

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

In the Matter of the Accusation Against:

**GERALD FRANCIS MEINTS,
Pharmacist License No. RPH 30302; and**

**RALEY'S PHARMACY #336,
Pharmacy Permit No. PHY 53518,**

Respondents

Agency Case No. 6615

OAH No. 2020020193

DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order for Public Repeval 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 November 25, 2020.

It is so ORDERED on October 26, 2020.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

A handwritten signature in black ink, appearing to read "Greg M. Lippe", is written over a horizontal line.

By

Greg Lippe
Board President

1 XAVIER BECERRA
Attorney General of California
2 CHAR SACHSON
Supervising Deputy Attorney General
3 JOSHUA D. JOHNSON
Deputy Attorney General
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7 *Attorneys for Complainant*

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

12 In the Matter of the Accusation Against:

13 **GERALD FRANCIS MEINTS**
14 **19 Stony Hill Place**
Oakley, CA 94561

15 **Pharmacist License No. RPH 30302,**

16 and

17 **RALEY'S PHARMACY #336**
18 **2400 Sand Creek Road**
Brentwood, CA 94513-7058

19 **Pharmacy Permit No. PHY 53518**

20 Respondents.
21

Case No. 6615

OAH No. 2020020193
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER FOR PUBLIC
REPROVAL AS TO RALEY'S
PHARMACY #336 ONLY

[Bus. & Prof. Code § 495]

22
23
24 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
25 entitled proceedings that the following matters are true:

26 **PARTIES**

27 1. Anne Sodergren (Complainant) is the Executive Officer of the Board of Pharmacy
28 (Board). She brought this action solely in her official capacity and is represented in this matter by

1 Xavier Becerra, Attorney General of the State of California, by Joshua D. Johnson, Deputy
2 Attorney General.

3 2. Respondent Raley's Pharmacy #336 is represented in this proceeding by attorney
4 Raymond R. Gates of Lauria, Tokunaga, Gates and Linn, LLP, whose office is located at 1755
5 Creekside Oaks Drive, Suite 240, Sacramento, CA 95833.

6 **JURISDICTION**

7 3. On or about May 19, 2015, the Board issued Pharmacy Permit Number PHY 53518 to
8 Raley's Corp. to do business as Raley's Pharmacy #336 (Respondent). The Pharmacy Permit was
9 in full force and effect at all times relevant to the charges brought in Accusation No. 6615 and
10 was cancelled on May 1, 2020.

11 4. Accusation No. 6615 was filed before the Board and is currently pending against
12 Respondent. The Accusation and all other statutorily required documents were properly served
13 on Respondent on February 21, 2019. Respondent timely filed its Notice of Defense contesting
14 the Accusation. A copy of Accusation No. 6615 is attached as exhibit A and incorporated herein
15 by reference.

16 **ADVISEMENT AND WAIVERS**

17 5. Respondent has carefully read, fully discussed with counsel, and understands the
18 charges and allegations in Accusation No. 6615. Respondent has also carefully read, fully
19 discussed with counsel, and understands the effects of this Stipulated Settlement and Disciplinary
20 Order for Public Repeval.

21 6. Respondent is fully aware of its legal rights in this matter, including the right to a
22 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at
23 its own expense; the right to confront and cross-examine the witnesses against it; the right to
24 present evidence and to testify on its own behalf; the right to the issuance of subpoenas to compel
25 the attendance of witnesses and the production of documents; the right to reconsideration and
26 court review of an adverse decision; and all other rights accorded by the California
27 Administrative Procedure Act and other applicable laws.
28

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

CULPABILITY

8. Respondent understands and agrees that the charges and allegations in Accusation No. 6615, if proven at a hearing, constitute cause for imposing discipline upon its Pharmacy Permit.

9. For the purpose of resolving the Accusation without the expense and uncertainty of further proceedings, Respondent agrees that, at a hearing, Complainant could establish a factual basis for the charges in the Accusation, and that Respondent hereby gives up its right to contest those charges.

10. Respondent agrees that its Pharmacy Permit is subject to discipline and it agrees to be bound by the Disciplinary Order below.

CONTINGENCY

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

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

13. This Stipulated Settlement and Disciplinary Order for Public Reproval is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment

1 of their agreement. It supersedes any and all prior or contemporaneous agreements,
2 understandings, discussions, negotiations, and commitments (written or oral). This Stipulated
3 Settlement and Disciplinary Order for Public Reproval may not be altered, amended, modified,
4 supplemented, or otherwise changed except by a writing executed by an authorized representative
5 of each of the parties.

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

9 **DISCIPLINARY ORDER**

10 IT IS HEREBY ORDERED that Pharmacy Permit No. PHY 53518 issued to Respondent
11 Raley's Pharmacy #336 shall be publicly reproved by the Board under Business and Professions
12 Code section 495 in resolution of Accusation No. 6615, attached as exhibit A.

13 **Cost Recovery.** Respondent shall pay \$5,675.75 to the Board for its costs associated with
14 the investigation and enforcement of this matter. Respondent shall be permitted to pay these
15 costs in a payment plan approved by the Board. If Respondent fails to pay the Board costs as
16 ordered, Respondent shall not be allowed to renew its Pharmacy Permit until Respondent pays
17 costs in full.

18 **Full Compliance.** As a resolution of the charges in Accusation No. 6615, this stipulated
19 settlement is contingent upon Respondent's full compliance with all conditions of this Order. If
20 Respondent fails to satisfy any of these conditions, such failure to comply constitutes cause for
21 discipline, including outright revocation, of Respondent's Pharmacy Permit No. PHY 53518.

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28 ///

ACCEPTANCE

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

DATED: _____

RALEY'S PHARMACY #336
Respondent

I have read and fully discussed with Respondent Raley's Pharmacy #336 the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order for Public Reprimand. I approve its form and content.

DATED: _____

RAYMOND R. GATES
Attorney for Respondent

ENDORSEMENT

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

DATED: September 14, 2020

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
CHAR SACHSON
Supervising Deputy Attorney General



JOSHUA D. JOHNSON
Deputy Attorney General
Attorneys for Complainant

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Endorsement.docx

1 ACCEPTANCE

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

7
8 DATED: 9-12-20

Jim Williams
9 RALEY'S PHARMACY #336
Respondent

10 I have read and fully discussed with Respondent Raley's Pharmacy #336 the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order
12 for Public Reapproval. I approve its form and content.

13 DATED: 9/14/20

Raymond R. Gates
14 RAYMOND R. GATES
Attorney for Respondent

15
16 ENDORSEMENT

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

20 DATED: _____

Respectfully submitted,

21
22 XAVIER BECERRA
Attorney General of California
23 CHAR SACHSON
Supervising Deputy Attorney General

24
25 JOSHUA D. JOHNSON
Deputy Attorney General
26 Attorneys for Complainant

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Exhibit A

Accusation No. 6615

1 XAVIER BECERRA
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2 CHAR SACHSON
Supervising Deputy Attorney General
3 JOSHUA D. JOHNSON
Deputy Attorney General
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E-mail: Joshua.Johnson@doj.ca.gov
7 *Attorneys for Complainant*

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

12
13 In the Matter of the Accusation Against:

Case No. 6615

14 **GERALD FRANCIS MEINTS**
15 **19 Stony Hill Place**
Oakley, CA 94561

A C C U S A T I O N

16 **Pharmacist License No. RPH 30302,**

17 **and**

18 **RALEY'S PHARMACY #336**
19 **2400 Sand Creek Road**
Brentwood, CA 94513-7058

20 **Pharmacy Permit No. PHY 53518**

21 Respondents.

22
23
24 Complainant alleges:

25 **PARTIES**

26 1. Anne Sodergren (Complainant) brings this Accusation solely in her official capacity
27 as the Interim Executive Officer of the Board of Pharmacy (Board), Department of Consumer
28 Affairs.

2. On or about June 17, 1976, the Board issued Pharmacist License Number RPH 30302 to Gerald Francis Meints (Respondent Meints). The Pharmacist License was in full force and effect at all times relevant to the charges brought herein and was cancelled on January 4, 2019.

3. On or about May 19, 2015, the Board of Pharmacy issued Pharmacy Permit Number PHY 53518 to Raley's Corp. to do business as Raley's Pharmacy #336 (Respondent Raley's #336). The Pharmacy Permit was in full force and effect at all times relevant to the charges brought herein and will expire on May 1, 2019, unless renewed. Board of Pharmacy records reflect that Respondent Meints, holder of Pharmacist License No. RPH 30302, served as Pharmacist-in-Charge for Respondent Raley's #336 from or about May 19, 2015 to April 9, 2018; Jyothi Somireddy, holder of Pharmacist License No. RPH 56710, has served as Pharmacist-in-Charge for Respondent Raley's #336 since or about May 20, 2018

JURISDICTION

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

5. Section **4011** of the Code provides that the Board shall administer and enforce both the Pharmacy Law [Bus. & Prof. Code, § 4000 et seq.] and the Uniform Controlled Substances Act [Health & Safety Code, § 11000 et seq.].

6. Section **4300**, subsection (a), of the Code states that "(a) Every license issued may be suspended or revoked."

7. Section **4300.1** of the Code states:

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

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STATUTORY AND REGULATORY PROVISIONS

8. Section **4301** of the Code states:

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

“...

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

“(g) Knowingly making or signing any certificate or other document that falsely represents the existence or nonexistence of a state of facts.

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

“...

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

“...

“(o) Violating or attempting to violate, directly or indirectly, or assisting in 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 federal regulatory agency.

“...”

9. Section **4059**, subdivision (a) of the Code states:

“(a) A person may not furnish any dangerous drug, except upon the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section

1 3640.7. A person may not furnish any dangerous device, except upon the prescription of a
2 physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section
3 3640.7.”

4 10. Section **4060** of the Code states:

5 “No person shall possess any controlled substance, except that furnished to a person upon
6 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
7 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
8 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
9 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
10 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
11 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
12 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
13 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
14 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
15 labeled with the name and address of the supplier or producer.

16 “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
17 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
18 devices.”

19 11. Health and Safety Code section **11170**, states:

20 “No person shall prescribe, administer, or furnish a controlled substance for himself.”

21 12. Health and Safety Code section **11173**, states:

22 “(a) No person shall obtain or attempt to obtain controlled substances, or procure or attempt
23 to procure the administration of or prescription for controlled substances, (1) by fraud, deceit,
24 misrepresentation, or subterfuge; or (2) by the concealment of a material fact.

25 “(b) No person shall make a false statement in any prescription, order, report, or record,
26 required by this division.

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28 //

1 “(c) No person shall, for the purpose of obtaining controlled substances, falsely assume the
2 title of, or represent himself to be, a manufacturer, wholesaler, pharmacist, physician, dentist,
3 veterinarian, registered nurse, physician's assistant, or other authorized person.

4 “(d) No person shall affix any false or forged label to a package or receptacle containing
5 controlled substances.”

6 13. Health and Safety Code section **11350**, in pertinent part, makes it unlawful to possess
7 any controlled substance listed in Schedule II (Health and Safety Code section 11055),
8 subdivision (b) or (c), or any narcotic drug in Schedules III-V, absent a valid prescription.

9 14. Health and Safety Code section **11351**, in pertinent part, makes it unlawful to possess
10 for sale or purchase for sale any narcotic controlled substance in Schedules II-IV.

11 15. Health and Safety Code section **11352**, in pertinent part, makes it unlawful to
12 transport, import, sell, furnish, administer, or give away, or offer to transport, import, sell,
13 furnish, administer, or give away, any controlled substance listed in Schedule II (Health and
14 Safety Code section 11055), subdivision (b) or (c), or any narcotic drug in Schedules III-V,
15 absent a valid prescription.

16 16. Health and Safety Code section **11377**, in pertinent part, makes it unlawful to possess
17 any non-narcotic drug in Schedules III-V, absent a valid prescription.

18 17. Section **4081** of the Code states:

19 “(a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs
20 or dangerous devices shall be at all times during business hours open to inspection by authorized
21 officers of the law, and shall be preserved for at least three years from the date of making. A
22 current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary
23 food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital,
24 institution, or establishment holding a currently valid and unrevoked certificate, license, permit,
25 registration, or exemption under Division 2 (commencing with Section 1200) of the Health and
26 Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and
27 Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

28 //

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

4 “(c) The pharmacist-in-charge or representative-in-charge shall not be criminally
5 responsible for acts of the owner, officer, partner, or employee that violate this section and of
6 which the pharmacist-in-charge or representative-in-charge had no knowledge, or in which he or
7 she did not knowingly participate.”

8 18. Section **4113**, subdivision (c) of the Code states:

9 “(c) The pharmacist-in-charge shall be responsible for a pharmacy's compliance with all
10 state and federal laws and regulations pertaining to the practice of pharmacy.”

11 19. Section **4324** of the Code states:

12 “(a) Every person who signs the name of another, or of a fictitious person, or falsely makes,
13 alters, forges, utters, publishes, passes, or attempts to pass, as genuine, any prescription for any
14 drugs is guilty of forgery and upon conviction thereof shall be punished by imprisonment in the
15 state prison, or by imprisonment in the county jail for not more than one year.

16 “(b) Every person who has in his or her possession any drugs secured by a forged
17 prescription shall be punished by imprisonment in the state prison, or by imprisonment in the
18 county jail for not more than one year.”

19 20. Section **4332** of the Code states:

20 “Any person who fails, neglects, or refuses to maintain the records required by Section
21 4081 or who, when called upon by an authorized officer or a member of the board, fails, neglects,
22 or refuses to produce or provide the records within a reasonable time, or who willfully produces
23 or furnishes records that are false, is guilty of a misdemeanor.”

24 21. California Code of Regulations, title 16, section **1714**, subdivision (b) states:

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

22. California Code of Regulations, title 16, section **1718**, states:

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

“The controlled substances inventories required by Title 21, CFR, Section 1304 shall be available for inspection upon request for at least 3 years after the date of the inventory.”

COST RECOVERY

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

CONTROLLED SUBSTANCES / DANGEROUS DRUGS

24. Section **4021** of the Code states:

“‘Controlled substance’ means any substance listed in Chapter 2 (commencing with Section 11053) of Division 10 of the Health and Safety Code.”

25. Section **4022** of the Code states, in pertinent part:

“‘Dangerous drug’ or ‘dangerous device’ means any drug or device unsafe for self use, except veterinary drugs that are labeled as such, and includes the following:

“(a) Any drug that bears the legend: ‘Caution: federal law prohibits dispensing without prescription,’ ‘Rx only,’ or words of similar import.

“(c) Any other drug or device that by federal or state law can be lawfully dispensed only on prescription or furnished pursuant to Section 4006.”

26. **Percocet** is the brand name for **acetaminophen and oxycodone**, a Schedule II controlled substance as designated by Health and Safety Code section 11055(b)(1)(m) and a dangerous drug as designated by Business and Professions Code section 4022, used for pain relief.

27. **Norco, Vicodin, Vicodin ES, Lortab, and Lorcet** are among the brand names for compounds of varying dosages of **acetaminophen (aka APAP) and hydrocodone**, a Schedule

1 III controlled substance as designated by Health and Safety Code section 11056(e)(4) and
2 dangerous drug as designated by Business and Professions Code section 4022, used for pain
3 relief. The varying compounds are also known generically as Hydrocodone with APAP. These are
4 all narcotic drugs. Products like these that combine hydrocodone with non-controlled substances
5 are also called hydrocodone combination products. Effective October 6, 2014, hydrocodone
6 combination products were switched at the federal level from Schedule III (21 C.F.R. §
7 1308.13(e)(1)(iii) and (iv)) to Schedule II (21 C.F.R. § 1308.12(b)(1)). This includes
8 Hydrocodone with APAP drugs.

9 28. **Xanax** is a brand of **alprazolam**, a Schedule IV controlled substance as designated
10 by Health and Safety Code section 11057(d)(1) is a dangerous drug per Code section 4022, and is
11 a depressant used to treat anxiety disorder and panic disorder.

12 29. **Valium** is a brand name for **diazepam**, which is a Schedule IV controlled substance
13 as designated by Health and Safety Code section 11057(d)(9) and a dangerous drug as designated
14 by Business and Professions Code section 4022. It is a depressant drug.

15 30. **Adipex** is a brand of **phentermine**, a Schedule IV controlled substance as designated
16 by Health and Safety Code section 11057(f)(4), and a dangerous drug as designated by Business
17 and Professions Code section 4022. It is used to suppress appetite.

18 31. **Soma** is a brand of **carisoprodol**, a Schedule IV controlled substance at the Federal
19 level as designated by 21 CFR § 1308.14(c)(5), and is a dangerous drug per Code section 4022. It
20 is a muscle relaxant.

21 32. **Phenergan with Codeine syrup** is a brand name for a compound consisting of the
22 antihistamine **promethazine**, a dangerous drug as designated by Business and Professions Code
23 section 4022, **and codeine**, a Schedule V controlled substance as designated by Health and Safety
24 Code section 11058(c)(1) and a dangerous drug as designated by Business and Professions Code
25 section 4022. This drug is also known generically as Promethazine with Codeine syrup. It is an
26 antihistamine/antitussive, narcotic analgesic, and sleep aid.

27 33. **Cialis** is a brand of **tadalafil** and a dangerous drug as designated by Business and
28 Professions Code section 4022. It is used for erectile dysfunction.

34. **Levitra** is a brand of **varденаfil** and a dangerous drug as designated by Business and Professions Code section 4022. It is used for erectile dysfunction.

35. **Viagra** is a brand of **сildenafil** and a dangerous drug as designated by Business and Professions Code section 4022. It is used for erectile dysfunction.

36. **Prednisone** is a dangerous drug as designated by Business and Professions Code section 4022. It is used to treat inflammation.

FACTUAL ALLEGATIONS

37. From approximately September 9, 2012 to September 28, 2014, Respondent Meints was employed at Raley's Pharmacy #302, located at 10430 Twin Cities Road, Galt, California, where he was the Pharmacist-in-Charge. He had access to controlled substances and dangerous drugs on these occasions.

38. From about September 30, 2014 to April 9, 2018, Respondent Meints was employed at Respondent Raley's Pharmacy #336, located at 2400 Sand Creek Road, Brentwood, California, where he was the Pharmacist-in-Charge. He had access to controlled substances and dangerous drugs on these occasions.

39. During the tenure of his employment, Respondent Meints took advantage of his access to controlled substances and dangerous drugs and position of authority as Pharmacist-in-Charge to divert/steal, self-use, and sell or transport numerous controlled substances and dangerous drugs, including but not limited to numerous narcotic controlled substances.

40. The exact number of instances of diversion/theft by Respondent Meints, and the full quantity of controlled substances or dangerous drugs diverted/stolen by Respondent Meints, are not known, but in the course of investigations conducted by the pharmacy, the following were among the observations, admissions, and revelations reported:

41. On or about both April 5, 2018, Respondent Meints was observed on hidden camera removing a bottle of promethazine with codeine from the Schedule II cabinet and placing it in his lunch box.

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1 42. On or about April 6, 2018, Respondent Meints was again observed on hidden camera
2 taking a second bottle of promethazine with codeine from the Schedule II cabinet and placing it in
3 his lunch box.

4 43. On or about April 7, 2018, Raley's Pharmacy's management confronted Respondent
5 Meints regarding product theft. Respondent admitted to stealing promethazine with codeine,
6 Xanax, Percocet, Valium, Vicodin, phentermine, Soma, Viagra, Levitra, Cialis and prednisone in
7 various amounts from 2012 through April 2018. Respondent Meints admitted to keeping stolen
8 drugs for personal use, giving some to his wife and dog for their personal use, giving some to his
9 mistress for her to sell on the street, and selling some to an individual called "Dude" who paid
10 \$480.00 per each 473 ml bottle of promethazine.

11 44. Respondent Meints began stealing drugs in 2012 while working at Raley's Pharmacy
12 #302, and continued up until his end of employment in April 2018. He accomplished the theft by
13 slipping drugs into his pockets and lunch box, and by creating fraudulent prescriptions, along
14 with falsified Schedule II controlled substance records. He used the fraudulent prescriptions to
15 hide the theft of the listed medications. He would regularly search the database for customers who
16 were no longer active and then use those customers' information to fill a prescription for the
17 medicine he would steal. He would then submit the prescription to the listed insurance company
18 found within the customer's information. Between December 31, 2016 to March 31, 2018,
19 Respondent Meints dispensed at least 122 fraudulent prescriptions. Respondent Meints handwrote
20 at least 45 fraudulent prescriptions that purported to be telephonic prescription orders, that
21 purported to be verbally authorized by at least five different doctors, none of whom had phoned in
22 or authorized dispensing the drugs. A total of at least 27,560 milliliters of promethazine with
23 codeine 6.25-10mg/5ml syrup, 210 tablets of phentermine 37.5 mg, and 10 tablets of Levitra
24 20mg were dispensed by Respondent Meints using the names of 37 different prescribers on
25 fraudulent prescriptions created by Respondent Meints. For the fraudulent prescriptions
26 Respondent Meints created, each was received, inputted into the computer system, dispensed,
27 verified and sold to the patients by Respondent Meints. Furthermore, all of the prescriptions were
28 paid in cash.

45. Based on written admissions Respondent Meints made, he pilfered the following controlled substances and/or dangerous drugs and quantities:

a. **Hydrocodone/acetaminophen: 30 tablets per month** since 2012 (which equates to approximately 2,250 tablets) – given to his wife for personal use.

b. **Oxycodone/acetaminophen: 100 tablets** – gave to his mistress to sell on the street for \$1,000.00, though Respondent Meints was not able to collect payment.

c. **Alprazolam: 90 tablets per week** since 2016 (approximately 9,810 tablets) – sold on the street by his mistress for \$3/tablet.

d. **Diazepam: 30 tablets per month** since 2012 (approximately 2,250 tablets) – given to his wife for personal use.

e. **Phentermine: 4 to 6 tablets per day** since 2016 (approximately 5,100 tablets) – kept for personal use.

f. **Carisoprodol: 75 tablets per week** from 2016 to 2017 (approximately 8,175 tablets) – sold on the street by his mistress for \$2/tablet.

g. **Promethazine/codeine: beginning with 1 pint bottle per week to 4 pints per week** since 2016 (approximately 184 pints) – sold to “Dude” at \$480/pint who he met through his mistress.

h. **Cialis: beginning with 1-3 tablets per week to 2 tablets per day** from 2014 to mid 2017 (approximately 1,820 tablets) – kept for personal use.

i. **Levitra: beginning with 1-3 tablets per week to 2 tablets per day** from 2014 to mid 2017 (approximately 1,820 tablets) – kept for personal use.

j. **Viagra: 1 tablet per day** since 2012 (approximately 1,290 tablets) – for personal use.

k. **Prednisone: 1 tablet** given to his dog in 2018.

46. At the time of the interview on April 7, 2018, Raley’s Pharmacy management discovered seven stolen tablets of Viagra and nineteen stolen tablets of phentermine in a plastic bag in Respondent Meints’ lunch box, along with a bag of cash. Respondent Meints admitted that the cash was paid to him by his buyer “Dude” who had purchased the stolen promethazine with codeine.

47. On or about April 7, 2018, Respondent Meints signed a Promissory Note in which he promised to pay Raley's a sum of \$341,668.00, which represented the agreed upon value of drugs stolen by Respondent Meints.

48. On or about April 9, 2018, Respondent Meints resigned from employment with Raley's following the internal audit and investigation regarding drug diversion.

49. On or about May 25, 2018, Respondent Raley's #336 performed an audit of controlled substance inventories for the period from April 28, 2015 through April 10, 2018. The audit revealed the following discrepancies/losses and variances in total inventory for each drug:

Drug Name and Strength	Quantity Gain/Loss	% Variance
alprazolam 2mg	-220	4.4 %
carisoprodol 350mg	-3,369	13.1 %
diazepam 10mg	+196	3.0 %
phentermine 37.5mg	-1	0.02 %
promethazine/codeine 6.25-10mg	+4,755	7.0 %
hydrocodone/acetaminophen 10-325mg	-468	0.27 %
oxycodone/acetaminophen 10-325mg	-352	1.2 %

50. At all times relevant, Respondent Meints maintained a social media website at Twoo.com in which he posted "selfie" photographs, one of them in a white smock with Raley's logo on it, standing in front of shelves of medication. His biography stated: "Im Curt from California 56 a CEO of a large pharmacy chain and Doctor of Pharmacy as well im divorced no kids live alone extremely well off well able to afford what im looking for which is a Mistress with well trained subs to sell especially sex slaves" [Sic.]

FIRST CAUSE FOR DISCIPLINE

(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)

51. Respondent Meints is subject to disciplinary action under section 4301, subdivisions (f), (j) and (o) of the Code in that Respondent Meints committed acts involving moral turpitude, dishonesty, fraud, deceit and/or corruption, as set forth above in paragraphs 37-50 above.

1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Possession of a Controlled Substance)**

3 52. Respondent Meints is subject to disciplinary action under section 4060 and/or section
4 4301, subdivisions (j) and (o), of the Code, and/or Health and Safety Code section 11350 and/or
5 11377, in that Respondent Meints possessed, conspired to possess, and/or assisted in or abetted
6 possession of, a controlled substance, without a valid prescription, as set forth above in
7 paragraphs 37-50 above.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Furnishing of Controlled Substances Without Prescription)**

10 53. Respondent Meints is subject to disciplinary action under section 4059, subdivision
11 (a), and/or section 4301, subdivisions (j) and (o), of the Code, and/or Health and Safety Code
12 section 11170 in that Respondent Meints furnished to himself or another without a valid
13 prescription, and/or conspired to furnish, and/or assisted or abetted furnishing of, a controlled
14 substance, as set forth above in paragraphs 37-50 above.

15 **FOURTH CAUSE FOR DISCIPLINE**

16 **(Forgery of Prescription)**

17 54. Respondent Meints is subject to disciplinary action under section 4324 and section
18 4301, subdivisions (g), (j) and (o), of the Code in that Respondent Meints knowingly forged,
19 altered, made and/or signed documents that falsely represented a genuine prescription for the
20 purpose of obtaining controlled substances and/or dangerous drugs, as set forth above in
21 paragraphs 37-50 above.

22 **FIFTH CAUSE FOR DISCIPLINE**

23 **(Obtaining Controlled Substances by Fraud, Deceit or Subterfuge)**

24 55. Respondent Meints is subject to disciplinary action under section 4301, subdivisions
25 (g), (j) and (o), of the Code, and/or section 11173, subdivisions (a), (b), and (c) of the Health and
26 Safety Code in that Respondent Meints obtained, conspired to obtain, and/or assisted in or abetted
27 the obtaining of a controlled substance by fraud, deceit, misrepresentation and/or subterfuge,
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1 and/or made a false statement in a prescription, order, report or record for the purpose of
2 obtaining controlled substances, as set forth above in paragraphs 37-50 above.

3 **SIXTH CAUSE FOR DISCIPLINE**

4 **(Unprofessional Conduct)**

5 56. Respondent Meints is subject to disciplinary action under section 4301 of the Code in
6 that Respondent engaged in unprofessional conduct, as set forth in paragraphs 37-50 above.

7 **SEVENTH CAUSE FOR DISCIPLINE**

8 **(Failure to Maintain Accurate and Secure Controlled Substances Inventory)**

9 57. Respondent Raley's #336 and Respondent Meints are subject to disciplinary action
10 under section 4301, subdivision (o) of the Code, and/or section 4113, subdivision (c), of the Code
11 in combination with section 4081 of the Code, and/or section 4332 of the Code, and section 1718
12 of title 16 of the California Code of Regulations, and/or 21 CFR section 1304.11 in that they
13 violated statutes regulating controlled substances or dangerous drugs, and/or directly or indirectly
14 violated, attempted to violate, and/or assisted in or abetted violation of, laws or regulations
15 governing the practice of pharmacy, by acts including failing to maintain an accurate and secure
16 inventory of all controlled substances.

17 **EIGHTH CAUSE FOR DISCIPLINE**

18 **(Failure to Maintain Pharmacy Security)**

19 58. Respondent Raley's #336 and Respondent Meints are subject to disciplinary action
20 under section 4301, subdivision (j) and/or (o), and/or section 4113, subdivision (c), of the Code,
21 in combination with section 1714, subdivision (b) of title 16 of the California Code of
22 Regulations in that they violated statutes regulating controlled substances or dangerous drugs,
23 and/or directly or indirectly violated, attempted to violate, and/or assisted in or abetted violation
24 of, laws or regulations governing the practice of pharmacy, by failing to maintain pharmacy
25 facilities, space, fixtures, and equipment so that drugs were safely and properly prepared,
26 maintained, secured and distributed, as set forth above in paragraphs 37-50 above.

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1 **OTHER MATTERS**

2 59. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
3 PHY 53518 issued to Respondent Raley's #336, Respondent Raley's #336 shall be prohibited
4 from serving as a manager, administrator, owner, member, officer, director, associate, or partner
5 of a licensee for five years if Pharmacy Permit Number PHY 53518 is placed on probation or
6 until Pharmacy Permit Number PHY 53518 is reinstated if it is revoked.

7 60. Pursuant to Code section 4307, if discipline is imposed on Pharmacy Permit Number
8 PHY 53518 issued to Respondent Raley's #336 while Respondent Meints was the Pharmacist-in-
9 Charge and/or Respondent Raley's #336 was an officer and owner and had knowledge of or
10 knowingly participated in any conduct for which the licensee was disciplined, Respondent
11 Raley's #336 and Respondent Meints shall be prohibited from serving as a manager,
12 administrator, owner, member, officer, director, associate, or partner of a licensee for five years if
13 Pharmacy Permit Number PHY 53518 is placed on probation or until Pharmacy Permit Number
14 PHY 53518 is reinstated if it is revoked.

15 61. Pursuant to Code section 4307, if discipline is imposed on Pharmacist License No.
16 RPH 30302 issued to Respondent Meints, Respondent Meints shall be prohibited from serving as
17 a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for
18 five years if Pharmacist License Number RPH 30302 is placed on probation or until Pharmacist
19 License Number RPH 30302 is reinstated if it is revoked.

20 **DISCIPLINE CONSIDERATIONS**

21 62. To determine the degree of discipline, if any, to be imposed on Respondent Gerald
22 Francis Meints, RPH, Complainant alleges that on or about January 6, 2015, in a prior action, the
23 Board of Pharmacy issued Citation Number CI 2014 63821 for violation of California Code of
24 Regulations, Title 16, Section 1716 for verifying a prescription labeled with incorrect directions
25 (prescription stated one tablet every 24 hours, and Respondent labeled bottle for one tablet every
26 2 to 4 hours). The Board ordered Respondent to pay a fine of \$1,000.00. That Citation is now
27 final and is incorporated by reference as if fully set forth.

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PRAYER

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

1. Revoking or suspending Pharmacist License Number RPH 30302, issued to Gerald Francis Meints;

2. Revoking or suspending Pharmacy Permit Number PHY 53518, issued to Raley's Corp. doing business as Raley's Pharmacy #336;

3. Prohibiting Raley's Corp. doing business as Raley's Pharmacy #336 from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 53518 is placed on probation or until Pharmacy Permit Number PHY 53518 is reinstated if Pharmacy Permit Number PHY 53518 issued to Raley's Corp. doing business as Raley's Pharmacy #336 is revoked;

4. Prohibiting Gerald Francis Meints from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacy Permit Number PHY 53518 is placed on probation or until Pharmacy Permit Number PHY 53518 is reinstated if Pharmacy Permit Number PHY 53518 issued to Raley's Corp. doing business as Raley's Pharmacy #336 is revoked;

5. Prohibiting Gerald Francis Meints from serving as a manager, administrator, owner, member, officer, director, associate, or partner of a licensee for five years if Pharmacist License Number RPH 30302 is placed on probation or until Pharmacist License Number RPH 30302 is reinstated if Pharmacist License Number RPH 30302 issued to Gerald Francis Meints is revoked;

6. Ordering Gerald Francis Meints, RPH and Raley's Corp. doing business as Raley's Pharmacy #336 to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3; and,

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

DATED: February 20, 2019



ANNE SODERGREN
Interim Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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