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8
9 **BEFORE THE**
10 **BOARD OF PHARMACY**
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

11 In the Matter of the Accusation Against:

Case No. 3296

12 **DONNA J. WOODS-MUNOZ A.K.A.**
13 **DONNA J. WOODS AKA DONNA WOODS**

14 2511 Winter Street
Kingsburg, CA 93631

15 Pharmacy License RPh 50357

Respondent.

AMENDED ACCUSATION

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17 Complainant alleges:

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

22 **LICENSE HISTORY**

23 2. On September 8, 1998, the Board issued Pharmacist License RPH No.
24 50357 to Respondent Donna J. Woods-Munoz, also known as Donna J. Woods, also known as
25 Donna Woods to practice pharmacy in California. Respondent's pharmacy license was in full
26 force and effect at all times relevant to the charges brought herein and will expire on October 31,
27 2009, unless renewed.

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1 period in which it may be renewed, restored, reissued, or reinstated, deprive
2 the board of its authority to institute or continue a disciplinary proceeding
3 against the licensee upon any ground provided by law or to enter an order
suspending or revoking the license or otherwise taking disciplinary action against
the licensee on any such ground.”

4 6. Business and Professions Code section 125.3 states, in pertinent part, that
5 the Board may request the Administrative Law Judge to direct a licensee found to have
6 committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable
7 costs of the investigation and enforcement of the case.

8 **CONTROLLED SUBSTANCES/DANGEROUS DRUGS AT ISSUE**

9 7. “Temazepam” is a dangerous drug, and a Schedule IV controlled substance
10 as designated by Health & Safety Code section 11057.

11 8. “Oxazepam”, is a dangerous drug, and a Schedule IV controlled substance
12 as designated by Health & Safety Code section 11057(d)(23).

13 9. “Valium”, a brand name for Diazepam, is a dangerous drug, and a Schedule
14 IV controlled substance as designated by Health & Safety Code section 11057 (d)(9).

15 10. “Nordiazepam” is a dangerous drug, and a Schedule IV controlled
16 substance as designated by Health & Safety Code section 11057 (d)(23)

17 11. “Marijuana” is a Schedule I controlled substance as designated by Health &
18 Safety Code section 11054(d)(13).

19 12. “Carisoprodol”, also known as Soma, is a dangerous drug as designated by
20 Business & Professions Code section 4022(c), with the active ingredient Meprobamate, a
21 Schedule IV controlled substance under Health & Safety Code section 11057(d)(18).

22 **FIRST CAUSE FOR DISCIPLINE**

23 (Criminal Conviction)

24 13. Respondent is subject to discipline for unprofessional conduct under
25 Business and Professions Code sections 4301(l) and 4301(p), in that on or about April 28, 2009,
26 in *People v. Donna Woods*, Fresno County Superior Court Case No. M07500237, Respondent
27 pleaded no contest to violation of Vehicle Code section 23152(a), driving under the influence of
28 an alcohol beverage, a drug or their combined influence, a misdemeanor. The circumstances of the

1 crime are that on or about December 21, 2006, while under the influence of controlled substances,
2 Respondent caused her automobile to collide into a light pole, causing major damage to her
3 automobile and physical injury to herself. Blood tests showed that at the time of the accident,
4 Respondent had significant levels of Oxazepam, Valium, Nordiazepam, Temazepam, and
5 Marijuana in her system.

6 **SECOND CAUSE FOR DISCIPLINE**

7 (Unprofessional Conduct-Use of Dangerous Drugs/Controlled Substances)

8 14. Respondent is subject to discipline for unprofessional conduct under
9 Business and Professions Code sections 4301(h) and 4301(p), in that she used controlled
10 substances and dangerous drugs to an extent or in a manner as to be dangerous or injurious to
11 herself or to the public, or to the extent that the use impairs her ability to conduct with safety to
12 the public the practice of pharmacy, including:

13 (a) On or about December 12, 2006, while under the influence of controlled
14 substances, Respondent caused her automobile to collide into a light pole, causing major damage
15 to her automobile and physical injury to herself. Blood tests showed that at the time of the
16 accident, Respondent had significant levels of Oxazepam, Valium, Nordiazepam, Temazepam,
17 and Marijuana in her system.

18 (b) Between on or about March 17, 2007, and on or about September 24, 2008,
19 Respondent obtained excessive quantities of Carisoprodol 350 mg tablets (also known as Soma)
20 and Valium 10 mg tablets from physicians and other sources, including over the Internet, and self-
21 administered them in combination and in quantities greater than as prescribed, including the
22 following prescriptions:

23 (i) 3/17/07: 180 tablets of Soma per Dr. Flynn @ maximum of 6/day;

24 (ii) 7/11/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;

25 (iii) 8/4/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;

26 (iv) 8/21/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;

27 (v) 8/21/07: 60 tablets of Soma per Dr. Louie @ 2 tablets nightly;

28 (vi) 8/31/07: 60 tablets of Soma per Dr. Louie @2 tablets nightly;

1 (vii) 9/24/07: 60 tablets of Valium per Dr. Louie @ maximum of 2 tablets per day;
2 (viii) 10/5/07: 60 tablets of Soma per Dr. Louie @2 tablets nightly per day;
3 (ix) 11/6/07: 90 tablets of Soma per Dr. Porter;
4 (x) 6/17/08: 90 tablets of Soma per Dr. Sisson @2/day;
5 (xi) 7/17/08: 180 tablets of Soma per Dr. Harper @ maximum of 3/day; and
6 (xii) 9/22/08: 90 tablets of Soma per Dr. Sisson @ maximum of 4/day.
7 (c) On or about May 3, 2009, while working at the Rite-Aid Pharmacy in Dinuba,
8 California where Respondent is employed as a pharmacist, Respondent was observed to be
9 stumbling and/or swaying as she walked, speaking in a slurred manner, mumbling and unable to
10 communicate in an intelligent fashion. Paramedics were called to the pharmacy to care for
11 Respondent.

12 **THIRD CAUSE FOR DISCIPLINE**

13 (Unprofessional Conduct)

14 15. Respondent is subject to discipline for unprofessional conduct under
15 Business and Professions Code 4301 for unprofessional conduct in that on or about July 28,
16 2007, while on duty as a pharmacist at Walgreen's Drug store in Kingsburg California, the
17 following events occurred:

18 (a) Respondent informed the store manager John Zwanck that a prescription
19 was received for an over-the-counter vitamin, and asked Mr. Zwanck to provide and sell to the
20 waiting customer. As the customer was paying for the vitamin, the customer questioned Mr.
21 Zwanck about whether it was the correct vitamin.

22 (b) Mr. Zwanck requested that Respondent confirm that the vitamin he was
23 selling to the customer was the correct medication. Respondent replied that she was mistaken, a
24 different vitamin was prescribed, and asked Mr. Zwanck to provide and sell the correct vitamin to
25 the customer.

26 (c) Mr. Zwanck obtained the vitamin identified by Respondent, and asked
27 Respondent if she was sure that it was the right vitamin, to which Respondent replied "yes". Mr.
28 Zwanck then asked Respondent if she was absolutely sure that he had the correct vitamin, to

1 which Respondent replied "Yes, I'm sure". Mr. Zwank then exchanged the vitamin he had already
2 sold to the customer for the vitamin that Respondent identified as the correct vitamin.

3 (d) Two minutes after the customer left Walgreens Drug store, a Walgreen's
4 pharmacy technician notified Mr. Zwanck that Respondent made a mistake and the vitamin sold
5 to the customer was not the vitamin prescribed for the customer. Mr. Zwanck ran out of the store
6 and waved the customer down in the street. The customer returned and second exchange of
7 vitamins was made. As Mr. Zwanck was completing the second exchange of vitamins with the
8 customer, Respondent informed Mr. Zwank that when he finished with the customer, she wished
9 to talk with him.

10 (e) After the customer left the Walgreens Drug store, Respondent informed Mr.
11 Zwanck that she wished to talk with him in the training room. There, Respondent told Mr.
12 Zwanck in a menacing fashion that "sometimes I want to grab you around the neck, throw you up
13 against the wall and kick you in the balls, although I don't think you have any".

14 OTHER MATTERS

15 16. On or about November 4, 2008, a Misdemeanor Complaint was filed
16 in *People v. Donna Jane Woods aka Donna Woods*, Fresno County Superior Court Case No. M
17 08927416, alleging that on September 24, 2008, Respondent violated Vehicle Code section
18 23152(a), driving under the influence of alcohol or drugs. As part of the plea of no contest
19 by Respondent in *People v. Donna Woods*, Fresno County Superior Court Case No. M07500237,
20 as alleged in Paragraph 13 hereof, the Misdemeanor Complaint filed against Respondent in
21 Fresno County Superior Court Case No. M 08927416 was dismissed.

22 PRAYER

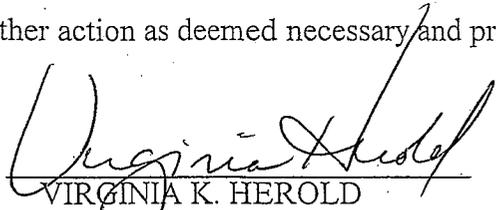
23 WHEREFORE, Complainant requests that a hearing be held on the matters herein
24 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

- 25 1. Revoking or suspending Pharmacy License No. 50357, issued to Donna J.
26 Woods-Munoz;
- 27 2. Ordering Respondent Donna J. Woods-Munoz to pay the Board of
28 Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to

1 Business and Professions Code section 125.3; and

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

3 DATED: 6/24/09



VIRGINIA K. HEROLD
Executive Officer
Board of Pharmacy
Department of Consumer Affairs
State of California
Complainant

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