



Health Services
LOS ANGELES COUNTY

Los Angeles County
Board of Supervisors

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December 20, 2016

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, California 90012

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

69-C December 20, 2016

LORI GLASGOW
EXECUTIVE OFFICER

Dear Supervisors:

**APPROVAL TO PROVIDE LEGAL REPRESENTATION FOR
PHARMACIST INVOLVED IN A CALIFORNIA BOARD OF
PHARMACY ACCUSATION
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

Mitchell H. Katz, M.D.
Director

Hal F. Yee, Jr., M.D., Ph.D.
Chief Medical Officer

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Chief Operations Officer

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SUBJECT

Request approval to provide legal representation for a pharmacist employee named as the pharmacist in charge in a State Board of Pharmacy accusation regarding the loss of controlled substances that occurred within the LAC+USC Medical Center outpatient pharmacy from 2012-2014, also named separately. This accusation involved actions that occurred in the course and scope of employment.

IT IS RECOMMENDED THAT THE BOARD:

Make a finding, pursuant to Government Code Section 995.6 that the Department of Health Services (DHS) employee, as described below, acted in good faith and without malice in the apparent interests of the County, and approve legal representation for the employee.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommendation is necessary to exercise the County's option, under Government Code Section 995.6, to provide for the legal defense for an administrative proceeding brought against an employee. The employee reported a loss of controlled substances to the State Board of Pharmacy (SBOP), as required by State law. As the assigned pharmacist-in-charge of this pharmacy license, the employee's reporting actions were appropriate and within the standard of care of a pharmacist-in-charge such that representation itself is appropriate.

To ensure access to high-quality, patient-centered, cost-effective health care to Los Angeles County residents through direct services at DHS facilities and through collaboration with community and university partners.

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Implementation of Strategic Plan Goals

The recommended actions are consistent with the County's Strategic Plan Goal 1, Operational Effectiveness/Fiscal Sustainability.

FISCAL IMPACT/FINANCING

Funding is included in the DHS Fiscal Year 2016-17 Final Budget and will be requested in the future fiscal years as needed.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

DHS and County Counsel reviewed the employee's actions and determined them to be within the scope of County employment, conducted in good faith, without malice, and in the interests of the County. State law permits legal representation by a public entity for an administrative proceeding against an employee, and DHS believes, given the subject matter of the SBOP accusation, the underlying circumstances, roles and responsibilities of the employee involved, that legal representation is appropriate.

CONTRACTING PROCESS

This item requests that the Board make a finding under the Government Code and does not request any new contracting authority.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommendations will allow the County to exercise its option to provide legal representation for an employee.

Respectfully submitted,



Mitchell Katz, M.D.

MK:AG

c: Executive Office, Board of Supervisors
Chief Executive Office
County Counsel