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

12 In the Matter of the Accusation Against:

Case No. 4957

13 **AMY JO FISHER**  
1025 5th Place  
Sibley, IA 51249

**ACCUSATION**

14 **Pharmacist License No. RPH 43523**

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 July 27, 1990, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 43523 to Amy Jo Fisher (Respondent). The Pharmacist License was in full force  
23 and effect at all times relevant to the charges brought herein and will expire on December 31,  
24 2013, 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.

- 1           4.     Section 4300 of the Code states, in pertinent part:
- 2           (a) Every license issued may be suspended or revoked.
- 3           (b) The board shall discipline the holder of any license issued by the board, whose
- 4           default has been entered or whose case has been heard by the board and found guilty,
- 5           by any of the following methods:
- 6           (1) Suspending judgment.
- 7           (2) Placing him or her upon probation.
- 8           (3) Suspending his or her right to practice for a period not exceeding one year.
- 9           (4) Revoking his or her license.
- 10          (5) Taking any other action in relation to disciplining him or her as the board in its
- 11          discretion may deem proper.

12           5.     Section 4300.1 of the Code states:

13           The expiration, cancellation, forfeiture, or suspension of a board-issued license by

14           operation of law or by order or decision of the board or a court of law, the placement

15           of a license on a retired status, or the voluntary surrender of a license by a licensee

16           shall not deprive the board of jurisdiction to commence or proceed with any

17           investigation of, or action or disciplinary proceeding against, the licensee or to render

18           a decision suspending or revoking the license.

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

20           The board shall take action against any holder of a license who is guilty of

21           unprofessional conduct or whose license has been procured by fraud or

22           misrepresentation or issued by mistake. Unprofessional conduct shall include, but is

23           not limited to, any of the following:

24           .....

25           (n) The revocation, suspension, or other discipline by another state of a license to

26           practice pharmacy, operate a pharmacy, or do any other act for which a license is

27           required by this chapter.

28           .....

**COST RECOVERY**

29           7.     Section 125.3 of the Code states, in pertinent part, that the Board may request the

30           administrative law judge to direct a licentiate found to have committed a violation or violations of

31           the licensing act to pay a sum not to exceed the reasonable costs of the investigation and

32           enforcement of the case.

33           ///

1 CAUSE FOR DISCIPLINE

2 (Out of State Discipline)

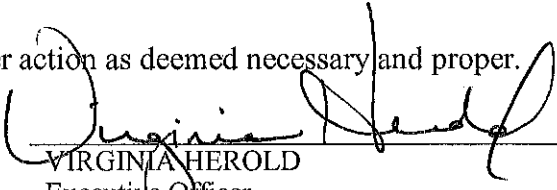
3 8. Respondent is subject to disciplinary action under section 4301, subdivision (n), on  
4 the grounds of unprofessional conduct, in that effective on June 20, 2011, in a disciplinary action  
5 entitled *In the Matter of the Request for Hearing by Amy Fisher, Pharmacist*, pursuant to  
6 *Findings of Fact, Conclusions of Law and Order No. 11-708* (attached hereto as **Exhibit A** and  
7 incorporated herein by reference), the State of Nebraska Department of Health and Human  
8 Services, Division of Public Health ("Nebraska Board"), reinstated Respondent's pharmacist  
9 license and placed it on probation for a period of five (5) years with terms and conditions related  
10 to chemical dependency. The basis of the action was that Respondent was diagnosed in 2009  
11 with Alcohol Dependence with Physiological Dependence; Amphetamine Dependence with  
12 Physiological Dependence; Sedative, Hypnotic or Anxiolytic Dependence with Physiological  
13 Dependence; Substance Induced Mood and Anxiety Disorder; and Depression, NOS, which gave  
14 the Nebraska Board grounds to discipline Respondent through the issuance of a probationary  
15 license.

16 PRAYER

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

- 19 1. Revoking or suspending Pharmacist License Number RPH 43523, issued to Amy Jo  
20 Fisher
- 21 2. Ordering Amy Jo Fisher to pay the Board of Pharmacy the reasonable costs of the  
22 investigation and enforcement of this case, pursuant to Business and Professions Code section  
23 125.3;
- 24 3. Taking such other and further action as deemed necessary and proper.

25 DATED: 2/4/14

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

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**EXHIBIT A**  
*Findings of Fact, Conclusions of Law and Order No. 11-708*  
*In the Matter of the Request for Hearing by Amy Fisher, Pharmacist*  
State of Nebraska Department of Health and Human Services, Division of Public Health