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

11 In the Matter of the Accusation Against:

Case No. 5057

12 **SCOTT DEAN HUFT**
13 **2629 E. ROCKLEDGE ROAD**
14 **PHOENIX, AZ 85048**

A C C U S A T I O N

15 **Pharmacist License Number RPH 41154**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

20 1. Virginia K. Herold (Complainant) brings this Accusation solely in her official
21 capacity as the Executive Officer of the California State Board of Pharmacy.

22 2. On or about August 20, 1987, the California State Board of Pharmacy issued
23 Pharmacist License Number RPH 41154 to Scott Dean Huft (Respondent). The Pharmacist
24 License expired on April 30, 2015, and has not been renewed.

25 **JURISDICTION**

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

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4. Section 4300 of the Code states:

(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.

...

(e) The proceedings under this article shall be conducted in accordance with Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of the Government Code, and the board shall have all the powers granted therein. The action shall be final, except that the propriety of the action is subject to review by the superior court pursuant to Section 1094.5 of the Code of Civil Procedure.

5. 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.

STATUTORY PROVISIONS

6. Section 4301 of the Code states:

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.

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1 **COST RECOVERY**

2 7. Section 125.3 of the Code provides, 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, with failure of the licentiate to comply subjecting the license to not being
6 renewed or reinstated. If a case settles, recovery of investigation and enforcement costs may be
7 included in a stipulated settlement.

8 **CAUSE FOR DISCIPLINE**

9 **(Out of State Discipline)**

10 8. Respondent is subject to disciplinary action under section 4301 (n) in that on or about
11 August 17, 2005, Respondent entered into a Consent Agreement and Order for Suspension and
12 Probation before the Arizona State Board of Pharmacy *In the Matter of: Scott Dean Huft, RPh.*
13 *Holder of License No. 8864, For the Practice of Pharmacy, In the State of Arizona.* On August
14 17, 2005, Respondent's license was ordered suspended for 6-12 months, and thereafter placed on
15 probation for 4-4 ½ years from the final date of suspension. Respondent's probation was
16 successfully completed and terminated effective September 15, 2010. The circumstances that led
17 to his discipline in Arizona are as follows:

18 a. On March 29, 1991, Respondent's Pharmacist I license was placed on probation for
19 five years due to his use of controlled substances without valid prescription. Respondent
20 successfully completed the Board rehabilitation program and his probation was terminated on
21 April 17, 1996.

22 b. From October 2, 2000 to May 24, 2005, Respondent was employed as pharmacist in
23 charge at Albertson's Pharmacy. On May 19, 2005, Respondent admitted that he stole about 200
24 tablets of hydrocodone 10 mg with APAP 325 mg tablets from Albertson's Pharmacy the month
25 preceding May 19, 2005 without a valid prescription. Audits for drugs were performed from May
26 2, 2004 through May 24, 2005 and revealed almost 24,000 tablets missing of hydrocodone 10 mg
27 with APAP 325 mg and almost 3,000 tablets missing of hydrocodone 10 mg APAP 500 mg.

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1 **DISCIPLINE CONSIDERATIONS**

2 9. To determine the degree of discipline, if any, to be imposed on Respondent,
3 Complainant alleges that on or about May 6, 1994, in a prior disciplinary action entitled *In the*
4 *Matter of the Accusation Against Scott Dean Huft*, before the California State Board of
5 Pharmacy, in Case Number 1684, Respondent's license was placed on probation for three years
6 based on the Arizona discipline imposed on March 29, 1991. That decision is now final and is
7 incorporated by reference as if fully set forth.

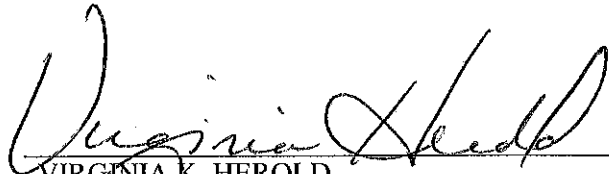
8 **PRAYER**

9 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the California State Board of Pharmacy issue a decision:

- 11 1. Revoking or suspending Pharmacist License Number RPH 41154, issued to Scott
- 12 Dean Huft
- 13 2. Ordering SCOTT DEAN HUFT to pay the California State Board of Pharmacy the
- 14 reasonable costs of the investigation and enforcement of this case, pursuant to Business and
- 15 Professions Code section 125.3;
- 16 3. Taking such other and further action as deemed necessary and proper.

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18
19 DATED: _____

7/13/14



VIRGINIA K. HEROLD
Executive Officer
California State Board of Pharmacy
State of California
Complainant

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