

October 2023

THE SCRIPT

BE AWARE & TAKE CARE: Talk to your pharmacist!

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Medication Errors Related to Automated Drug Delivery Systems are Required to be Reported



The Board is required by statute to report any safety concerns related to the use of the automated drug delivery system (ADDS) to the legislature. This includes all medication errors resulting from the dispensing of dangerous drugs and devices from an ADDS. Specifically, the Board is interested in learning the causes of these errors and in gathering information to assist the industry on how to improve the development of ADDS to prevent these errors.

To assist the Board in identifying safety concerns related to the use of ADDS, California Code of Regulations (CCR) section 1711(f) requires any quality assurance (QA) record related to the use of a **licensed** ADDS to be submitted to the board within 30 days of completion of a QA review. Further, any facility with an **unlicensed** ADDS, such as hospital pharmacies operating ADDS that are exempt from licensure, must also report their



**By Seung Oh, President,
Board of Pharmacy**

I am pleased to announce that Governor Newsom has signed AB 1286, one of the most significant patient-protection measures ever sponsored by the Board. The Board truly appreciates the engagement by stakeholders in the development of this important legislation, including pharmacists that completed the workforce surveys, the work conducted by the Medication Error Reduction and Workforce Ad Hoc Committee, and the advocacy of those supporting this legislation. Thank you.

AB 1286 directly addresses medication errors, working conditions, and how the two intersect by establishing a first-in-the-nation mandatory reporting of outpatient medication errors. The bill also addresses some of the known causes of medication errors through a variety of means including, for example, granting authority for the pharmacist-in-charge to make staffing decisions like establishing a minimum staffing floor under specified conditions. The bill would additionally increase

authorized duties that a specially trained pharmacy technician may perform.

Under this new bill, technicians will have authority to administer flu and COVID-19 vaccines and epinephrine, perform specimen collection for CLIA-waived tests, receive prescription transfers, and accept clarification on prescriptions under prescribed conditions. The bill specifies that if a pharmacy technician is performing these additional authorized tasks, a second pharmacy technician is required to assist a pharmacist with performing the non-discretionary pharmacy technician tasks currently authorized under existing law.

The provisions established in AB 1286 complement other patient safety efforts undertaken by the Board including proposed revisions to the Board's quality assurance regulations and the Notice to Consumers poster.

In this current issue of *The Script*, the Communication and Public Education Committee is launching a new campaign to educate consumers on prescription labels and to remind the public that pharmacists are healthcare providers. The revised Notice to Consumers poster focuses on actions a patient can take with their pharmacist to reduce medication errors. A QR code will be included on the poster for consumers who need it translated. Translations will be available in Spanish, Chinese, Korean, Russian, Tagalog, Vietnamese, and Punjabi.

An important note: at the September board meeting, members approved an updated policy statement on the transition period to implement new compounding standards. Revisions were made to USP Compounding General Chapters 795 and 797, 800 and 825. These chapters become official November 1, 2023, and the Board encourages licensees to begin transitioning.

As a pharmacist, I understand that you took the oath to devote yourself to a lifetime of service to others. Pharmacists are held to the highest principles of your profession's moral, ethical, and legal standards. Pharmacists proudly serve as the last line of defense against any potential medication errors. This edition of *The Script* is filled with information to educate you and tips to ensure your pharmacy is providing the safest care for patients. The Board is transparent about what inspectors are looking for during an inspection. These articles provide a clear understanding of how to maintain quality assurance, and remember, inspectors are there to help and guide pharmacies and the pharmacists. If you have questions, there are several free and easy resources, including the Board of Pharmacy website, past and current *The Script* articles, onsite inspectors, Board meetings, both in person and online, or contacting the Board office. This edition of *The Script* is designed for you to be current on the latest laws and regulations, to protect yourself from scammers, and to maintain the safest pharmacy possible.

Correction: a previous version of this article incorrectly stated that technicians will have authority to receive verbal prescriptions, however, that authority was not included in the final bill.

QA Reports for Med Errors

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QA review to the Board at the time of their annual renewal of the facility license.

What is considered a reportable ADDS-related medication error?

The Board has a [Frequently Asked Questions \(FAQs\)](#) page, updated as necessary to reflect changes in the law and policy of the Board, to assist licensees with ADDS requirements, including quality assurance reporting for medication errors related to the use of ADDS.

What information is required to be reported to the Board?

- The name and license of the pharmacy operating the ADDS.
- The license number, location, and type (manufacturer, model) of ADDS, if licensed with the Board.
- The specific location and type (manufacturer, model) of ADDS, if the ADDS is exempt from licensure (e.g., nursing station, surgical unit, emergency room, etc.)
- The participants in the QA review.
- The date of the error, pertinent data on how the error occurred, whether there was patient harm, and other information related to the medication error(s) reviewed.

- Type of error (e.g., wrong drug, wrong strength, wrong patient, wrong quantity, etc.)
- Documentation if the patient and/or prescriber was contacted or informed of the error.
- The findings and determinations generated by the QA review.
- Recommended changes to pharmacy policies, procedures, systems, or processes, if any, as related to the use of the ADDS.

Where can you submit the QA reports to the Board?

- Pharmacies operating licensed ADDS may submit their QA reports within 30 days of completion of the QA review either: 1) by mail to the address of the Board or 2) by email to ADDS@dca.ca.gov.
- Pharmacies operating unlicensed ADDS, exempt from licensure only, must report their QA reviews to the Board at the time of annual renewal of the facility license. Such reports may be submitted via email to ADDS@dca.ca.gov or included with the renewal application.

It's not too late to come into compliance with this legal requirement. If you were unaware the QA reports were required to be submitted to the board within 30 days after completion of the QA review or with your facility license renewal, the Board encourages you to submit these reports to either the mailing address of the Board or to ADDS@dca.ca.gov.

It's Against the Law...

It is against the law for a pharmacy technician to ask a consumer if they want a consultation. Instead, the technician should inform the consumer that a pharmacist will consult them. This allows the pharmacist to exercise

their professional judgment and confirm that the patient is receiving the correct medication and proper dosage.

According to [1707.2. Duty to Consult](#), a pharmacist shall provide oral consultation to their

patient or the patient's agent. A pharmacist is not required to provide oral consultation when a patient or the patient's agent refuses or declines the consultation, however, the patient must decline to the pharmacist directly.

Pharmacists Still Play Vital Role, Even With Help of Technology

Patient Receives Commingled Medication

Technology has become an integral part of our health care systems. From the implementation of electronic prescriptions to instantaneous access to a patient's prescription history, technology has contributed to fostering safer and more efficient medication management.

The use of technology – particularly the widespread use of automated dispensing machines and robotic prescription dispensing systems – has allowed pharmacies and their staff to enhance patient care. If all safety measures are followed, these machines have allowed pharmacies to become more efficient in the timely dispensing of prescription medications. However, technology cannot be a substitute for a pharmacist's professional judgment and supervision of their staff.

Recently, the California State Board of Pharmacy investigated a complaint which involved the commingling of two different medications dispensed from a dispensing robot. The patient was prescribed ibuprofen 400mg tablets. When the patient went to the pharmacy to pick up their medication, they received a medication bottle containing not only ibuprofen 400mg tablets, but also amlodipine 10mg tablets. The patient ingested the incorrect medication and experienced the resulting physical effects.

The investigation uncovered the involvement of not one, but three pharmacists, in this commingled prescription bottle. First, a pharmacist incorrectly filled the cassette for the dispensing robot with amlodipine 10mg tablets instead of ibuprofen 400mg tablets. That pharmacist thought they were using a returned-to-stock bottle for ibuprofen 400mg tablets when in fact the bottle contained amlodipine 10mg tablets. The pharmacist alleged the error occurred at the time the medication was returned-to-stock because pharmacy staff had affixed the wrong return-to-stock label for ibuprofen 400mg tablets onto a bottle of amlodipine 10mg



tablets. However, this pharmacist also failed to visually verify the contents of the bottle when the bottle was scanned, and the dispensing robot incorrectly accepted the amlodipine 10mg tablets as ibuprofen 400mg tablets.

Second, at the time of dispensing, the next pharmacist did not find the error with the commingled tablets when reviewing the image of the tablets on the pharmacy's verification screen. The medication tablets were similar in color and shape and, outside of the tablet imprint, there was not much differentiating ibuprofen 400mg tablets from amlodipine 10mg tablets.

Lastly, another opportunity to identify the medication error could have occurred at the time of consultation between the pharmacist and patient. However, the patient declined the consultation. The patient later ingested the incorrect medication and experienced the adverse effects.

The initial error occurred when a pharmacist no longer needed a filled medication and returned it

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Commingled Medication

Continued from page 4

to its original stocked location because the pharmacist affixed the wrong medication label to the bottle, despite scanning the returned medication. The pharmacy staff committed the error, and the available technology at the pharmacy was unable to prevent the dispensing of the incorrect medication. Moreover, the pharmacist could have identified the error by reviewing the medication with the patient at the time of consultation. This error underlines the importance of reviewing the medication personally with the patient, and pharmacies can encourage patients to agree to have the consultation.

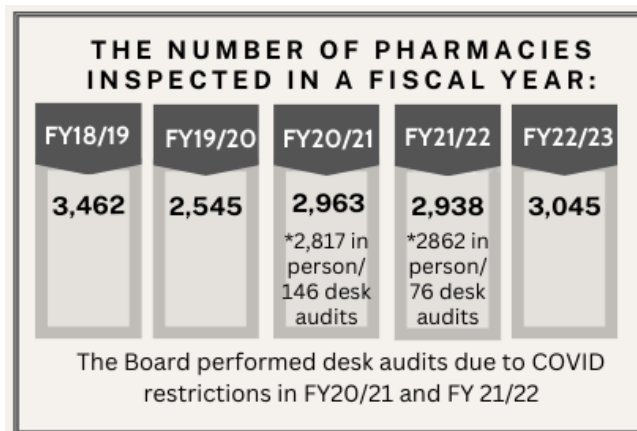
It is of utmost importance for pharmacies to develop policies and procedures and to train their staff on the proper use of any technological solutions a pharmacy has incorporated into their practice. Pharmacists should continue to incorporate safe dispensing practices when verifying a prescription prior to furnishing prescription medications to a patient. By striking a balance between technology integration and ensuring pharmacists still exercise their professional judgment, pharmacies can continue to deliver exceptional customer care while prioritizing patient safety and well-being.

Inspection Results

Enforcement and Compounding Committee Releases Report on Inspections

California has 6,241 licensed pharmacies, and for the past five years the California State Board of Pharmacy has completed approximately 2,900 pharmacy inspections annually. The Enforcement and Compounding Committee released its 2022-2023 fiscal year (FY) report on inspections, and the Board continues to be on track to achieve their goal of inspecting all pharmacies every four years.

Reasons to inspect pharmacies included routine inspection, consumer complaint, probation, and annual compounding renewal inspections.



Most Board inspections were completed in pharmacies, which is the largest site licensing program. Sterile compounding pharmacies require mandated renewal inspections, which accounts for close to a third of the Board's total inspections.

Inspections by visit type:

- 922 - routine pharmacy inspection (PHY-PHE)
- 440 - consumer complaint
- 336 - pharmacy on probation
- 940 - Annual compounding renewal inspections
 - 56 new
 - 884 renewal

The remainder of Board inspections were made up of outsourcing inspections and a miscellaneous category. Outsourcing facilities do bulk compounding and may manufacture large batches. These are also mandated inspections, most of the licensed outsourcers are out of state.

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Inspection Results

Continued from page 5

The bulk of the miscellaneous category is Automated Drug Delivery Systems (ADDS). These are either new ADDS machines that require inspection or ADDS that have a change of ownership or change of location that require reinspection.

- Outsourcing Inspections 28
 - New 5
 - Renewal 23
- Miscellaneous Inspections, by license type:
 - Automated Drug Delivery Systems 332
 - Clinic 19
 - Drug Room 2
 - Hospital 4
 - Hypodermic Needle 1
 - Wholesaler 18
 - Unlicensed Inspection 3

Inspectors completed 1,316 routine inspections. To keep costs to a minimum, an inspector performed routine inspections when already on site for a probation visit, a complaint investigation, or a sterile compounding visit.

Routine inspections (1,316):

- 889 Routine pharmacy inspections completed
- 89 routine pharmacy inspections completed on a probation visit
- 248 routine pharmacy inspections completed on a complaint investigation
- 90 routine pharmacy inspections completed on a sterile compounding visit

Inspection outcomes:

- 470 pharmacies had no violation

- 415 pharmacies had 1,045 total corrections
- 60 pharmacies had 140 total violation notices

Outcome for routine inspections assigned due to a complaint (248):

- 119 pharmacies had no violations
- 102 pharmacies had 226 total corrections
- 63 pharmacies had 118 total violation notices

(A pharmacy may have received both a correction and a violation notice.)

Outcome for routine inspections that were assigned due to a probation visit in FY22/23 (90):

- 73 Pharmacies had no violation
- 14 Pharmacies had 20 corrections
- 3 Pharmacies had 5 total violation notices

MOST COMMON CORRECTIONS ON ROUTINE PHARMACY INSPECTIONS FY22/23

- CCR 1714, Operational Standards and Security
- CCR 1707.5, Patient-Centered Labels for Prescription Drug Containers
- CCR 1707.2, Duty to Consult
- CCR 1715.65, Inventory Reconciliation Reports of Controlled Substances
- BPC 4058, License Display
- CCR 1746.4, Pharmacists Administering Vaccines
- CCR 1715, Self-Assessment of PHY by PIC
- CCR 1735.3, Recordkeeping for Compounded Drug Preparations
- CFR 1304.11, Inventory Requirements
- CCR 1707.6, Notice to Consumers

See **Inspection Results**, Page 7

Inspection Results

Continued from page 6

MOST COMMON VIOLATION NOTICES ON ROUTINE PHARMACY INSPECTIONS FY22/23

- CCR 1714, Operational Standards and Security
- BPC 4301, Unprofessional Conduct
- CCR 1707.2, Duty to Consult
- CCR 1735.2, Compounding Limitations/ Requirement; Self-Assessment
- CCR 1715, Self-Assessment of Pharmacy by PIC
- CCR 1715.65, Inventory Reconciliation Reports of Controlled Substances
- CCR 1735.5, Compounding Policies and procedures
- BPC 4115(f)(1), Packaging Emergency Supplies
- CCC 56.10 (a), Unauthorized Disclosure of Medical Information
- CCR 1735.3 Recordkeeping for Compounded Drug Preparations

CCR 1707.2 - DUTY TO CONSULT PHARMACY ROUTINE INSPECTIONS

In FY22/23 - 94 Routine inspections revealed issues with patient consultation.

- In 15 of the 94 inspections the inspector observed that the pharmacy did not properly offer a consultation.
- In 33 of the 94 inspections the inspector found the site did not provide a written notice of consultation on delivered or mail order prescriptions.
- In 46 of the 94 inspections the inspector found the written notice of consultation did not meet all the requirements of the regulation, such as not providing a phone number or hours of operation.

Drug Take Back Services

Pharmacies are critically important for providing consumers with safe options for the disposal of unwanted drugs. The California State Board of Pharmacy (Board) encourages the growing number of pharmacies providing drug take-back services to stay updated on the latest regulations.

Pharmacies installing drug take-back receptacle shall notify the Board electronically by [submitting the form online](#). The Board strongly recommends all pharmacies utilize the [self-assessment form](#) to ensure compliance.

Consumers may use the [drug take-back location finder](#) to check whether their pharmacy is listed as a board-verified drug take-back location.

The requirements for drug take-back services are in the [California Code of Regulations, Title 16, Article 9.1](#). Visit the [Drug Take-back section](#) in the Licensees tab for additional information and relevant electronic forms.

Board Recognizes 40-Year Pharmacists

The California State Board of Pharmacy proudly celebrates licensed pharmacists who have dedicated 40 years of service or more to California consumers! Your decades of contributions to patient care and the pharmacy profession are widely acknowledged and deeply appreciated.

In honor of their service, pharmacists who have been on active status with the Board for at least 40 years will receive certificates of appreciation. Because of the high volume of eligible candidates, there may be a delay in issuing certificates.

The list of 40-year pharmacists is posted on the Board's website. [Congratulations to California's 40-Year Pharmacists!](#)

Education is Key

Inspections are a Time to Educate Pharmacists



The California State Board of Pharmacy (Board) uses inspections as a time to educate pharmacists. Inspections provide an opportunity for the licensee to communicate with the inspector any concerns they may have while learning how to best serve the public.

The Board established a policy goal to inspect all pharmacies every four years. Inspectors observe, evaluate for compliance, and provide education to the licensee population.

The Board encourages pharmacists to use **available tools for an inspection:**

- Obtain **FREE** [access](#) to California Pharmacy Lawbook, or [purchase](#) a hard copy on the Board website.
- Watch the Board's [video](#), "How to Prepare for a California State Board of Pharmacy Inspection."
- [Contact](#) the Board directly through the "Ask an Inspector Program."

Although inspectors cannot provide legal advice, they can identify statutory and regulatory sections that pertain to a pharmacist's questions. Inspectors are available Monday-Thursday from 9:00am to 1:00pm.

- Review [The Script Newsletter](#)

It is full of useful information on how to stay compliant. Inspectors contribute articles to the newsletter that provide valuable information on inspections.

- Perform a [Self-Assessment](#)

Title 16 of the California Code of Regulations, section 1715, requires the pharmacists-in-charge (PIC) of each pharmacy licensed under section 4037 or 4029 of the Business and Professions Code to complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law.

The PIC must complete the form before July 1 of every odd-numbered year and maintain the self-assessment form on-site at the facility.

Items inspectors OBSERVE and EVALUATE when visiting a pharmacy:

- Consultation Procedure
 - Observing consultation to patients
 - Checking that name tags are visible
 - Checking for professional interaction among staff
- Posted Notices
 - Notice to Consumer Poster
 - Language Sign
 - Pharmacy Permit
- Security Features
- Privacy (audio and visual)
- Staffing Ratio and Duties Being Performed

Within the inspection, specific items will be REVIEWED.

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Education is Key

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Inspectors will ask to see information and confirm compliance with various aspects of Pharmacy Law.

Looking for completion of:

- Self-Assessment
- CURES reporting
- Policies and procedures
- Quality Assurance Policy

- Medication Errors Reports

What is ***INSPECTED?***

Inspectors will assess the physical state of the pharmacy as well items such as:

- Will-Call Area
- Shelving in the pharmacy
 - Expired medications
 - Expired ingredients in the pharmacy

- Cleanliness of the pharmacy

- Orderly and neat; not cluttered
- Cleansed and unstained

The Board encourages licensees to ask any questions they may have during inspection. Although the Board cannot provide legal advice, it may highlight relevant sections of the law that should be considered when making decisions.

Higher Fines for Repeat Violations Chain Pharmacies

Newly enacted Business and Professions Code section [4317.5 \(a\)](#) states that chain pharmacies that operate under the same ownership or management of three or more pharmacies, could face a fine for a repeat violation found during an inspection.

When there is a third and, or subsequent violation, a fine of up to \$100,000 can be issued.

Fines cannot be issued until at least six months have elapsed from the date the California State Board of Pharmacy has determined that a violation has occurred unless the violation resulted in actual harm to any consumer or serious potential harm to the public.

The Board released the most common violations in the 2022-2023 fiscal year in relation to 4317.5. A citation can include more than one violation.

Violation Code	Description	Counts of Violations
1707.2	Duty to consult	7
1716	Variation from prescriptions	14
1714(c)	Operational standards and security; equipment and facilities are clean and function properly	1
4113(a)	Notify Board of PIC Change within 30 days	28
4113(d)	Notify Board of PIC termination and proposal of new PIC	42
4113(e)	Notify Board of Interim PIC	3
4301(g)	Providing false documents	7
4305(b)	Operation of Pharmacy without a PIC for more than 30 days	17

Tribal Health Program Employees Exempt Prescriptions Issued by Health Care Providers

Exemptions from California Licensure Requirements for Tribal Health Care Providers Licensed in Other States

Under federal law, licensed health professionals employed by a tribal health program are required to be exempt, if licensed in any state, from the licensing requirements of the state in which the tribal health program performs specified services. California law aligns with this requirement, providing an exemption from California licensure for a health care practitioner, including a physician or pharmacist, licensed in any state who practices as part of a tribal health program.

Tribal health programs are controlled and sanctioned by Tribal Governments. A tribal health program is defined as an Indian tribe or tribal organization that operates any health program, service, function, activity, or facility funded, in whole or part, by the Indian Health Service.[1]

California Business and Professions Code (BPC) §719 provides this exemption and states as follows:[2]

(a) A person who possesses a current, valid license as a health care practitioner in any other state and is employed by a tribal health program, as defined in [Section 1603 of Title 25 of the United States Code](#), shall be exempt from any licensing requirement

described in this division [i.e., Division 2 (Healing Arts) of the BPC] with respect to acts authorized under the person's license where the tribal health program performs the services described in the contract or compact of the tribal health program under the Indian Self-Determination and Education Assistance Act ([25 U.S.C. Sec. 450 et seq.](#)).

(b) For purposes of this section, "health care practitioner" means any person who engages in acts that are the subject of licensure or regulation under the law of any other state.

Based upon this law, pharmacists may fill prescriptions written by physicians not licensed in California but licensed in another state and working at tribal health programs.

[1] See [Section 1603 of Title 25 of the United States Code](#), para. (25).

[2] In 2012, both AB 1896 and SB 1575 were enacted into law. Both bills added a new section, numbered 719, to the BPC, but used slightly different wording. As a result, the BPC includes two separate sections, both numbered 719, providing for this exemption. The statutory text printed above reflects the language added to the BPC by SB 1575 as section 719. The wording in the similar section (also numbered 719) added by AB 1896 is identical, except that the phrase "is licensed" is used in replacement of the phrase "possesses a current, valid license."



Based upon this law, pharmacists may fill prescriptions written by physicians not licensed in California but licensed in another state and working at tribal health programs.

Controlled Substance Ruling on Electronic Rx Transfer

The Drug Enforcement Administration (DEA) has published the final rule for transfer of Electronic Prescriptions for Schedules II-V Controlled Substances between Pharmacies for Initial Filling.

The final rule provides clarity on existing federal regulatory requirements. It also facilitates the proper dispensing of electronic prescriptions for controlled substances by

amending DEA regulations to allow the transfer of electronic prescriptions for Schedule II-V controlled substances between registered retail pharmacies for initial filling, upon request from the patient, on a one-time basis, and if allowable under existing state or other applicable law.

Additionally, the final rule requires the transfer to be communicated directly between two licensed pharmacists, the

prescription must remain in its electronic form, and the required prescription information must not be altered during the transmission. Record-keeping requirements for EPCS are also included for the transferring and receiving pharmacies for the initial fill only, as DEA notes that the transfer of EPCS for refill dispensing is addressed by 21 [CFR 1306.25](#). This rule went into effect August 28, 2023.

Mission Statement California State Board of Pharmacy

The California State Board of Pharmacy (Board) protects and promotes the health and safety of Californians by pursuing the highest quality of pharmacist care and the appropriate use of pharmaceuticals through education, communication, licensing, legislation, regulation, and enforcement.

The Board's purpose is to serve the public by:

- Protecting the health, safety, and welfare of the people of California with integrity and honesty;
- Advocating the highest quality of affordable pharmaceutical care;
- Providing the best available information on pharmaceutical care; and
- Promoting education, wellness, and quality of life.

How does the Board accomplish its purpose?

The Board accomplishes its purpose through a variety of activities including:

- Education of consumers and licensees,
- Promoting policies that protect patients,
- Enforcement related activities such as ensuring that pharmacists provide patients with pharmaceutical care by dispensing information,
- Ensuring minimum competency prior to issuance of a license.

Updated Self-Assessment Form

Community Pharmacy & Hospital Outpatient Pharmacy Compounding

[California Code of Regulations section 1735.2](#) requires the pharmacist-in-charge (PIC) of each pharmacy licensed under section 4037 or 4029 of the Business and Professions Code that compounds drug preparations to complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law. The PIC shall perform the self-assessment before July 1 of every odd-numbered year. The PIC must also complete a self-assessment within 30 days whenever there is a new: (1) pharmacy permit; or (2) pharmacist-in-charge; or (3) licensed location of the pharmacy.

The Board has updated the self-assessment form to include the laws and regulations adopted since 2012 and to exclude the laws and regulations that have been superseded or repealed since 2012.

The self-assessment form does not impose any new requirements. PICs are already obligated to comply with the laws and regulations, and the self-assessment form is a tool provided by the board to aid them in doing so. The Compounding Self-Assessment regulation took effect April 1, 2023.

The self-assessment promotes compliance with federal requirements and state law and regulations through self-examination and education. The PIC will identify any areas where the compounding facility may be out of compliance, which can increase self-correction and make the facility site inspection process more meaningful by providing useful information to the PIC about controlling statutes and regulations.

This biennial review will result in increased consumer safety, specific to compounded medication, and will improve facility operations with respect to employee safety and the state's environment.

Message From DOJ Regarding CURES

Beginning August 1, 2024, all California dispensers of controlled substances will be required to report dispensations to the Controlled Substance Utilization Review and Evaluation System (CURES) using version 4.2B of the American Society of Automation in Pharmacy (ASAP) format. On and after this date, data submitted using the current CURES ASAP version 4.1 format will no longer be accepted.

Prompt action by licensees who dispense controlled substances is recommended. Technical implementation of this update to data submission software may take considerable time. Contact your data submission software provider and confirm they are preparing for this upcoming ASAP version change.

For more information about the ASAP format change and

suggested action steps for data submitters, please see the Department of Justice informational bulletin entitled "[New File Format for Reporting to CURES](#)" on the [Office of the Attorney General's CURES Website](#).

For information about CURES, visit DCA's [CURES information page](#).

A Pharmacist Must Initiate a Vaccination Not a Technician

The California State Board of Pharmacy (Board) has received complaints about and observed practices where non-pharmacist staff have initiated the immunization process. In one case a patient received the wrong vaccine.

The patient made an appointment to receive a Tdap vaccine, but instead received a COVID vaccine. When she arrived for her appointment the pharmacy clerk initiated the vaccine by noting the vaccine type on the consent form. It was standard at this pharmacy for clerks and technicians to initiate vaccines per its policy and procedures.

This case of a patient receiving the wrong vaccine is an example of why pharmacy law requires that a pharmacist initiate a vaccination, not a pharmacy technician.

In this case, the pharmacist did not consult the patient prior to administering the shot. Prior to administration, the immunizer needs to confirm with the patient the types of vaccine they are there to receive by asking, “patient name, just to confirm, which vaccine are you here to receive today?” If the pharmacist had asked the patient this open-ended question and confirmed the vaccine prior to administration, the error would not have occurred. [Section 1707.2](#) states a pharmacist shall provide oral consultation to his or her patient. Not providing



adequate consultation on a new prescription is a violation of California Code of Regulation 1707.2.

In addition, if the pharmacist had checked the appointment scheduler adequately, the pharmacist would have found the patient’s appointment was for Tdap.

The authority to independently initiate and administer a vaccination extends only to pharmacists ([BPC 4052.8](#)). The Board strongly encourages pharmacies, pharmacists-in-charge, and pharmacists to evaluate their practices of initiating and administering vaccinations and take immediate corrective action to ensure that their practices comply with BPC 4052.8.

www.pharmacy.ca.gov

Strategic Plan 2022-2026

Mission, Vision, Values

Intended to serve as a guide for coming years, the California State Board of Pharmacy Strategic Plan is reviewed annually to ensure the Board addresses current issues consistently with its stated goals and objectives. It is a living document that provides flexibility in meeting ongoing changes in public health, the marketplace, legislation, and other spheres within a framework established by the Board.

The 2022–2026 Strategic Plan evolved from a process that included a survey of stakeholders and Board staff, interviews with Board members, and a planning session facilitated by the Department of Consumer Affairs’ Office of Strategic Organization, Leadership, and Individual Development (SOLID).

The Board historically carries out its mission of consumer protection through policies and initiatives that originate within its five standing committees:

1. Communication and Public Education
2. Enforcement and Compounding
3. Legislation and Regulation
4. Licensing
5. Organizational Development

The committees discuss respective strategic goals and objectives based on current and anticipated needs and demands of consumers and the pharmacy profession.

We invite stakeholders to review this Strategic Plan and to monitor and support the Board’s progress toward its goals and objectives by participating in Board meetings, rulemakings, and other activities. Information can be found by going to the [Board’s website](#) and by signing up to receive “[News and Information](#)” alerts from the Board.

Board Thanks Retiring Member Ricardo Sanchez

The California State Board of Pharmacy (Board) would like to thank Ricardo Sanchez for his hard work and dedication to the Board. Mr. Sanchez served as a public member of the Board for more than nine years. Governor Jerry Brown first appointed Mr. Sanchez, who is from Hollister, California, to the Board of Pharmacy in 2014, then reappointed him in 2018.



Ricardo Sanchez

During his time with the Board, Mr. Sanchez served on the Communications and Public Education Committee, the Legislation and Regulation Committee, the Licensing Committee, the Enforcement and Compounding Committee, and the Standard of Care Ad hoc Committee. Mr. Sanchez also served as chairperson of the Communication and Public Education Committee from September 2017 to April 2023.

Mr. Sanchez has always been conscientious, operating with the public interest and welfare in mind. He has acted in a manner reflecting great credit upon himself and the Board.

In addition to serving on the Board, Mr. Sanchez has been a state investigator at the California Department of Motor Vehicles since 1989 and was an officer at the California State Police from 1988 to 1989. He is president of the California Association of Law Enforcement Employees, chief financial officer of the California Statewide Law Enforcement Association and a member of the San Benito Masonic Lodge.

His colleagues wish to express to Mr. Sanchez a heartfelt appreciation for the outstanding contribution he made during his term of service to the Board.

Upcoming Meetings

Board and committee meetings are open to the public; all are encouraged to attend.

Visit [Board and Committee Meetings](#) on the Board's [website](#) for schedules and information on how to participate in meetings. The site also includes links to agendas and materials for upcoming meetings as well as links to minutes and recorded webcasts of previous meetings.

Notices are emailed to subscribers when meeting agendas and materials are posted online. To receive notices, visit the [email registration](#) page.

Note that meeting schedules may change throughout the year, so be sure to check the Board's website for current meeting dates and locations.

Meetings
Full Board Meeting
Communication and Public Education Committee Meeting
Enforcement and Compounding Committee Meeting
Legislation/Regulation Committee Meeting
Licensing Committee Meeting

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Digital Signatures Now Available

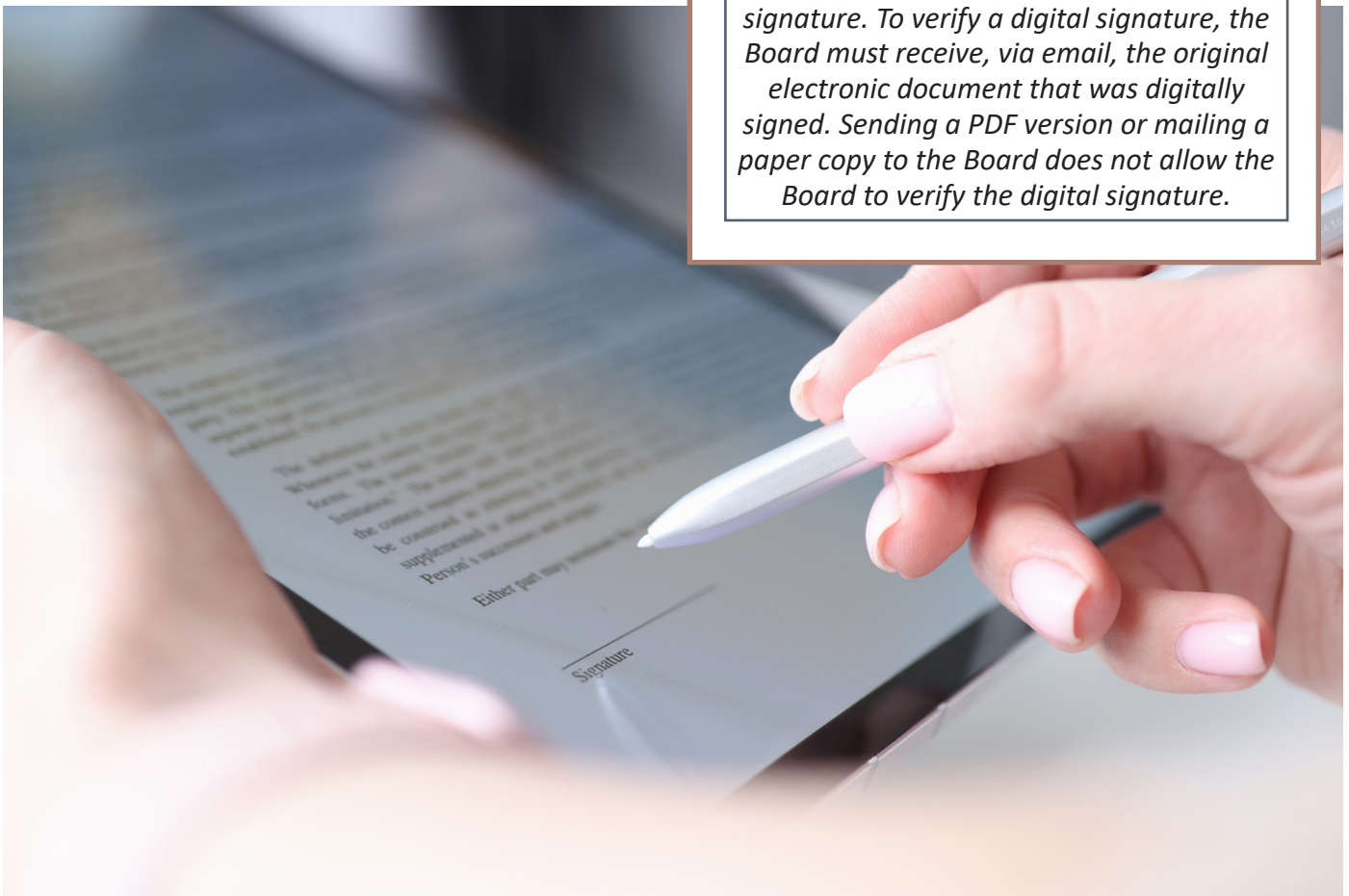
The California State Board of Pharmacy is aware of some licensees' and applicants' desire to submit documents with digital signatures. [Government Code Section 16.5](#) establishes authority for government agencies to accept digital signatures that meet specified conditions. "If a public entity elects to use a digital signature, that digital signature shall have the same force and effect as the use of a manual signature if and only if it embodies all of the following attributes:"

- (1) It is unique to the person using it.
- (2) It is capable of verification.
- (3) It is under the sole control of the person using it.
- (4) It is linked to data in such a manner that

if the data is changed, the digital signature is invalidated,
(5) It conforms to regulations adopted by the Secretary of State.

The Board will not require any applicant or licensee to provide information using a digital signature in lieu of a manual signature; however, the Board will accept documents that are digitally signed using technology known as Public Key Cryptography consistent with the regulations established by the Secretary of State. (Cal. Code Regs., tit.2 § 22003.)

The Digital Signature Policy Statement requires that the Board can verify the digital signature. To verify a digital signature, the Board must receive, via email, the original electronic document that was digitally signed. Sending a PDF version or mailing a paper copy to the Board does not allow the Board to verify the digital signature.



Protect Yourself from Being Scammed

The California State Board of Pharmacy (Board) has received an increase in reports of pharmacists and licensees being victimized by scammers. Recently, one pharmacist wired \$27,000 to a scammer. These scammers claim to represent the Board of Pharmacy or another government agency.



Techniques used by fake callers include:

- A caller claims a licensee is under investigation by the Board, the California Department of Consumer Affairs (DCA), the DEA, the FBI, or another government agency. In some cases, the caller also warns of discipline unless the licensee pays a fine.
- A caller warns a licensee not to report the call to anyone “or else you will jeopardize the investigation.”
- A caller requests a licensee’s cell phone number.
- A caller gives a fake call-back number.
- A caller spoofs the Board’s phone number. This happens when your caller ID screen falsely shows an incoming call is from the Board of Pharmacy.

These calls are scams! In many cases, callers are attempting to extort money or elicit sensitive information – e.g., license numbers, DEA registration numbers, etc. – from licensees.

What can you do to protect yourself and your pharmacy?

Licensee security is important to the Board of Pharmacy. Be aware of these tips from the Board and DCA:

- If you have any doubts or questions about someone claiming – by phone or in person – to represent the California State Board of Pharmacy, call the Board at (916) 518-3100.
- To check the identity of a caller who claims to be conducting a DCA investigation, call DCA directly at (800) 952-5210.
- If a scam caller claims to represent the DEA or the FBI, report the call to the [DEA’s Extortion Scam reporting program](#) or the [FBI’s Internet Crime Complaint Center](#).
- If a scam caller’s phone number appears to be a Board of Pharmacy or DCA telephone number, report the scam using the [Federal Communications Commission’s consumer complaint form](#).
- Note that the Board will never ask for credit card information over the phone.

Notify the Board of Change in Status Pharmacist in Charge

A reminder to pharmacists who are no longer the pharmacist-in-charge, you must notify the California State Board of Pharmacy within 30 days of the date change in status. It's an easy process. Don't take the risk and leave it up to your employer.

Protect yourself and fill out the [PIC form](#), or you can submit a letter in writing to the Board's [address](#), or email the Board at PICstatus@dca.ca.gov with your name and license number, the name and license number of the pharmacy where you were PIC, and the date you ceased acting as PIC.

If you are a PIC on extended leave (e.g., maternity, medical, etc.) and remain as the PIC during your absence, you are still responsible for the pharmacy's compliance with laws and regulations, unless the Board is notified of an interim PIC during your extended leave.

The Board has noted an increase in the number of pharmacies failing to notify the Board when a PIC ceased acting as PIC. Pharmacies and PICs who fail to notify the Board are in violation of pharmacy law.

Talk to the Expert Campaign

A new campaign to educate consumers on prescription medication labels will start soon. The **Talk to the Expert** message reminds the public that pharmacists are there to advocate for the consumer. It encourages consumers to talk to their pharmacist about any questions or concerns they may have with their prescription.

The campaign also encourages the consumer to check the prescription label closely and look for the following items:

- The patient's name on the label is correct;
- The medication matches the description on the label;
- The name of the medicine and what it does;
- How and when to take the medication, for how long, and what to do if you miss a dose;
- Possible side effects and what you should do if they occur;
- Whether the medication will work safely with other medicines or supplements; and
- What foods, drinks, or activities should be avoided while taking the medicine.

The campaign's poster will let the consumer know they can request a label in large print size. It will remind the consumer that pharmacists are there to help them, and the consumer may request

a consultation at any time. The **Talk to the Expert** poster will let the consumer know that it is the law that the pharmacist is required to speak to the consumer every time there is a new prescription and every time there is a new dosage form, strength, or written directions.

The poster will be in English and Spanish, and it will include a QR code to access the message in Chinese, Korean, Russian, Tagalog, and Vietnamese.

The poster also reminds patients that interpreter services are available at no cost.

As a reminder to pharmacies and pharmacists, per California Code of Regulations (CCR), [title 16, section 1707.6](#) every pharmacy is required to display the "Notice to Consumers" poster in a conspicuous place, physically accessible and easily legible to a prescription drug consumer, with a QR code displayed on the notice to access language translation of the notice. Such notice shall be posted at all locations where consumers receive medication.



Draft Sample

Stay in the Loop

Stay connected and sign up for emails from the California State Board of Pharmacy (Board). Pharmacists, pharmacy technicians, intern pharmacists and designated representatives are **required** to register for email notifications from the Board of Pharmacy within 60 days of obtaining a license or at the time of license renewal. In addition, licensees must update their registration within 30 days of changing their email address.

Pharmacy professionals aren't the only ones who can receive notifications. The public is welcome to sign up for news and information emails from the Board of Pharmacy. The process is easy!

To receive email notifications from the Board, visit the Board's [About Us](#) page on the website to find the subscriber alert link.

Email addresses are confidential and are not posted in the Board's online license verification system.

Subscribers will receive alerts about board and committee meetings, activities, rulemakings, laws and regulations, press releases, consumer tips, and other general news and information.

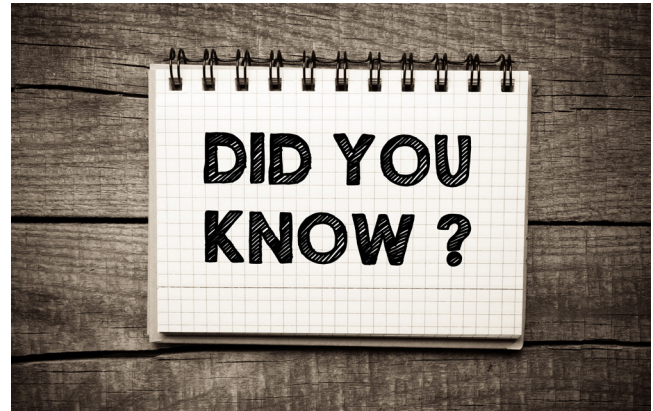
Diabetic Test Strips Is it an Authorized Dealer?

Diabetic test strips must only be purchased from an authorized seller. Business and Professions Code (BPC) [section 4160.5](#), requires manufacturers of nonprescription diabetes test devices to post the names of their authorized distributors on the internet and to make those names available for posting on the [California State Board of Pharmacy website](#).

"Nonprescription diabetes test device" means a glucose meter or test strip for use in the treatment of prediabetic or diabetic individuals that may be sold without a prescription and that is labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and the federal government.

Did You Know?

The California State Board of Pharmacy (Board) has 32 licensing programs with over 49,000 pharmacists, 1,210 advanced practice pharmacists, 6,500 intern pharmacists, and nearly 70,000 pharmacy technicians.



The Board's regulatory jurisdiction is varied and complex, ranging from large institutions to small programs. For example, in addition to nonresident sterile compounding pharmacies and outsourcing facilities, which ship products into California, the Board physically inspects the locations of automated drug delivery system machines used to store prescription medications.

The Board has a highly diverse and complex licensing program for individuals and businesses. This structure reflects the careful and deliberative way the manufacturing, distribution, and dispensing of prescription products are regulated in the United States. As the practice of pharmacy and the drug distribution system have evolved, the Board's regulatory programs have expanded. Likewise, as the complexity of services provided by pharmacies and drug distributors has grown, so has the Board's jurisdiction. The Board regulates licensees involved in distributing and dispensing medications into or from California from the time a drug leaves the manufacturer generally until it reaches the consumer.

Health Care Services for Consumers

The California State Board of Pharmacy created an [online registry](#) to help consumers find specific health care services that qualified pharmacists may provide to patients without a prescription pursuant to provisions of the Business and Professions Code.

These services may be provided by qualified pharmacists in individual practice as well as at pharmacies.

The health services are:

- Self-administered hormonal contraception
- Emergency contraception
- Vaccinations
- Travel medications
- Nicotine replacement therapy
- Naloxone
- HIV preexposure prophylaxis (PrEP)
- HIV postexposure prophylaxis (PEP)

Pharmacists are encouraged to share [the Health Services page](#) to consumers.

FAQs

Are you looking for some quick and easy answers while on the job? Check out the [Board's FAQs](#) site.

Maybe you have questions or concerns regarding an inspection, or maybe you are unsure about the specifics for the protocol for furnishing naloxone to a consumer. To ensure that all licensees receive access to these answers, the board has developed this [FAQ page](#).

It's an efficient way to get guidance on relevant legal sections that should be considered when using professional judgment in determining the appropriate course of action.

Prevent Medication Errors

ISMP

The California State Board of Pharmacy encourages licensees to use the resources available for preventing medication errors through the [Institute for Safe Medication Practices](#) (ISMP). ISMP is a nonprofit organization dedicated to preventing medication errors, by providing pharmacists with many valuable tips, training materials, and other resources to help reduce medication errors and improve consumer safety.

As an independent watchdog, ISMP is widely respected among health care professionals as the gold standard in providing information about medication safety. Its staff and advisory board include pharmacists, physicians, and nurses.

The organization's website, [ismp.org](#), is a portal to publications, tools and resources, and consulting and educational services to help health care professionals improve medication safety and reduce errors.

Free resources for practitioners include a list of Confused Drug Names (medications with look-alike and sound-alike names) and a List of Error-Prone Abbreviations, Symbols, and Dose Designations, which have been misinterpreted and involved in harmful or potentially harmful medication errors.

ISMP's chief initiative is an error reporting system that enables health care practitioners and consumers to report medication and vaccine errors. The institute analyzes the information to identify causes and contributing factors to an error. ISMP can help reduce medication errors.

The BOP encourages licensees to visit the [ISMP's website](#).

New Compounding Standards

Board Approves Updated Policy Statement Providing Guidance on Transition Period to Implement



The Board encourages licensees to begin transitioning to the new standards established in USP to ensure compliance with state and federal law. It is the Board's expectation that as compounding practices transition to new requirements, including provisions related to establishing beyond use dates (BUDs), that standard operating procedures must be updated and staff appropriately trained prior to implementing new practices and BUDs.

Approved September 12, 2023

In light of the November 1, 2023 compendial date for several USP General Chapters, the California State Board of Pharmacy wishes to update its stakeholders on its policy related to licensees transitioning to the updated USP General Chapters as well as actions by the Board.

Following completion of revisions to USP Compounding General Chapters [795](#) and [797](#), USP announced that the USP Compounding Expert Committee voted to extend the date on which the chapters become official to November 1, 2023, to allow for increased flexibility and

engagement for adoption. With this extension of the official date, Chapter [800](#) and Chapter [825](#) were also updated to November 1, 2023.

There are several provisions of state and federal law governing the practice of pharmacy. Most notably related to compounding are provisions in the Federal Food, Drug and Cosmetic Act including exemptions provided under [Section 503A](#); California Sherman Food, Drug, and Cosmetic Act; and several provisions within the Business and Professions Code including [Sections 4126.8 and 4342](#).

Disciplinary terms explained

Accusation – An accusation is the document containing the charges and allegations of violations of the law that is filed when an agency is seeking to discipline a licensee.

Effective Date of Action – The date the disciplinary action goes into operation.

Revocation or Revoked – The license is taken back by the Board as a result of disciplinary action, and the licensee’s right to practice or operate a Board-licensed entity is ended.

Revoked, Stayed – The license is revoked, but the revocation is not effective as long as the licensee complies with specific probationary conditions, which may include a temporary suspension of the licensee’s right to practice.

Stipulated Settlement – The Board and a licensee mutually agree to settle a disciplinary case brought by the board by way of a settlement agreement.

Stayed – The revocation or suspension action is not immediately effective, and the operation or practice may continue so long as the licensee fully complies with any specified terms and conditions.

Probation – The licensee may continue to practice or operate a board-licensed entity under specific terms and conditions for a specific period of time.

Voluntary Surrender – The licensee has agreed to surrender his or her license, and the right to practice or operate a Board-licensed entity is ended. The Board may agree to accept the surrender of a license through a “stipulation” or agreement.

Suspension – The licensee is prohibited from practicing or from operating a Board-licensed entity for a specific period of time.

Suspension/Probation – The right to practice or operate is contingent on compliance with specific terms and conditions during the probationary period, including a term of suspension.

PC 23 Order Issued – The licensee is restricted from practicing or operating by the terms of a court order issued under the provisions of Penal Code section 23.

Public Reprimand – Resulting from a disciplinary action, the licensee is issued a letter of public reprimand.

Reinstatement of License – A previously revoked or suspended license is reinstated with or without specified terms and conditions.

Statement of Issues – A legal document that details the factual or legal basis for which a license was denied.

Disciplinary actions: January 1 - March 31, 2023

Personal Licenses

[Alexander-Perez, Christy L., RPH 53901, AC 7348](#)

Galt, CA

Cause for discipline: DUI; dangerous use of drugs and alcohol.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for five years, with suspension. Effective 1/4/2023.

[Allen, Todd D., RPH 56152, AC 7057](#)

El Cajon, CA

Cause for discipline:

Unprofessional conduct; acts involving moral turpitude, dishonesty, fraud, or deceit; unlawful possession of controlled substances and dangerous drugs; obtaining controlled substances by fraud, deceit or subterfuge; administered controlled substances to himself without

a prescription; represented an inappropriate use of his education as a pharmacist and a failure to implement his best professional judgement regarding dispensing controlled substances. **Action:** The license is voluntarily surrendered. Effective 3/1/2023.

[Almanza, Edibaldo C., TCH 172048, AC 7305](#)

Perris, CA

See **Disciplinary actions**, Page 23

Disciplinary actions

Continued from page 22

Cause for discipline: Criminal conviction for DUI, with a prior DUI; use of alcoholic beverages to an extent that was dangerous to himself and others.

Action: The license is revoked and the right to practice or operate has ended.

Effective 1/4/2023.

[Banks, Phillip William, RPH 47038, AC 7163](#)

Porter Ranch, CA

Cause for discipline: Failed to exercise or implement best judgement or corresponding responsibility regarding the dispensing of furnish of controlled substances; filling or dispensing improper or erroneous or uncertain prescriptions; failure to maintain records of dangerous drugs and inventory.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for five years.

Effective 2/8/2023.

[Brewer, Athena, Applicant, SI 7252](#)

Modesto, CA

Cause for discipline: Criminal conviction for DUI; dangerous use of alcohol

Action: The application for a pharmacy technician registration is granted. Upon satisfaction of all statutory and regulatory requirements, the license is issued, immediately revoked, the revocation stayed, and the license is placed on probation for three years subject to the terms and conditions in the decision.

Effective 3/23/2023.

[Celnik, David, RPH 27778, AC 7257](#)

Sherman Oaks, CA

Cause for discipline: Holding of adulterated drugs, improper take back drugs without DEA registration, failure to report to CURES and belated reporting, failure to maintain current inventory and records, dispensing of prescriptions with incorrect issuance date, dispensing controlled substances under noncompliant prescriptions.

Action: The license is voluntarily surrendered.

Effective 01/04/2023.

[Cenizal, Kitana Eugenio, TCH 176295, AC 7346](#)

Fairfield, CA

Cause for discipline: Causing great bodily injury to another person while driving under the influence, conviction involving consumption of alcoholic beverage, use of alcoholic beverages in a dangerous manner.

Action: The license is revoked and the right to practice or operate has ended.

Effective 3/8/2023.

[Doan, Brandon H., RPH 53566, AC 7368](#)

Garden Grove, CA

Cause for discipline: Committed acts involving moral turpitude, self-administration of controlled substance, violation of laws involving controlled substances, unprofessional conduct.

Action: The license is revoked and the right to practice or operate has ended.

Decision effective 3/17/2023.

[Funk-Rivera, Kelly Elaine, TCH 179736, AC 7374](#)

San Rafael, CA

Cause for discipline: Criminal conviction for DUI, dangerous use of alcohol in a manner as to be dangerous to herself or others; making false representation by parking in a handicap spot without a handicap placard; moral turpitude for parking in handicap spot.

Action: The license is revoked and the right to practice or operate has ended.

Effective 3/1/2023.

[Gramlich, Bernard J., RPH 53112, AC 7183](#)

Rancho Santa Fe, CA

Cause for discipline: Failure to transmit CURES data as required, prescribed medication in an unauthorized manner, dispensed multiple prescriptions which contained omissions and ambiguity and failed to clarify ambiguities on multiple prescriptions, dispensed prescriptions not authorized to do so, failed to review patient prescription profile, failed to provide consultation, wrong labeling, failure to adhere to approved protocol.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for five years subject to the terms and conditions in the decision.

Effective 2/8/2023.

[Grant, Eva M., TCH 182343, AC 7343](#)

San Diego, CA

Cause for discipline: Criminal conviction for DUI; dangerous use of alcohol.

Action: The license is revoked and the right to practice or operate has ended.

Effective 3/1/2023.

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[Haverstock, Cara L., TCH 166451, AC 7345](#)

Davis, CA

Cause for discipline: Failure to report to the Board while on probation; failure to cooperate with Board on the terms and conditions of probation; failure to pay legal costs; failure to maintain technician license; failure to participate in psychotherapy; failure to enroll in drug and alcohol testing; failure to attend substance abuse recovery release and prevention support group.
Action: The license is revoked and the right to practice or operate has ended.
Effective 2/8/2023.

[Holloman, Lisa Carol, RPH 47958, AC 7347](#)

West Hollywood, CA

Cause for discipline: Failure to report to the Board while on probation; failure to cooperate with Board the on terms and conditions of probation; failure to pay legal costs, failure to comply with pharmacists recovery program; failure to comply with drug and alcohol testing; failure to comply with prescription coordination and monitoring of prescription use; failure to comply with group recover and/or support meetings, failure to attend substance abuse recovery relapse prevention and support groups.
Action: The license is revoked and the right to practice or operate has ended.
Effective 3/17/2023.

[Johnson, Sherell A., Applicant, SI 7233](#)

Victorville, CA

Cause for discipline: Criminal conviction for possession of drug not for interest commerce; acts warranting denial of licensure.
Action: Application for a Pharmacy Technician License is denied.
Effective 2/8/2023.

[Kang, Khunneary, TCH 186857, SI 7353](#)

Stockton, CA

Cause for discipline: Criminal conviction for DUI; dangerous use of alcohol.
Action: Application for a Pharmacy Technician registration is granted, subject to probationary terms.
Effective 2/8/2023.

[Laney, Ashish H., TCH 182528, AC 7277](#)

Buena Park, CA

Cause for discipline: Criminal conviction for DUI causing bodily injury; driving without a valid license; dangerous use of alcohol and drugs; alcohol related conviction; unprofessional conduct stemming from the DUI arrest.
Action: The license is revoked and the right to practice or operate has ended.
Effective 1/4/2023.

[Lee, Victoria, TCH 169591, AC 7248](#)

Los Angeles, CA

Cause for discipline: DUI; used alcoholic beverages to the extent or in a manner as to be dangerous or injurious to herself or others.
Action: The license is voluntarily surrendered.
Effective 2/8/2023.

[Lew, Howard, RPH 37849, AC](#)

[7282](#)

Diamond Bar, CA

Cause for discipline: DUI; used dangerous drugs in a manner as to be dangerous to himself and the public, multiple convictions of more than one misdemeanor or any felony involving the use, consumption, or self-administration of any dangerous drug.
Action: The license is revoked and the right to practice or operate has ended.
Effective 2/8/2023.

[Lipp, Robert S. RPH 32284, AC 7159](#)

Tujunga, CA

Cause for discipline: Failed to maintain dispensing records related to dozens of bottles of promethazine/codeine; failed to maintain prescription records related to dozens of bottles of promethazine/codeine; filling irregular/altered prescription; unprofessional conduct regarding operation and management.
Action: The license is revoked, the revocation stayed, and the license is placed on probation for four years subject to the terms and conditions in the decision.
Effective 2/8/2023.

[Melamed, Hootan, RPH 56634, AC 6749](#)

Los Angeles, CA

Cause for discipline: Conspiracy to commit health care fraud, a felony, paid doctors and marketers kickbacks and bribes; committed act involving moral turpitude, dishonesty, fraud, deceit, or corruption by fraudulently obtaining money from health care benefit programs by submitting claims

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for prescription pharmaceuticals and medical equipment that were generated through a secret pattern of bribes to doctors; unprofessional conduct, was previously disciplined by the Louisiana Board of Pharmacy in 2015, in a disciplinary matter; in 2016, the Louisiana Board of Pharmacy issued a letter of reprimand against Hootan's and was denied a pharmacist license by the Alabama Board of Pharmacy, which Hootan failed to report the denial on his 2016 application for license renewal as required.

Action: The license is voluntarily surrendered; respondent was sentenced to serve six (6) months in federal prison and placed on probation for three (3) years with terms and conditions. Effective 2/8/2023.

[Renee Elissa, TCH 183497, SI 7274](#)

Fontana, CA

Cause for discipline: DUI; improper use of controlled substance; acts of unprofessional conduct when convicted of a crime substantially related to the qualifications, functions, and duties of a pharmacy technician; committed acts of unprofessional conduct for the dangerous use of controlled substances and/or alcoholic beverages to the extent, or in a manner, as to be dangerous or injurious to herself and the public.

Action: The licensure examination and all other licensing requirements, a registration shall be issued and immediately publicly reprovved and subject to terms and conditions in the

decision.
Effective 2/8/2023.

[Ng, Normandy Jackie, TCH 185145, AC 7351](#)

San Carlos, CA

Cause for discipline: Pled guilty to two misdemeanor counts of unlawful sexual intercourse with a minor.

Action: The license is revoked and the right to practice or operate has ended.

Effective 1/4/2023.

[Nguyen, Thanh V., RPH 52589, AC 7296](#)

Roseville, CA

Cause for discipline: Pled guilty to possessing 50 kilograms or more of marijuana with intent to distribute and sell out of state; money laundering conspiracy; committed acts that constitute moral turpitude, a conspired to violate laws governing the practice of pharmacy.

Action: The license is voluntarily surrendered; Nguyen was sentenced to serve 42 months in prison for each of the violations to be served concurrently. Effective 3/1/2023.

[Nieto, Jasmin Elaine, TCH 182076, AC 7268](#)

Las Vegas, NV

Cause for discipline: Committed acts of moral turpitude and unprofessional conduct when making social media posts which violate the standards of the health care provider community; disclosed PHI of pharmacy patients on various social media platform.

Action: The license is voluntarily surrendered.

Effective 01/04/2023.

[Pham, Si V., RPH 49833, AC 7176](#)

Santa Ana, CA

Cause for discipline:

Manufactured, held, sold, offered for sale and delivered adulterated drugs; compounded sterile injectable drugs lacking in quality; dishonest acts when falsely claiming they would cease compounding and dispensing sterile injectable drugs from non-pharmaceutical grade ingredients; made false documents on ceasing compounding and dispensing sterile injectable drugs from non-pharmaceutical grade ingredients; pharmacy technicians and unlicensed personnel had keys and access to pharmacy premises where dangerous drugs were compounded without a pharmacist being present; pharmacy technicians washed and prepared empty drug vials without a pharmacist on the premises; failed to provide to the Board, within 12 hours, recall notices issued by MCPS for sterile drug products it had compounded; failed to report to the Board within 12 hours and immediately to the MedWatch program of the FDA, adverse drug effects reported to MCPS, about its sterile injectable drug products; failed to have all required written policies and procedures for compounding sterile drug preparations and a written quality assurance plan; compounded sterile injectable drug preparations without a complete written master formula; compounded sterile injectable drug preparations without preparing complete compounding logs; compounded sterile injectable drug preparations using an inappropriate primary engineering control device;

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inappropriate exercise of his pharmacist education, training, or experience.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for thirty-five months subject to the terms and conditions in the decision.

Effective 3/1/2023.

[Rahimi, Fareed I., INT 45593, AC 7317](#)

Folsom, CA

Cause for discipline: DUI; administered a controlled substance to himself and used a dangerous drug and alcoholic beverages to an extent or in a manner as to be dangerous or injurious to oneself, to any other person or to the public.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for five years subject to the terms and conditions in the decision. Effective 3/1/2023.

[Rakholia, Sameer K., RPH 64946, AC 6773](#)

Irvine, CA

Cause for discipline: Failure to report drug losses; did not report the losses of promethazine with codeine; held or offered for sale dangerous drugs that were misbranded; accepted or possessed prescription drugs from skilled nursing facilities, residential care homes, health care practitioners or any other entity; received returns of controlled substances even though they were not registered as a collector with the Drug Enforcement Administration; held

or offered for sale dangerous drugs, that were adulterated; failed to report within thirty days a change in the proposed beneficial ownership; failed to maintain the security of oxycodone 30mg,; did not maintain a current inventory of oxycodone 30mg, Invega Sustenna 234mg, Risperdal Consta 50mg and Abilify Maintena 400mg.

Action: The license is voluntarily surrendered.

Effective 3/8/2023.

[Rakholia, Sameer K., RPH 64946, AC 6775](#)

Irvine, CA

Cause for discipline: Failed to report the losses of promethazine with codeine to the Board; held or offered for sale dangerous drugs that were misbranded; accepted or possessed prescription drugs from skilled nursing facilities, residential care homes, health care practitioners or any other entity; received returns of controlled substances even though they were not registered as a collector with the Drug Enforcement Administration; held or offered for sale dangerous drugs, that were adulterated; failed to report within thirty days a change in the proposed beneficial ownership interest of White Cross Pharmacy #1; failed to maintain the security of oxycodone 30mg,; did not maintain a current inventory of oxycodone 30mg, Invega Sustenna 234mg, Risperdal Consta 50mg and Abilify Maintena 400mg,; failed to execute a power of attorney for ordering Schedule II controlled substances; did not possess an individual certificate and

private key to order controlled substances; did not perform an initial controlled substance inventory upon commencing business at the new location; failed to contact the prescriber on prescriptions that were erroneous or uncertain; deviated from the requirements of a prescription by dispensing a quantity that was different than what was prescribed; for commission of an act involving dishonesty, fraud, deceit or corruption for creating fraudulent prescriptions; created prescriptions not authorized by prescribers and had signature logs from patients who denied signing for deliveries; created prescriptions not authorized by prescribers and had signature logs from patients who denied signing for deliveries; failed to exercise or implement best professional judgment with regard to dispensing drugs when dispensed duplicate prescriptions for the same patients listing the same prescriber for an electronic and telephone prescription without contacting the prescriber to determine if both were valid; dispensed prescriptions for quantities exceeding what was prescribed, created fraudulent prescriptions not authorized by the prescriber or their agents, and dispensed prescription refills too early resulting in excessive doses being dispensed; unprofessional conduct.

Action: The license is voluntarily surrendered.

Effective 3/8/2023.

[Rani, Subhadra Prasad, RPH 63790, AC 6976](#)

Upland, CA

Cause for discipline: Failed to

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adequately ensure security of the prescription department for effective control against theft or diversion of dangerous drugs.

Action: The license is publicly reprobated subject to terms and conditions in the decision. Effective 2/8/2023.

[Rase, Mara Tibayan, RPH 75062, AC 6802](#)

Yorba Linda, CA

Cause for discipline:

unprofessional conduct, inappropriately exercised their education, training and experience as a pharmacist; failing to maintain written documentation regarding appropriate garbing to prevent cross contamination with non-hazardous drugs, and failed to maintain policies and procedures for proper garbing when compounding, and failed to inform staff of changes in the policies and procedures, and procedures for evaluating, maintaining, certifying, cleaning and disinfecting the hazardous compounding room; failing to maintain effective written documentation regarding appropriate cleaning of facilities and equipment to prevent cross-contamination with nonhazardous drugs; failing to maintain all surfaces within the hazardous compounding room smooth, seamless, impervious, and non-shedding; failing to affix a container label and/or outer packaging label prior to dispensing that contained the date compounded, and/or to properly label prescriptions compounded by San Diego

Optimum Compounding Pharmacy; failing to prepare an adequate written master formula including the necessary elements; transferred, sold, or delivered to a person outside this state, a dangerous drug or device, in a manner not in compliance with the laws of California and of the United States and of the state or country to which the dangerous drugs or dangerous devices were transferred, sold, or delivered; failing to follow a written procedure for scheduled action in the event any compounded drug preparation is ever discovered to be outside minimum standards for integrity, potency, quality, or labeled strength; violated statutes and/or regulations regulating quality assurance programs by failing to have a quality assurance policy and procedure for documenting medication error reporting, and/or for failing to communicate with the patient and prescriber regarding the medication error, and/or by failing to document the medication error, and/or for failing to investigate a complaint of potency and quality issues within two days of being notified of the complaint; violated statutes and/or regulations regulating compounded drug preparation by failing to maintain effective written documentation regarding recall of a dispensed compounded drug preparation where subsequent information demonstrates the potential for adverse effects with continued use; violated statutes and/or regulations regulating compounded drug preparation by failing to document, review, and update when changes

are made, the compounding policies and procedures on a yearly basis; failing to maintain a negative pressure of 0.01 to 0.03 inches of water column relative to all adjacent spaces; conduct was unprofessional when they engaged in conduct that subverted or attempted to subvert an investigation of the Board.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for two years subject to the terms and conditions in the decision. Effective 2/8/2023.

[Sandy, Daniel R., RPH 48568, AC 7255](#)

Oroville, CA

Cause for discipline: DUI, dangerous use of alcohol.

Action: The license revoked, the revocation stayed, and the license is placed on probation for three years subject to the terms and conditions in the decision. Effective 3/17/2023.

[Shans, Behshad, RPH 75742, AC 7130](#)

Pacoima, CA

Cause for discipline: committed acts involving dishonesty and deceit by performing an inappropriate physical examination; making false and dishonest statements about the examination to Board Inspectors; inappropriately exercised his pharmacist education, training, and experience by performing an inappropriate physical examination of patient; knowingly made false and dishonest statements to the Board's inspectors about his physical examination of patient; failed

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to take an initial inventory of controlled substances when the pharmacy opened on February 7, 2017, and failed to conduct a biennial controlled substance inventory within two years of the initial inventory date; incorrectly dispensed ciprofloxacin 500 milligram to patient.

Action: License is revoked, the revocation stayed, and the license is placed on probation for three years subject to the terms and conditions in the decision. Effective 2/9/2023.

[Singh, Munpreet, INT 43866, AC 7251](#)

Yuba City, CA

Cause for discipline:

unprofessional conduct, in that he was convicted of crimes substantially related to the qualifications, functions, and duties of a pharmacist intern; f unprofessional conduct, in that he used alcohol to an extent or in a manner dangerous or injurious to himself, any other person, or the public; committed acts involving moral turpitude, dishonesty, fraud, deceit, or corruption.

Action: License is revoked and the right to practice or operate has ended.

Effective 2/8/2023.

[Sorci, John T., RPH 45060, AC 6802](#)

San Jose, CA

Cause for discipline: Violated pharmacy law that only a licensed pharmacist may consult with a patient regarding a prescription and interpret clinical data in a patient medication record system and supervise the packaging of drugs and check the packaging

procedure and product upon completion; failed to properly supervise non-licensed personnel; made false representations regarding licensure of unlicensed individuals; knowingly made a false document; inappropriately exercised their education, training and experience as a pharmacist; failed to maintain written documentation regarding appropriate garbing to prevent cross contamination with non-hazardous drugs, and failed to maintain policies and procedures for proper garbing when compounding, and failed to inform staff of changes in the policies and procedures.; failed to maintain all surfaces within the hazardous compounding room smooth, seamless, impervious, and non-shedding; failed to maintain and certify equipment used to compound drug preparations in accordance with manufacturers' specifications; failed to maintain pharmacy facilities, space, fixtures, and equipment in a clean and orderly condition; failed to affix a container label and/or outer packaging label prior to dispensing that contained instructions for storage, handling, and administration; failed to maintain a compounding log; violated statutes and/or regulations regulating compounded drug preparation, by failing to maintain a compounding log that contained the beyond use date or beyond use date and time of the final compounded drug preparation; intended to sell pharmaceutical preparations and/or drugs that did not conform to the standard and tests as to quality and strength, provided in

the latest edition of the United States Pharmacopoeia or the National Formulary, and/or that violated any provision of the Sherman Food, Drug, and Cosmetic Law; violated statutes and/or regulations regulating compounded drug preparation by assigning an expiration date to a compound drug preparation that was beyond the expiration date or beyond use date of one or more of the ingredients; failed to display the Respondent San Jose Compounding Pharmacy's original license and current renewal license upon the licensed premises in a place where it may be clearly read by the public; violated statutes and/or regulations regulating compounded drug preparation by failing to prepare an adequate written master formula including the necessary elements

Action: The license is revoked, the revocation stayed, and the license is placed on probation for two years subject to the terms and conditions in the decision. Effective 3/24/2023.

[Ugwuala, Chukwudera Dozie, TCH 172507, AC 7313](#)

San Leandro, CA

Cause for discipline: DUI, used alcoholic beverage in a dangerous manner to himself or the public.

Action: The license is revoked and the right to practice or operate has ended.

Effective 1/4/2023.

[Vigil, Javier Agustin, EXC 25932, AC 7249](#)

Camarillo, CA

Cause for discipline: DUI, resulting in a collision with a power pole causing its lines to fall

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on the highway; alcohol related convictions; dangerous use of alcohol.

Action: The license is voluntarily surrendered.

Effective 2/8/2023.

[Xiong, Ger, Applicant, SI 7312](#)

Sacramento, CA

Cause for discipline: DUI; dangerous use of alcohol.

Action: The Application for a Pharmacy Technician License is denied.

Effective 2/8/2023.

[Yoon, Evelyn S. RPH 77470, AC 7243](#)

Anaheim, CA

Cause for discipline: Sold Korean labeled medication over the counter without a prescription, in the United States, these drugs are classified as dangerous and require a prescription.

Action: The license is publicly reprovved subject to terms and conditions in the decision.

Effective 1/11/2023.

[Young, Jennifer R., TCH 147285, AC 7197](#)

Elk Grove, CA

Cause for discipline: Unlawful possession of more than 28.5 grams of cannabis; violation of pharmacy law; unprofessional conduct.

Action: The license is revoked and the right to practice or operate has ended.

Effective 3/8/2023.

Facility Licenses

[Bestcare Pharmacy, PHY 57674, AC 7243](#)

Buena Park, CA

Cause for discipline: Sold Korean labeled medication over the counter without a prescription, in the United States, these drugs are classified as dangerous and require a prescription.

Action: The license is publicly reprovved subject to terms and conditions in the decision.

Effective 1/11/2023.

[Bonnie Cove Pharmacy, PHY 55596, AC 6976](#)

Covina, CA

Cause for discipline: Lack of operational standards and security, contributed to the loss of dangerous drugs.

Action: The license is voluntarily surrendered. The effective date shall be stayed until June 8, 2023, at which time the pharmacy shall be sold or closed.

Effective 2/8/2023.

[CVS Pharmacy #8837, PHY 47906, AC 7087](#)

Inglewood, CA

Cause for discipline: Incorrectly filled prescription that resulted in a patient with permanent neurological deficits.

Action: The license is publicly reprovved subject to terms and conditions in the decision.

Effective 2/8/2023.

[Empower Pharmacy, NRP 2567, AC 7117](#)

Houston, TX

Cause for discipline: unlawful compounding of a commercially available product; failure to quarantine until end product testing is complete; assignment of unsupported beyond use date; failure to maintain the quality of a compounded sterile preparation; adulterated preparations; incomplete

compounding logs; failure to receive prescriber's approval for the use of a compounded drug preparation; erroneous or uncertain prescriptions; failure to obtain active ingredients from a supplier registered with the FDA; unlawful compounding of commercially available product; unprofessional conduct – duties of a pharmacist; erroneous or uncertain prescription; compounding limitations and requirements; misbranding of compounded preparations; compounding of a commercially available product; unlawful sale of misbranded drugs; use of non-compliant end product testing; disciplined out of state; failure to maintain the quality of a compounded sterile preparation; failure to report adverse effect potentially attributable to a sterile compounded drug product; failure to advise the board of received complaints; unlawful compounding of a commercially available product; unlawful sale of misbranded drugs; unlicensed manufacturing of biologic; use of non-compliant end product testing; failure to maintain the quality of a compounded sterile preparation; incomplete compounding logs; failure to obtain active ingredient from a supplier registered with the FDA; assignment of unsupported beyond use date; unlawful compounding of a commercially available product.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for four years subject to the terms and conditions in the decision.

Effective 1/18/2023.

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[Empower Pharmacy, NRP 1834, AC 7117](#)

Houston, TX

Cause for discipline: unlawful compounding of a commercially available product; failure to quarantine until end product testing is complete; assignment of unsupported beyond use date; failure to maintain the quality of a compounded sterile preparation; adulterated preparations; incomplete compounding logs; failure to receive prescriber's approval for the use of a compounded drug preparation; erroneous or uncertain prescriptions; failure to obtain active ingredients from a supplier registered with the FDA; unlawful compounding of commercially available product; unprofessional conduct – duties of a pharmacist; erroneous or uncertain prescription; compounding limitations and requirements; misbranding of compounded preparations; compounding of a commercially available product; unlawful sale of misbranded drugs; use of non-compliant end product testing; disciplined out of state; failure to maintain the quality of a compounded sterile preparation; failure to report adverse effect potentially attributable to a sterile compounded drug product; failure to advise the board of received complaints; unlawful compounding of a commercially available product; unlawful sale of misbranded drugs; unlicensed manufacturing of biologic; use of non-compliant end product testing; failure to maintain the quality of a compounded

sterile preparation; incomplete compounding logs; failure to obtain active ingredient from a supplier registered with the FDA; assignment of unsupported beyond use date; unlawful compounding of a commercially available product.

Action: The license is revoked and the right to practice or operate has ended.

Decision effective 1/18/2023.

[Empower Pharmacy, NSC 101695, AC 7117](#)

Houston, TX

Cause for discipline: Unlawful compounding of a commercially available product without a documented shortage and a documented medical need prior to compounding; failure to quarantine until end product testing is complete; assignment of unsupported beyond use date; failure to maintain the quality of a compounded sterile preparation; adulterated preparations; incomplete compounding logs; failure to receive prescriber's approval for the use of a compounded drug preparation; erroneous or uncertain prescriptions; failure to obtain active ingredient from a supplier registered with the FDA; compounding limitations and requirements; misbranding of compounding preparations; compounding of a commercially available product; unlawful sale of misbranded drugs; failure to maintain the quality of a compounded sterile preparation; use of non-complaint end product testing; failure to advise the Board of received complaints; unlawful compounding of a commercially available product; unlawful sale of misbranded

drugs; unlicensed manufacturing of a biologic; use of non-compliant end product testing; failure to maintain the quality of a compounded sterile preparation; incomplete compounding logs; failure to obtain active ingredient from a supplier registered with the FDA; failure to have data to support assigned beyond use date; unlawful compounding of a commercially available product.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for four years subject to the terms and conditions in the decision. Decision effective 1/18/2023.

[Empower Pharmacy, NSC 100984, AC 7117](#)

Houston, TX

Cause for discipline: Unlawful compounding of a commercially available product without a documented shortage and a documented medical need prior to compounding; failure to quarantine until end product testing is complete; assignment of unsupported beyond use date; failure to maintain the quality of a compounded sterile preparation; adulterated preparations; incomplete compounding logs; failure to receive prescriber's approval for the use of a compounded drug preparation; erroneous or uncertain prescriptions; failure to obtain active ingredient from a supplier registered with the FDA; compounding limitations and requirements; misbranding of compounding preparations; compounding of a commercially available product; unlawful sale of misbranded drugs; failure to maintain the quality of a

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compounded sterile preparation; use of non-complaint end product testing; failure to advise the Board of received complaints; unlawful compounding of a commercially available product; unlawful sale of misbranded drugs; unlicensed manufacturing of a biologic; use of non-compliant end product testing; failure to maintain the quality of a compounded sterile preparation; incomplete compounding logs; failure to obtain active ingredient from a supplier registered with the FDA; failure to have data to support assigned beyond use date; unlawful compounding of a commercially available product.

Action: The license is revoked and the right to practice or operate has ended.

Decision effective 1/18/2023.

[Fairbanks Pharmacy, PHY 55594, AC 7183](#)

Rancho Santa Fe, CA

Cause for discipline: Failed to submit CURES data of controlled substance prescriptions within the required reporting parameter.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for five years subject to the terms and conditions in the decision.

Decision effective 2/8/2023.

[Kenneth Village Pharmacy, PHY 55414, AC 7159](#)

Glendale, CA

Cause for discipline: Failed to maintain dispensing records related to bottles of promethazine/codeine; failed to maintain prescription records related to bottles of promethazine/codeine; filled

irregular/altered prescriptions; engaged in unprofessional conduct.

Action: The license is voluntarily surrendered.

The effective date shall be stayed until June 8, 2023, at which time the pharmacy shall be sold or closed.

Effective 2/8/2023.

[Laurel Care Pharmacy, PHY 55503, AC 7130](#)

Pacoima, CA

Cause for discipline:

Unprofessional conduct – acts involving moral turpitude, dishonesty, fraud, deceit or corruption; acts involving inappropriate exercise of education, training or experience; making false statements; failed to conduct controlled substances inventory; incorrectly dispensed medication; failed to correctly label prescription container.

Action: The license is revoked, the revocation stayed, and the license is placed on probation for three years subject to the terms and conditions in the decision.

Effective 2/9/2023.

[McGuff Compounding Pharmacy Services Inc., PHY 43950, AC 7176](#)

Santa Ana, CA

Cause for discipline:

Manufactured, held, sold, offered for sale and delivered adulterated drugs; compounded sterile injectable drugs lacking in quality; dishonest acts; made documents that falsely represent facts; lack of security for pharmacy premises where dangerous drugs were compounded without a pharmacist being present; lack of supervision of pharmacy technicians; failure to notify Board of recall of sterile drug

products; failure to report adverse drug effects of sterile drug products; failed to possess all policies and procedures and a written quality assurance plan of compounding sterile drug preparations; compounded with incomplete master formulas; failed to complete compounding logs; compounded sterile drug products in uncertified primary engineering control; unprofessional conduct.

Action: The license is voluntarily surrendered.

Effective 3/1/2023.

[McGuff Compounding Pharmacy Services Inc., LSC 99004, AC 7176](#)

Santa Ana, CA

Cause for discipline:

Manufactured, held, sold, offered for sale and delivered adulterated drugs; compounded sterile injectable drugs lacking in quality; dishonest acts; made documents that falsely represent facts; lack of security for pharmacy premises where dangerous drugs were compounded without a pharmacist being present; lack of supervision of pharmacy technicians; failure to notify Board of recall of sterile drug products; failure to report adverse drug effects of sterile drug products; failed to possess all policies and procedures and a written quality assurance plan of compounding sterile drug preparations; compounded with incomplete master formulas; failed to complete compounding logs; compounded sterile drug products in uncertified primary engineering control; unprofessional conduct.

Action: The license is voluntarily surrendered.

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Decision effective 3/1/2023.

[Pine Cone Drug, PHY 53707, AC 7296](#)

Pine Grove, CA

Cause for discipline: Criminal conviction for conspiracy to possess marijuana with the intent to distribute and money laundering; committed acts that constitute moral turpitude; violation of federal laws regulating controlled substances; conspiring to violate laws governing the practice of pharmacy.

Action: The license is voluntarily surrendered.

Decision effective 3/1/2023.

[Porter Ranch Pharmacy, PHY 48684, AC 7163](#)

Porter Ranch, CA

Cause for discipline: Failed to exercise or implement corresponding responsibility; filling or dispensing improper or erroneous or uncertain prescriptions for controlled substances; failed to exercise or implement corresponding responsibility/filling or dispensing improper or erroneous or uncertain prescriptions for controlled substances; purchase dangerous drugs with cancelled permit; violation regarding reporting of CURES data; failure to complete compounding self-assessment.

Action: The license is voluntarily surrendered.

Decision effective 2/8/2023.

[Preferred Pharmacy, Inc., PHY 54453, AC 7019](#)

Costa Mesa, CA

Cause for discipline: Interference with pharmacist in charge; unlicensed activity; unauthorized disclosure of prescription information; insurance fraud; unprofessional conduct; unprofessional conduct-subverting an investigation; unprofessional conduct by a corporation; obstruction of prescriptions; adulterated drugs; lack of pharmacy security.

Action: The license is revoked and the right to practice or operate has ended.

Decision effective 1/11/2023.

[San Jose Compounding Pharmacy, PHY 54957, AC 6802](#)

San Jose, CA

Cause for discipline: Duties of a pharmacist; unprofessional conduct, false representation regarding unlicensed employee; unprofessional conduct, knowingly made false document; failed to adhere to compounding policies and procedures; failed to maintain proper cleaning instructions and records for compounding room; failed to maintain smooth surface in hazardous compounding room; failed to certify compounding equipment; failed to maintain pharmacy and equipment in a clean and orderly condition; failed to list instructions for storage; failed to label compound drug preparation; failed to document measured quantities of ingredients; failed to document names of manufactures; failed to document correct beyond use date; prevention of sale of expired medications; assigned expiration date; failed to display original license; failed to prepare an adequate written master formula; out of state order of

dangerous drugs or devices; unprofessional conduct, change in ownership; failed to follow quality assurance plan; failed to have a quality assurance plan; failed to maintain appropriate instruction for recall of dispensed drug preparation; failure to annually update and review compounding policies and procedures; failed to maintain negative pressure in compounding room; unprofessional conduct, subverting investigation.

Action: The license is voluntarily surrendered.

Decision effective 02/8/2023.

[Sepulveda Pharmacy, Inc., Applicant, SI 7290](#)

Culver City, CA

Cause for discipline: Prohibited ownership structure, conflict of interest from prescriber and pharmacy

Action: The Application for a Pharmacy Permit is denied.
Decision effective 2/8/2023.

[Volume Drug-2, PHY 22141, AC 7257](#)

Sherman Oaks, CA

Cause for discipline: Held adulterated drugs; improper take back of drugs without DEA registration; failed to report CURES and belated reporting; failed to maintain current inventory and records; dispensing controlled substances under noncompliant prescriptions.

Action: The license is voluntarily surrendered.

Decision effective 01/04/2023.

[White Cross Pharmacy, PHY 50793, AC 6775](#)

Palm Springs, CA

Cause for discipline: held or offered for sale dangerous drugs

See **Disciplinary actions**, Page 33

Disciplinary actions

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that were misbranded; accepted or possessed prescription drugs from skilled nursing facilities, residential care homes, health care practitioners or any other entity; received returns of controlled substances even though they were not registered as a collector with the DEA; held or offered for sale dangerous drugs, that were adulterated; failed to maintain the security of oxycodone 30mg; failure to maintain current inventory; failure to execute power of attorney for ordering schedule II controlled substances; did not possess an individual certificate and private key to order controlled substances; did not perform an initial controlled substance inventory upon commencing business at the new location; failing to contact the prescriber on prescriptions that were erroneous or uncertain; for dispensing refills not authorized by the prescriber; for deviating from the requirements of a prescription by dispensing a quantity that was different than what was prescribed; commission of an act involving dishonesty, fraud, deceit or corruption for creating fraudulent prescriptions; making documents that falsely represent the existence of a state of facts in that respondents' created prescriptions not authorized by prescribers and had signature logs from patients who denied signing for deliveries; making documents that falsely represent the existence of a state of facts in that respondents' created prescriptions not authorized by prescribers and

had signature logs from patients who denied signing for deliveries.

Action: The license is voluntarily surrendered.

Decision effective 3/8/2023.

[White Cross Pharmacy, PHY 55765, AC 6775](#)

Palm Springs, CA

Cause for discipline: Held and offered for sale misbranded drugs; dispensed prescriptions that contained a significant irregularity, uncertainty, or ambiguity; failure to maintain medication profile; dishonest acts by creating false prescriptions and filling and dispensing those prescriptions unauthorized by the prescriber; made documents that falsely represented the existence of a state of facts by creating false prescriptions for lidocaine 5% ointment which were not authorized by the prescriber; failure to correctly label prescriptions; did not maintain a current inventory of the controlled substance, hydrocodone/acetaminophen; committed acts involving dishonesty, fraud, deceit or corruption when they failed to reverse adjudicated prescriptions in a timely basis which had not been picked up and were left in the will-call area for significant periods of time; held or offered for sale dangerous drugs that were misbranded; accepted or possessed prescription drugs from skilled nursing facilities, residential care homes, health care practitioners or any other entity; received returns of controlled substances even though they were not registered as a collector with the Drug Enforcement Administration; held or offered for sale dangerous

drugs, that were adulterated; failed to maintain the security of oxycodone; did not maintain a current inventory of dangerous drugs; failed to execute a power of attorney for ordering Schedule II controlled substances; did not possess an individual certificate and private key to order controlled substances; did not perform an initial controlled substance inventory upon commencing business at the new location; failing to contact the prescriber on prescriptions that were erroneous or uncertain; dispensing refills not authorized by the prescriber, a; deviating from the requirements of a prescription by dispensing a quantity that was different than what was prescribed; for commission of an act involving dishonesty, fraud, deceit or corruption for creating fraudulent prescriptions; r making documents that falsely represent the existence of a state of facts in that Respondents' created prescriptions not authorized by prescribers and had signature logs from patients who denied signing for deliveries; r making documents that falsely represent the existence of a state of facts in that Respondents' created prescriptions not authorized by prescribers and had signature logs from patients who denied signing for deliveries; failed to exercise or implement his best professional judgment with regard to dispensing drugs when he dispensed duplicate prescriptions for the same patients listing the same prescriber for an electronic and telephone prescription without contacting the prescriber to determine if both were

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Department of Consumer Affairs
2720 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833
(916) 518-3100
Fax: (916) 574-8618
www.pharmacy.ca.gov

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California State
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Disciplinary actions

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valid, dispensed prescriptions for quantities exceeding what was prescribed, created fraudulent prescriptions not authorized by the prescriber or their agents, and dispensed prescription refills too early resulting in excessive doses being dispensed. **Action:** The license is voluntarily surrendered.

Decision effective 3/8/2023.

How to Become a Board Member

Current Vacancies

The California State Board of Pharmacy has two vacancies for public members. Public members are individuals not licensed by this Board. The Board is responsible for protecting and promoting the health and safety of Californians by pursuing the highest quality of pharmacist's care and the appropriate use of pharmaceuticals through education, communication, licensing, legislation, regulation, and enforcement.

The Board of Pharmacy consists of 13 members who reside in different parts of the state and who are appointed to four-year terms. Members can serve up to two terms. The governor appoints seven registered pharmacists and four public members. The Senate Rules Committee and the Speaker of the Assembly each appoint one public member.

[Click here](https://www.gov.ca.gov/appointments/) if you, or someone you know, is interested in serving on the board. <https://www.gov.ca.gov/appointments/>