EDMUND G. BROWN JR.
Attorney General of California
ARTHUR D. TAGGART
Supervising Deputy Attorney General
JEFFREY M. PHILLIPS
Deputy Attorney General
State Bar No. 154990
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550
Telephone: (916) 324-6292
Facsimile: (916) 327-8643

Attorneys for Complainant

BEFORE THE
BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Petition to Revoke Probation Against: **LINDA MARIE REYNOLDS** **17539 Bobcat Court** **Weed, CA 96094** **Pharmacist License No. RPH 37729** Respondent.	Case No. 3617 **PETITION TO REVOKE PROBATION**

Complainant alleges:

PARTIES

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

License History

2. On or about April 25, 1983, the Board of Pharmacy issued Pharmacist License Number RPH 37729 to Linda Marie Reynolds ("Respondent"). The license was in effect at all times relevant to the charges brought herein and will expire on July 31, 2010, unless renewed.

///

Prior Discipline

3. In a disciplinary action entitled *"In the Matter of Accusation Against Linda Marie Reynolds,"* Case No. 3039, the Board of Pharmacy issued a decision, effective June 25, 2009, in which Respondent's Pharmacist License No. RPH 37729 was revoked. However, the revocation was stayed and Respondent was placed on probation for a period of five (5) years with certain terms and conditions. A copy of that decision is attached as Exhibit A and is incorporated by reference.

JURISDICTION

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

5. Code section 4300 provides that the Board may take discipline action against any license issued by the Board, including, but not limited to revocation, suspension, or probation of a license, in addition to placing terms and conditions on a license.

PETITION TO REVOKE PROBATION

6. Grounds exist for revoking the probation and reimposing the order of revocation of Respondent's Pharmacist License No. 37729. Condition No. 14 of the Decision and Order states:

> Violation of Probation If Respondent violates probation in any respect, the Board, after giving the Respondent notice and an opportunity to be heard, may revoke probation and carry out the disciplinary order which was stayed. If a petition to revoke probation or an accusation is filed against Respondent during probation, the Board shall have continuing jurisdiction and the period of probation shall be extended, until the petition to revoke probation or accusation is heard and decided.
>
> If Respondent has not complied with any term or condition of probation, the Board shall have continuing jurisdiction over Respondent, and probation shall automatically be extended until all terms and conditions have been satisfied or the Board has taken other action as deemed appropriate to treat the failure to comply as a violation of probation, to terminate probation, and to impose the penalty which was stayed.

7. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 14, referenced above, as set forth below:

///

FIRST CAUSE TO REVOKE PROBATION

(Mental Health Examination)

8. At all times after the effective date of Respondent's probation, Condition 16 states, in pertinent part:

> **Mental Health Examination** Within 30 days of the effective date of this decision, and on a periodic basis as may be required by the Board, Respondent shall undergo, at her own expense, psychiatric evaluation(s) by a Board-appointed or Board-approved psychiatrist or psychologist. Respondent shall sign a release authorizing the evaluator to furnish the Board with a current diagnosis and a written report regarding the Respondent's judgment and ability to function independently as a pharmacist with safety to the public. Respondent shall comply with all the recommendations of the evaluator if directed by the Board.
>
> If the psychiatrist or psychotherapist recommends, and the Board directs, Respondent shall undergo psychotherapy. Respondent shall, within 30 days of written notice of the need for psychotherapy, submit to the Board for its prior approval, the recommended program for ongoing psychotherapeutic care. Respondent shall undergo and continue psychotherapy, at Respondent's own expense, until further notice from the Board. Respondent shall have the treating psychotherapist or psychiatrist submit written quarterly reports to the Board as directed. If Respondent is determined to be unable to practice safely, upon notification, Respondent shall immediately cease practice and shall not resume practice until notified by the Board.

9. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 16, referenced above. The facts and circumstances regarding this violation are that Respondent has failed to submit a proposed psychiatrist or psychologist for review/approval by the Board.

SECOND CAUSE TO REVOKE PROBATION

(Medical Evaluation)

10. At all times after the effective date of Respondent's probation, Condition 17 states, in pertinent part:

> **Medical Evaluation** Within 30 days of the effective date of this decision, and on a periodic basis thereafter as may be required by the Board, Respondent shall undergo a medical evaluation, at Respondent's own expense, by a Board-appointed or Board-approved physician who shall furnish a medical report to the Board.
>
> If Respondent is required by the Board to undergo medical treatment, Respondent shall, within 30 days of written notice from the Board, submit to the Board for its prior approval, the name and qualifications of a physician of

Respondent's choice. Upon Board approval of the treating physician, Respondent shall undergo and continue medical treatment, with that physician and at Respondent's own expense, until further notice from the Board. Respondent shall have the treating physician submit written quarterly reports to the Board. Should Respondent, for any reason, cease treatment with the approved physician, Respondent shall notify the Board immediately and, within 30 days of ceasing treatment, submit the name of a replacement physician of Respondent's choice to the Board for its prior approval.

11. Respondent's probation is subject to revocation because he failed to comply with Probation Condition 17, referenced above. The facts and circumstances regarding this violation are that Respondent has failed to submit the name of a physician for review/approval by the Board to conduct the evaluation.

THIRD CAUSE TO REVOKE PROBATION

(Rehabilitation Program – Pharmacists Recovery Program (PRP))

12. At all times after the effective date of Respondent's probation, Condition 18 states, in pertinent part:

> **Rehabilitation Program - Pharmacists Recovery Program (PRP)**
> Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists Recovery Program for evaluation and shall successfully participate in and complete the treatment contract and any subsequent addendums as recommended and provided by the PRP and as approved by the Board. The costs for PRP participation shall be borne by the Respondent.
>
> If Respondent is currently enrolled in the PRP, said participation is now mandatory and is no longer considered a self-referral under Business and Professions Code section 4363, as of the effective date of this decision. Respondent shall successfully participate in and complete her current contract and any subsequent addendums with the PRP. Probation shall be automatically extended until Respondent successfully completes her treatment contract. Any person terminated from the program shall be automatically suspended upon notice by the Board. Respondent may not resume the practice of pharmacy until notified by the Board in writing. The Board shall retain jurisdiction to institute action to terminate probation for any violation of this term.

13. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 18, referenced above. The facts and circumstances regarding this violation are that Respondent has failed to comply with the terms and conditions of the PRP contract, as follows: Failed to attend daily 12-Step meetings, failed to attend Health Support Group two times per week, failed to provide Maximus with a monthly self-report, and failed to review and sign her preliminary program contract to Maximus.

///

FOURTH CAUSE TO REVOKE PROBATION

(Randon Drug Screening)

14. At all times after the effective date of Respondent's probation, Condition 19 states:

> **Random Drug Screening** Respondent, at her own expense, shall participate in random testing, including but not limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or a drug screening program approved by the Board. The length of time shall be for the entire probation period and the frequency of testing will be determined by the Board. At all times Respondent shall fully cooperate with the Board, and shall, when directed, submit to such tests and samples for the detection of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances. Failure to submit to testing as directed shall constitute a violation of probation. Any confirmed positive drug test shall result in the immediate suspension of practice by Respondent. Respondent may not resume the practice of pharmacy until notified by the Board in writing.

15. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 19, referenced above. The facts and circumstances regarding this violation are that Respondent failed to register with FirstLab and contact the vendor daily to submit to randomly scheduled body fluid testing.

///

///

///

///

///

///

///

///

///

///

///

///

///

///

PRAYER

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

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3039 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 37729 issued to Linda Marie Reynolds;

2. Revoking or suspending Pharmacist License No. RPH 37729 issued to Linda Marie Reynolds; and,

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

DATED: 5/6/10

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

SA2010100557
pet revoke prob.rtf