

1 EDMUND G. BROWN JR., Attorney General
of the State of California
2 ARTHUR D. TAGGART
Supervising Deputy Attorney General
3 GEOFFREY S. ALLEN, State Bar No. 193338
Deputy Attorney General
4 1300 I Street, Suite 125
P.O. Box 944255
5 Sacramento, CA 94244-2550
Telephone: (916) 324-5341
6 Facsimile: (916) 327-8643
E-mail: Geoffrey.Allen@doj.ca.gov

7 Attorneys for Complainant
8

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

13 In the Matter of the Accusation Against:

Case No. 3226

14 **RENEE R. VOSHAKÉ**
1865 Herndon Ave.
Clovis, California 93611

A C C U S A T I O N

15 Original Pharmacist License No. RPH 45674

16 Respondent.
17

18 Complainant alleges:

19 PARTIES

20 1. Virginia Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the Board of Pharmacy, Department of Consumer Affairs.

22 2. On or about August 25, 1992, the Board of Pharmacy issued Original
23 Pharmacist License Number RPH 45674 (License) to Renee R. Voshake (Respondent). The
24 License was in full force and effect at all times relevant to the charges brought herein and will
25 expire on November 30, 2009, unless renewed.

26 JURISDICTION

27 3. This Accusation is brought before the Board of Pharmacy (Board),
28 Department of Consumer Affairs, under the authority of the following laws. All section

1 references are to the Business and Professions Code unless otherwise indicated.

2 4. Section 4300 of the Code states, in pertinent part:

3 (a) Every license issued may be suspended or revoked.

4 (b) The board shall discipline the holder of any license issued by the board,
5 whose default has been entered or whose case has been heard by the board and
6 found guilty, by any of the following methods:

7 (1) Suspending judgment.

8 (2) Placing him or her upon probation.

9 (3) Suspending his or her right to practice for a period not
10 exceeding one year.

11 (4) Revoking his or her license.

12 (5) Taking any other action in relation to disciplining him or her as
13 the board in its discretion may deem proper.

14
15 (e) The proceedings under this article shall be conducted in accordance
16 with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the
17 Government Code, and the board shall have all the powers granted therein. The
18 action shall be final, except that the propriety of the action is subject to review by
19 the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

20 5. Section 4301 of the Code states, in pertinent part:

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

25
26 (f) The commission of any act involving moral turpitude, dishonesty,
27 fraud, deceit, or corruption, whether the act is committed in the course of relations
28 as a licensee or otherwise, and whether the act is a felony or misdemeanor or not.

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

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

1 (o) Violating or attempting to violate, directly or indirectly, or assisting in
2 or abetting the violation of or conspiring to violate any provision or term of this
3 chapter or of the applicable federal and state laws and regulations governing
4 pharmacy, including regulations established by the board.

5 6. Section 4022 of the Code states:

6 Dangerous drug" or "dangerous device" means any drug or device unsafe
7 for self-use in humans or animals, and includes the following:

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

10 (b) Any device that bears the statement: "Caution: federal law
11 restricts this device to sale by or on the order of a _____," "Rx only," or
12 words of similar import, the blank to be filled in with the designation of the
13 practitioner licensed to use or order use of the device.

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

16 7. Section 4059, subd. (a), of the Code states:

17 A person may not furnish any dangerous drug, except upon the
18 prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or
19 naturopathic doctor pursuant to Section 3640.7. A person may not furnish any
20 dangerous device, except upon the prescription of a physician, dentist, podiatrist,
21 optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.

22 8. Section 4060 of the Code states:

23 No person shall possess any controlled substance, except that furnished to
24 a person upon the prescription of a physician, dentist, podiatrist, optometrist,
25 veterinarian, or naturopathic doctor pursuant to Section 3640.7, or furnished
26 pursuant to a drug order issued by a certified nurse-midwife pursuant to Section
27 2746.51, a nurse practitioner pursuant to Section 2836.1, or a physician assistant
28 pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5, or
a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause
(iv) of subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052.
This section shall not apply to the possession of any controlled substance by a
manufacturer, wholesaler, pharmacy, pharmacist, physician, podiatrist, dentist,
optometrist, veterinarian, naturopathic doctor, certified nurse-midwife, nurse
practitioner, or physician assistant, when in stock in containers correctly labeled
with the name and address of the supplier or producer.

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

9. Section 4327 of the Code states, "Any person who, while on duty, sells,
dispenses or compounds any drug while under the influence of any dangerous drug or alcoholic
beverages shall be guilty of a misdemeanor."

1 the influence of a dangerous drug.

2 22. Between June of 2007 and February of 2008, on exact dates known only to
3 Respondent, Respondent, while on duty as a pharmacist at various Longs Drug Store pharmacies
4 in California, worked while under the influence of hydrocodone-containing medications.

5 PRAYER

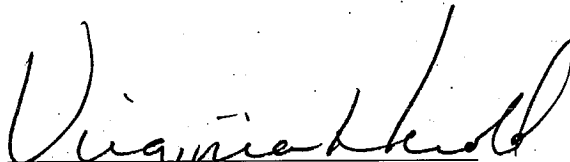
6 WHEREFORE, Complainant requests that a hearing be held on the matters herein
7 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

8 1. Revoking or suspending Original Pharmacist License Number RPH
9 45674, issued to Renee R. Voshake.

10 2. Ordering Renee R. Voshake to pay the Board of Pharmacy the reasonable
11 costs of the investigation and enforcement of this case, pursuant to Business and Professions
12 Code section 125.3;

13 3. Taking such other and further action as deemed necessary and proper.

14
15 DATED: 3/19/09

16
17 

18 VIRGINIA HEROLD
19 Executive Officer
20 Board of Pharmacy
21 Department of Consumer Affairs
22 State of California
23 Complainant

24 SA2008305001

25 30639171.wpd