

## Board of Pharmacy Enforcement Statistics Fiscal Year 2009/2010

**Workload Statistics**                      **July-Sept**    **Oct-Dec**    **Jan-Mar**    **Apr-June**    **Total 09/10**

**Complaints/Investigations**

Initiated	520	539	542		1601
Closed	1087	1241	1508		3836
Pending (at the end of quarter)	2346	2204	1566		1566

**Cases Assigned & Pending (by Team)**

Compliance Team	85	149	232		232
Drug Diversion/Fraud	60	80	97		97
Probation/PRP	25	30	92		92
Mediation/Enforcement	5	38	15		15
Criminal Conviction	1277	987	616		616

**Application Investigations**

Initiated	167	111	391		669
Closed					
Approved	39	58	193		290
Denied	33	7	12		52
Total*	90	82	246		418
Pending (at the end of quarter)	420	451	597		597

**Citation & Fine**

Issued	495	396	537		1428
Citations Closed	210	214	376		800
Total Fines Collected	\$298,575.00	\$229,215.00	\$417,975.00		\$945,765.00

\* This figure includes withdrawn applications.

\*\* Fines collected and reports in previous fiscal year.

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**Administrative Cases** (by effective date of decision)

Referred to AG's Office*	78	91	99		268
Pleadings Filed	49	65	61		175
<b>Pending</b>					
Pre-accusation	160	180	216		216
Post Accusation	138	178	188		188
Total	205	458	464		464
<b>Closed**</b>					
<b>Revocation</b>					
Pharmacist	3	3	2		8
Pharmacy	0	1	1		2
Other	3	10	26		39
<b>Revocation, stayed; suspension/probation</b>					
Pharmacist	2	4	2		8
Pharmacy	2	1	1		4
Other	0	2	0		2
<b>Revocation, stayed; probation</b>					
Pharmacist	1	0	2		3
Pharmacy	0	0	0		0
Other	1	0	3		4
<b>Suspension, stayed; probation</b>					
Pharmacist	0	0	0		0
Pharmacy	0	0	0		0
Other	0	0	0		0
<b>Surrender/Voluntary Surrender</b>					
Pharmacist	0	2	1		3
Pharmacy	0	1	0		1
Other	1	0	6		7
<b>Public Reprival/Reprimand</b>					
Pharmacist	0	1	0		1
Pharmacy	0	0	0		0
Other	0	0	0		0
Cost Recovery Requested	\$43,046.75	\$84,477.00	\$66,557.50		\$194,081.25
Cost Recovery Collected	\$38,423.20	\$68,175.75	\$183,797.09		\$290,396.04

## Board of Pharmacy Enforcement Statistics Fiscal Year 2009/2010

**Workload Statistics**                      July-Sept    Oct-Dec    Jan-Mar    Apr-June    Total 09/10

**Probation Statistics**

Licenses on Probation

Pharmacist	106	103	98		98
Pharmacy	6	6	6		6
Other	14	20	21		21
Probation Office Conferences	22	25	21		68
Probation Site Inspections	36	23	31		90
Probationers Referred to AG for non-compliance	2	2	9		13

As part of probation monitoring, the board requires licensees to appear before the supervising inspector at probation office conferences. These conferences are used as 1) an orientation to probation and the specific requirements of probation at the onset, 2) to address areas of non-compliance when other efforts such as letters have failed, and 3) when a licensee is scheduled to end probation.

**Pharmacists Recovery Program (as of 3/31/2010)**

Program Statistics

In lieu of discipline	0	0	0		5
In addition to probation	1	3	1		9
Closed, successful	5	0	4		5
Closed, non-compliant	0	4	0		9
Closed, other	3	5	1		8
Total Board mandated Participants	50	46	44		44
Total Self-Referred Participants*	27	27	32		32
Treatment Contracts Reviewed	48	46	50		144

Monthly the board meets with the clinical case manager to review treatment contracts for scheduled board mandated participants. During these monthly meetings, treatment contracts and participant compliance is reviewed by the PRP case manager, diversion program manager and supervising inspector and appropriate changes are made at that time and approved by the executive officer. Additionally, non-compliance is also addressed on a needed basis e.g., all positive urines screens are reported to the board immediately and appropriate action is taken.

\* By law, no other data is reported to the board other than the fact that the pharmacists and interns are enrolled in the program.

**California State Board of Pharmacy  
Citation and Fine Statistics  
July 1, 2009 - January 1, 2010**

**968 Citations were issued this fiscal year**

**Total dollar amount of fines issued this fiscal year  
\$218,695,875.00**

**Total dollar amount of fines collected  
\$527,790.00**

**\*This amount also reflects payment of citations issued prior to July 1, 2009.**

**The average number of days from date case is opened until a citation is issued is 340.13**

**Average number of days from date case is routed to Citation Unit to date citation is issued 53.23**

**400 citations are closed. The average number of days from date citation is issued to date citation is closed is 124.82**

**Citation Breakdown by license type**

Total issued	RPH with fine	RPH no fine	PHY with fine	PHY no fine	PIC with fine**	PIC no fine**	TCH with fine	TCH no fine
968	260	49	400	93	154	27	32	34

**Citation Breakdown by Miscellaneous license type**

Wholesalers	Exemptee's	Clinics	Drug Room	Exempt Hosp.	Hosp. Pharmacy	Misc.*	Unlicensed Premises	Unlicensed person
7	10	1	1	2	7	27	36	9

\*Intern Pharmacist, Licensed Correctional Facilities, Exempt Pharmacies, Non-Resident Pharmacies, and Vet Retailers

\*\*These numbers are also represented in the RPH columns, but reflect how many RPHs were cited as PICs

**Top Ten Violations by license type**

<b>Pharmacists</b>	<b>%</b>	<b>Pharmacies</b>	<b>%</b>	<b>Pharmacists In Charge</b>	<b>%</b>
1716 - Variation from prescription	42%	4110(a)/4201(f) - No person shall conduct a pharmacy in the State of California unless he or she has obtained a license from the board.../Pharmacy license shall authorize the holder to conduct a pharmac	58%	1716 - Variation from prescription	23%
1714(d) - Operational Standards and security; Pharmacist responsible for pharmacy security	14%	1716 - Variation from prescription	17%	1714(d) - Operational Standards and security; Pharmacist responsible for pharmacy security	20%
1716/1761(a) - Variation from prescription/Erroneous or uncertain prescription; no pharmacist shall compound or dispense any prescription which contains any significant error or omission...	8%	1714(b) - Operational standards and security; pharmacy responsible for pharmacy security	8%	4342 - Actions by board to prevent sale of preparations or drugs lacking quality or strength; penalties for knowing or willful violation of regulations governing those sales	10%
1761(a)/1716 - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission.../Variation from prescription	7%	1761(a)/1716 - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission.../Variation from prescription	3%	1716/1761(a) - Variation from prescription/Erroneous or uncertain prescription; no pharmacist shall compound or dispense any prescription which contains any significant error or omission...	8%
4342 - Actions by board to prevent sale of preparations or drugs lacking quality or strength; penalties for knowing or willful violation of regulations governing those sales	6%	1716/1761(a) - Variation from prescription/Erroneous or uncertain prescription; no pharmacist shall compound or dispense any prescription which contains any significant error or omission...	3%	4076(a)&(11)(A) - Prescription container requirements for labeling - physical description of dispensed medication	7%
1707.2(b)(1)(a) - In addition to the obligation to consult... a pharmacist shall provide oral consultation to his or her patients...whenver the prescription drug has not previously been dispensed to a pat	6%	4342 - Actions by board to prevent sale of preparations or drugs lacking quality or strength; penalties for knowing or willful violation of regulations governing those sales	3%	4104(b) - Every pharmacy shall have written policies and procedures for addressing chemical, mental, or physical impairment, as well as theft diversion, or self-use of dangerous drugs, among licensed	7%
4076(a)&(11)(A) - Prescription container requirements for labeling - physical description of dispensed medication	5%	4076(a)&(11)(A) - Prescription container requirements for labeling - physical description of dispensed medication	2%	4169(a)(1) - Prohibited Acts; Purchase, trade, sell, or transfer dangerous drugs to unlicensed person or entity...	6%
4104(b) - Every pharmacy shall have written policies and procedures for addressing chemical, mental, or physical impairment, as well as theft diversion, or self-use of dangerous drugs, among licensed	4%	4104(b) - Every pharmacy shall have written policies and procedures for addressing chemical, mental, or physical impairment, as well as theft diversion, or self-use of dangerous drugs, among licensed	2%	1715(a) - Self-assessment form of a pharmacy by the pharmacist in charge; shall complete a self-assessment of the pharmacy's compliance with federal and state pharmacy law	6%
4169(a)(1) - Prohibited Acts; Purchase, trade, sell, or transfer dangerous drugs to unlicensed person or entity...	4%	1707.2(b)(1)(a) - In addition to the obligation to consult... a pharmacist shall provide oral consultation to his or her patients...whenver the prescription drug has not previously been dispensed to a pat	2%	1761(a)/1716 - No pharmacist shall compound or dispense any prescription, which contains any significant error or omission.../Variation from prescription	6%
4115(e) - Pharmacy technician license required	4%	4115(e) - Pharmacy technician license required	2%	4115(e) - Pharmacy technician license required	6%

**Contested Citations Office Conference**  
(These statistics also include contested Letters of Admonishment)

There were 6 office conferences held this fiscal year

Number of Requests	138
Number of Appeared	75

Number of Scheduled	138
Number of Postponed***	37

\*\*\*Please note these are added back into the number of requests and scheduled case totals above.

Total number of requests withdrawn	13
Failed to appear	11

Total number of citations affirmed	29
Total number of citations waived	11

Decision	Total citations	Total dollar amount reduced
Modified	20	\$27,900.00
Dismissed	19	\$10,500.00
Reduced to Letter of Admonishment	0	\$0.00