

1 KAMALA D. HARRIS
Attorney General of California
2 DIANN SOKOLOFF
Supervising Deputy Attorney General
3 TIMOTHY J. McDONOUGH
Deputy Attorney General
4 State Bar No. 235850
1515 Clay Street, 20th Floor
5 P.O. Box 70550
Oakland, CA 94612-0550
6 Telephone: (510) 622-2134
Facsimile: (510) 622-2270
7 *Attorneys for Complainant*

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

10
11 In the Matter of the Accusation Against:

Case No. 3972

12 **RONALD TIMOTHY PROPST**
460 Lynn Street
13 Arcata, CA 95521
14 **Pharmacist License No. RPH 47468**

ACCUSATION

15 Respondent.

16 Complainant alleges:

17 PARTIES

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

20 2. On or about August 9, 1994, the Board of Pharmacy issued Pharmacist License
21 Number RPH 47468 to Ronald Timothy Propst (Respondent). The Pharmacist License was in
22 full force and effect at all times relevant to the charges brought in this Accusation and will expire
23 on March 31, 2012, unless renewed.

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JURISDICTION

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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 4300 of the Code states:

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

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

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

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

13 "(4) Revoking his or her license.

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

16 ...

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

22 5. Section 118, subdivision (b), of the Code provides that the suspension, expiration,
23 surrender, or cancellation of a license shall not deprive the Board of jurisdiction to proceed with a
24 disciplinary action during the period within which the license may be renewed, restored, reissued
25 or reinstated.

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STATUTORY AND REGULATORY PROVISIONS

6. Section 4301 of the Code states, in relevant part:

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

...

"(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.

...

"(l) The conviction of a crime substantially related to the qualifications, functions, and duties of a licensee under this chapter. The record of conviction of a violation of Chapter 113 (commencing with Section 801) of Title 21 of the United States Code regulating controlled substances or of a violation of the statutes of this state regulating controlled substances or dangerous drugs shall be conclusive evidence of unprofessional conduct. In all other cases, the record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime, in order to fix the degree of discipline or, in the case of a conviction not involving controlled substances or dangerous drugs, to determine if the conviction is of an offense substantially related to the qualifications, functions, and duties of a licensee under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere is deemed to be a conviction within the meaning of this provision. The board may take action when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal or when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw his or her plea of guilty and to enter a plea of not

1 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or
2 indictment.

3 ...

4 "(n) The revocation, suspension, or other discipline by another state of a license to practice
5 pharmacy, operate a pharmacy, or do any other act for which a license is required by this
6 chapter."

7 7. Section 141 of the Code states:

8 "(a) For any licensee holding a license issued by a board under the jurisdiction of the
9 department, a disciplinary action taken by another state, by any agency of the federal government,
10 or by another country for any act substantially related to the practice regulated by the California
11 license, may be a ground for disciplinary action by the respective state licensing board. A
12 certified copy of the record of the disciplinary action taken against the licensee by another state,
13 an agency of the federal government, or another country shall be conclusive evidence of the
14 events related therein.

15 "(b) Nothing in this section shall preclude a board from applying a specific statutory
16 provision in the licensing act administered by that board that provides for discipline based upon a
17 disciplinary action taken against the licensee by another state, an agency of the federal
18 government, or another country."

19 COST RECOVERY

20 8. Section 125.3 of the Code states, in relevant part, that the Board may request the
21 administrative law judge to direct a licentiate found to have committed a violation or violations of
22 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
23 enforcement of the case.

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CAUSE FOR DISCIPLINE
(Unprofessional Conduct – Out of State Discipline)
(Bus. & Prof. Code §§ 141(a) & 4301(n))

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3 9. Respondent has subjected his Pharmacist License to disciplinary action under Code
4 sections 141, subdivision (a), and 4301, subdivision (n), in that on or about July 21, 2006, in a
5 disciplinary action before the North Carolina Board of Pharmacy (North Carolina Board), the
6 North Carolina Board suspended Respondent's North Carolina Pharmacist License. The
7 suspension was based on findings that Respondent dispensed a controlled substance for his own
8 use without a prescription and subsequently was terminated from a substance abuse program
9 when he failed to abstain from the use of alcohol.

10 10. According to the North Carolina Board's disciplinary order, Respondent's Pharmacist
11 License was suspended until he entered into a contract for a minimum of five years with the
12 North Carolina Pharmacy Recovery Network or an equivalent substance abuse monitoring
13 program, and provided proof to the North Carolina Board of compliance with continuing
14 education requirements. If the above requirements were met, Respondent's license would be
15 reinstated but subject to numerous continuous conditions. However, Respondent did not comply
16 with the initial requirements and his North Carolina license was not reinstated.

17 11. On or about January 16, 2009, the South Carolina State Board of Pharmacy (South
18 Carolina Board) denied Respondent's application for a Pharmacist License. The license was
19 denied based on the North Carolina Board's discipline of Respondent's license which is explained
20 in paragraphs 9 and 10, above.

DISCIPLINE CONSIDERATIONS

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22 12. To determine the degree of discipline, if any, to be imposed on Respondent,
23 Complainant alleges that on or about June 21, 2010, in a prior disciplinary action against
24 Respondent before the Board of Pharmacy, in Case Number CI 2009 41890, Respondent was
25 issued a Letter of Admonishment for violations of Code sections 4301, subdivision (h) and (l).
26 The violations were based on Respondent's October 31, 2009 arrest for driving under the
27 influence of alcohol and subsequent March 15, 2010 conviction under California Vehicle Code
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1 section 23103.5 (reckless driving involving alcohol), a misdemeanor. The June 21, 2010 Letter
2 of Admonition is now final and is incorporated by reference as if fully set forth.

3 PRAYER

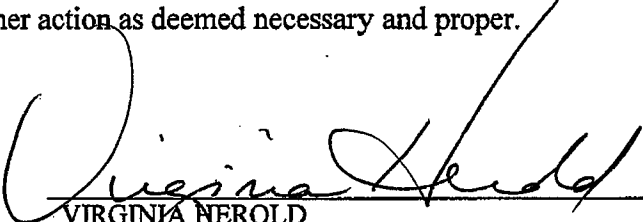
4 WHEREFORE, Complainant requests that a hearing be held on the matters alleged in this
5 Accusation, and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacist License Number RPH 47468, issued to Ronald
7 Timothy Propst;

8 2. Ordering Ronald Timothy Propst to pay the Board of Pharmacy the reasonable costs
9 of the investigation and enforcement of this case, pursuant to Business and Professions Code
10 section 125.3;

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

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14 DATED: 6/2/11


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

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