



BE AWARE & TAKE CARE:
Talk to your pharmacist!

The Script

CALIFORNIA BOARD OF PHARMACY JULY 2000

Addresses of Record will NOT be on the Internet

Because the Board of Pharmacy shares everyone's concern for privacy and personal safety, the **Board has decided not to place pharmacist, pharmacy intern or technician addresses of any kind on the Internet**, unless future legislation mandates this action. However, addresses of record will continue to be accessible to the public via other methods.

It was reported in the April 2000 *The Script* that the address of record of all those licensed or registered by the Board

of Pharmacy would be available to the public on the Board's Internet license verification site beginning in July. And those who wanted to change their address of record were encouraged to do so.

Many licensees submitted change of address forms, providing their business address as the address of record. Using your business address as your address of record will preserve the privacy of your residence address; however, there are disadvantages to using your place of employment as address of record. For example:

- **All Board mailings go to your address of record. That includes all reminders to renew your license and the license itself, Board correspondence, communications, newsletters, and statutory/regulatory changes involving the practice of pharmacy.**
- If your address of record is your place of employment and it is a large facility, it may greatly impact your ability to receive mailings from the Board.
- If you change your place of employment and forget to notify the Board of the change, you will not receive Board mailings. Address changes must be reported to the Board within 30 days of the change (Business & Professions Code, section 4100).

If your address of record is not your residence address, you must also provide the Board with your residence address (pursuant to section 1704 of the California

Code of Regulations), which is private and not accessible to the public.

Please note that the address of record for all Board licensees are available to the public—that includes licenses that have been cancelled, retired, or revoked and the licenses of individuals who are deceased. That means that even though these licenses are no longer viable, they remain part of the Board's record.

Based on inquiries received by the Board, the following questions and answers may help clarify this issue:

Q Why are pharmacist, pharmacy intern and technician addresses public information?

A All licensees of the state hold a fiduciary trust to protect the public and part of that trust includes being accessible to the public. The Board of Pharmacy, as well as other state regulatory agencies, is bound by the requirements of the Public Records Act (Government

See Addresses of Record, Page 3

www.pharmacy.ca.gov is here!

The Board of Pharmacy is happy to announce that its own website, www.pharmacy.ca.gov, is now in operation on the Internet. It is no longer necessary to access the Board through the Department of Consumer Affairs website.

We are very proud of our website and pleased that we can now provide all sorts of information that is convenient for consumers and licensees alike. Information that is now available at the click of a mouse includes:

- Information about the Board of Pharmacy
- Consumer Information
- License Verification
- Forms & Publications
- Legislation & Regulation Information
- Frequently Asked Questions

The Board invites you to visit our website, and welcomes your comments.

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President's Message

By Robert H. Elsner
President, Board of Pharmacy

As a Public Member of the State Board of Pharmacy, I've developed an increased appreciation of the changing and expanding role of pharmacists in the treatment and well-being of patients.

I've also come to have a much better understanding of the complex demands and responsibilities of pharmacists and the profession. (Before retiring, I spent 33 years working for and with physicians, as CEO of three medical associations in Portland, Los Angeles and finally the California Medical Association. My exposure and involvement with pharmacists was limited.)

Today's patients are more sophisticated and knowledgeable than ever before as consumers of health care. Increased clinical demands on pharmacists, along with more potent effective pharmaceuticals and potentially dangerous drug interactions, only highlight the critical importance of careful dispensing and avoidance of medication errors.

As former Pharmacy Board President Thomas Nelson, R.Ph., wrote in a 1998 issue of the Script, "...properly dispensing prescriptions, while perhaps not as glamorous as creating disease management programs, is vital to the foundation of any pharmacist's care model." He added that "There are three important aspects to the dispensing function: (1) providing the right drug with the right directions to the right patient, (2) drug utilization review (DUR), and (3) patient consultation."

As a layman who has visited my share of pharmacies over the years, I've experienced firsthand a lack of pharmacist-patient consultation, and if my limited experience is an indication, I fear the failure to offer consultation may still be widespread. In enforcement matters before the Board of Pharmacy compliance committees, we still see this frequently. And in too many instances, when erroneous medications or dosages have been involved, a simple consultation could have prevented serious consequences to patients and fines against pharmacists. Admittedly, errors sometimes occur because the physician's handwriting or instructions are unclear, leaving pharmacists to make mistakes, or worse, to simply guess. Consultation with patients could have prevented such problems.

There seems to be an increase in media coverage today about prescription errors. To again quote Mr. Nelson, "...if all California pharmacists were diligently providing patient consultation and appropriate DUR, I believe that the error rates would be reduced by 50 percent or more. Patient consultation provides that 'final' check for the right drug, the right directions and the right patient."

Pharmacist consultations may well be the final opportunity to assure proper filling and use of prescriptions. The Board of Pharmacy estimates that up to one-half of the nearly 2 billion prescriptions taken nationally each year are not used correctly. Improved communication (between pharmacist and patient through consultation) can drastically improve those lamentable statistics.

No one disputes how busy pharmacists are today or doubts the increased demands imposed upon them. So it's all the more important to assign priorities to emphasize consultation and DUR, if pharmacists are to assume their expanded roles as partners in their patients' health care and well being.



Addresses of Record . . .

Continued from Page 1

Code, section 6250 et seq.) and the Information Practices Act (Civil Code, section 1789 et seq.) which establish both requirements and guidance to regulatory boards regarding what information contained in a board's licensing files is considered "public" in that it will be released in response to public inquiry.

Q What is the "address of record?"

A This is the address to which the Board mails all license information, including license renewal notices, licenses, newsletters, other publications, or any correspondence from the Board.

This address may be a residence address, a business address, a personal mail box or post office box address. Whatever address is provided as address of record, it is the address that is accessible to the public.

Q How can someone get my address of record if it is not on the Internet?

A A licensee's address of record can be obtained by submitting a written request to the Board. The Board will respond by providing the address in writing, and subsequently notifying the licensee that his or her address of record was released. Additionally, the address can be purchased online from the Department of Consumer Affairs by entities wishing to bulk mailings to pharmacists (to advertise continuing education courses, various products and services or to solicit for employment or association membership).

Q To maintain my privacy, is it best to give my business address as my address of record?

A Having your business address as your address of record will preserve the privacy of your residence address; however, there are disadvantages to using

your business address as address of record. If you change your place of employment and forget to notify the Board of the change, you would not receive Board communications and notices that include information about statutory and regulation changes involving the practice of pharmacy, as well as the license renewal notification and the new or renewal license. All of this could impact your ability to practice pharmacy. Moreover, any change of the address of record must be provided to the Board within 30 days of the change (Business & Professions Code, section 4100).

Q If I provide a business or post office box address as my address of record, why do you need my residence address?

A If your address of record is not your residence address, your residence address is also required for Board files. Your residence address is required by section 1704 of the California Code of Regulations, and the Board must be notified within 30 days of any change.

Q Can my residence address be used as my address of record?

A Yes but as noted above, it will be accessible to the public. The advantage is that all Board mailings will go to your residence, and less likely to be lost.

Q I have provided an alternate address for my address of record and my residence address, as required by law. Is my residence address available to the public?

A No. If there is an alternate address for address of record, your residence address is confidential and not available to the public.

Q I have designated my business address as my address of record,

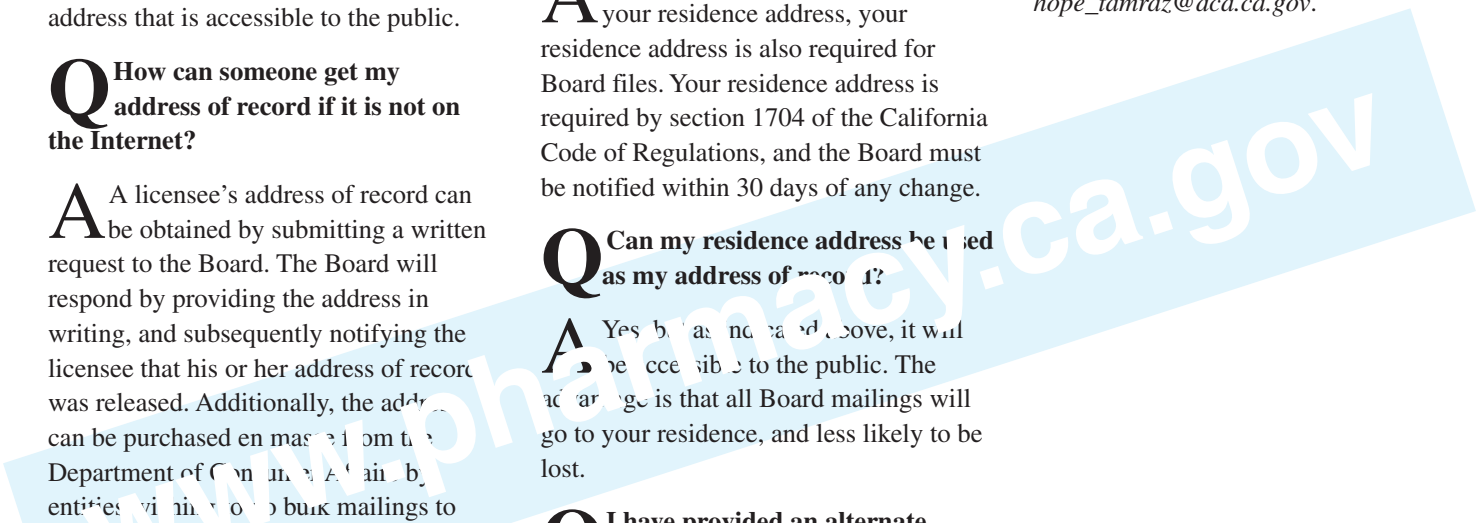
but because I work in a hospital, I would rather have my mailings from the Board go to my residence. Is that possible?

A No.

Q Is it too late to change my address of record back to my residence address?

A No, it is not too late. You may do so by completing the Change of Address Form on page 15 and mailing or faxing it to the Board. (See newsletter back page for Board address and fax number.)

If you have other questions, please contact *The Script* editor at (916) 445-5014, ext. 4008, or at hope_tamraz@dca.ca.gov.



Rx for Good Practice

In day-to-day pharmacy practice, unusual situations sometimes occur, generating questions that require a quick answer. So to help our licensees with questions whose answers may or may not be found in the pharmacy law book, "Rx for Good Practice" will be featured in each issue of *The Script*. Everyone is encouraged to fax questions to *The Script* at (916) 327-6308 or e-mail them to the editor at hope_tamraz@dca.ca.gov.

Some of our frequently asked questions:

Q I keep getting prescriptions for Percocet where the physician has left off the medication strength. Can I write the medication strength on the prescription myself?

A You must telephone the prescriber to confirm the correct amount, and then enter it on the prescription.

In the past, Percocet was manufactured in only one strength, so prescriptions were often written without a specific strength. However, as you may be aware, Endo now has four different formulations for Percocet:

- * Percocet 2.5 (2.5 mg hydrocodone and 325 mg of acetaminophen),
- * Percocet 5 (5 mg hydrocodone and 325 mg of acetaminophen),
- * Percocet 7.5 (7.5 mg hydrocodone and 500 mg of acetaminophen), and
- * Percocet 10 (10 mg hydrocodone and 650 mg of acetaminophen).

The Ohio State Board of Pharmacy published the DEA's policy statement on this subject and gave our Board permission to reprint the information here:

DEA Policy Statement

Subject: Information that can be changed on a Schedule II prescription

Policy: The majority of changes can be made only after the pharmacist contacts

the prescribing practitioner. After consultation with the prescribing practitioner, the pharmacist is permitted to change the patient's address, drug strength, drug quantity, and directions for use. The pharmacist is permitted to make information additions that may be provided by the patient or bearer, such as the patient's address, and such additions should be verified.

The pharmacist may also add the dosage form to the prescription order after verification with the prescribing practitioner.

The pharmacist is never permitted to make changes to the patient's name, controlled substance prescribed (except for generic substitution permitted by state law), or the prescriber's signature. These types of changes challenge the necessity of the original prescription and would require a new prescription from the prescribing practitioner.

In those cases where a prescriber either omits the strength, quantity, or directions, or where the pharmacist doing prospective drug utilization review discovers an error in any of these required elements, this policy allows the problem to be dealt with by a telephone call rather than a trip back to the prescriber's office. The pharmacist should always document the time and date that the prescriber was contacted about the correction, and should always ask the prescriber to document the change in the patient's chart so that both the prescriber and the pharmacist have a record of the conversation.

Please contact the DEA or the Board office if you have any questions about this policy.

Q What is the time limit for filling a Schedule II prescription?

A Section 11166 of the Health & Safety Code (page 192, Pharmacy Law 2000) states that a prescription for a Schedule II cannot be filled "14 or more days after the date written on the prescription by the prescriber." The day the prescription is written is "day one." Since the prescription cannot be filled on the 14th day after the written date, simply add 13 days to the date the prescription was written. For example: If the prescription is written on July 1, the last day it can be filled is July 14.

Q Are there any restrictions on the length of time allowed for the refilling of prescriptions for non-controlled drugs?

A There are no statutes or regulations that address this issue; however, the "standard of practice" is that prescriptions are valid for one year. After that time, the pharmacist should contact the prescriber to determine whether there is still a valid physician/patient relationship and that there have been no changes in the patient's condition or prescriptions.



Emergency regulation regarding a pharmacist's temporary absence from the pharmacy has been adopted

A revised version of the emergency regulation, section 1714.1 of the California Code of Regulations, has been permanently adopted, effective June 12, 2000. Most of the changes were relatively minor—deleting redundancies and defining “ancillary staff.” For the exact language of the adopted regulation, see Regulation Update, page 8.



Attention Medical Device Retailers!

Effective January 2000, section 1748.3 of the California Code of Regulations prohibits the operation of a medical device retailer business from a private residence. Warehouses that are owned by a medical device retailer and primarily used for storage, not the dispensing of dangerous devices to patients, cannot be located at or operated from a private residence.

If you have questions about the requirements for operating a medical device retailer business, you may call the Board at (916) 445-5014, extension 4012.

The sooner you mail your renewal fee, the sooner you will receive your renewed license

The Board frequently receives frantic calls, such as:

- “My license expires tomorrow, and I haven’t received my renewed license yet! I mailed the renewal fee five days ago, and I know you must have it by now. If I don’t get my license by tomorrow, my supervisor won’t let me work!”
- “I mailed my license renewal fee by Certified Mail four days before the expiration date, but you sent me a notice saying that I owed an underpayment fee because my renewal fee was late! How could my payment be considered late when I mailed it before the expiration date?”
- “I just passed the Board exam, and I mailed you my initial licensing fee last week, but I haven’t received my license yet!”

The Board receives such calls almost daily from anxious licensees who are waiting for renewed licenses or from successful pharmacists who have passed their examination but who can’t begin to practice until they are licensed by the Board.

The Board’s cashiering, license printing and mailing processes are time-consuming, however, and a good rule to remember is, “First in, first out.” This means the sooner your renewal application and fee are received by the Board, the sooner you will receive your renewed license.

Renewal Licenses or Permits

Renewal applications are mailed to licensees at least six weeks before the license’s expiration date. The submitted renewal fees are received by the Department of Consumer Affairs’ central

cashiering area where thousands of diverse departmental licenses are electronically processed, and the renewed licenses are generated automatically. The licenses are then forwarded to another department for mass mailing. A general rule is that you may expect to receive your license approximately 10 working days (or two weeks) from the **date it is cashiered**.

While centralized cashiering relieves the Board staff from processing so many payments, the downside is that once the payments reach the cashiering unit, there is no way to find out whether a specific payment has been received. Secondly, a payment postmarked on or before the license expiration date is considered on time; however, because all of the license renewals have different expiration dates, central cashiering does not check the postmark to determine whether it was mailed on time. In cases where there is a question of whether a payment is late, central cashiering forwards the payment envelope to the Board, but it may not reach this office for up to two weeks, and an underpayment notice to the licensee may have already been generated. Upon review of the envelope’s postmark, the Board determines whether an underpayment fee is due or should be waived.

Certified Mail does not ensure timely delivery because it requires extra handling by the post office. For example, a licensee’s renewal fee was mailed by certified mail four days before the license expiration date but didn’t reach the cashiering unit for 11 days, resulting in an underpayment notice. The licensee notified the Board of having mailed the renewal fee on time, and the underpayment fee was waived, but such occurrences can be avoided by early payment to the Board.

New Licenses

After the Board receives all required documentation and the initial licensing fee from those who have passed the pharmacist licensure examination, delivery of the initial pocket license can be expected in about ten working days. And although there are no shortcuts for printing licenses, the Board does have procedures for providing the newly assigned license numbers to prospective employers. Employers may call the Board at (916) 445-5014 for additional information about these procedures.

Note: Because of special printing, wall certificates for new pharmacists require several months from the date of licensure to delivery.

Agree in advance on the timely return of your renewal license, permit or registration, submit your fee and renewal application to the Board as soon as it is received. Help us to help you!





Board has new officers

At the April 2000 Board meeting, the Board elected new officers who took office on June 1, 2000. Robert Elsner, a public member, was elected president, Steve Litsey, Pharm. D., vice president and Caleb Zia, a public member, treasurer. These officers will serve through May 31, 2001.

New Board member appointed

On June 1, 2000, the Senate Rules Committee appointed Mr. William Powers as the Senate's public member on the Board, replacing Sandra Bauer. Mr. Powers lives in Sacramento and presently serves as Legislative Director of the Congress of California Seniors. He also functions as Coordinator of the Capital City Task Force for the American Association of Retired Persons (AARP). Mr. Powers donates his time to these organizations, and is a board member of several local housing agencies: Mercy Housing California, Sacramento Housing Alliance, and is Chair of the Housing Assistance Council.

The Board currently has 10 of its 11 member positions filled. (A list of Board members is provided on the last page of the newsletter and the Board's website, www.pharmacy.ca.gov.)

Has your name or address changed?

Section 4100 of the Business & Professions Code requires all holders of individual Board-issued licenses (pharmacists, interns, and pharmacy technicians) to report name or address changes to the Board within 30 days of the change. **You must mail or fax such changes to the Board.**

When notifying the Board of a change in your name, please include either:

- A copy of legal documentation of your name change (marriage license, divorce decree, or legal name change) or
- Copies of your driver license and social security card (both reflecting the new name).

For address changes, please include your full name, license number, old address, and new address. **Your "address of record" is accessible to the public, pursuant to the Information Practices Act and the Public Records Act, and all Board mailings go to this address.** If you choose to use a post office box or business address as your address of record, section 1704 of the California Code of Regulations requires you to also provide your residence address which is not accessible to the public.

Please mail or fax all change of information to:

California State Board of Pharmacy
400 R Street, Suite 4070
Sacramento CA 95814
Fax: (916) 327-6308

Regulation Update

This article contains additions to Division 17, Title 16, of the California Code of Regulations. For your convenience, these regulations can be cut out and saved until their publication in the next issue of the Pharmacy Law.

1707.4 Procedures for Refill Pharmacies

- (a) A pharmacy licensed by the board may process a request for refill of a prescription received by a pharmacy within this state, provided:
- (1) The pharmacy that is to refill the prescription either has a contract with the pharmacy which received the prescription or has the same owner as the other pharmacy.
 - (2) The prescription container:
 - (A) is clearly labeled with all information required by Section 4076 of the Business and Professions Code; and
 - (B) clearly shows the name and address of the pharmacy refilling the prescription and/or the name and address of the pharmacy which receives the refilled prescription for dispensing to the patient.
 - (3) The patient is provided with written information, either on the prescription label or with the prescription container, that describes which pharmacy to contact if the patient has any questions about the prescription or medication.
- (4) Both pharmacies maintain complete and accurate records of the refill, including:
- (A) the name of the pharmacist who refilled the prescription;
 - (B) the name of the pharmacy refilling the prescription; and
 - (C) the name of the pharmacy that received the refill request.
- (5) The pharmacy which refills the prescription and the pharmacy to which the refilled prescription is provided for dispensing to the patient shall each be responsible for ensuring the order has been properly filled.
- (6) The originating pharmacy is responsible for compliance with the requirements set forth in Sections 1707.1, 1707.2 and 1707.3 of the California Code of Regulations.
- (b) Nothing in this section shall be construed as barring a pharmacy from also filling new prescriptions presented by a patient or a patient's agent or transmitted to it by a prescriber.

Note: Authority cited: Section 4005, Business and Professions Code.
Reference: Sections 4063, 4076, 4081 and 4333, Business and Professions Code.
(Effective 7/1/00)

1714.1 Pharmacy Operations During the Temporary Absence of a Pharmacist

This section is to ensure that pharmacists are able to have duty free breaks and meal periods to which they are entitled under Section 512 of the Labor Code and the orders of the Industrial Welfare Commission, without unreasonably impairing the ability of a pharmacy to remain open.



(a) In any pharmacy that is staffed by a single pharmacist, the pharmacist may leave the pharmacy temporarily for breaks and meal periods pursuant to Section 512 of the Labor Code and the orders of the Industrial Welfare Commission without closing the pharmacy and removing ancillary staff from the pharmacy if the pharmacist reasonably believes that the security of the dangerous drugs

and devices will be maintained in his or her absence.

If in the professional judgment of the pharmacist, the pharmacist determines that the pharmacy should close during his or her absence, then the pharmacist shall close the pharmacy and remove all ancillary staff from the pharmacy during his or her absence.

(b) During the pharmacist's temporary absence, no prescription medication may be provided to a patient or to a patient's agent unless the prescription medication is a refill medication that the pharmacist has checked, released for furnishing to the patient and was determined not to require the consultation of a pharmacist.

(c) During such times that the pharmacist is temporarily absent from the pharmacy, the ancillary staff may continue to perform the non-discretionary duties authorized to them by pharmacy law. However, any duty performed by any member of the ancillary staff shall be reviewed by a pharmacist upon his or her return to the pharmacy.

(d) During the temporary absence of a pharmacist as authorized by this section, an intern pharmacist may not perform any discretionary duties nor otherwise act as a pharmacist.

(e) The temporary absence authorized by this section shall be limited to the minimum period authorized for pharmacists by section 512 of Labor Code or orders of the Industrial Welfare Commission, and any meal shall be limited to 30 minutes. The

pharmacist who is on break shall not be required to remain in the pharmacy area during the break period.

(f) The pharmacy shall have written policies and procedures regarding the operations of the pharmacy during the temporary absence of the pharmacist for breaks and meal periods. The policies and procedures shall include the authorized duties of ancillary staff, the pharmacist's responsibilities for checking all work performed by ancillary staff and the pharmacist's responsibility for maintaining the security of the pharmacy. The policies and procedures shall be open to inspection by the board or its designee at all times during business hours.

(g) For the purposes of this section, ancillary staff includes: an intern pharmacist, a pharmacy technician, non-licensed personnel as defined in Section 1793.3 of Title 16 of the California Code of Regulations and a pharmacy technician trainee as defined in Section 4115.5 (a) of the Business and Professions Code.

(Permanently adopted, effective 6/12/00)

Note: Authority cited: Sections 4005, 4115 and 4116, Business and Professions Code. Reference: Sections 4009, 4115, 4115.5 and 4116, Business and Professions Code and Sections 512 and 1186, Labor Code.



Faxing clarification

Language in the article, "Faxing of Prescriptions," published in the April 2000 *The Script*, may have suggested to some that there is a conflict within the article over whether a faxed prescription for a Schedule III, IV or V controlled substance is permitted under both state and federal law. Such a faxed prescription is legal. What is not permitted is an electronic data transmission order for a Schedule III, IV or V controlled substance. This includes an electronically transmitted order that is received by the pharmacy as a facsimile.



Want a job with great benefits? Be an inspector for the Board of Pharmacy

If you are an innovative, highly motivated individual who is looking for an exciting career that puts you on the front line of changes in the pharmacy practice, the Board of Pharmacy is looking for you! Applications for examination and employment as a pharmacy inspector for the Board are accepted on an ongoing basis.

The Board has inspector vacancies statewide (not specific to a particular city or area) and is seeking self-starting pharmacists with experience in the new practice areas of pharmacy, such as automated drug dispensing, clinical case management, specialty clinic management, and patient education.

To be considered, you must be registered as a pharmacist in California with two years' experience in the practice of pharmacy and possess a valid California driver's license. You will be required to take a civil service examination, and the examination results will determine your ranking on the civil service list. Based on that ranking and other qualifications, you may be called to appear for the Board's employment interview and writing skills evaluation. If you are a good match for this position, the Board wants you!

Inspectors from all over California are assigned to work in teams, and each inspector's duties are divided between those performed in a home office environment (report writing and answering telephone inquiries) and those requiring travel. Travel, which includes local and statewide, is approximately 20-25 percent of the workweek.

There are plenty of perks. Inspectors are provided the use of home office equipment (telephone, cell phone, computer, printer, fax machine), a state car, business and travel expense reimbursement, a salary range of \$5,085 - \$5,774 per month, and all the health and retirement benefits of state civil service.

To obtain an application for examination and employment, you may access Board's website at www.pharmacy.ca.gov and click on What's New. Or you may contact the Board at (916) 445-5014.

Your completed application and résumé should be mailed to:

Department of Consumer Affairs
P. O. Box 980428
West Sacramento CA 95798-0428
Attention: Human Resources



Disciplinary Actions by the Board

Explanation of Disciplinary Language

1. *Revoked* means the license is canceled, voided, annulled, rescinded. The right to practice or operate a Board of Pharmacy-licensed business is ended.

2. *Revoked, stayed; 60 days' suspension; three years' probation*— “Stayed” means the revocation is postponed or put off. Professional practice or operation may continue so long as the licensee complies with specified probationary terms and conditions, which in this example includes 60 days' actual suspension from practice or operation. Violation of probation may result in the lifting of the stay and the implementation of the stayed revocation.

3. *Stipulation* indicates a form of negotiation where the case is settled prior to hearing (similar to an “out-of-court settlement” in civil court).

4. *Voluntary Surrender of License*—The licensee returns his or her license to the Board, subject to specific conditions of surrender and acceptance by the Board.

5. *Effective* indicates the date the disciplinary decision goes into operation.

6. *Statement of Issues* refers to the initial or accusatory pleading (filed by the Board) which initiates the administrative procedure for denial of licensure to an applicant.

7. *Letter of Reprimand (or Reproval)* is a public document reproving a licensee for violations of Pharmacy Law.

PHARMACISTS/PHARMACIES

PHARMACY HOMECARE NETWORK, PHY 40753, North Hollywood, CA

Violation: For purposes of settlement only, respondent admitted to dispensing drugs for which there were no legitimate prescriptions and subsequently billing Medi-Cal; failing to notify the Board of a change of pharmacist-in-charge (PIC); failing to have adequate policies and procedures for maintaining records of acquisition and disposition of dangerous drugs.

Action: Public reprimand; payment of \$6,000 in costs within 90 days of decision
Effective: July 6, 1999

STEPHANIE ANN WILLIAMS, RPH 37048, Los Angeles, CA

Violation: For purposes of settlement only, respondent admitted to being convicted of a crime substantially related to the qualifications, functions and duties of a licensee.

Action: Revoked, stayed; three years' probation; undergo psychiatric and/or psychotherapy treatment; no ownership and must immediately sell or transfer interest in any entity licensed by the Board; may not practice pharmacy until notified in writing by the Board; may not supervise or act as preceptor for interns nor function as PIC; payment of \$2,472 in costs.

Effective: August 21, 1999

MICHAEL HAROLD GUTHRIE, RPH 30093, Elk Grove, CA

Violation: In stipulation, respondent admitted to the truth of allegations of furnishing to himself and his spouse dangerous drugs without prescriptions and failing to compensate the pharmacy; being convicted of a crime substantially related to the qualifications, functions and duties of a licensee; failing to ensure the pharmacy's compliance with state's pharmacy laws.

Action: Revoked, stayed; 90 days' suspension; three years' probation; no ownership; abstention from drug use and submission to random fluid testing; may not supervise or act as preceptor for interns nor function as PIC; payment of \$5,500 in costs.

Effective: August 21, 1999

MICHAEL DEMETRIUS FARROS, RPH 42727, Stockton, CA

Violation: For purposes of settlement only, respondent admitted to stealing drugs from his employer and administering them to himself without a prescription; administering dangerous drugs and alcohol to himself while working which impaired his ability to function as a pharmacist.

Action: Revoked, stayed; 30 days' suspension; five years' probation; mandatory participation in the Pharmacist Recovery Program and fluid testing; abstention from possession or use of controlled substances, dangerous drugs or alcoholic beverages; may not supervise or act as preceptor for interns nor function as PIC; after suspension, may practice only under supervision of a pharmacist not on probation; payment of \$7,200 in costs.

Effective: August 21, 1999

NARAN A. KERAI, RPH 41569, Chula Vista, CA and NARAN A. KERAI & MUKESH B. BHATT dba BROADWAY PHARMACY, PHY 37696

Violation: For purposes of stipulation, respondents admitted to: violating the Controlled Substance Act related to the purchase, control and disposition of a controlled substance; (respondents Kerai and Broadway Pharmacy) failing to maintain complete and accurate records of controlled substances; (Kerai) denying that he knew that a drug was a controlled substance; (Kerai, Broadway Pharmacy and Inter-Med USA) refusing to allow inspection of drugs by a Board inspector and refusing to produce records of

Disciplinary Actions

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acquisition and disposition; having coverage of drugs which was revealed by an audit; exporting controlled substances to Mexico without a DEA permit and failing to declare the drugs with the U.S. Customs at the border; continuing to export drugs to Mexico after being warned by the Board at an office conference.

Action: RPH—Revoked, stayed; 15 consecutive days' suspension; three years' probation; take and pass law section of the pharmacist licensure examination; may not supervise or act as preceptor for interns; may function as PIC if independent consultant is retained; shall not export any drugs or pharmaceutical devices to Mexico; shall not sell wholesale during probation; share with PHY payment of \$10,000 in costs.

PHY—Revoked, stayed; 12 consecutive days' suspension; new permit to be issued within 30 days of decision date under the name of Naran A. Kerai, sole owner; must ensure that employees involved are aware of probation terms and notice is posted in a prominent place; shall not export any drugs or pharmaceutical devices to Mexico; shall not sell wholesale during probation; share with RPH payment of \$10,000 in costs.

Effective: August 25, 1999

**MICHAEL DAVID SEEMAN,
RPH 28335, Los Angeles, CA**

Violation: Failing to comply with the terms and conditions of the previously ordered probation related to administrative case 1690.

Action: Revoked

Effective: November 4, 1999

**SARKIS FESTEKDJIAN,
RPH 46741, Tarzana, CA**

Violation: Diverting controlled substances from his employer for self-use.

Action: Revoked, stayed; five years' probation; payment of \$5,150 in costs.

Effective: November 4, 1999

**MICHAEL BOTTARINI, RPH 36536,
San Mateo, CA**

Violation: For purposes of settlement only, respondent admitted to diverting controlled substances from his employer for self-use without valid prescriptions.

Action: Revoked, stayed; 30 days' suspension; five years' probation; mandatory participation in the Pharmacist Recovery Program and fluid testing; abstention from possession or use of controlled substances, dangerous drugs or alcoholic beverages; may not supervise or act as preceptor for interns nor function as PIC; may not hold ownership of business licensed by the Board; payment of \$1,500 in costs.

Effective: February 11, 2000

**BILL CHAN WONG, RPH 38352, San
Francisco, CA and WALGREENS,
PHY 40791, 2100 Webster St., San
Francisco, CA**

Violation: For purposes of settlement only, respondents admitted to the definition of a current inventory as including complete accountability of all dangerous drugs handled by every licensee.

Action: RPH—Suspended, stayed; two years' probation; may not supervise or act as preceptor for interns nor function as PIC; sharing payment with PHY of \$1,500 in costs. **PHY**—Suspended, stayed; two years' probation; sharing payment with RPH of \$1,500 in costs.

Effective: March 9, 2000

**GARY ANTZOULATOS, RPH 28911,
Friday Harbor, WA**

Violation: Failing to comply with the terms and conditions of the previously ordered probation related to administrative case 1777.

Action: Revoked

Effective: March 16, 2000

**STEPHEN SCHON, RPH 28938,
Willits, CA and HARRIS
PHARMACY, PHY 38288, Willits, CA**

Violation: Failing to comply with the terms and conditions of the previously ordered probation related to administrative case 1821; additionally, failing to keep a complete, accurate and current inventory of dangerous drugs; failing to accurately account for controlled substances; failing to maintain the security of the pharmacy; possessing controlled substances without a prescription; furnishing a dangerous drug without a prescription.

Action: RPH—Revoked. **PHY**—Revoked

Effective: March 17, 2000

**CHERYL BOGHOSSIAN, RPH
40315, APO, AE 09107**

Violation: For purposes of settlement only, respondent admitted to obtaining and/or filling prescriptions for various names; providing drugs to herself without a prescription or with an altered prescription; being convicted of a crime substantially related to the practice of pharmacy.

Action: Revoked, stayed; three years' probation; psychiatric evaluation; abstention from drug use; payment of \$6,025 in costs.

Effective: March 28, 2000

**GERALD ALLEN KATAOKA,
RPH 26581, Pleasant Hill, CA**

Violation: For purposes of settlement only, respondent admitted to allowing a non-pharmacist control of and possession of the key to the pharmacy and unlimited access to the pharmacy; allowing a non-pharmacist to place orders and receive shipments for dangerous drugs; allowing unlicensed individuals into the pharmacy without a licensed pharmacist being present; operating as a wholesaler without a permit; failing to have records of sale, purchase or disposition of dangerous drugs on premises during regular business hours.

See Disciplinary Actions, Page 13

Disciplinary Actions

Continued from Page 12

Action: Revoked, stayed; three years' probation; take and pass the pharmacist licensure law exam within six months; may not supervise or act as preceptor for interns nor function as PIC; may not hold ownership of business licensed by the Board; payment of \$3,000 in costs.

Effective: March 28, 2000

BAY CITIES PHARMACEUTICAL SERVICES, PHY 40016, Pacheco, CA

Violation: Respondent does not admit factual allegations but agrees not to contest the charges and allegations, but for purposes of settlement only, respondent admitted to allowing a non-pharmacist control of and possession of the key to the pharmacy and unlimited access to the pharmacy; allowing a non-pharmacist to place orders and receive shipments for dangerous drugs; allowing unlicensed individuals into the pharmacy without a licensed pharmacist being present; operating as a wholesaler without a permit; failing to have records of sale, purchase or disposition of dangerous drugs on premises during regular business hours.

Action: Revoked, stayed; 15 days' suspension, three years' probation; must have a PIC present at all times while open for business; no new ownership; payment of \$8,000 in costs.

Effective: March 28, 2000

TECHNICIANS

MICHAEL A. SEGGMAN, TCH 5722, Los Angeles, CA

Violation: Sending and billing prescriptions to Medi-Cal (an audit and investigation revealed that no prescriptions were written); being convicted of a crime substantially related to the qualifications, functions and duties of a licensee.

Action: Revoked

Effective: August 25, 1999

LISA ANN KELLEY, TCH 2671, Susanville, CA

Violation: For purposes of settlement only, respondent admitted to administering a dangerous drug to herself without authorization from a prescriber or a prescription.

Action: Revoked; payment of \$3,633.75 in costs.

Effective: November 18, 1999

BRIAN G. TORRES, TCH 13640, Rodeo, CA

Violation: Being arrested for driving with a suspended driver license and unlawfully possessing a controlled substance without having a valid prescription.

Action: Revoked, stayed; three years' probation; random fluid testing; payment of \$7,825 in costs.

Effective: March 16, 2000

ROBERT CHOU, TCH 17546, San Francisco, CA

Violation: Being convicted on two occasions of driving under the influence and violating the terms of his criminal probation, resulting in the extension of his criminal probation.

Action: Revoked, stayed; suspension until passes the Pharmacy Technician Certification Board examination; abstention from alcohol use; payment of \$1,775 in costs.

Effective: March 16, 2000

LINDA MARIE GOARD, TCH 19191, Rancho Cordova, CA

Violation: Being convicted of crimes substantially related to the practice of a pharmacy technician which included unlawful possession of controlled substances and driving while under the influence.

Action: Revoked, stayed; 10 days' suspension; three years' probation; payment of \$797.50 in costs.

Effective: March 28, 2000

SUSAN M. BUMGARNER, TCH 18334, San Pedro, CA

Violation: Being convicted of a crime substantially related to the practice of a pharmacy technician—while employed at a pharmacy, took money from the cash register on a cash transaction for prescription drugs.

VOLUNTARY SURRENDER OF LICENSES

NARAN KERAI dba INTER-MED USA, WLS 2521, Chula Vista, CA

Violation: For purposes of stipulation, respondents admitted to violating the Controlled Substance Act related to the purchase, control and disposition of a controlled substance; refusing to allow inspection of drugs by a Board inspector and refusing to produce records of acquisition and disposition; having an overage of drugs which was revealed by an audit; exporting controlled substances to Mexico without a DEA permit and failing to declare the drugs with the U.S. Customs at the border; continuing to export drugs to Mexico after being warned by the Board at an office conference.

Effective: August 25, 1999

ANTHONY A. FROYD dba BAY CITIES PHARMACEUTICAL DISTRIBUTORS, WLS 2885, Pacheco, CA

Violation: For purposes of settlement only, respondent does not admit factual allegations but agrees not to contest the charges and allegations.

Effective: March 28, 2000

ALAN TSANG, RPH 30158, Alhambra, CA

Violation: For purposes of settlement only, respondent admitted to failing to comply with the terms and conditions of the previously ordered probation related to administrative case 2154.

Effective: March 28, 2000

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