

1 KAMALA D. HARRIS
Attorney General of California
2 JANICE K. LACHMAN
Supervising Deputy Attorney General
3 KAREN R. DENVER
Deputy Attorney General
4 State Bar No. 197268
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 324-5333
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 4653

12 **RONNIE EUGENE HILL**
13 **611 W. D Street**
Lebanon, OR 97355

A C C U S A T I O N

14 **Pharmacist License No. 40967**

15 Respondent.

16
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about August 12, 1987, the Board of Pharmacy issued Pharmacist License
22 Number 40967 to Ronnie Eugene Hill (Respondent). The Pharmacist License was in full force
23 and effect at all times relevant to the charges brought herein and will expire on September 30,
24 2014, unless renewed.

25 **JURISDICTION**

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

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4. Section 4300 of the Code states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

5. Section 4301 of the Code states, in pertinent 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:

....

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

....

6. Section 4300.1 of the Code states:

The expiration, cancellation, forfeiture, or suspension of a board-issued license by operation of law or by order or decision of the board or a court of law, the placement of a license on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board of jurisdiction to commence or proceed with any investigation of, or action or disciplinary proceeding against, the licensee or to render a decision suspending or revoking the license.

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1 7. Section 4022 of the Code states:

2 "Dangerous drug" or "dangerous device" means any drug or device unsafe for self-
3 use in humans or animals, and includes the following:

4 (a) Any drug that bears the legend: "Caution: federal law prohibits dispensing without
5 prescription," "Rx only," or words of similar import.

6 (b) Any device that bears the statement: "Caution: federal law restricts this device to
7 sale by or on the order of a _____," "Rx only," or words of similar import, the blank
8 to be filled in with the designation of the practitioner licensed to use or order use of
9 the device.

10 (c) Any other drug or device that by federal or state law can be lawfully dispensed
11 only on prescription or furnished pursuant to Section 4006.

12 **COST RECOVERY**

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

17 **DRUGS**

18 9. Butalbital is a dangerous drug within the meaning of Business and Professions Code
19 section 4022 in that it requires a prescription under federal law. Butalbital is a barbituate
20 commonly used for pain.

21 **FIRST CAUSE FOR DISCIPLINE**

22 **(Out of State Discipline)**

23 10. Respondent is subject to disciplinary action under section 4301, subdivision (n), in
24 that he was disciplined by another state's licensing board as follows:

25 11. Effective July 12, 2007, pursuant to the Consent Order in Case No. 2006-0102 issued
26 by the Oregon State Board of Pharmacy, in a disciplinary proceeding titled "*In the Matter of the*
27 *Pharmacist License of RONNIE EUGENE HILL, R.PH*", Respondent's Pharmacist License No.
28 RPH-0009149 was placed on five years probation with conditions including random drug testing
and an evaluation by an addictologist with the Pharmacy Recovery Network. The order was
based on the following: On or about July 11, 2006, during an investigation of Groves' Pharmacy,
Respondent tested positive for butalbital, for which he did not have a prescription. In addition,
the investigation revealed shortages and overages of controlled substances, for which Respondent

1 had no explanation. The Consent Order and Notice of Proposed Action are attached hereto as
2 **Exhibit A** and incorporated herein by reference.

3 **SECOND CAUSE FOR DISCIPLINE**

4 **(Violation of State Statutes)**

5 12. Respondent is subject to disciplinary action under section 4301, subdivision (o), in
6 that he violated states statutes regulating pharmacy as follows:

7 13. As set forth in paragraph 11, above, and herein incorporated by reference,
8 Respondent possessed butalbital without a prescription in violation of Business and Professions
9 Code section 4022.

10 **PRAYER**

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

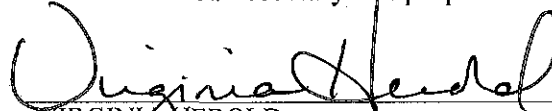
13 1. Revoking or suspending Pharmacist License Number 40967, issued to Ronnie Eugene
14 Hill.;

15 2. Ordering Ronnie Eugene Hill to pay the Board of Pharmacy the reasonable costs of
16 the investigation and enforcement of this case, pursuant to Business and Professions Code section
17 125.3;

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

19 DATED: _____

9/19/13



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

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Exhibit A

Consent Order and Notice of Proposed Action No. 2006-102
Issued by the Oregon State Board of Pharmacy

GERTIFIED TRUE COPY

4/14/2011

OREGON BOARD OF PHARMACY

RECEIVED
JUL 13 2007
BOARD OF PHARMACY

BEFORE THE BOARD OF PHARMACY
OF THE STATE OF OREGON

In the Matter of the
Pharmacist License of

Case No. 2006-0102

RONNIE EUGENE HILL, R.P.H.,

CONSENT ORDER

Licensee.

WHEREAS, the Board of Pharmacy of the State of Oregon has filed a Notice of Proposed Disciplinary Action; Answer Required ("Notice"), hereby incorporated by reference, regarding the licensee in the above-captioned matter; and

WHEREAS, the above-noted Notice was duly served on the licensee as required by law; and

WHEREAS, the parties are desirous of resolving and settling those matters contained in the above-noted Notice without further proceedings thereon; and

WHEREAS, the licensee is aware of the right to a hearing with the assistance of counsel and the right to judicial review of the Board's decision, and hereby freely and voluntarily waives those rights; and

WHEREAS, the licensee admits that the facts alleged in the above-noted Notice are true, that the licensee's conduct, as admitted, violated the statutes and rules cited in the Notice, and that legal cause exists pursuant to ORS 689.405 for disciplinary action by the Board; and

WHEREAS, the licensee consents to the disciplinary action as set forth herein;

The Board finds that the allegations in the Notice are true and hereby imposes the following sanctions:

1. The licensee is placed on probation for a period of five (5) years from the date this order is signed by the Board and the licensee shall comply with the following conditions of probation:

- a. The licensee must submit to up to 24 random urinalysis tests annually at the licensee's own expense. The urinalysis tests must be taken by a person or entity approved by the Board.
- b. The licensee may petition the Board after 18 months compliance with his probation, to reduce the frequency of the random urinalysis to up to 12 random urinalysis tests annually at the licensee's own expense.
- c. The licensee must be evaluated by an addictologist approved by the Pharmacy Recovery Network (PRN) within 30 days of the day this Consent Order becomes final, and comply with all recommendations of the addictologist and the PRN Committee at the licensee's own expense.

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- d. The licensee must comply with all laws and rules regarding pharmacy practice.
- e. The licensee may not register with the Board to be a preceptor.
- f. The licensee may not be employed as a pharmacist-in-charge (PIC) except at a pharmacy owned and operated by licensee.
- g. During the five (5) year probationary period, the licensee shall, as soon as reasonably practical, provide all present and prospective pharmacy related employers and any pharmacists-in-charge of the licensee with a copy of the Notice and the final order in this matter and have the PIC and management acknowledge to the Board in writing, on a form supplied by the Board, that the PIC and management have received a copy of both the Notice and the Order. Licensee shall as soon as reasonably practical, submit said written acknowledgement to the Board office.
- h. The licensee must report any citations, arrests, or convictions to the Board Office within 15 days from the date of occurrence.

2. Failure of the licensee to comply with all the requirements of the final order in this matter constitutes unprofessional conduct and is grounds for revocation or any other form of discipline or sanction authorized by law.

CONSENT

I hereby acknowledge that I have read and understand the above-noted Notice with Notice of Rights and the terms of the Consent Order. I agree to the Board entering the Consent Order.

<i>Ronnie Hill RPh</i>	17-12-07
Ronnie Eugene Hill, R.Ph. Licensee (License No. RPH-0009149)	Date

IT IS SO ORDERED.

BOARD OF PHARMACY
FOR THE STATE OF OREGON

<i>Gary Miner</i>	7/12/07
Gary Miner, R.Ph., Compliance Director	Date

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**BOARD OF PHARMACY
OF THE STATE OF OREGON**

In the Matter of the) Case No. 2006-0102
Pharmacist License of)
)
RONNIE EUGENE HILL, R.Ph.) **NOTICE OF PROPOSED**
) **DISCIPLINARY ACTION;**
) **ANSWER REQUIRED**
Licensee.)

The Oregon Board of Pharmacy proposes to take disciplinary action against you pursuant to ORS 689.135, 689.145, 689.405, and 689.445 because you violated the Oregon Pharmacy Act and the Board of Pharmacy rules as alleged below:

On 7/11/06, a DEA Investigator and the Oregon Board of Pharmacy conducted an investigation at Groves' Pharmacy located at 1301 Main Street in Sweet Home and had all staff provide urine samples for drug testing. You tested positive for butalbital for which you did not have a prescription. Illegal use of drugs is conduct contrary to accepted standards of practice and is unprofessional conduct as defined in OAR 855-019-0055(2)(c) and (h) and grounds for discipline pursuant to ORS 689.405(1)(a) and ORS 689.405(1)(e)(B).

A narcotic audit conducted by the DEA Investigator and yourself indicated a shortage of 589 tablets of Methadose 10mg, an overage of 360 tablets of Hydrocodone/APAP 7.5/750mg, and an overage of 42 tablets of Methylin 20mg tablets. As Pharmacist-in-Charge, you unable to explain the discrepancies. In addition, the records of the DEA narcotic inventory did not indicate whether it was taken at the beginning or the ending of business. As Pharmacist-in-Charge, you were responsible for maintaining adequate safeguards against theft or diversion of prescription drugs and records for such drugs pursuant to OAR 855-041-0026(1) and (2). You were also responsible for ensuring that the pharmacy was in compliance with all state and federal laws and rules governing the practice of pharmacy and that all controlled substance records and inventories are maintained in conformance with the keeping and inventory requirements of federal law and board rules as required by OAR 855-041-0020(1)(c) and OAR 855-041-0020(1)(a). The preceding audit results evidence inadequate safeguards for the proper security and recordkeeping for controlled substance prescriptions. The aforementioned are in violation of 21 CFR 1304.11(a), OAR 855-041-0026(1) and OAR 855-080-0070, which is grounds for discipline pursuant to ORS 689.335(1), 689.405(1)(e)(B) and 689.445.

The conduct identified above is in violation of the Oregon Pharmacy Act and the Board of Pharmacy rules and grounds for discipline as follows:

Based upon these alleged violations, the Board proposes to revoke your license as authorized by ORS 689.405(1) and ORS 689.445(1)(b).

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HEARING RIGHTS

58 You are entitled to a hearing as provided by the Administrative Procedures Act (ORS
59 chapter 183). If you wish to have a hearing, you must file a written request for hearing with the
60 Board within 21 days from the date this notice was mailed. You may send or deliver a request
61 for hearing to:

62 Oregon Board of Pharmacy
63 800 NE Oregon Street, Suite 150
64 Portland, OR 97232
65 Fax: (971) 673-0002

66 If a request for hearing is not received within this 21-day period, your right to a hearing
67 shall be considered waived.
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69 If you request a hearing, you will be notified of the time and place of the hearing. Before
70 the commencement of the hearing, you will be given information on the procedures, right of
71 representation and other rights of parties relating to the conduct of the hearing. You may be
72 represented by legal counsel.
73

74 If you do not request a hearing within 21 days, or if you withdraw a hearing request,
75 notify the Board or Administrative Law Judge that you will not appear, or fail to appear at a
76 scheduled hearing, the Board may issue a final order by default imposing discipline. If the Board
77 issues a final order by default, it designates its file on this matter as the record.
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ANSWER REQUIRED

83 Pursuant to OAR 855-001-0010 and OAR 855-001-0015, if you request a hearing you
84 must also provide, within 21 days from the date this document was served, a written answer to
85 the allegations set forth in this document. Your written answer must include an admission or
86 denial of each factual matter alleged in the notice. Except for good cause, factual matters alleged
87 in this document and not denied in your answer will be presumed admitted.
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**Hearing Request and Answers:
Consequences of Failure to Answer
855-001-0015**

- 92 (1) A hearing request, and answer when required, shall be made in writing to the
93 Board by the party or his attorney and an answer shall include the following:
- 94 (a) An admission or denial of each factual matter alleged in the notice;
 - 95 (b) A short and plain statement of each relevant affirmative defense the party
96 may have.
- 97 (2) Except for good cause;
- 98 (a) Factual matters alleged in the notice and not denied in the answer shall be
99 presumed admitted;

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- (b) Failure to raise a particular defense in the answer will be considered a waiver of such defense;
- (c) New matters alleged in the answer (affirmative defenses) shall be presumed to be denied by the agency; and
- (d) Evidence shall not be taken on any issue not raised in the notice and the answer.

BOARD OF PHARMACY
FOR THE STATE OF OREGON

Gary Miner
Gary Miner, R.Ph.,
Compliance Director

12/14/06
Date

DATE OF MAILING 12/15/2006