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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 Petition to Revoke  
12 Probation Against,

Case No. 4750

13 **WILLIAM CHARLES ZIMMERMAN**  
14 **15437 Stratford Drive**  
**San Jose, CA 95124**

PETITION TO REVOKE PROBATION

15 **Pharmacist License No. RPH 37352**

16 Respondent.

17 Complainant alleges:

18 PARTIES

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

22 2. On or about October 31, 1983, the Board of Pharmacy issued Pharmacist License  
23 Number RPH 37352 to William Charles Zimmerman (Respondent). The Pharmacist License was  
24 in full force and effect at all times relevant to the charges brought in this Petition to Revoke  
25 Probation and will expire on October 31, 2013, unless renewed.

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1 20, 2011, the Board sent Respondent another non-compliance letter notifying him that he failed to  
2 submit his January 10, 2010, quarterly cost recovery payment. Respondent was instructed to  
3 submit the past due payment no later than April 5, 2010. The Board received the \$500.00  
4 payment on April 10, 2010.

5 14. On May 10, 2011, the Board sent Respondent another non-compliance letter  
6 notifying him that he failed to timely submit his April 10, 2011, quarterly cost recovery payment.  
7 Respondent was advised to submit the past due payment no later than May 24, 2011. On May 18,  
8 2011, the Board received the delinquent cost recovery payment. On September 28, 2012, the  
9 Board sent yet another non-compliance letter to Respondent notifying him that he failed to timely  
10 submit his July 10, 2012, quarterly cost recovery payment.

11 THIRD CAUSE TO REVOKE PROBATION

12 (Mental Health Examination)

13 15. At all times after the effective date of Respondent's probation, Condition 16 stated, in  
14 part:

15 **"Mental Health Examination.** Within 30 days of the effective date of this decision, and  
16 on a periodic basis as may be required by the Board, Respondent shall undergo, at his own  
17 expense, psychiatric evaluation(s) by a Board-appointed or Board-approved psychiatrist or  
18 psychologist. Respondent shall sign a release authorizing the evaluator to furnish the Board with  
19 a current diagnosis and a written report regarding the Respondent's judgment and ability to  
20 function independently as a pharmacist with safety to the public. Respondent shall comply with  
21 all the recommendations of the evaluator if directed by the Board."

22 16. Respondent's probation is subject to revocation because he failed to comply with  
23 Probation Condition 16. Specifically, within 30 days of the decision's effective date, Respondent  
24 failed to undergo, at his own expense, a psychiatric evaluation performed by any Board-appointed  
25 or Board-approved psychiatrist or psychologist.

26 17. On or about September 17, 2009, Respondent sent a letter to the Board requesting  
27 information for Dr. Robert Motano, a psychiatrist, to conduct a mental health evaluation as  
28 required by Condition 16, above. On November 23, 2009, the Board sent Respondent a letter  
advising him that the Board had approved Dr. Motano to conduct the mental health examination.  
The letter also instructed Respondent to contact Dr. Motano to set up the appointment. On

1 December 14, 2009, the Board sent Respondent a second letter informing him that Dr. Motano  
2 was approved to perform the required mental health examination, and instructing him to make the  
3 required appointment.

4 18. On January 29, 2010, the Board received a letter from Respondent requesting that  
5 another psychiatrist, Norman Reynolds, M.D., perform the required mental health examination.  
6 On May 26, 2010, the Board sent a letter to Respondent advising him that Dr. Reynolds was  
7 approved by the Board to perform the mental health examination. The letter also instructed  
8 Respondent to contact Dr. Reynolds to set up the appointment.

9 19. On July 13, 2010, the Board sent a non-compliance letter to Respondent regarding his  
10 failure to comply with Probation Condition 16 due to his failure to contact Dr. Reynolds and  
11 schedule a mental health evaluation. The letter advised Respondent that he was required to  
12 schedule a mental health evaluation with Dr. Reynolds no later than August 31, 2010.

13 20. On October 5, 2010, the Board received a letter from Respondent requesting that Dr.  
14 Martin Williams, M.D., be allowed to perform the required mental health examination. On  
15 December 8, 2010, the Board sent a non-compliance letter to Respondent regarding his failure to  
16 complete the required mental health evaluation, and directed him to submit the name of another  
17 mental health practitioner for Board review to conduct the mental health evaluation no later than  
18 January 10, 2011. On December 20, 2010, the Board received a letter from Respondent stating  
19 that Dr. Williams did not receive the information the Board sent to him on or about October 10,  
20 2010. Respondent provided an alternate address for Dr. Williams. On March 24, 2011, the Board  
21 sent a letter to Respondent advising him that Dr. Williams was approved to perform the mental  
22 health examination as required.

23 21. On September 13, 2011, the Board sent another non-compliance letter to Respondent  
24 regarding his failure to complete the required mental health evaluation within 30 days of the  
25 effective date of probation. On September 19, 2011, the Board received Respondent's mental  
26 health evaluation report performed by Dr. Williams.

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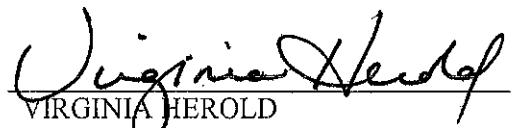
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3. Taking such other and further action as deemed necessary and proper.

DATED: 10/3/13



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

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**Exhibit A**

**Decision and Order**

**Board of Pharmacy Case No. 3182**



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

In the Matter of the Accusation Against:

Case No. 3182

**WILLIAM CHARLES ZIMMERMAN**  
15437 Stratford Drive  
San Jose, CA 95124

Pharmacist License No. RPH 37352

Respondent.

**DECISION AND ORDER**


The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on August 14, 2009.

It is so ORDERED on July 15, 2009.

BOARD OF PHARMACY  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

By

  
\_\_\_\_\_  
KENNETH H. SCHELL  
Board President

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 REBECCA HEINSTEIN, State Bar No. 173202  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
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5 Telephone: (415) 703-5604  
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6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

11 **WILLIAM CHARLES ZIMMERMAN**  
12 15437 Stratford Drive  
San Jose, CA 95124

13 Pharmacist License No. RPh 37352

14 Respondent.

Case No. 3182

OAH No. 2008110258

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

15  
16  
17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the  
18 above-entitled proceedings that the following matters are true:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) is the Executive Officer of the Board of  
21 Pharmacy. She brought this action solely in her official capacity and is represented in this matter  
22 by Edmund G. Brown Jr., Attorney General of the State of California, by Rebecca Heinstein,  
23 Deputy Attorney General.

24 2. Respondent William Charles Zimmerman (Respondent) is represented in  
25 this proceeding by attorney Samuel Spital, whose address is Spital and Associates, 8880 Rio San  
26 Diego Drive, Suite 800, San Diego, CA 92108-1642.

27 3. On or about October 31, 1983, the Board of Pharmacy issued Pharmacist  
28 License No. RPh 37352 to William Charles Zimmerman (Respondent). The Pharmacist License

1 was in full force and effect at all times relevant to the charges brought in Accusation No. 3182  
2 and will expire on October 31, 2009, unless renewed.

3 **JURISDICTION**

4 4. Accusation No. 3182 was filed before the Board of Pharmacy (Board), and  
5 is currently pending against Respondent. The Accusation and all other statutorily required  
6 documents were properly served on Respondent on October 22, 2008. Respondent timely filed  
7 his Notice of Defense contesting the Accusation. A copy of Accusation No. 3182 is attached as  
8 exhibit A and incorporated herein by reference.

9 **ADVISEMENT AND WAIVERS**

10 5. Respondent has carefully read, fully discussed with counsel, and  
11 understands the charges and allegations in Accusation No. 3182. Respondent has also carefully  
12 read, fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
13 Disciplinary Order.

14 6. Respondent is fully aware of his legal rights in this matter, including the  
15 right to a hearing on the charges and allegations in the Accusation; the right to be represented by  
16 counsel at his own expense; the right to confront and cross-examine the witnesses against him;  
17 the right to present evidence and to testify on his own behalf; the right to the issuance of  
18 subpoenas to compel the attendance of witnesses and the production of documents; the right to  
19 reconsideration and court review of an adverse decision; and all other rights accorded by the  
20 California Administrative Procedure Act and other applicable laws.

21 7. Respondent voluntarily, knowingly, and intelligently waives and gives up  
22 each and every right set forth above.

23 **CULPABILITY**

24 8. Respondent admits the truth of paragraphs 20(a) and 20(c) of the Seventh  
25 Cause for Discipline in Accusation No. 3182.

26 9. Respondent understands that the charges and allegations in the First,  
27 Second, Third, Fourth, Fifth, Sixth and Eighth Causes for Discipline in Accusation No. 3182, if  
28 proven at a hearing, constitute cause for imposing discipline upon his Pharmacist License.



- 1 • a conviction of any crime
- 2 • discipline, citation, or other administrative action filed by any state and federal
- 3 agency which involves Respondent's license or which is related to the practice
- 4 of pharmacy or the manufacturing, obtaining, handling or distribution or billing
- 5 or charging for any drug, device or controlled substance.

6           **2. Reporting to the Board.** Respondent shall report to the Board  
7 quarterly. The report shall be made either in person or in writing, as directed. Respondent  
8 shall state under penalty of perjury whether there has been compliance with all the terms and  
9 conditions of probation. If the final probation report is **not** made as directed, probation shall  
10 be extended automatically until such time as the final report is made and accepted by the  
11 Board.

12           **3. Interview with the Board.** Upon receipt of reasonable notice,  
13 Respondent shall appear in person for interviews with the Board upon request at various  
14 intervals at a location to be determined by the Board. Failure to appear for a scheduled  
15 interview without prior notification to Board staff shall be considered a violation of probation.

16           **4. Cooperation with Board Staff.** Respondent shall cooperate with the  
17 Board's inspectional program and in the Board's monitoring and investigation of Respondent's  
18 compliance with the terms and conditions of his probation. Failure to comply shall be  
19 considered a violation of probation.

20           **5. Continuing Education.** Respondent shall provide evidence of efforts  
21 to maintain skill and knowledge as a pharmacist as directed by the Board.

22           **6. Notice to Employers.** Respondent shall notify all present and  
23 prospective employers of the decision in case number 3182 and the terms, conditions and  
24 restrictions imposed on Respondent by the decision. Within 30 days of the effective date of  
25 this decision, and within 15 days of Respondent undertaking new employment, Respondent  
26 shall cause his direct supervisor, pharmacist-in-charge and/or owner to report to the Board in  
27 writing acknowledging the employer has read the decision in case number 3182.

28           If Respondent works for or is employed by or through a pharmacy employment

1 service, Respondent must notify the direct supervisor, pharmacist-in-charge, and/or owner at  
2 every pharmacy of the and terms conditions of the decision in case number 3182 in advance of  
3 the Respondent commencing work at each pharmacy.

4 "Employment" within the meaning of this provision shall include any full-time, part-  
5 time, temporary, relief or pharmacy management service as a pharmacist, whether the  
6 Respondent is considered an employee or independent contractor.

7 **7. No Preceptorships, Supervision of Interns, Being Pharmacist-in-**  
8 **Charge (PIC), or Serving as a Consultant.** Respondent shall not supervise any intern  
9 pharmacist or perform any of the duties of a preceptor, nor shall Respondent be the  
10 pharmacist-in-charge of any entity licensed by the Board unless otherwise specified in this  
11 order.

12 **8. Reimbursement of Board Costs.** Respondent shall pay to the Board  
13 its costs of investigation and prosecution in the amount of \$6,000.00. Payments shall be due  
14 on a quarterly basis, with the entire amount to be paid within three (3) years. Failure to make  
15 timely payments of Board costs as directed shall be considered a violation of probation.

16 The filing of bankruptcy by Respondent shall not relieve Respondent of his  
17 responsibility to reimburse the Board its costs of investigation and prosecution.

18 **9. Probation Monitoring Costs.** Respondent shall pay the costs  
19 associated with probation monitoring as determined by the Board each and every year of  
20 probation. Such costs shall be payable to the Board at the end of each year of probation.  
21 Failure to pay such costs shall be considered a violation of probation.

22 **10. Status of License.** Respondent shall, at all times while on probation,  
23 maintain an active current license with the Board, including any period during which  
24 suspension or probation is tolled.

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

28 / / /

1           11.    **License Surrender while on Probation/Suspension.** Following the  
2 effective date of this decision, should Respondent cease practice due to retirement or health,  
3 or be otherwise unable to satisfy the terms and conditions of probation, Respondent may  
4 tender his license to the Board for surrender. The Board shall have the discretion whether to  
5 grant the request for surrender or take any other action it deems appropriate and reasonable.  
6 Upon formal acceptance of the surrender of the license, Respondent will no longer be subject  
7 to the terms and conditions of probation.

8                    Upon acceptance of the surrender, Respondent shall relinquish his pocket  
9 license to the Board within 10 days of notification by the Board that the surrender is accepted.  
10 Respondent may not reapply for any license from the Board for three years from the effective  
11 date of the surrender. Respondent shall meet all requirements applicable to the license sought  
12 as of the date the application for that license is submitted to the Board.

13           12.    **Notification of Employment/Mailing Address Change.** Respondent  
14 shall notify the Board in writing within 10 days of any change of employment. Said  
15 notification shall include the reasons for leaving and/or the address of the new employer,  
16 supervisor or owner and work schedule if known. Respondent shall notify the Board in  
17 writing within 10 days of a change in name, mailing address or phone number.

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

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

28    / / /

1                   14.     **Violation of Probation.** If Respondent violates probation in any  
2 respect, the Board, after giving Respondent notice and an opportunity to be heard, may revoke  
3 probation and carry out the disciplinary order which was stayed. If a petition to revoke  
4 probation or an accusation is filed against Respondent during probation, the Board shall have  
5 continuing jurisdiction and the period of probation shall be extended, until the petition to  
6 revoke probation or accusation is heard and decided.

7                   If Respondent has not complied with any term or condition of probation, the  
8 Board shall have continuing jurisdiction over Respondent, and probation shall automatically  
9 be extended until all terms and conditions have been satisfied or the Board has taken other  
10 action as deemed appropriate to treat the failure to comply as a violation of probation, to  
11 terminate probation, and to impose the penalty which was stayed.

12                   15.     **Completion of Probation.** Upon successful completion of probation,  
13 Respondent's license will be fully restored.

14                   16.     **Mental Health Examination.** Within 30 days of the effective date of  
15 this decision, and on a periodic basis as may be required by the Board, Respondent shall  
16 undergo, at his own expense, psychiatric evaluation(s) by a Board-appointed or Board-  
17 approved psychiatrist or psychologist. Respondent shall sign a release authorizing the  
18 evaluator to furnish the Board with a current diagnosis and a written report regarding the  
19 Respondent's judgment and ability to function independently as a pharmacist with safety to the  
20 public. Respondent shall comply with all the recommendations of the evaluator if directed by  
21 the Board.

22                   If the psychiatrist or psychotherapist recommends, and the Board directs,  
23 Respondent shall undergo psychotherapy. Respondent shall, within 30 days of written notice  
24 of the need for psychotherapy, submit to the Board for its prior approval, the recommended  
25 program for ongoing psychotherapeutic care. Respondent shall undergo and continue  
26 psychotherapy, at Respondent's own expense, until further notice from the Board. Respondent  
27 shall have the treating psychotherapist or psychiatrist submit written quarterly reports to the  
28 Board as directed. If Respondent is determined to be unable to practice safely, upon



1 notification, Respondent shall immediately cease practice and shall not resume practice until  
2 notified by the Board.

3           **17. Rehabilitation Program - Pharmacists Recovery Program (PRP).**

4 Within 30 days of the effective date of this decision, Respondent shall contact the Pharmacists  
5 Recovery Program for evaluation and shall successfully participate in and complete the  
6 treatment contract and any subsequent addendums as recommended and provided by the PRP  
7 and as approved by the Board. The costs for PRP participation shall be borne by the  
8 Respondent.

9           If Respondent is currently enrolled in the PRP, said participation is now  
10 mandatory and is no longer considered a self-referral under Business and Professions Code  
11 section 4363, as of the effective date of this decision. Respondent shall successfully  
12 participate in and complete his current contract and any subsequent addendums with the PRP.  
13 Probation shall be automatically extended until Respondent successfully completes his  
14 treatment contract. Any person terminated from the program shall be automatically suspended  
15 upon notice by the Board. Respondent may not resume the practice of pharmacy until notified  
16 by the Board in writing. The Board shall retain jurisdiction to institute action to terminate  
17 probation for any violation of this term.

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

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FAX No. 415-703-5588

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1                   19.    **Abstain from Drugs and Alcohol Use.** If the PRP evaluator concludes  
 2 that Respondent is required to participate in the PRP, Respondent shall completely abstain  
 3 from the possession or use of alcohol, controlled substances, dangerous drugs and their  
 4 associated paraphernalia except when the drugs are lawfully prescribed by a licensed  
 5 practitioner as part of a documented medical treatment. Upon request of the Board,  
 6 Respondent shall provide documentation from the licensed practitioner that the prescription  
 7 was legitimately issued and is a necessary part of the treatment of the Respondent.

8                   20.    **Reduction of Probation Period.** The period of probation (subject to  
 9 any tolling or extensions) shall be reduced to three (3) years if all of the following occur:

- 10                   •       The PRP evaluator concludes that Respondent does not need to
- 11                    participate in the PRP.
- 12                   •       The Mental Health Evaluator concludes that Respondent has the ability
- 13                    to function independently as a pharmacist with safety to the public.

14                    **ACCEPTANCE**

15                    I have carefully read the above Stipulated Settlement and Disciplinary Order  
 16 and have fully discussed it with my attorney, Samuel Spital. I understand the stipulation and  
 17 the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and  
 18 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
 19 Decision and Order of the Board of Pharmacy.

20 DATED: 3/23/09

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 23 **WILLIAM CHARLES ZIMMERMAN**  
 Respondent

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I have read and fully discussed with Respondent William Charles Zimmerman the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 3-24-09



SAMUEL SPITAL  
Attorney for Respondent

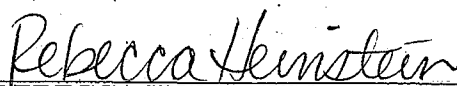
**ENDORSEMENT**

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy.

DATED: 3/24/09

EDMUND G. BROWN JR., Attorney General  
of the State of California

FRANK H. PACOE  
Supervising Deputy Attorney General



REBECCA HEINSTEIN  
Deputy Attorney General

Attorneys for Complainant

**Exhibit A**

**Accusation No. 3182**

1 EDMUND G. BROWN JR., Attorney General  
of the State of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 REBECCA HEINSTEIN, State Bar No. 173202  
Deputy Attorney General  
4 455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
5 Telephone: (415) 703-5604  
Facsimile: (415) 703-5480

6 Attorneys for Complainant

7  
8 **BEFORE THE**  
**BOARD OF PHARMACY**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
**STATE OF CALIFORNIA**

10 In the Matter of the Accusation Against:

Case No. 3182

11 **WILLIAM CHARLES ZIMMERMAN**

12 15437 Stratford Drive  
San Jose, CA 95124

13 Pharmacist License No. RPh 37352

14 Respondent.

**ACCUSATION**

15  
16 Complainant alleges:

17 **PARTIES**

- 18 1. Virginia K. Herold (Complainant) brings this Accusation solely in her  
19 official capacity as the Executive Officer of the Board of Pharmacy.  
20 2. On or about October 31, 1983, the Board of Pharmacy issued Pharmacist  
21 License Number RPh 37352 to William Charles Zimmerman (Respondent). The Pharmacist  
22 License was in full force and effect at all times relevant to the charges brought herein and will  
23 expire on October 31, 2009, unless renewed.

24 **JURISDICTION**

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

1           4.       Section 118(b) of the Code states, in relevant part, that the suspension,  
2 expiration, surrender, or cancellation of a license shall not deprive the Board of jurisdiction to  
3 proceed with a disciplinary action during the period within which the license may be renewed,  
4 restored, reissued or reinstated.

5           5.       Section 4402(a) of the Code states that any pharmacist license that is not  
6 renewed within three years following its expiration may not be renewed, restored, or reinstated  
7 and shall be canceled by operation of law at the end of the three-year period.

8           6.       Section 4300 (a) of the Code states that every license issued may be  
9 suspended or revoked.

10          7.       Section 4301 of the Code states:

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

15                   (a) Gross immorality.

16                   .....

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

20                   .....

21                   (h) The administering to oneself, of any controlled substance, or the use of any  
22 dangerous drug or of alcoholic beverages to the extent or in a manner as to be dangerous or  
23 injurious to oneself, to a person holding a license under this chapter, or to any other person or to  
24 the public, or to the extent that the use impairs the ability of the person to conduct with safety to  
25 the public the practice authorized by the license.

26                   .....

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

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"(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 13 (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 guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

.....

"(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate any provision or term of this chapter or of the applicable federal and state laws and regulations governing pharmacy, including regulations established by the board or by any other state or federal regulatory agency.

.....

8. Section 4059(a) of the Code states, in relevant part, that a person may not furnish any dangerous drug, except with the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor pursuant to Section 3640.7.





1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Diversion of Controlled Substance/Dangerous Drug)**

3 14. Respondent is subject to disciplinary action under section 4301(f) of the  
4 Code in that in or about March, 2007, while on duty as the Pharmacist In Charge (PIC) at Coram  
5 Healthcare in Hayward, California (Coram), Respondent committed an act involving moral  
6 turpitude, dishonesty, fraud, deceit, or corruption by diverting an unknown quantity of  
7 Hydromorphone, a controlled substance, from Coram, as follows:

8 a. Respondent removed a 1cc syringe from Coram supplies, removed the  
9 wrapper from the syringe, and threw the wrapper in the garbage. Respondent removed a  
10 Hydromorphone vial, which was kept in a plastic bag, from a cabinet containing controlled  
11 substances. Respondent put the needle into the Hydromorphone vial and drew the  
12 Hydromorphone from the vial. Respondent made a motion consistent with placing his hand in  
13 his pocket. Respondent left the room for approximately ten (10) minutes and, when he returned,  
14 he disposed of the syringe in the "sharps" container.

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Diversion of Controlled Substance/Dangerous Drug)**

17 15. Respondent is subject to disciplinary action under section 4301(f) of the  
18 Code in that on or about May 23, 2007, while on duty as the PIC at Coram, Respondent  
19 committed an act involving moral turpitude, dishonesty, fraud, deceit, or corruption by diverting  
20 an unknown quantity of Hydromorphone, a controlled substance, from Coram, as follows:

21 a. Respondent removed a Hydromorphone vial from the "white and blue  
22 steri-cycle" container, which contained outdated drugs and vials for disposal. Respondent put the  
23 Hydromorphone vial into his pocket and removed a 1cc syringe from Coram supplies.  
24 Respondent went to the men's restroom. After Respondent returned from the restroom, he put  
25 the Hydromorphone vial in the steri-cycle and put the syringe in the sharps container.  
26 Respondent appeared disoriented, had a loss of balance, had slow speech, and collapsed for five  
27 (5) seconds on a table.

28 / / /

1 **THIRD CAUSE FOR DISCIPLINE**

2 **(Furnish a Controlled Substance)**

3 16. Respondent is subject to disciplinary action under sections 4301(j) and/or  
4 (o) of the Code for the violation of section 4059(a) of the Code in that Respondent unlawfully  
5 furnished Hydromorphone, a controlled substance, to himself without a prescription, as set forth  
6 in paragraphs 14 and 15, above

7 **FOURTH CAUSE FOR DISCIPLINE**

8 **(Possession of Controlled Substance)**

9 17. Respondent is subject to disciplinary action under sections 4301(j) and/or  
10 (o) of the Code for the violation of section 4060 of the Code in that Respondent unlawfully  
11 possessed Hydromorphone, a controlled substance, as set forth in paragraphs 14 and 15, above.

12 **FIFTH CAUSE FOR DISCIPLINE**

13 **(Use of Controlled Substance)**

14 18. Respondent is subject to disciplinary action under section 4301(h) of the  
15 Code, in that Respondent used Hydromorphone, a controlled substance, to the extent or in a  
16 manner as to be dangerous or injurious to oneself, to a person holding a license under this  
17 chapter, or to any other person or to the public, or to the extent that the use impairs the ability of  
18 the person to conduct with safety to the public the practice authorized by the license, as set forth  
19 in paragraphs 14 and 15, above.

20 **SIXTH CAUSE FOR DISCIPLINE**

21 **(Under the Influence of Dangerous Drugs While on Duty)**

22 19. Respondent is subject to disciplinary action under sections 4301(j) and/or  
23 (o) of the Code for the violation of section 4327 of the Code in that Respondent, while on duty  
24 as the PIC at Coram, was under the influence of Hydromorphone, a dangerous drug, as set forth  
25 in paragraphs 14 and 15, above.

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1 **SEVENTH CAUSE FOR DISCIPLINE**

2 **(Substantially Related Conviction)**

3 20. Respondent is subject to disciplinary action under section 4301(1) of the  
4 Code in that he was convicted of a crime which is substantially related to the qualifications,  
5 functions and duties of a pharmacist as follows:

6 a. On or about July 12, 2006, in a criminal proceeding entitled People of the  
7 State of California vs. William Charles Zimmerman, Superior Court of California, County of  
8 Santa Clara, Case Number CC629870, Respondent was convicted by a plea of nolo contendere of  
9 violating Penal Code section 415 (fighting in public), a misdemeanor.

10 b. The underlying circumstances are that on or about May 7, 2006,  
11 Respondent struck his seventeen (17) year old son in the face at least five (5) times, which caused  
12 his son to feel "dazed." Respondent choked his son three (3) times, which caused his son to have  
13 pain in his neck and trouble breathing. Respondent's son sustained a cut on his upper lip, his lip  
14 was swollen, and his lip had a small amount of blood. Respondent's son also complained of sore  
15 knees and elbows from falling on the ground during the assault. The sheriff's officer confiscated  
16 nine (9) rifles and five (5) handguns from Respondent's home.

17 c. Respondent was sentenced to three (3) years probation, ten (10) weeks of  
18 anger management, and forty (40) hours of volunteer work. Respondent was also ordered to not  
19 own or possess any deadly weapons.

20 **EIGHTH CAUSE FOR DISCIPLINE**

21 **(Gross Immorality)**

22 21. Respondent is subject to disciplinary action under section 4301(a) of the  
23 Code in that he committed conduct which amounts to gross immorality, as set forth in paragraph  
24 20, above.

25 / / /

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1 OTHER MATTERS

2 22. On or about May 7, 2006, Respondent told his daughter that he was  
3 considering killing himself with one of his guns. Respondent further told the sheriff's officer that  
4 he was feeling depressed because of recent deaths in the family and that he needed psychiatric  
5 help.

6 PRAYER

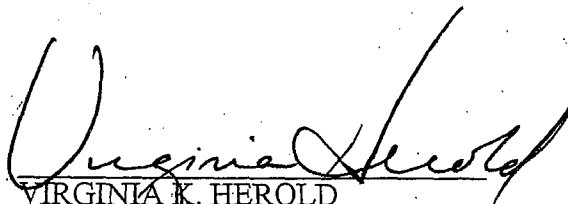
7 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
8 alleged, and that following the hearing, the Board of Pharmacy issue a decision:

9 1. Revoking or suspending Pharmacist License Number RPh 37352, issued to  
10 William Charles Zimmerman;

11 2. Ordering William Charles Zimmerman to pay the Board of Pharmacy the  
12 reasonable costs of the investigation and enforcement of this case, pursuant to Business and  
13 Professions Code section 125.3;

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

15  
16 DATED: 10/14/08

17  
18   
19 VIRGINIA K. HEROLD  
20 Executive Officer  
21 Board of Pharmacy  
22 State of California  
23 Complainant  
24  
25  
26  
27  
28