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

11 In the Matter of the Accusation Against:

Case No. 3547

12 **MICHAEL FRANCIS WHITE**
13 2910 S. Assembly Road
Spokane, WA 99224

A C C U S A T I O N

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15 Pharmacist License No. RPH 28654

16 Respondent.

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18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about October 24, 1973, the Board of Pharmacy issued Pharmacist License
23 Number RPH 28654 to Michael Francis White (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on October 31,
25 2010, unless renewed.

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STATUTORY AND REGULATORY PROVISIONS

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2 3. This Accusation is brought before the Board of Pharmacy (Board), Department of
3 Consumer Affairs, under the authority of the following laws. All section references are to the
4 Business and Professions Code unless otherwise indicated.

5 4. Section 118, subdivision (b), of the Code provides that the
6 suspension/expiration/surrender/cancellation of a license shall not deprive the
7 Board/Registrar/Director of jurisdiction to proceed with a disciplinary action during the period
8 within which the license may be renewed, restored, reissued or reinstated.

9 5. Section 125.3 of the Code provides, in pertinent part, that the
10 Board/Registrar/Director may request the administrative law judge to direct a licentiate found to
11 have committed a violation or violations of the licensing act to pay a sum not to exceed the
12 reasonable costs of the investigation and enforcement of the case.

13 6. Section 141 of the Code states:

14 “(a) For any licensee holding a license issued by a board under the jurisdiction of the
15 department, a disciplinary action taken by another state, by any agency of the federal government,
16 or by another country for any act substantially related to the practice regulated by the California
17 license, may be a ground for disciplinary action by the respective state licensing board. A
18 certified copy of the record of the disciplinary action taken against the licensee by another state,
19 an agency of the federal government, or another country shall be conclusive evidence of the
20 events related therein.

21 7. Section 4301 (n) provides in relevant part:

22 “The board shall take disciplinary action against any holder of a license who is guilty of
23 unprofessional conduct...unprofessional conduct shall include, but is not limited to... .

24 (n) The revocation, suspension, or other discipline by another state of a license to practice
25 pharmacy, operate a pharmacy, or do any other act for which a license is required by this
26 chapter.”

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1 CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct-Out of State Discipline)

3 8. Respondent is subject to disciplinary action under sections 141 and 4301(n) in that
4 respondent was disciplined for violating the State of Washington's laws. The circumstances are
5 as follows:

6 9. On or about May 12, 2007 respondent took a "for cause" drug test at the request of
7 his employer, Sacred Heart Medical Center, Spokane, Washington. Respondent admitted to
8 taking vicodin belonging to his wife. Respondent signed a contract on June 12, 2007 requiring
9 his enrollment in drug rehabilitation and five (5) years probation. On July 3, 2007 respondent
10 admitted under oath that he took Norco belonging to his wife. Respondent is in violation of
11 section 4301 (n) because the out of state discipline described herein is unprofessional conduct
12 within the meaning of section 4301.

13 PRAYER

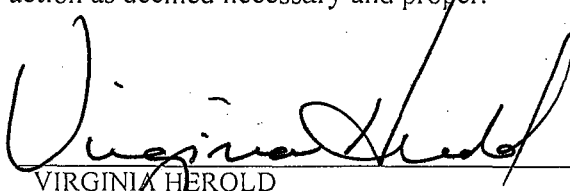
14 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
15 and that following the hearing, the Board of Pharmacy issue a decision:

16 1. Revoking or suspending Pharmacist License Number RPH 28654, issued to Michael
17 Francis White.

18 2. Ordering Michael Francis White to pay the Board of Pharmacy the reasonable costs
19 of the investigation and enforcement of this case, pursuant to Business and Professions Code
20 section 125.3;

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

22
23 DATED: 2/3/10

24 
25 VIRGINIA HEROLD
26 Executive Officer
27 Board of Pharmacy
28 Department of Consumer Affairs
State of California
Complainant

SA2009103096