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

10
11 In the Matter of the Accusation Against:
12 **CARL A. DEAN**
204 Heatherwood Road
13 Erdenheim, PA 92688
14 **Pharmacist License No. RPH 37053**
15 Respondent.

Case No. 4793

A C C U S A T I O N

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.1. On or
21 about December 4, 1981, the Board of Pharmacy issued Pharmacist License Number RPH 37053
22 to Carl A. Dean (Respondent). The Pharmacist License was in full force and effect at all times
23 relevant to the charges brought herein and will expire on May 31, 2014, unless renewed.

24 **JURISDICTION**

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

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3. 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.

....

4. 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.

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:

....

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

....

(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.

....

1 **COST RECOVERY**

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

6 **FIRST CAUSE FOR DISCIPLINE**

7 **(Out of State Discipline)**

8 7. Respondent is subject to disciplinary action under section 4301, subdivision (n), on
9 the grounds of unprofessional conduct, in that Respondent's license to practice pharmacy was
10 disciplined by the Pennsylvania State Board of Pharmacy ("Pennsylvania Board") as follows:

11 8. On or about February 24, 2012, pursuant to the Consent Agreement and Order in the
12 disciplinary proceeding titled "Commonwealth of Pennsylvania, Bureau of Professional and
13 Occupational Affairs vs. Carl A. Dean, R.Ph.", the Pennsylvania Board suspended Respondent's
14 pharmacist license, immediately stayed the suspension, and placed him on probation for a period
15 of two years. The Pennsylvania Board's disciplinary proceeding is based on Respondent's
16 criminal case in which he was charged with eight felony counts of insurance fraud, two felony
17 counts of forgery, eight felony counts of theft by deception and eight felony counts of deceptive
18 business practices/dealing in proceeds of unlawful activities. The circumstances are that from on
19 or about April 2007 to on or about June 18, 2010, Respondent billed 966 fraudulent prescriptions
20 to Blue Cross/Blue Shield for himself or his family for a total amount of \$86,070.88. A true and
21 correct copy of the Consent Agreement and Order is attached as **Exhibit A** and incorporated
22 herein by reference.

23 **SECOND CAUSE FOR DISCIPLINE**

24 **(Moral Turpitude, Dishonesty, Fraud, Deceit or Corruption)**

25 9. Respondent is subject to disciplinary action under section 4301, subdivision (f), in
26 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit or corruption
27 as set forth more fully in paragraph 8, above.

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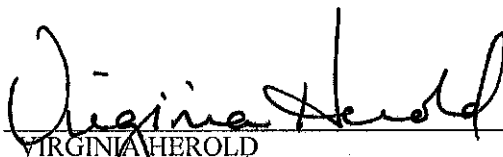
PRAYER

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 or suspending Pharmacist License Number RPH 37053, issued to Carl A. Dean.;
2. Ordering Carl A. Dean to pay the Board of Pharmacy the reasonable costs of the investigation and enforcement of this case, pursuant to Business and Professions Code section 125.3;
3. Taking such other and further action as deemed necessary and proper.

DATED:

10/21/13



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

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EXHIBIT A
Consent Agreement and Order, Eff. February 24, 2012
Commonwealth of Pennsylvania, Bureau of Professional and
Occupational Affairs vs. Carl A Dean, R.Ph.
Pennsylvania Board of Pharmacy