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

11 In the Matter of the Accusation Against:

Case No. 4340

12 **LEE S. DOLLINS**
13 18729 Romar
14 Northridge, CA 91324-1334

ACCUSATION

15 **Registered Pharmacist License No. RPH**
23505

16 Respondent.

17 Complainant alleges:

18 **PARTIES**

19 1. Virginia K. Herold ("Complainant") brings this Accusation solely in her official
20 capacity as the Executive Officer of the Board of Pharmacy ("Board"), Department of Consumer
21 Affairs. On or about August 10, 1964, the Board issued Registered Pharmacist License Number
22 RPH 23505 to Lee S. Dollins ("Respondent"). The Registered Pharmacist License was in full
23 force and effect at all times relevant to the charges brought herein and will expire on April 30,
24 2014, unless it is renewed.

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1 **JURISDICTION**

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

5 3. Section 4300 of the Code states, in relevant part:

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

7 ...

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

13 **STATUTORY PROVISIONS**

14 4. Section 4301 of the Code states:

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

18 ...

19 (f) The commission of any act involving moral turpitude, dishonesty, fraud, deceit, or
20 corruption, whether the act is committed in the course of relations as a licensee or otherwise, and
21 whether the act is a felony or misdemeanor or not.

22 ...

23 (j) The violation of any of the statutes of this state, or any other state, or of the United
24 States regulating controlled substances and dangerous drugs.

25 ...

26 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
27 violation of or conspiring to violate any provision or term of this chapter or of the applicable
28 federal and state laws and regulations governing pharmacy, including regulations established by

1 the board or by any other state or federal regulatory agency.

2 ...

3 (p) Actions or conduct that would have warranted denial of a license.”

4 5. Section 4306 of the Code states:

5 “It shall constitute unprofessional conduct and a violation of this chapter for any person
6 licensed under this chapter to violate, attempt to violate, directly or indirectly, or assist in or abet
7 the violation of, or conspire to violate, any provision or term of this article, the Moscone-Knox
8 Professional Corporation Act, or any regulations duly adopted under those laws.”

9 6. Section 4307 of the Code states, in relevant part:

10 “(a) Any person who has been denied a license or whose license has been revoked or is
11 under suspension, or who has failed to renew his or her license while it was under suspension, or
12 who has been a manager, administrator, owner, member, officer, director, associate, or partner of
13 any partnership, corporation, firm, or association whose application for a license has been denied
14 or revoked, is under suspension or has been placed on probation, and while acting as the manager,
15 administrator, owner, member, officer, director, associate, or partner had knowledge of or
16 knowingly participated in any conduct for which the license was denied, revoked, suspended, or
17 placed on probation, shall be prohibited from serving as a manager, administrator, owner,
18 member, officer, director, associate, or partner of a licensee as follows:

19 (a)(1) Where a probationary license is issued or where an existing license is placed on
20 probation, this prohibition shall remain in effect for a period not to exceed five years.

21 (a)(2) Where the license is denied or revoked, the prohibition shall continue until the
22 license is issued or reinstated.

23 (b) Manager, administrator, owner, member, officer, director, associate, or partner," as
24 used in this section and Section 4308, may refer to a pharmacist or to any other person who serves
25 in that capacity in or for a licensee.

26 (c) The provisions of subdivision (a) may be alleged in any pleading filed pursuant to
27 Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code.
28 However, no order may be issued in that case except as to a person who is named in the caption,

1 as to whom the pleading alleges the applicability of this section, and where the person has been
2 given notice of the proceeding as required by Chapter 5 (commencing with Section 11500) of Part
3 1 of Division 3 of the Government Code. The authority to proceed as provided by this subdivision
4 shall be in addition to the board's authority to proceed under Section 4339 or any other provision
5 of law.”

6 **REGULATORY PROVISIONS**

7 7. California Code of Regulations, title 16, section 1770 states:

8 “For the purpose of denial, suspension, or revocation of a personal or facility license
9 pursuant to Division 1.5 (commencing with Section 475) of the Business and Professions Code, a
10 crime or act shall be considered substantially related to the qualifications, functions or duties of a
11 licensee or registrant if to a substantial degree it evidences present or potential unfitness of a
12 licensee or registrant to perform the functions authorized by his license or registration in a manner
13 consistent with the public health, safety, or welfare.”

14 **COST RECOVERY**

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

19 **DRUG CLASSIFICATIONS**

20 9. Effexor, a trade name for venlafaxine hydrochloride, is indicated for the treatment of
21 depression. Effexor is defined as a dangerous drug by Code section 4022.

22 10. Ambien, a trade name for zolpidem tartrate, is a non-benzodiazepine hypnotic drug
23 indicated for treatment of insomnia. Ambien is defined as a dangerous drug by Code section
24 4022 and is classified as a schedule IV controlled substance under Health and Safety Code section
25 1308.14.

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Dishonest Acts)**

3 11. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
4 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
5 conduct in that Respondent committed a dishonest and deceitful act, which is substantially related
6 to the qualifications, functions, and duties of a registered pharmacist. On or about December 7,
7 2011, Respondent entered Kaiser Permanente Outpatient Pharmacy, located at 2200 East
8 Gonzales Road in Oxnard, California through an employee entrance. After socializing with his
9 former coworkers, Respondent rounded the dispensing area, placed three bottles of medication
10 into his pockets, and attempted to leave the pharmacy. The pharmacist-in-charge detained
11 Respondent and recovered the medication. The bottles separately contained Effexor 50mg,
12 Effexor 100mg, and Ambien 5mg.

13 **SECOND CAUSE FOR DISCIPLINE**

14 **(Violate Laws Regulating Controlled Substances and Dangerous Drugs)**

15 12. Respondent is subject to disciplinary action under Code section 4301, subdivision (j),
16 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
17 conduct in that Respondent violated laws regulating controlled substances and dangerous drugs.
18 Complainant refers to and, by this reference, incorporates the allegations set forth in paragraph
19 11, as though set forth fully.

20 **THIRD CAUSE FOR DISCIPLINE**

21 **(Violate Provision of Chapter 9 of the Pharmacy Law)**

22 13. Respondent is subject to disciplinary action under Code section 4301, subdivision (o),
23 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
24 conduct in that Respondent violated a provision of Chapter 9 of the Pharmacy Law. Complainant
25 refers to and, by this reference, incorporates the allegations set forth in paragraphs 11–12,
26 inclusive, as though set forth fully.

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1 **FOURTH CAUSE FOR DISCIPLINE**

2 **(Conduct Warranting Denial of Licensure)**

3 14. Respondent is subject to disciplinary action under Code section 4301, subdivision (p),
4 in conjunction with California Code of Regulations, title 16, section 1770, for unprofessional
5 conduct in that Respondent committed acts, which would warrant denial of licensure.
6 Complainant refers to and, by this reference, incorporates the allegations set forth in paragraphs
7 11–13 and 15–16, inclusive, as though set forth fully.

8 **FIFTH CAUSE FOR DISCIPLINE**

9 **(Violate Provision of Article 19 of the Pharmacy Law)**

10 15. Respondent is subject to disciplinary action under Code section 4306, in conjunction
11 with California Code of Regulations, title 16, section 1770, for unprofessional conduct in that
12 Respondent violated a provision of Article 19 of the Pharmacy Law and regulations duly adopted
13 thereunder. Complainant refers to and, by this reference, incorporates the allegations set forth in
14 paragraphs 11–14, inclusive, as though set forth fully.

15 **SIXTH CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct)**

17 16. Respondent is subject to disciplinary action under Code section 4301, in conjunction
18 with California Code of Regulations, title 16, section 1770, for unprofessional conduct.
19 Complainant refers to and, by this reference, incorporates the allegations set forth in paragraphs
20 11–15, inclusive, as though set forth fully.

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1 PRAYER

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

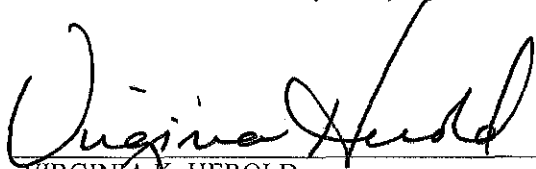
4 1. Revoking or suspending Registered Pharmacist License Number RPH 23505, issued
5 to Lee S. Dollins;

6 2. Ordering Lee S. Dollins to pay the Board the reasonable costs of the investigation and
7 enforcement of this case, pursuant to Business and Professions Code section 125.3;

8 3. Prohibiting Lee S. Dollins from serving as a manager, administrator, owner, member,
9 officer, director, associate, or partner of a licensee, pursuant to Business and Professions Code
10 section 4307;

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

12
13 DATED: 3/26/13


14 VIRGINIA K. HEROLD
15 Executive Officer
16 Board of Pharmacy
17 State of California
18 Complainant

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