

1 KAMALA D. HARRIS
Attorney General of California
2 KENT D. HARRIS
Supervising Deputy Attorney General
3 PHILLIP L. ARTHUR
Deputy Attorney General
4 State Bar No. 238339
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 322-0032
Facsimile: (916) 327-8643
7 E-mail: Phillip.Arthur@doj.ca.gov
Attorneys for Complainant

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

11
12 In the Matter of the Accusation Against:
GLENN RAYMOND WELZ
13 **5730 N. First Street, Suite 105-110**
Fresno, CA 93710

Case No. 4895

14 **ACCUSATION**

15 **Pharmacist License No. RPH 39282**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about March 18, 1985, the Board of Pharmacy issued Pharmacist License
23 Number RPH 39282 to Glenn Raymond Welz (Respondent). The Pharmacist License was in full
24 force and effect at all times relevant to the charges brought herein and will expire on March 31,
25 2015, unless renewed.

26 ///

27 ///

28 ///

1 **JURISDICTION**

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, in pertinent part:

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

7 5. Section 4300.1 of the Code states:

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

13 **STATUTORY PROVISIONS**

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

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

24 ". . .

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

1 7. Section 4306.5 of the Code states, in pertinent part:

2 “Unprofessional conduct for a pharmacist may include any of the following:

3 “...

4 (b) Acts or omissions that involve, in whole or in part, the failure to exercise or implement
5 his or her best professional judgment or corresponding responsibility with regard to the
6 dispensing or furnishing of controlled substances, dangerous drugs, or dangerous devices, or with
7 regard to the provision of services. . . .”

8 8. Section 4327 of the Code states:

9 “Any person who, while on duty, sells, dispenses or compounds any drug while under the
10 influence of any dangerous drug or alcoholic beverages shall be guilty of a misdemeanor.”

11 **COST RECOVERY**

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

16 **FIRST CAUSE FOR DISCIPLINE**

17 **(Unprofessional Conduct—Use of Alcoholic Beverages in a Dangerous Manner)**

18 10. Respondent is subject to disciplinary action under section 4301(h) of the Code in that
19 on or about June 11, 2013, Respondent used alcoholic beverages in a manner as to be dangerous
20 or injurious to himself and the public, and to the extent that the use impaired Respondent’s ability
21 to conduct with safety to the public the practice of a registered pharmacist. The circumstances are
22 as follows:

23 11. On or about June 11, 2013, two patients at Respondent’s workplace went to the
24 security guard on duty and stated that Respondent smelled of alcohol, had slurred speech, and was
25 rambling. Two managers and the house supervisor went to the pharmacy and in their opinions,
26 felt Respondent was impaired. When questioned, Respondent declined to submit to an alcohol
27 screening. Respondent was immediately sent home by taxi.

28 ///

1 12. On July, 1, 2013, Respondent self-reported to the Pharmacist Recovery Program
2 (PRP) at MAXIMUS, a diversion program that contracts with the Board. Respondent reported
3 that he was using opiates and had relapsed on alcohol such that he had recently reported for work
4 while under the influence. Respondent stated that on the day in question, he stopped drinking
5 around 3 p.m. and believed he was safe to practice, however someone in the workplace noticed
6 that Respondent smelled of alcohol and reported him. Respondent was relieved of his duties and
7 sent home. Respondent admitted that over the past month, he had been drinking on a regular
8 basis up to 850 ml of vodka per day. Respondent stated that he was no longer attending 12-step
9 meetings and that he understands he has relapsed. On July 10, 2013, a diversion project manager
10 from MAXIMUS attempted to conduct a weekly check in with Respondent, however Respondent
11 was uncooperative and hung up the phone. Following this conversation, Respondent was sent a
12 last chance letter asking him to contact MAXIMUS to discuss his enrollment in the PRP, however
13 this letter remains "in transit" as FedEx has attempted its delivery three times. Thereafter, on July
14 26, 2013, MAXIMUS closed Respondent's file and declared Respondent a "public risk."

15 **SECOND CAUSE FOR DISCIPLINE**

16 **(Unprofessional Conduct—Acts Involving The Failure to Exercise Best Professional**
17 **Judgment)**

18 13. Respondent is subject to disciplinary action under section 4306.5(b) of the Code in
19 that on or about June 11, 2013, Respondent failed to exercise his best professional judgment or
20 corresponding responsibility with regard to the dispensing or furnishing of controlled substances,
21 dangerous drugs, or dangerous devices, or with regard to the provision of services. The
22 circumstances are more fully set forth in paragraphs 11-12.

23 **THIRD CAUSE FOR DISCIPLINE**

24 **(Unprofessional Conduct—Dispensing a Drug or Compound While Under the Influence of**
25 **an Alcoholic Beverage)**

26 14. Respondent is subject to disciplinary action under section 4327 of the Code, by and
27 through section 4301(o) of the Code, in that on or about June 11, 2013, Respondent violated state
28 laws regulating pharmacy when while on duty, Respondent distributed or compounded any drug

1 while under the influence of an alcoholic beverage. The circumstances are more fully set forth in
2 paragraphs 11-12.

3 **PRAYER**

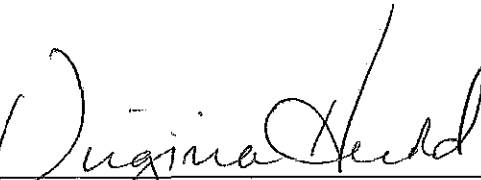
4 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
5 and that following the hearing, the Board of Pharmacy issue a decision:

6 1. Revoking or suspending Pharmacist License Number RPH 39282, issued to Glenn
7 Raymond Welz;

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

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

12
13
14 DATED: 12/8/13


15 VIRGINIA HEROLD
16 Executive Officer
17 Board of Pharmacy
18 Department of Consumer Affairs
19 State of California
20 Complainant

21 SA2013112174
22 11220242.doc
23
24
25
26
27
28