

1 EDMUND G. BROWN JR.
Attorney General of California
2 GLORIA A. BARRIOS
Supervising Deputy Attorney General
3 LINDA L. SUN
Deputy Attorney General
4 State Bar No. 207108
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-6375
6 Facsimile: (213) 897-2804
Attorneys for Complainant
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8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Petition to Revoke
11 Probation Against,

Case No. 3575

12 **JENNIFER W. HOERRNER**
13 **10307 W. Broad Street #285**
Glen Allen, VA 23060
14 **Pharmacist License No. RPH 52366**

PETITION TO REVOKE PROBATION

15 Respondent.

16 Complainant alleges:

17 **PARTIES**

18 1. Virginia Herold (Complainant) brings this Petition to Revoke Probation solely in her
19 official capacity as the Executive Officer of the Board of Pharmacy (Board), Department of
20 Consumer Affairs.

21 2. On or about March 26, 2001, the Board issued Pharmacist License Number RPH
22 52366 to Jennifer W. Hoerrner (Respondent). The Pharmacist License expired on March 31,
23 2007, and has not been renewed.

24 **PRIOR DISCIPLINE**

25 3. In a disciplinary action entitled "*In the Matter of Accusation Against Jennifer W.*
26 *Hoerrner*," Case No. 2724, the Board issued a decision, effective September 2, 2005, in which
27 Respondent's Pharmacist License was revoked. However, the revocation was stayed and
28 Respondent's Pharmacist License was placed on probation for a period of three (3) years with

1 certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated
2 by reference.

3 JURISDICTION

4 4. Business and Professions Code (Code) section 4300, subdivision (a) provides:

5 "Every license issued may be suspended or revoked."

6 5. Code section 4300, subdivision (d) provides:

7 "The board may initiate disciplinary proceedings to revoke or suspend any
8 probationary certificate of licensure for any violation of the terms and conditions of probation.
9 Upon satisfactory completion or probation, the board shall convert the probationary certificate to
10 a regular certificate, free of conditions."

11 FIRST CAUSE TO REVOKE PROBATION

12 (Tolling in Excess of Three Years)

13 6. At all times after the effective date of Respondent's probation, Condition 13 stated:

14 "**Tolling of Probation.** Should Respondent, regardless of residency, for
15 any reason cease practicing pharmacy for a minimum of forty (40) hours
16 per calendar month in California, Respondent must notify the Board in
17 writing within ten (10) days of cessation of the practice of pharmacy or
18 the resumption of the practice of pharmacy. Such periods of time shall
19 not apply to the reduction of the probation period. Upon petition by the
20 Respondent, the Board shall have the discretion to determine whether it is
21 a violation of probation for Respondent's probation to remain tolled
22 pursuant to the provisions of this condition for a period exceeding three
23 years.

"Cessation of practice" means any period of time exceeding 30 days in
which Respondent is not engaged in the practice of pharmacy as defined
in Section 4052 of the Business and Professions Code."

24 7. Respondent's probation is subject to revocation under Code section 4300, subdivision
25 (d), because she failed to comply with Probation Condition 13, referenced above. The facts and
26 circumstances regarding this violation are as follows:

27 A. In a letter dated December 6, 2005, Respondent informed the Board that effective
28 December 1, 2005, Respondent had moved out of California to reside in Virginia.

1 B. Respondent's probation has remained tolled for more than three years since December
2 1, 2005.

3 **SECOND CAUSE TO REVOKE PROBATION**

4 **(Failure to Renew License)**

5 8. At all times after the effective date of Respondent's probation, Condition 10 stated:

6 "Status of License. Respondent shall, at all times while on probation, maintain
7 an active current license with the Board, including any period during which
8 suspension or probation is tolled.

9 If Respondent's license expires or is cancelled by operation of law or otherwise,
10 upon renewal or reapplication, Respondent's license shall be subject to all terms
and conditions of this probation not previously satisfied."

11 9. Respondent's probation is subject to revocation under Code section 4300, subdivision
12 (d), because she failed to comply with Probation Condition 10, referenced above. The facts and
13 circumstances regarding this violation are as follows:

14 A. Respondent's license expired on March 31, 2007, and has not been renewed since.

15 **PRAYER**

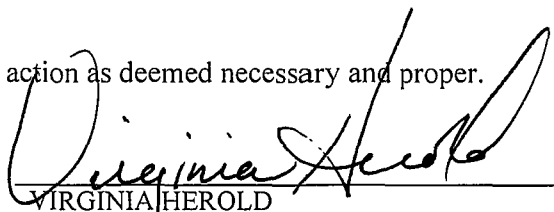
16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
17 and that following the hearing, the Board of Pharmacy issue a decision:

18 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 2724
19 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No.
20 RPH 52366 issued to Jennifer W. Hoerrner;

21 2. Revoking or suspending Pharmacist License No. RPH 52366, issued to Jennifer W.
22 Hoerrner;

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

24 DATED 3/24/10

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

LA2010500944