodone 30mg		
	#90-one q4h		
СР	Morphine ER 100mg	Paul	4/8/14
	#120 Ovverdens 20mg		4/8/14 4/8/14
	Oxycodone 30mg #180		4/0/14
	Carisoprodol 350mg		
	#120		
СР	Morphine ER 100mg #120	Paul	4/14/16 4/14/16
	Oxycodone 30mg		4/14/16
	#180 q4h		4/16/16
	Carisoprodol 350mg #120		
	Diazepam 10mg #30		
	1 hs for anxiety		
DVA	Methadone 10mg	Barta	4/19/14
	#450 5 tabs tid Morphine 60mg ER		4/19/14 4/19/14
	#90-q8h		5/1/14
	Morphine soln		
	100mg/5mg 180ml - 1ml q4h		
	Lorazepam 1mg #30		
	Later, patient had		
	alprazolam and		
	diazepam added to drug list. But the		
DVA	Morphine	Barta	8/31/16
	100mg/5mg solution		8/31/16
	90ml Methadone 10mg		8/31/16 8/18/16
	#180		(Exhibit 14, page
	Morphine 100mg ER		39,40)
	#60 Lorozonom 1mg #20		
	Lorazepam 1mg #30 Patient had		
	cyclobenzaprine,		
	baclofen on current		
DP	profile Morphine 60mg ER	Paul	4/15/14
~.	#90		4/15/14
	Oxycodone 15mg		4/15/14
	#180 q4h Carisoprodol 350mg		
	#90		
DP	Morphine 60mg ER #90	Paul	4/2/16 4/5/16
	Oxycodone 15mg		4/2/16
		13	

Patient initials	Controlled substance:	Prescriber:	Date Issued:
	#200 q4h *		
	Carisoprodol 350mg #90		
	*Note increased oxy		
	IR 15mg quantity		
PL	Tramadol 50mg #240	Scully	4/23/14
	-2 q 6h		4/26/14
	Hydroc/apap 10/325mg #130		
PL	Oxycodone 15mg	Pong	2/20/16 started-last
	#200 Tromodol 50mg #150		date on this record is $7/15/16$; still for pos
	Tramadol 50mg #150 2 q6h		7/15/16; still for pos op pain
	-		Tramadol: 7/15/16
IM	Oxycodone 20mg #120	Tinkelenberg	5/5/15 5/21/15
	Morphine 60mg ER		5/21/15 6/24/15
	#30		6/24/15
	Morphine 15mg ER #30		
	Morphine 30mg ER		
	#30		
IM	Oxycodone 30mg #90 Morphine 20mg FR #		Oxy on 1/7/16, 2/1/16, 2/13/16 (#18
	Morphine 30mg ER # 30 then #7		&3/16/16
	Diazepam 10mg #30		MS: 12/2/15, 2/10/1
	then #6		Diazepam: $12/2/15$,
			2/10/16
SM	Hydroc/apap	Joseph-Messner	6/4/14
	7.5mg/325mg #28 Hydroc/apap		6/9/14
	7.5mg/325mg #20		
	0 0 0		
SM	Clonazepam 0.5mg	Barta	8/21/16
	#30	Ringers	8/31/16
	Hydroc/apap 10/325mg #80		
	0		
DC	Hydroc/apap 10/325mg by MC1	Dodd	8/10/16 – PIC filled own RX
DB	Hydroc/apap	Liu	4/2/14, 6/19/14
	10/325mg #15		6/19/14
DB	Diazepam 10mg #10 Hydroco/apap	Colpitts	9/20/16
00	7/5mg/325mg #15		9/20/16
75	Diazepam 10mg #15		
ZB	Carisoprodol 350mg #120	Costello	11/26/14 6/8/15
	Morphine 100mg ER		6/8/15
	#150		6/8/15
	Oxycodone 30mg		
		14	

Patient initials	Controlled sul	ostance:	Prescrib	er:	Date Iss	ued:
	#360 Morphine 30n #30	ng ER				
ZB	Carisoprodol 3 #120 Morphine 100 #180	-	Costello complai	– Original nt	8/2/16 a 8/10/16 8/27/16 8/23/16	nd 8/29/16
	Oxycodone 30 #360 Morphine 30n #30	-				
b. The fol	llowing prescriptions	s were issu	ued to pat	ients who lived	out of the	e area and
patients obtained c	ontrolled substances	from out	of the are	a prescribers:		
Patient initials	Controlled substance:	Prescrib Address		Date:		number: nments:
DC Lives in Elk Grove	Hydroco/apap 10mg #70	Dodd Truckee		8/10/16	217	1333 ed for self
SW Lives in Chinese Camp, CA	Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, Zolpidem	Decomr Auburn		4/26/14 throu 6/1/16	(Exi page 421 (pag Dist 130 CC 68 r Aub	9094 hibit 22, e 10) 3049 Xana ge 11) cance: miles from to Auburn niles from purn to
ZB	Carisoprodol 350mg #120-20 times Morphine 100mg ER #180 -17 times Oxycodone 30mg #360- 17 times Morphine 30mg ER #30 – 14 times <i>Refer to Exhibit</i> 21	Costello Pomona		7/5/14 thru 9/8/16	216 elec 216 elec 217 217 217 217 Elec Mor 421 216 30 MS dire crus 11 t	ckee 9138 tronic 9137 tronic 1216 1215 1214 ctronic for phine RX 3048 – So 9139 – ox 30mg ctions was h in crean imes then cched to or
			15			

Patient initials	Controlled	Prescriber:	Date:	<u>RX number:</u>
AP	substance: Hydrocod/apap	Address: Bouchier	4/9/14 through	<u>Comments:</u> 2171277 -
Ar Truckee,CA	10/325mg #180- 31 times	Grass Valley, CA	9/2/16	oxycodone 2171274-
	Oxycodone 30mg #90 to take 6/day			hydro/apap
	Oxycodone 30mg #90-to take every			Diagnosis on one RX: chro
	4hrs – 48 times Alprazolam 0.5mg #5, 15			pain 56 miles, ove
	once daily - twice Clonazepam 2mg			one hour driv from Grass
	#30 – 3 times <i>Refer to Exhibit</i>			Valley to Truckee
	12			MD is family practice
TM Graeagle, CA	Endocet 10/325mg #60 or #80- 3 times	Dodd Truckee, CA	5/21/16 through 9/15/16	2171338 2171144
	Morphine ER 15mg #50 1x			Distance:
	Oxycodone 5mg #60 1x			57 minutes (45.5miles) fr
	Oxycod/apap 5/325mg #60, 80			Graeagle, CA Truckee
VR	or 50 – 6 times Hydroco/apap	Monroe	8/1/16	2171262
Sioux Falls, SD	5/325mg #30	Santa Ana, CA		Rx was verifi
				but no comm why from SD
				Santa Ana to Truckee.
				Distance from MD to Truck
DW Lovelton CA	Methadone 10mg	Kim, M	4/3/14 through	8.5 hours 2171352 2171252
Loyalton, CA PO BOX, no address	#120 9 times Hydro/apap #180 -25 times	Portola, CA	9/19/16	2171353 2171354 2170333
auu1055	Alprazolam .25mg #30 – 19			All electronic
	times Diazepam 10mg			Distance: 27 miles from
	#60 Carisoprodol			Loyalton to Portola. 1
	350mg #60 Butalbital/apap			pharmacy in Loyalton. 1 in
	#30 Methadone 5mg			Portola. 2 in Quincy
	#60 Phentermine			46 minutes of 1.25hrs
	All the above were prescribed			depending on route from
		16		

Patient initials	Controlled	Prescriber:	Date:	<u>RX number:</u>
	substance: together and	Address:		Comments:
	taken at some			Loyalton to Truckee.
	point at the same			Thucheet
	time per profile.			
JC San Marcos, CA	Oxy/apap 10/325mg #240	Kaime MD Truckee CA	4/10/14	2171355
Sali Marcos, CA	$10/323111g \pm 240$	center		When asked
				RPH why the
				was no conta with prescrib
				the answer w
				one of
				assumption because
				oxy/apap can
				from cancer
11			7/10/16	center.
JL Las Vegas, NV	Methadone 10mg #90	Fedor MD Santa Barbara,	7/19/16	2171169
Only a PO Box on patient		CA		Distance: 359miles from
profile.				LV to Santa
				Barbara- 5.25
				hours. 493 miles fro
				SB to Trucke
				NOTE: DL s
				patient is from
				Florida!
MA	Oxy/apap	Picetti	3/20/15 through	2170372-
Grass Valley, CA	10/325mg #150, 60, 100	Sacramento, CA Spine specialist	4/22/16	oxy/apap on 3/24/16
	Hydroco/apap	With Yee, M		
	10/325 #60,90,100,	MD.		Distance: I observed it
	Carisoprodol			could be
	350mg #60			reasonable to
	Diazepam 10mg #30, 60			a spine speci in Sacrament
	Starting on			and patient li in GV.
	12/3/15, pt advised to wean			However, the travel from
	on oxy/apap;			Sacramento y
	instead, quantities increased and			Truckee was questionable.
	there are no notes to address.			
		17		

Patient initials	Controlled substance:	Prescrib Address		Date:	<u>RX number:</u> Comments:
PL Truckee, CA	Oxycodone 15mg #200	Hindle I SFO, C. Spine in	PA A	7/11/16	2171151 Issue: The security feature: RX i supposed to change with and did not. had RPH Speicher try.
AS Novato, CA	Lorazepam 1mg #30 or #40 -16 times in 13 months	Kreiss Fremon	t, CA	Last on this record: 9/9/10 Range: 7/10/ through 9/19/	15 Distance:
					Novato to Truckee
KD Grass Valley,	Endocet 10/325mg #42	Anton, An	Mark t Beach,	9/23/15	2168700 4211697
CA	Zolpidem 10mg #20	CA			4211698
	Alprazolam 0.5mg #30				Distance: 531 miles fro Newport Bea to Truckee. I googled MI Aesthetics M No notes to explain why patient receiv meds in Truc and not GV.
c. The fo	ollowing prescriptions	s were iss	ued to pati	ents who lived	out of state and/or
prescriber was fro	m out of state:				
Patient initials	Controlled Su	ubstance:	Prescribe	er:	Date:
KS Sammanish, WA	Tramadol 501	ng	Auerbac ER MD hospital	h, P at Stanford	8/23/15 Distance: 219 miles from Stanford to Truck
NP Charlotte, NC	Hydroc/apap 5/325mg #50		Cahill, K Santa Ba	K urbara, CA	7/15/16 RX2171150 Distance:
			1		210 milet.

			493 miles from Sar Barbara to Truckee
PL	Oxycodone 5mg #60	Martin, P	7/14/16
Surprise, AZ	Lorazepam 0.5mg #6	S. Lake Tahoe	RX 2171147 on
1 /	1 0	Scholnick, J	secure form.
		Truckee	RX 4213329
			Distance:
			44 miles or 1.25 h
			from Tahoe to Truckee
DM	Hydroc/apap	Osgood	2168510 on 9/2/15
Florence AZ	7.5mg/325mg #60	Truckee and Jackson, CA	6/4/15, and 8/8/14
	Tramadol 50mg #60	CA	Note: pharmacy
			should have called
			see why person ou
			state was seeing th
			MD in Truckee
PB	Adderall 10mg #30 -3	Paul, G	2171212 on 7/30/1
DOB: 12/15/54	times	Truckee, CA	4213300 on 7/25/1
Reno, NV	Alprazolam 1mg #75 – 7 times	Family practice MD	2170798 on 5/21/1
	Oxycodone 10mg #180 – 1x		Distance: Patient address in
	Oxycodone 15mg		Reno, gets control
	#170, 250 - 2 times		substances from M
	Endocet 10/325mg		in Truckee.
	#180 4 times		NO medical
			justification for
			amphetamine with
			pain meds but no calls to prescriber.
			miles
OB	Hydroc/apap	Astengo, S	2166938 on 3/3/15
Incline village NV	5/325mg #30	ER physician, closest in S. Lake Tahoe, CA	
NA	Hydromorphone 2mg	Ringnes, A	2170296
Miami, FL	#75	Truckee, CA	4212664
	Tramadol 50mg # 50		Both on 3/15/16
MH	Testosterone 50mg	Reichert, J	No notes 4212670 on 3/17/1
Sequim, WA	packets #450	Joseph Drew	4212670 off 3/17/1 4211420 on 12/9/1
~~~~~~	Androgel 450gm	Both from-	RPH should have
		Reno, NV	questioned address
			from WA to NV to
			CA to fill.
LM Swe Welley, NW	Methadone 10mg	Hamblin, B	2167507 2167768
Sun Valley, NV	#210 (7 per day)- filled 10 times	Point Reyes Station, CA	Date range: $6/25/1$
	med to times		through 6/5/15. I did not check
			CURES to see gap
			231 miles from Su

VD			Valley to Point Rey Station. 38 miles from Sun Valley to Truckee b must pass through Reno, NV		
KB Lumberton, MS DOB: 7/27/85	Adderall XR 30mg #30	William Alan Davis (when I googled name only found one in Bethesda, MD)	2168035 on 7/9/15		
AP Dublin, CA DOB 7/5/95	Oxycodone 5mg #90 Notable directions: 1 to 3 every 4 hours.	Buchanan, D Reno, NV	2171025 on 6/26/16 This was a 20 y.o. who is from Dublin getting high dose oxycodone. 186 miles from Dublin to Truckee. 218 miles from Dublin to reno. NV		
JJ Kellogg, ID DOB: 9/18/84	Buprenorphine 8mg #90 x2 Clonazepam 1mg #90	Carraher md Post Falls ID	Dublin to reno, NV Filled 10/14/15 and 9/10/15.		
		DEA does not begin with an 'X'	Distance for patient travel to MD: 45 miles. Because of patient age, address and possible no access t CURES, RPH shou have called.		
EP Newton Center, MA DOB 5/12/92	Hydroc/apap 5/325mg #30	Jowers, C ER MD at Portola and Truckee, CA	Rx 2168250 on 8/2/15 Note: probably ER RX but pharmacy di not inquire as to medical necessity for a person out of state		
JH Fort Myers, FL DOB 9/20/85	Oxycodone 5mg #100	Coll, Daniel Records show he is a PA at Truckee hospital and in Reno, NV	2168348 on 8/14/15 Note: this was a larg quantity and out of state patient with no verification by RPH on profile.		
JC Reno, NV DOB 11/16/70	Hydroc/apap 10/325mg #30, 20, 40, etc. at least 10 times with Alprazolam 1mg #30 - 7 times (+other strengths) And	Barta, G Truckee, CA J. Dodd Truckee, CA	Patient travels from Reno, NV to Trucke to see MDs And to this pharmac Distance/time: 30 minutes		
	20				

1		Adderall XR 30mg #30 – 13 times		
2 3	EE Katy, TX DOB 9/11/73	Hydro/apap 7.5/325mg #20	Quammen, A Truckee, CA	Appeared given with drug for cold sore outbreak?
4 5 6	EG Colorado Springs, CO DOB 3/22/88	Hydro/apap 10/325mg #60 on 3/7/16	Ringer, A Cincinnati, OH	RX2170221 This RX should have been sent to the patients address in Colorado if information correct.
7				
8		FOURTH CAUS	E FOR DISCIPLINE	
9		(Erroneous R	eport to CURES)	
10	40. Respondent	Safeway is subject to d	isciplinary action pursu	ant to Code section 4301,
11	subdivisions (o) and (j),	for unprofessional cone	duct, in that Responder	t violated Health and
12	Safety Code section 111	65, subdivision (d)(2),	as follows: On or abou	it March 7, 2016,
13	Respondent dispensed p	prescription number 217	0221 for patient EG un	der the name of Dr. Ringer
14	located in Cincinnati, O	hio, instead of the prese	riber identified on the	prescription, A. Ringnes,
15	M. D. located in Trucke	e, California.		
16		FIFTH CAUSE	FOR DISCIPLINE	
17		(Furnishing Controlle	ed Substances to Ones	elf)
18	41. Respondent	Safeway is subject to d	isciplinary action pursu	ant to Code section 4301,
19	subdivisions (o) and (j),	for unprofessional cond	duct, in that Responder	t violated Health and
20	Safety Code section 111	170, as follows: On or a	bout August 10, 2016,	Respondent's pharmacist-
21	in-Charge, David Scott	Carroll, while working	at Safeway Pharmacy #	1266, filled, verified and
22	dispensed prescription r	number 2171333 for 70	tablets of hydrocodone	/APAP 10/325 mg for
23	himself.			
24		SIXTH CAUSE	FOR DISCIPLINE	
25		(Shortages of Co	ntrolled Substances)	
26	42. Respondent	Safeway is subject to d	isciplinary action pursu	ant to Code section 4301,
27	subdivisions (o) and (j),	for unprofessional con-	duct, in that Responder	t failed to maintain the
28	pharmacy and its facilit	ies, space, fixtures and/	or equipment so that dr	ugs were safely and
			21	
		(SAFEWAY INC	C., DBA SAFEWAY PHAR	RMACY #1266) ACCUSATION

1	properly secured, in violation of Code section 4081, subdivision (a), Title 21, CFR, section 1304				
2	and Title 16, CCR, sections 1714, subdivision (b), and 1718, as follows: On and between April				
3	30, 2014 and May 11, 2016, Respondent failed to maintain its premises so that drugs were				
4	secured from theft or other types of losses, resulting in significant shortages of controlled				
5	substances, specifically 201 tablets of hydrocodone/APAP 10/325 mg, 217 tablets of				
6	oxycodone/APAP 10/325 mg, 168 tablets of zolpidem 10 mg, 370 tablets of oxycodone 30 mg,				
7	and 97 tablets of Oxycontin 30 mg.				
8	SEVENTH CAUSE FOR DISCIPLINE				
9	(Overages of Controlled Substances)				
10	43. Respondent Safeway is subject to disciplinary action pursuant to Code section 4301,				
11	subdivisions (o) and (j), for unprofessional conduct, in that Respondent failed to maintain the				
12	pharmacy and its facilities, space, fixtures and/or equipment so that drugs were safely and				
13	properly secured, in violation of Code section 4081, subdivision (a), and Title 16, CCR, sections				
14	1714, subdivision (b), and 1718, as follows: On and between April 30, 2014 and May 11, 2016,				
15	Respondent failed to maintain its premises so that drugs were secured from theft or other types of				
16	losses, resulting in overages of controlled substances, specifically 340 tablets of Norco 10/325				
17	mg, 4 tablets of hydrocodone/APAP 5/325 mg, 181 tablets of methadone 10 mg, 781 tablets of				
18	Endocet 10/325 mg and 34 tablets of oxycodone 10 mg.				
19	EIGHTH CAUSE FOR DISCIPLINE				
20	(Duty to Maintain Patient Profiles)				
21	44. Respondent Safeway is subject to disciplinary action pursuant to Code section 4301,				
22	subdivision (o), for unprofessional conduct, in that Respondent violated Title 16, CCR, section				
23	1707.1, subdivision (a), as follows: On and between April 1, 2014 and September 21, 2016,				
24	Respondent failed to obtain physical addresses for patients who were dispensed Schedule II				
25	///				
26	///				
27	///				
28	///				
	22				
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION				

# 1 through IV controlled substances and instead obtained post office boxes for the following

# 2 patients:

3	Patient initials	Controlled	MD	Date of RX	RX number/
4		substances dispensed:			Comments:
5	JL Las Vegas, NV	Methadone 10mg #90	Fedor MD Santa Barbara,	7/19/16	2171169
6	Only a PO Box on patient		CA		Distance: 359miles from
7	profile.				LV to Santa Barbara- 5.25
8					hours. 493 miles from SB to Truckee.
9					
10					NOTE: DL says he is from Florida.
11	SS PO Box	Diazepam 10mg #65	Kim, M	Diazepam 4/14/14 - 7/19/16	No notes on patient profile
12 13	Truckee	Morphine 15mg ER #90 Endocet		MS ER: 1/28/15 - 7/7/16 Endocet: 4/28/14 –	
14	<u> </u>	10/325mg #100	T 1 1	7/7/16	
15	CO PO Box	Alprazolam 1mg #90	Lombard	Alprazolam:4/25/14 -8/28/16	Not only was there no address
15 16	Loyalton, CA	Carisoprodol 350mg #30 Hydrocode/apap		Carisoprodol: 4/9/14 – 9/16/16 Hydroc/apap:	but the combination is considered a red
17		10/325mg #180 This is		4/25/14 - 2/25/16	flag. I counted at
18		considered the "trinity" or an			least 10 RPH who filled for
19		opioid cocktail by Safeway			this patient and none addressed these issues.
20	KS PO Box Soda	Methyphenidate ER 54mg #30		4/7/14 - 9/15/16	DOB: 3/30/66:
21	Springs, CA	Methylphenidate 10mg #30			For the 2+ years this was the
22		Clonazepam x1			patients' profile
23	DIV	Bupropion XL x1	T 1 1	4/10/14 0/21/16	- no notes, no address, no DX
24	DW PO Box Truckee, CA	Hydroc/apap 10/325mg #120 Carisoprodol	Lombard	4/10/14 - 8/31/16	This combination is considered a red
25		350mg #90 Alprazolam			flag and referred to as the 'holy
26		0.25mg #30 Oxycontin 40mg			trinity' Not only did the
27		#90			pharmacy not know where the
28			23		
		(SAF		AFEWAY PHARMACY #1	266) ACCUSATION
[]		(SAFI	EWAY INC., DBA SA	AFEWAY PHARMACY #1	1266) ACCUSATION

1	Patient initials	Controlled substances dispensed:	MD	Date of RX	RX number/ Comments:
2 3		dispensed.			person lived but did not know medical necessity.
1			I		necessity.
5		RESPOND	DENT ANTAR	A SHERGILL-HIRSH	
5				<u>R DISCIPLINE</u>	
7			0	olled Substances)	
3	45. Respo	ondent Shergill-H	irsh is subject to	disciplinary action pure	suant to Code section
)	4301, subdivision	as (o) and (j), for u	inprofessional c	onduct, in that Responde	ent, as pharmacist-in-
)	charge for Respon	ndent Safeway, fa	iled to maintain	the pharmacy and its fa-	cilities, space, fixtures
	and/or equipment	so that drugs wer	re safely and pro	perly secured, in violati	on of Code section
	4081, subdivision	(a), Title 21, CFI	R, section 1304	and Title 16, CCR, secti	ons 1714, subdivisior
	(b), and 1718, as :	d 1718, as follows: On and between April 30, 2014 and May 11, 2016, Respondent ll-Hirsh failed to maintain the pharmacy's premises so that drugs were secured from theft			16, Respondent
-	Shergill-Hirsh fai				
,	or other types of l	osses, resulting ir	n significant sho	rtages of controlled subs	stances, specifically
5	201 tablets of hyd	lrocodone/APAP	10/325 mg, 217	tablets of oxycodone/A	PAP 10/325 mg, 168
7	tablets of zolpider	m 10 mg, 370 tabl	ets of oxycodor	e 30 mg, and 97 tablets	of Oxycontin 30 mg.
5		<u>TEN'</u>	<u> FH CAUSE FO</u>	R DISCIPLINE	
)		(Ove	rages of Contro	lled Substances)	
)	46. Respo	ondent Shergill-H	irsh is subject to	disciplinary action purs	suant to Code section
	4301, subdivision	us (o) and (j), for u	inprofessional c	onduct, in that Responde	ent, as pharmacist-in-
	charge for Respon	ndent Safeway, fa	iled to maintain	the pharmacy and its fa	cilities, space, fixture
	and/or equipment	so that drugs wer	e safely and pro	perly secured, in violati	on of Code section
Ļ	4081, subdivision	(a), and Title 16,	CCR, sections	1714, subdivision (b), a	nd 1718, as follows:
5	On and between A	April 30, 2014 and	l May 11, 2016,	Respondent Shergill-Hi	rsh failed to maintain
5	the pharmacy's pr	remises so that dr	ugs were secure	l from theft or other typ	es of losses, resulting
,	///				
3	///				
			24		
		(S	AFEWAY INC., D	BA SAFEWAY PHARMAC	CY #1266) ACCUSATIO

1	in overages of controlled substances, specifically 340 tablets of Norco 10/325 mg, 4 tablets of						
2	hydrocodone/APAP 5/325 mg, 181 tablets of methadone 10 mg, 781 tablets of Endocet 10/325						
3	mg and 34 tablets of oxycodone 10 mg.						
4	ELEVENTH CAUSE FOR DISCIPLINE						
5	(Failure to Identify Legitimacy of Prescriptions)						
6	47. Respondent Shergill-Hirsh is subject to disciplinary action pursuant to Code section						
7	4301, subdivisions (o) and (j), for unprofessional conduct, in that Respondent, as pharmacist-in-						
8	charge for Respondent Safety, violated Health and Safety Code section 11153, subdivision (a),						
9	and Title 16, California Code of Regulations, section 1761, as follows: On or about September						
10	21, 2016, pharmacists, while working at Safeway Pharmacy #1266, dispensed controlled						
11	substance prescriptions without first verifying a legitimate medical purpose for the drugs. In						
12	addition, even when the prescriptions contained uncertainties or irregularities, the pharmacists						
13	continued to dispense high dose, higher quantities of controlled substances. Specifically, between						
14	April 1, 2014 and September 21, 2016, pharmacists filled controlled substances without						
15	contacting the prescriber in order to identify the medical necessity prior to dispensing, dispensed						
16	drugs to patients who lived long distances from both the pharmacy and the prescribers, and						
17	dispensed to patients who lived out of state and obtained prescriptions from Southern California						
18	prescribers and then had them filled at the pharmacy:						
19	a. The following prescriptions were issued to patients with no known medical necessity						
20	for the drugs, the patients were issued prescriptions of combinations of drugs known as "trinity"						
21	or "holy trinity", and there was no documentation of contact with the prescribers for the						
22	prescriptions:						
23	Patient initials         Controlled substance:         Prescriber:         Date Issued:						
24	AP         Hydrocode/apap 10/325mg #60         Rice         4/9/14 4/20/14						
25	Oxycodone 30mg #180 4/20/14 4/21/14						
26	Clonazepam 2mg #30 Hydrocod/apap 4/25/14 and						
27	10/325mg #180 Carisoprodol 350mg						
28	#90						
	25						
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION						

Patient initials	Controlled substance:	Prescriber:	Date Issued:
AP	Hydrocod/apap 10/325mg #180 Oxycodone 30mg #90 to take 6/day Oxycodone 30mg #90-to take every 4hrs Alprazolam 0.5mg #5, 15 once daily Oxycodone 30mg #90-one q4h	Bouchier	8/2/16 7/22/16 8/3/16 8/6/16 and 8/16/1 9/1/16
СР	Morphine ER 100mg #120 Oxycodone 30mg #180 Carisoprodol 350mg	Paul	4/8/14 4/8/14 4/8/14
	#120		
СР	#120 Oxycodone 30mg		4/14/16 4/14/16 4/14/16 4/16/16
	#180 q4h Carisoprodol 350mg #120 Diazepam 10mg #30		4/10/10
1 hs for anxietyDVAMethadone 10mg#450 5 tabs tidMorphine 60mg ER#90-q8hMorphine soln100mg/5mg 180ml -1ml q4hLorazepam 1mg #30Later, patient hadalprazolam anddiazepam added todrug list. But theBut the		Barta	4/19/14 4/19/14 4/19/14 5/1/14
DVA Morphine 100mg/5mg solution 90ml Methadone 10mg #180 Morphine 100mg ER		Barta	8/31/16 8/31/16 8/31/16 8/18/16 (Exhibit 14, page 39,40)
	#60 Lorazepam 1mg #30 Patient had		
	cyclobenzaprine, baclofen on current profile		
	I	26	I
Patient initials	Controlled substance:	Prescriber:	Date Issued:
------------------	------------------------------------------	----------------	-------------------------------------------
DP	Morphine 60mg ER	Paul	4/15/14
	#90		4/15/14
	Oxycodone 15mg #180 q4h		4/15/14
	Carisoprodol 350mg		
	#90		
DP	Morphine 60mg ER #90	Paul	4/2/16 4/5/16
	Oxycodone 15mg		4/5/16
	#200 q4h *		1/2/10
	Carisoprodol 350mg		
	#90 *Note increased oxy		
	IR 15mg quantity		
PL	Tramadol 50mg #240	Scully	4/23/14 4/26/14
	-2 q 6h Hydroc/apap		4/20/14
	10/325mg #130		
PL	Oxycodone 15mg #200	Pong	2/20/16 started-last
	#200 Tramadol 50mg #150		date on this record 7/15/16; still for po
	2 q6h		op pain
	0 1 20		Tramadol: 7/15/16
IM	Oxycodone 20mg #120	Tinkelenberg	5/5/15 5/21/15
	Morphine 60mg ER		6/24/15
	#30		6/24/15
	Morphine 15mg ER #30		
	Morphine 30mg ER		
	#30		
IM	Oxycodone 30mg #90 Morphine 30mg ER #		Oxy on 1/7/16, 2/1/16, 2/13/16 (#1
	30 then #7		&3/16/16
	Diazepam 10mg #30		MS: 12/2/15, 2/10/
	then #6		Diazepam: 12/2/15 2/10/16
			2/10/10
SM	Hydroc/apap	Joseph-Messner	6/4/14
	7.5mg/325mg #28		6/9/14
	Hydroc/apap 7.5mg/325mg #20		
	······································		
SM	Clonazepam 0.5mg	Barta	8/21/16
	#30	Ringers	8/31/16
	Hydroc/apap		
	10/325mg #80		
DC	Hydroc/apap	Dodd	8/10/16 – PIC filled
	10/325mg by MC1		own RX
	1	1	I
		27	

Patient initials	Controlled su	bstance:	Prescri	ber:	Da	te Issued:
DB	Hydroc/apap		Liu			2/14, 6/19/14
	10/325mg #1:				6/1	19/14
DB	Diazepam 10 Hydroco/apar	mg #10	Colpitt		0/2	20/16
DD	7/5mg/325mg	, g #15	Colpiu	.5		20/16
	Diazepam 10	mg #15				
ZB	Carisoprodol #120	350mg	Costell	0		/26/14 3/15
	Morphine 100	)mg ER				3/15 3/15
	#150	-				8/15
	Oxycodone 3 #360	Omg				
	Morphine 30r	ng ER				
	#30					
ZB	Carisoprodol	350mg		lo – Original		2/16 and 8/29/10
	#120 Morphine 100	)ma ED	compla	aint		10/16 27/16
	#180	ning LIK				23/16
	Oxycodone 3	0mg				
	#360 Morphine 30r	ng ER				
	#30					
	llowing prescriptions		-			of the area and
patients obtained c Patient initials	ontrolled substances Controlled substance:	from out Prescrit Address	of the ar	ea prescriber		RX number: Comments:
patients obtained c	ontrolled substances	from out	of the ar	ea prescriber		RX number:
oatients obtained c Patient initials DC Lives in Elk Grove SW	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number: Comments: 2171333 Filled for self 2169094
Patients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in	from out Prescrit Address Dodd Truckee	of the ar per: s: e mer	ea prescriber Date: 8/10/16	s:	RX number: Comments: 2171333 Filled for self 2169094 (Exhibit 22,
patients obtained c Patient initials DC Lives in Elk	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number: Comments: 2171333 Filled for self 2169094
Patients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number:           Comments:           2171333           Filled for self           2169094           (Exhibit 22, page 10)           4213049 Xan           (page 11)
Patients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30,	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number:           Comments:           2171333           Filled for self           2169094           (Exhibit 22, page 10)           4213049 Xan           (page 11)           Distance:
Patients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine,	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number: Comments: 2171333 Filled for self 2169094 (Exhibit 22, page 10) 4213049 Xan (page 11) Distance: 130miles from CC to Auburr
Patients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol,	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburr 68 miles from
Patients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine,	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s:	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburr 68 miles from Auburn to
Datients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine,	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer	rea prescriber Date: 8/10/16 4/26/14 th	s: rough	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburr 68 miles from
Datients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese Camp, CA	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, zolpidem Carisoprodol 350mg #120-20	from out Prescrit Address Dodd Trucked	of the ar per: s: e mer , CA	rea prescriber Date: 8/10/16 4/26/14 th 6/1/16	s: rough	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburr 68 miles from Auburn to Truckee2169138 electronic
Datients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese Camp, CA	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, zolpidem Carisoprodol 350mg #120-20 times	from out Prescrit Address Dodd Trucked Decom Auburn Costelle	of the ar per: s: e mer , CA	rea prescriber Date: 8/10/16 4/26/14 th 6/1/16 7/5/14 thr	s: rough	RX number: Comments: 2171333 Filled for self 2169094 (Exhibit 22, page 10) 4213049 Xan (page 11) Distance: 130miles from CC to Auburr 68 miles from Auburn to Truckee 2169138 electronic 2169137
Datients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese Camp, CA	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, zolpidem Carisoprodol 350mg #120-20	from out Prescrit Address Dodd Trucked Decom Auburn Costelle	of the ar per: s: e mer , CA	rea prescriber Date: 8/10/16 4/26/14 th 6/1/16 7/5/14 thr	s: rough	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburr 68 miles from Auburn to Truckee2169138 electronic
Datients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese Camp, CA	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, zolpidem Carisoprodol 350mg #120-20 times Morphine 100mg ER #180 -17 times	from out Prescrit Address Dodd Trucked Decom Auburn Costelle	of the ar per: s: e mer , CA	rea prescriber Date: 8/10/16 4/26/14 th 6/1/16 7/5/14 thr	s: rough	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburn 68 miles from Auburn to Truckee2169138 electronic 2169137 electronic 2171216 2171215
Datients obtained c Patient initials DC Lives in Elk Grove SW Lives in Chinese Camp, CA	ontrolled substances Controlled substance: Hydroco/apap 10mg #70 Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, zolpidem Carisoprodol 350mg #120-20 times Morphine 100mg ER #180 -17	from out Prescrit Address Dodd Trucked Decom Auburn Costelle	of the ar per: s: e mer , CA	rea prescriber Date: 8/10/16 4/26/14 th 6/1/16 7/5/14 thr	s: rough	RX number: Comments:2171333Filled for self2169094(Exhibit 22, page 10)4213049 Xan (page 11)Distance: 130miles from CC to Auburr 68 miles from Auburn to Truckee2169138 electronic 2169137 electronic 2171216

Morphine 30mg ER #30 - 14 times Refer to Exhibit 21Morphine 1 4213048 21Morphine 1 4213048 21AP Truckee,CAHydrocod/apap 10/325mg #180- 31 times 0xycodone 30mg #90 to take 6/day Oxycodone 30mg #00 to take 6/day Oxycodone 30mg #50 - 3 times Refer to Exhibit 12Bouchier Grass Valley, CA4/9/14 through 9/2/162171274- oxycodone 0 one hour di from Grass Valley to Truckee MD is fam practice Truckee Morphine ER 15mg #50 1x Oxycodone 5mg #60 1x Oxycodone 5	Patient initials	Controlled substance:	Prescriber: Address:	Date:	<u>RX number:</u> Comments:
Truckee,CA10/325mg #180- 31 times Oxycodone 30mg #90 to take 6/day Oxycodone 30mg #90-to take 6/day Oxycodone 30mg 		Morphine 30mg ER #30 – 14 times <i>Refer to Exhibit</i>			Morphine RX 4213048 – So 2169139 – ox 30
#90 to take 6/day Oxycodone 30mg #90-to take every 4hrs – 48 times Alprazolam 0.5mg #5, 15 once daily - twice Clonazepam 2mg #30 – 3 times <i>Refer to Exhibit</i> 12Diagnosis of one RX: cf painTM Graeagle, CAEndocet 10/325mg #60 or #80-3 times Morphine ER 15mg #50 1x Oxycodone 5mg 		10/325mg #180- 31 times	Grass Valley,		oxycodone 2171274-
0.5mg #5, 15 once daily - twice Clonazepam 2mg #30 - 3 times Refer to Exhibit 1256 miles, o one hour du 		#90 to take 6/day Oxycodone 30mg #90-to take every			Diagnosis on one RX: chroupain
Clonazepan 2mg #30 - 3 times Refer to Exhibit 12from Grass Valley to Truckee MD is fam practiceTM Graeagle, CAEndocet 10/325mg #60 or 		0.5mg #5, 15			56 miles, over
12MD is fam practiceTM Graeagle, CAEndocet 10/325mg #60 or #80-3 times Morphine ER 15mg #50 1x Oxycodone 5mg #60 1x Oxycod/apap 5/325mg #60, 80 or 50 - 6 timesDodd Truckee, CA5/21/16 through 9/15/162171338 2171144VR Sioux Falls, SDHydroco/apap 5/325mg #30Monroe Santa Ana, CA8/1/162171262VR Sioux Falls, SDMethadone 10mg H202 times H202 9 times PO BOX, noMethadone 10mg H202 9 times H202 9 times H202 9 timesKim, M Portola, CA4/3/14 through 9/19/162171352 2171354		Clonazepam 2mg #30 – 3 times			from Grass Valley to
Graeagle, CA10/325mg #60 or #80- 3 times Morphine ER 15mg #50 1x Oxycodone 5mg #60 1x Oxycod/apap 					MD is family
Morphine ER 15mg #50 1x Oxycodone 5mg #60 1x 5/325mg #60, 80 or 50 - 6 timesDistance: 57 minutes (45.5miles) Graeagle, O TruckeeVR Sioux Falls, SDHydroco/apap 5/325mg #30Monroe Santa Ana, CA8/1/162171262VR Sioux Falls, SDHydroco/apap 5/325mg #30Monroe Santa Ana, CA8/1/162171262DW Loyalton, CA PO BOX, noMethadone 10mg Hydro/apap #180Kim, M Portola, CA4/3/14 through 9/19/162171352 2171354		10/325mg #60 or			2171338
#60 1x Oxycod/apap 5/325mg #60, 80 or 50 - 6 times(45.5miles) Graeagle, C TruckeeVR Sioux Falls, SDHydroco/apap 5/325mg #30Monroe Santa Ana, CA8/1/162171262VR Sioux Falls, SDHydroco/apap 5/325mg #30Santa Ana, CARx was ver but no com why from S Santa Ana, CADW Loyalton, CA PO BOX, noMethadone 10mg Hydro/apap #180Kim, M Portola, CA4/3/14 through 9/19/162171352 2171353 2171354		Morphine ER 15mg #50 1x			
VR Sioux Falls, SDHydroco/apap 5/325mg #30Monroe Santa Ana, CA8/1/162171262Rx was ver 		#60 1x Oxycod/apap 5/325mg #60, 80			(45.5miles) fr Graeagle, CA
DW Loyalton, CA PO BOX, noMethadone 10mg #120 9 times Hydro/apap #180Kim, M Portola, CA4/3/14 through 9/19/162171352 2171354		Hydroco/apap		8/1/16	2171262
DW Loyalton, CA PO BOX, noMethadone 10mg #120 9 times Hydro/apap #180Kim, M Portola, CA4/3/14 through 9/19/16MD to True 8.5 hoursMD to True 8.5 hoursDW 8.5 hoursDW 9/19/16Methadone 10mg 9/19/16Kim, M 9/19/162171353 2171354					Rx was verifi but no common why from SD Santa Ana to Truckee. Distance from
Loyalton, CA         #120 9 times         Portola, CA         9/19/16         2171353           PO BOX, no         Hydro/apap #180         Portola, CA         9/19/16         2171353					MD to Trucke
	Loyalton, CA	#120 9 times			2171353
Alprazolam .25mg #30 – 19		-25 times Alprazolam			

Patient initials	Controlled	Prescriber:	Date:	<u>RX number:</u>
	substance: times	Address:		Comments: Distance:
	Diazepam 10mg			27 miles from
	#60			Loyalton to
	Carisoprodol			Portola. 1 pharmacy in
	350mg #60 Butalbital/apap			Loyalton. 1 ir
	#30			Portola. 2 in
	Methadone 5mg #60			Quincy 46 minutes or
	Phentermine			1.25hrs
	All the above			depending on
	were prescribed together and			route from Loyalton to
	taken at some			Truckee.
	point at the same			
JC	time per profile. Oxy/apap	Kaime MD	4/10/14	2171355
San Marcos, CA	10/325mg #240	Truckee CA center		When asked
		center		RPH why the
				was no contac
				with prescribe the answer wa
				one of
				assumption because
				oxy/apap cam
				from cancer
JL	Methadone 10mg	Fedor MD	7/19/16	center. 2171169
Las Vegas, NV	#90	Santa Barbara,	11 17 10	
Only a PO Box		CA		Distance: 359miles fror
on patient profile.				LV to Santa
1				Barbara- 5.25
				hours. 493 miles fro
				SB to Trucke
				NOTE: DL sa
				patient is from Florida!
				rionua <mark>:</mark>
MA Crease Valley	Oxy/apap	Picetti	3/20/15 through	2170372-
Grass Valley, CA	10/325mg #150, 60, 100	Sacramento, CA Spine specialist	4/22/16	oxy/apap on 3/24/16
	Hydroco/apap	With Yee, M		
	10/325 #60,90,100,	MD.		Distance: I observed it
	Carisoprodol			could be reasonable to
	350mg #60 Diazepam 10mg			a spine specia
	#30, 60			in Sacramento
				and patient liv
		30		

Patient initials	Controlled substance:	Prescriber: Address:	Date:	<u>RX number:</u> Comments:
	Starting on 12/3/15, pt advised to wean on oxy/apap; instead, quantities increased and there are no notes to address.			in GV. However, the travel from Sacramento via Truckee was questionable.
PL Truckee, CA	Oxycodone 15mg #200	Hindle PA SFO, CA Spine institute	7/11/16	2171151 Issue: The security feature: RX is supposed to change with hea and did not. I had RPH Speicher try. It did not change.
AS Novato, CA	Lorazepam 1mg #30 or #40 -16 times in 13 months	Kreiss Fremont, CA	Last on this record: 9/9/16 Range: 7/10/15 through 9/19/16	4213540 Distance: 59 miles from
	monuis		ullougii 9/19/10	Novato to Fremont. 177 miles from Novato to Truckee
KD Grass Valley, CA	Endocet 10/325mg #42 Zolpidem 10mg #20 Alprazolam 0.5mg #30	Anton, Mark Newport Beach, CA	9/23/15	2168700 4211697 4211698 Distance: 531 miles from Newport Beach to Truckee. I googled MD: Aesthetics MD. No notes to explain why patient received meds in Trucke and not GV.
///				
///				
///				
		31		

c. The following prescriptions were issued to patients who lived out of state and/or the

## 2 prescriber was from out of state:

1

Patient initials	Controlled Substance:	Preseriner.	
170		Prescriber:	Date:
KS Sammanish, WA	Tramadol 50mg	Auerbach, P ER MD at Stanford hospital	8/23/15 Distance:
			219 miles from Stanford to Truckee.
NP Charlotte, NC	Hydroc/apap 5/325mg #50	Cahill, K Santa Barbara, CA	7/15/16 RX2171150
			Distance: 493 miles from Sant Barbara to Truckee.
PL Surprise, AZ	Oxycodone 5mg #60 Lorazepam 0.5mg #6	Martin, P S. Lake Tahoe Scholnick, J	7/14/16 RX 2171147 on secure form.
		Truckee	RX 4213329 Distance:
			44 miles or 1.25 hrs from Tahoe to
DM Florence AZ	Hydroc/apap 7.5mg/325mg #60	Osgood Truckee and Jackson,	Truckee 2168510 on 9/2/15, 6/4/15, and 8/8/14
	Tramadol 50mg #60	CA	Note: pharmacy should have called t
			see why person out state was seeing this
PB	Adderall 10mg #30 -3	Paul, G	MD in Truckee 2171212 on 7/30/16
DOB: 12/15/54 Reno, NV	times Alprazolam 1mg #75 – 7 times	Truckee, CA Family practice MD	4213300 on 7/25/16 2170798 on 5/21/16
	Oxycodone 10mg #180 – 1x		Distance: Patient address in
	Oxycodone 15mg #170, 250 – 2 times Endocet 10/325mg		Reno, gets controlle substances from MI in Truckee.
	#180 4 times		NO medical justification for
			amphetamine with pain meds but no calls to prescriber. miles
OB Incline village NV	Hydroc/apap 5/325mg #30	Astengo, S ER physician, closest in S. Lake Tahoe, CA	2166938 on 3/3/15
		32	

NA	Hydromorphone 2mg	Ringnes, A	2170296
Miami, FL	#75 Tramadol 50mg # 50	Truckee, CA	4212664 Both on 3/15/16
			No notes
MH Sequim, WA	Testosterone 50mg packets #450 Androgel 450gm	Reichert, J Joseph Drew Both from- Reno, NV	4212670 on 3/17/16 4211420 on 12/9/15 RPH should have questioned address from WA to NV to CA to fill.
LM Sun Valley, NV	Methadone 10mg #210 (7 per day)- filled 10 times	Hamblin, B Point Reyes Station, CA	2167507 2167768 Date range: 6/25/14 through 6/5/15. I did not check CURES to see gaps. 231 miles from Sun Valley to Point Reye Station. 38 miles from Sun Valley to Truckee bu must pass through Pono NV
KB Lumberton, MS DOB: 7/27/85	Adderall XR 30mg #30	William Alan Davis (when I googled name only found one in Bethesda, MD)	Reno, NV 2168035 on 7/9/15
AP Dublin, CA DOB 7/5/95	Oxycodone 5mg #90 Notable directions: 1 to 3 every 4 hours.	Buchanan, D Reno, NV	<ul> <li>2171025 on 6/26/16</li> <li>This was a 20 y.o. who is from Dublin getting high dose oxycodone.</li> <li>186 miles from Dublin to Truckee.</li> <li>218 miles from</li> </ul>
			Dublin to reno, NV
JJ Kellogg, ID DOB: 9/18/84	Buprenorphine 8mg #90 x2 Clonazepam 1mg #90	Carraher md Post Falls ID	Filled 10/14/15 and 9/10/15.
		DEA does not begin with an 'X'	Distance for patient t travel to MD: 45 miles.
			Because of patient age, address and possible no access to CURES, RPH should have called.
EP Newton Center, MA DOB 5/12/92	Hydroc/apap 5/325mg #30	Jowers, C ER MD at Portola and Truckee, CA	Rx 2168250 on 8/2/15
J/12/72			Note: probably ER RX but pharmacy die
		33	

			not inquire as to medical necessity for
			a person out of state
JH Fort Myers, FL DOB 9/20/85	Oxycodone 5mg #100	Coll, Daniel Records show he is a PA at Truckee hospital and in Reno, NV	2168348 on 8/14/15 Note: this was a large quantity and out of state patient with no verification by RPH on profile.
JC Reno, NV DOB 11/16/70	Hydroc/apap 10/325mg #30, 20, 40, etc. at least 10 times with Alprazolam 1mg #30 - 7 times (+other strengths) And Adderall XR 30mg #30 - 13 times	Barta, G Truckee, CA J. Dodd Truckee, CA	Patient travels from Reno, NV to Truckee to see MDs And to this pharmacy Distance/time: 30 minutes
EE Katy, TX DOB 9/11/73	Hydro/apap 7.5/325mg #20	Quammen, A Truckee, CA	Appeared given with drug for cold sore outbreak?
EG Colorado Springs, CO DOB 3/22/88	Hydro/apap 10/325mg #60 on 3/7/16	Ringer, A Cincinnati, OH	RX2170221 This RX should have been sent to the patients address in Colorado if information correct.
	TWELFTH CAUSE	<u>FOR DISCIPLINE</u>	
	(Duty to Maintain	n Patient Profiles)	
48. Responden	t Shergill-Hirsh is subject	to disciplinary action pu	rsuant to Code section
4301, subdivision (o), f	for unprofessional conduct	t, in that Respondent, as	pharmacist-in-charge f
Respondent Safeway, v	violated Title 16, CCR, sec	ction 1707.1, subdivision	n (a), as follows: On an
between April 1, 2014	and September 21, 2016, I	Respondent failed to obt	ain physical addresses
for patients who were d	lispensed Schedule II thro	ugh IV controlled substa	ances and instead
-	xes for the following patie	-	
-			
///			
/// ///			

Patient initials	Controlled substances dispensed:	MD	Date of RX	RX number/ Comments:
JL Las Vegas, NV Only a PO Box on patient profile.	Methadone 10mg #90	Fedor MD Santa Barbara, CA	7/19/16	2171169 Distance: 359miles from LV to Santa Barbara- 5.25 hours. 493 miles fro SB to Trucke NOTE: DL s he is from Florida.
SS PO Box Truckee	Diazepam 10mg #65 Morphine 15mg ER #90 Endocet 10/325mg #100	Kim, M	Diazepam 4/14/14 - 7/19/16 MS ER: 1/28/15 - 7/7/16 Endocet: 4/28/14 - 7/7/16	No notes on patient profil
CO PO Box Loyalton, CA	Alprazolam 1mg #90 Carisoprodol	Lombard	Alprazolam:4/25/14 -8/28/16 Carisoprodol:	Not only was there no addr but the
	350mg #30 Hydrocode/apap 10/325mg #180 This is		4/9/14 – 9/16/16 Hydroc/apap: 4/25/14 – 2/25/16	combination considered a flag. I counted at
	considered the "trinity" or an opioid cocktail by Safeway			least 10 RPH who filled fo this patient a none address these issues.
KS PO Box Soda Springs, CA	Methyphenidate ER 54mg #30 Methylphenidate		4/7/14 - 9/15/16	DOB: 3/30/6 For the 2+ ye
Springs, CA	10mg #30 Clonazepam x1 Bupropion XL x1			this was the patients' prot – no notes, n address, no I
DW PO Box Truckee, CA	Hydroc/apap 10/325mg #120 Carisoprodol	Lombard	4/10/14 - 8/31/16	This combination considered a
	350mg #90 Alprazolam 0.25mg #30			flag and refer to as the 'hol trinity'
	Oxycontin 40mg #90			Not only did pharmacy no know where
				person lived did not know medical necessity.

1	<b>RESPONDENT DAVID SCOTT CARROLL</b>
2	THIRTEENTH CAUSE FOR DISCIPLINE
3	(Shortages of Controlled Substances)
4	49. Respondent Carroll is subject to disciplinary action pursuant to Code section 4301,
5	subdivisions (o) and (j), for unprofessional conduct, in that Respondent, as pharmacist-in-charge
6	for Respondent Safeway, failed to maintain the pharmacy and its facilities, space, fixtures and/or
7	equipment so that drugs were safely and properly secured, in violation of Code section 4081,
8	subdivision (a), Title 21, CFR, section 1304 and Title 16, CCR, sections 1714, subdivision (b),
9	and 1718, as follows: On and between April 30, 2014 and May 11, 2016, Respondent Carroll
10	failed to maintain the pharmacy's premises so that drugs were secured from theft or other types of
11	losses, resulting in significant shortages of controlled substances, specifically 201 tablets of
12	hydrocodone/APAP 10/325 mg, 217 tablets of oxycodone/APAP 10/325 mg, 168 tablets of
13	zolpidem 10 mg, 370 tablets of oxycodone 30 mg, and 97 tablets of Oxycontin 30 mg.
14	FOURTEENTH CAUSE FOR DISCIPLINE
15	(Overages of Controlled Substances)
16	50. Respondent Carroll is subject to disciplinary action pursuant to Code section 4301,
17	subdivisions (o) and (j), for unprofessional conduct, in that Respondent, as pharmacist-in-charge
18	for Respondent Safeway, failed to maintain the pharmacy and its facilities, space, fixtures and/or
19	equipment so that drugs were safely and properly secured, in violation of Code section 4081,
20	subdivision (a), and Title 16, CCR, sections 1714, subdivision (b), and 1718, as follows: On and
21	between April 30, 2014 and May 11, 2016, Respondent Carroll failed to maintain the pharmacy's
22	premises so that drugs were secured from theft or other types of losses, resulting in overages of
23	controlled substances, specifically 340 tablets of Norco 10/325 mg, 4 tablets of
24	hydrocodone/APAP 5/325 mg, 181 tablets of methadone 10 mg, 781 tablets of Endocet 10/325
25	mg and 34 tablets of oxycodone 10 mg.
26	///
27	///
28	///
	36
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

1	FIFTEENTH CAUSE FOR DISCIPLINE
2	(Furnishing Controlled Substances to Oneself)
3	51. Respondent Carroll is subject to disciplinary action pursuant to Code section 4301,
4	subdivisions (o) and (j), for unprofessional conduct, in that Respondent violated Health and
5	Safety Code section 11170, as follows: On or about August 10, 2016, Respondent, while
6	working at Safeway Pharmacy #1266, filled, verified and dispensed prescription number 2171333
7	for 70 tablets of hydrocodone/APAP 10/325 mg for himself.
8	SIXTEENTH CAUSE FOR DISCIPLINE
9	(Erroneous Report to CURES)
10	52. Respondent Carroll is subject to disciplinary action pursuant to Code section 4301,
11	subdivisions (o) and (j), for unprofessional conduct, in that Respondent, as pharmacist-in-charge
12	of Respondent Safeway, violated Health and Safety Code section 11165, subdivision (d)(2), as
13	follows: On or about March 7, 2016, Respondent dispensed prescription number 2170221 for
14	patient EG under the name of Dr. Ringer located in Cincinnati, Ohio, instead of the prescriber
15	identified on the prescription, A. Ringnes, M. D. located in Truckee, California.
16	SEVENTEENTH CAUSE FOR DISCIPLINE
17	(Failure to Identify Legitimacy of Prescriptions)
18	53. Respondent Carroll is subject to disciplinary action pursuant to Code section 4301,
19	subdivisions (o) and (j), for unprofessional conduct, in that Respondent, as pharmacist-in-charge
20	for Respondent Safety, violated Health and Safety Code section 11153, subdivision (a), and Title
21	16, California Code of Regulations, section 1761, as follows: On or about September 21, 2016,
22	pharmacists, while working at Safeway Pharmacy #1266, dispensed controlled substance
23	prescriptions without first verifying a legitimate medical purpose for the drugs. In addition, even
24	when the prescriptions contained uncertainties or irregularities, the pharmacists continued to
25	dispense high dose, higher quantities of controlled substances. Specifically, between April 1,
26	2014 and September 21, 2016, pharmacists filled controlled substances without contacting the
27	prescriber in order to identify the medical necessity prior to dispensing, dispensed drugs to
28	patients who lived long distances from both the pharmacy and the prescribers, and dispensed to
	37
	(SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

patients who lived out of state and obtained prescriptions from Southern California prescribers 2 and then had them filled at the pharmacy:

for the drugs, the patients were issued prescriptions of combinations of drugs known as "trinity"

The following prescriptions were issued to patients with no known medical necessity

1

3

4

a.

5 or "holy trinity", and there was no documentation of contact with the prescribers for the prescriptions: 6 7 Patient initials Controlled substance: Prescriber: Date Issued: AP Hydrocode/apap Rice 4/9/14 8 4/20/14 10/325mg #60 Oxycodone 30mg 4/20/14 9 #180 4/21/14 Clonazepam 2mg #30 4/25/14 and 10 Hvdrocod/apap 10/325mg #180 11 Carisoprodol 350mg #90 12 AP Hydrocod/apap Bouchier 8/2/16 10/325mg #180 7/22/16 13 Oxycodone 30mg #90 8/3/16 to take 6/day 8/6/16 and 8/16/16 14 Oxycodone 30mg 9/1/16 #90-to take every 4hrs 15 Alprazolam 0.5mg #5, 15 once daily 16 Oxycodone 30mg #90-one q4h 17 18 CP Morphine ER 100mg Paul 4/8/14 19 #120 4/8/14Oxycodone 30mg 4/8/14 20 #180 Carisoprodol 350mg 21 #120 22 CP Morphine ER 100mg Paul 4/14/16 #12Ō 4/14/16 23 Oxycodone 30mg 4/14/16 #180 q4h 4/16/16 24 Carisoprodol 350mg #120 25 Diazepam 10mg #30 1 hs for anxiety 26 DVA Methadone 10mg Barta 4/19/14 #450 5 tabs tid 4/19/14 27 Morphine 60mg ER 4/19/14 #90-q8h 5/1/14 28 38 (SAFEWAY INC., DBA SAFEWAY PHARMACY #1266) ACCUSATION

Patient initials	Controlled substance:	Prescriber:	Date Issued:
	Morphine soln		
	100mg/5mg 180ml -		
	1ml q4h		
	Lorazepam 1mg #30		
	Later, patient had		
	alprazolam and		
	diazepam added to		
DVA	drug list. But the Morphine	Barta	8/31/16
DVA	100mg/5mg solution	Darta	8/31/16
	90ml		8/31/16
	Methadone 10mg		8/18/16
	#180		(Exhibit 14, page
	Morphine 100mg ER		39,40)
	#60		
	Lorazepam 1mg #30		
	Patient had		
	cyclobenzaprine, baclofen on current		
	profile		
DP	Morphine 60mg ER	Paul	4/15/14
21	#90		4/15/14
	Oxycodone 15mg		4/15/14
	#180 q4h		
	Carisoprodol 350mg		
חח	#90 Marching Come ED	Davil	4/2/16
DP	Morphine 60mg ER #90	Paul	4/2/16 4/5/16
	Oxycodone 15mg		4/2/16
	#200 q4h *		1/2/10
	Carisoprodol 350mg		
	#90		
	*Note increased oxy		
	IR 15mg quantity		
PL	Tramadol 50mg #240	Scully	4/23/14
I L	-2 q 6h	beany	4/26/14
	Hydroc/apap		., _ 0, 1 .
	10/325mg #130		
PL	Oxycodone 15mg	Pong	2/20/16 started-last
	#200		date on this record is
	Tramadol 50mg #150		7/15/16; still for pos
	2 q6h		op pain Tramadol: 7/15/16
IM	Oxycodone 20mg	Tinkelenberg	5/5/15
1141	#120	THIRCICHUCIE	5/21/15
	Morphine 60mg ER		6/24/15
	#30		6/24/15
	Morphine 15mg ER		
	#30		
	Morphine 30mg ER		
	#30		
		39	

Patient initials	Controlled su	ubstance:	Prescribe	r:	Dat	e Issued:
IM	Oxycodone 3				Oxy	y on 1/7/16,
	Morphine 30	mg ER #			2/1/	/16, 2/13/16 (#18
	30 then #7					/16/16
	Diazepam 10 then #6	)mg #30				: 12/2/15, 2/10/1
	then #6					zepam: 12/2/15, 0/16
SM	Hydroc/apap		Joseph-M	essner	6/4/	/14
	7.5mg/325mg	g #28	F		6/9/	
	Hydroc/apap					
	7.5mg/325mg	g #20				
SM	Clonazepam	0.5mg	Barta		8/2	1/16
5IVI	#30	0.5mg	Ringers			1/16
	Hydroc/apap		0			
	10/325mg #8	30				
DC	Hydroc/apap 10/325mg by		Dodd			0/16 – PIC filled n RX
DB	Hydroc/apap		Liu			/14, 6/19/14
	10/325mg #1	5				9/14
DD	Diazepam 10		0.1.14		0/2	0/16
DB	Hydroco/apa 7/5mg/325m		Colpitts			0/16 0/16
	Diazepam 10				)12	0/10
ZB	Carisoprodol		Costello			26/14
	#120	0 ED			6/8/	
	Morphine 10 #150	Omg ER			6/8/ 6/8/	
	Oxycodone 3	30mg			0/0/	15
	#360					
	Morphine 30	mg ER				
	#30					
ZB	Carisoprodol	350mg		- Original		/16 and 8/29/16
	#120 Morphine 10	Omg FR	complain	[		0/16 7/16
	#180					3/16
	Oxycodone 3	30mg				
	#360					
	Morphine 30 #30	mg EK				
b. The fo	ollowing prescription	is were issu	ied to patie	ents who live	ed out	of the area and th
patients obtained	controlled substances	s from out	of the area	prescribers:		
Patient initials	Controlled	Prescrib		Date:		RX number:
DC	substance: Hydroco/apap	Address Dodd	:	8/10/16		<u>Comments:</u> 2171333
Lives in Elk	10mg #70	Truckee		0/10/10		Filled for self
Grove						
			<b>_</b>			

Patient initials	Controlled substance:	Prescriber: Address:	Date:	RX number: Comments:
SW Lives in Chinese Camp, CA	Oxycodone 30mg #240 28 times in 25 months Other: Alprazolam 0.5mg #30, tramadol, prometh/codeine, Zolpidem	Decommer Auburn, CA	4/26/14 through 6/1/16	2169094 (Exhibit 22, page 10) 4213049 Xan (page 11) Distance: 130miles from CC to Auburn 68 miles from Auburn to Truckee
ZB	Carisoprodol 350mg #120-20 times Morphine 100mg ER #180 -17 times Oxycodone 30mg #360- 17 times Morphine 30mg ER #30 – 14 times <i>Refer to Exhibit</i> 21	Costello Pomona, CA	7/5/14 thru 9/8/16	2169138 electronic 2169137 electronic 2171216 2171215 2171214 Electronic for Morphine RX 4213048 – So 2169139 – ox 30 MS 30mg directions wa crush in creat 11 times then switched to o
AP Truckee,CA	Hydrocod/apap 10/325mg #180- 31 times Oxycodone 30mg #90 to take 6/day Oxycodone 30mg #90-to take every 4hrs – 48 times Alprazolam 0.5mg #5, 15 once daily - twice Clonazepam 2mg #30 – 3 times <i>Refer to Exhibit</i> 12	Bouchier Grass Valley, CA	4/9/14 through 9/2/16	2171277 - oxycodone 2171274- hydro/apap Diagnosis on one RX: chro pain 56 miles, ove one hour driv from Grass Valley to Truckee MD is family practice
TM Graeagle, CA	Endocet 10/325mg #60 or #80- 3 times Morphine ER 15mg #50 1x Oxycodone 5mg	Dodd Truckee, CA	5/21/16 through 9/15/16	practice 2171338 2171144 Distance: 57 minutes

Patient initials	Controlled substance:	Prescriber: Address:	Date:	RX number: Comments:
	#60 1x Oxycod/apap 5/325mg #60, 80 or 50 – 6 times			(45.5miles) fi Graeagle, CA Truckee
VR Sioux Falls, SD	Hydroco/apap 5/325mg #30	Monroe Santa Ana, CA	8/1/16	2171262
Sloux Fails, SD	5/525Illg #30	Santa Ana, CA		Rx was verify but no comm why from SD Santa Ana to Truckee. Distance from MD to Truck 8.5 hours
DW Loyalton, CA	Methadone 10mg #120 9 times	Kim, M Portola, CA	4/3/14 through 9/19/16	2171352 2171353
PO BOX, no address	Hydro/apap #180 -25 times Alprazolam			2171354 2170333 All electronic
	.25mg #30 – 19 times			Distance:
	Diazepam 10mg #60			27 miles from Loyalton to
	Carisoprodol 350mg #60			Portola. 1 pharmacy in
	Butalbital/apap #30			Loyalton. 1 i Portola. 2 in
	Methadone 5mg #60 Phentermine			Quincy 46 minutes o
	All the above			1.25hrs depending or route from
	were prescribed together and taken at some			Loyalton to Truckee.
	point at the same time per profile.			
JC San Marcos, CA	Oxy/apap 10/325mg #240	Kaime MD Truckee CA	4/10/14	2171355
		center		When asked RPH why the
				was no conta with prescrib the answer w
				one of assumption
				because oxy/apap can from cancer
JL Las Vassa NV	Methadone 10mg	Fedor MD	7/19/16	center. 2171169
Las Vegas, NV Only a PO Box on patient	#90	Santa Barbara, CA		Distance: 359miles from
		42		

Patient initials	Controlled substance:	Prescriber: Address:	Date:	<u>RX number:</u> Comments:
profile.		Address.		LV to Santa Barbara- 5.25
				hours. 493 miles fro SB to Trucke
				NOTE: DL sa patient is from Florida!
MA Grass Valley, CA	Oxy/apap 10/325mg #150, 60, 100	Picetti Sacramento, CA Spine specialist	3/20/15 through 4/22/16	2170372- oxy/apap on 3/24/16
	Hydroco/apap 10/325 #60,90,100,	With Yee, M MD.		Distance: I observed it
	Carisoprodol 350mg #60 Diazepam 10mg #30, 60			could be reasonable to a spine specia in Sacrament
	Starting on 12/3/15, pt			and patient li in GV. However, the
	advised to wean on oxy/apap;			travel from Sacramento
	instead, quantities increased and there are no notes			Truckee was questionable.
DI	to address.	Llindle DA	7/11/16	2171151
PL Truckee, CA	Oxycodone 15mg #200	Hindle PA SFO, CA Spine institute	7/11/16	2171151 Issue:
				The security feature: RX i supposed to
				change with and did not. had RPH
				Speicher try. did not chang
AS Novato, CA	Lorazepam 1mg #30 or #40 -16 times in 13	Kreiss Fremont, CA	Last on this record: 9/9/16 Range: 7/10/15	4213540 Distance:
	months		through 9/19/16	59 miles from Novato to Fremont. 177 miles from Novato to Truckee
KD Grass Valley,	Endocet 10/325mg #42	Anton, Mark Newport Beach,	9/23/15	2168700 4211697
CA	Zolpidem 10mg	CA		4211697

Patient initials	Controlled	Prescrib		Date:	RX number:
	substance: #20	Address	5:		<u>Comments:</u>
	Alprazolam 0.5mg #30				Distance: 531 miles fro
	0.5111g #50				Newport Bea to Truckee.
					I googled MI Aesthetics M
					No notes to explain why
					patient receiv
					meds in Truc and not GV.
	ı · ·		1,	. 1 1	1 ( 6 ( ) 1/
	•••••	is were issi	ued to patie	nts who lived	d out of state and/or
prescriber was from	n out of state:		1		
Patient initials	Controlled S	ubstance:	Prescriber	:	Date:
KS Sammaniah WA	Tramadol 50	)mg	Auerbach ER MD at		8/23/15
Sammanish, WA			hospital	Stamoru	Distance:
					219 miles from Stanford to Truck
NP Charlotte, NC	Hydroc/apap 5/325mg #50		Cahill, K Santa Bar	bara. CA	7/15/16 RX2171150
				·	Distance:
					493 miles from S Barbara to Truck
PL Surprise, AZ	Oxycodone Lorazepam (	5mg #60	Martin, P S. Lake T	ahoe	7/14/16 RX 2171147 on
Sulplise, AZ	Lorazepani	<i>J.Jilig</i> #0	Scholnick		secure form.
			Truckee		RX 4213329
					Distance: 44 miles or 1.25 l
					from Tahoe to
DM	Hydroc/apar	)	Osgood		Truckee 2168510 on 9/2/1
Florence AZ	7.5mg/325m Tramadol 50	ıg #60		nd Jackson,	6/4/15, and 8/8/14
					Note: pharmacy should have calle
					see why person o
					state was seeing t MD in Truckee
PB DOB: 12/15/54	Adderall 101 times	mg #30 -3	Paul, G Truckee, 0		2171212 on 7/30/ 4213300 on 7/25/
Reno, NV	Alprazolam	1mg #75		actice MD	2170798 on 5/21/
	-7 times				

	Oxycodone 10mg #180 – 1x Oxycodone 15mg #170, 250 – 2 times Endocet 10/325mg #180 4 times		Distance: Patient address in Reno, gets controllec substances from MD in Truckee. NO medical
0.0			justification for amphetamine with pain meds but no calls to prescriber. 4 miles
OB Incline village NV	Hydroc/apap 5/325mg #30	Astengo, S ER physician, closest in S. Lake Tahoe, CA	2166938 on 3/3/15
NA Miami, FL	Hydromorphone 2mg #75 Tramadol 50mg # 50	Ringnes, A Truckee, CA	2170296 4212664 Both on 3/15/16
MH Sequim, WA	Testosterone 50mg packets #450 Androgel 450gm	Reichert, J Joseph Drew Both from- Reno, NV	No notes 4212670 on 3/17/16 4211420 on 12/9/15 RPH should have questioned address from WA to NV to CA to fill.
LM Sun Valley, NV	Methadone 10mg #210 (7 per day)- filled 10 times	Hamblin, B Point Reyes Station, CA	2167507 2167768 Date range: 6/25/14 through 6/5/15. I did not check CURES to see gaps. 231 miles from Sun Valley to Point Reye Station. 38 miles from Sun Valley to Truckee bu must pass through Reno, NV
KB Lumberton, MS DOB: 7/27/85	Adderall XR 30mg #30	William Alan Davis (when I googled name only found one in Bethesda, MD)	2168035 on 7/9/15
AP Dublin, CA DOB 7/5/95	Oxycodone 5mg #90 Notable directions: 1 to 3 every 4 hours.	Buchanan, D Reno, NV	2171025 on 6/26/16 This was a 20 y.o. who is from Dublin getting high dose oxycodone.
			186 miles from Dublin to Truckee. 218 miles from Dublin to reno, NV
L	1	45	1

JJ Kellogg, ID	Buprenorphine 8mg #90 x2	Carraher md Post Falls ID	Filled 10/14/15 and 9/10/15.
DOB: 9/18/84	Clonazepam 1mg #90	DEA does not begin with an 'X'	Distance for patient t travel to MD: 45 miles. Because of patient age, address and possible no access to CURES, RPH should
EP Newton Center, MA	Hydroc/apap 5/325mg #30	Jowers, C ER MD at Portola	have called. Rx 2168250 on 8/2/15
DOB 5/12/92		and Truckee, CA	Note: probably ER RX but pharmacy did not inquire as to medical necessity for a person out of state
JH Fort Myers, FL DOB 9/20/85	Oxycodone 5mg #100	Coll, Daniel Records show he is a PA at Truckee	2168348 on 8/14/15 Note: this was a large
		hospital and in Reno, NV	quantity and out of state patient with no verification by RPH on profile.
JC Reno, NV DOB 11/16/70	Hydroc/apap 10/325mg #30, 20, 40, etc. at least 10 times with Alprazolam 1mg #30 - 7 times (+other strengths) And Adderall XR 30mg #30 - 13 times	Barta, G Truckee, CA J. Dodd Truckee, CA	Patient travels from Reno, NV to Truckee to see MDs And to this pharmacy Distance/time: 30 minutes
EE Katy, TX DOB 9/11/73	Hydro/apap 7.5/325mg #20	Quammen, A Truckee, CA	Appeared given with drug for cold sore outbreak?
EG Colorado Springs, CO DOB 3/22/88	Hydro/apap 10/325mg #60 on 3/7/16	Ringer, A Cincinnati, OH	RX2170221 This RX should have been sent to the patients address in Colorado if information correct.
	EIGHTEENTH CAU	SE FOR DISCIPLINE	
	(Duty to Maintain	n Patient Profiles)	
54. Responden	t Carroll is subject to disc	iplinary action pursuant	to Code section 4301,
subdivision (o), for unp	professional conduct, in th	at Respondent, as pharm	nacist-in-charge for
		46	

Respondent Safeway, violated Title 16, CCR, section 1707.1, subdivision (a), as follows: On and
 between April 1, 2014 and September 21, 2016, Respondent Carroll failed to obtain physical
 addresses for patients who were dispensed Schedule II through IV controlled substances and
 instead obtained post office boxes for the following patients:

5 6	Patient initials	Controlled substances dispensed:	MD	Date of RX	RX number/ Comments:
7	JL Las Vegas, NV	Methadone 10mg #90	Fedor MD Santa Barbara,	7/19/16	2171169
3	Only a PO Box on patient profile.		CA		Distance: 359miles from LV to Santa
9	prome.				Barbara- 5.25 hours.
)    1					493 miles from SB to Truckee.
2					NOTE: DL says he is from
3	SS PO Box	Diazepam 10mg #65	Kim, M	Diazepam 4/14/14 - 7/19/16	Florida. No notes on patient profile
4	Truckee	Morphine 15mg ER #90		MS ER: 1/28/15 - 7/7/16	patient prome
5 6		Endocet 10/325mg #100		Endocet: $4/28/14 - 7/7/16$	
7	CO PO Box Loyalton, CA	Alprazolam 1mg #90 Carisoprodol	Lombard	Alprazolam:4/25/14 -8/28/16 Carisoprodol:	Not only was there no address but the
8		350mg #30 Hydrocode/apap		4/9/14 – 9/16/16 Hydroc/apap:	combination is considered a rec
9		10/325mg #180 This is considered the		4/25/14 – 2/25/16	flag. I counted at least 10 RPH
0		"trinity" or an opioid cocktail			who filled for this patient and
1 2		by Safeway			none addressed these issues.
3	KS PO Box Soda Springs, CA	Methyphenidate ER 54mg #30 Methylphenidate		4/7/14 - 9/15/16	DOB: 3/30/66: For the 2+ years
4	Springs, CA	10mg #30 Clonazepam x1			this was the patients' profile
5	DUI	Bupropion XL x1			– no notes, no address, no DX
6	DW PO Box Truckee, CA	Hydroc/apap 10/325mg #120 Carisoprodol	Lombard	4/10/14 - 8/31/16	This combination is considered a rec
7		350mg #90 Alprazolam			flag and referred to as the 'holy
8			47		
		/0 A 17		AFEWAY PHARMACY #	

Patient initials	Controlled substances dispensed:	MD	Date of RX	RX number/ Comments:
	0.25mg #30 Oxycontin 40mg #90			trinity' Not only did the pharmacy not
				know where the person lived but did not know medical
				necessity.
		PRAYI	<u>ER</u>	
WHEREF	<b>ORE,</b> Complainant 1	equests that a	hearing be held on the	matters herein allege
and that followin	g the hearing, the Bo	ard of Pharma	acy issue a decision:	
1. Revo	king or suspending F	Pharmacy Perr	nit Number PHY 52234	4, issued to Safeway
Inc., doing busin	ess as Safeway Pharm	nacy #1266;		
2. Revo	king or suspending F	Pharmacy Perr	nit Number PHY 3714	7, issued to Safeway
Inc., doing busin	ess as Safeway Pharm	nacy #1266;		
3. Revo	king or suspending F	Pharmacist Lic	ense Number RPH 522	264, issued to Antara
Shergill-Hirsh;				
4. Revo	king or suspending F	Pharmacist Lic	ense Number RPH 395	533, issued to David
Scott Carroll;				
5. Orde	ring Safeway, Inc., d	oing business	as Safeway Pharmacy	#1266, Antara Shergi
Hirsh and David	Scott Carroll to pay t	he Board of F	harmacy the reasonable	e costs of the
investigation and	enforcement of this	case, pursuant	to Business and Profes	ssions Code section
125.3; and				
5. Takin	ng such other and fur	ther action as	deemed necessary and	proper.
DATED: Januar	ry 29, 2020	Q	ue Soderge	~~~~
			SODERGREN ive Officer	
		Board o Depart	of Pharmacy ment of Consumer Affair f California, <i>Complainan</i>	
		48		
	(SAF	EWAY INC., DI	BA SAFEWAY PHARMAG	CY #1266) ACCUSATIO