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

12 In the Matter of the Accusation Against:

Case No. 5165

13 **DOROTHY A. NEELY**  
14 **915 Cerritos Road**  
**Palm Springs, CA 92262**

**A C C U S A T I O N**

15 **Pharmacist License No. RPH 23354**

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 February 4, 1964, the Board of Pharmacy issued Pharmacist License  
23 Number RPH 23354 to Dorothy A. Neely (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.

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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:

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

7 "(b) The board shall discipline the holder of any license issued by the board, whose default  
8 has been entered or whose case has been heard by the board and found guilty, by any of the  
9 following methods:

10 "(1) Suspending judgment.

11 "(2) Placing him or her upon probation.

12 "(3) Suspending his or her right to practice for a period not exceeding one year.

13 "(4) Revoking his or her license.

14 "(5) Taking any other action in relation to disciplining him or her as the board in its  
15 discretion may deem proper.

16 "(c) The board may refuse a license to any applicant guilty of unprofessional conduct. The  
17 board may, in its sole discretion, issue a probationary license to any applicant for a license who is  
18 guilty of unprofessional conduct and who has met all other requirements for licensure. The board  
19 may issue the license subject to any terms or conditions not contrary to public policy, including,  
20 but not limited to, the following:

21 "(1) Medical or psychiatric evaluation.

22 "(2) Continuing medical or psychiatric treatment.

23 "(3) Restriction of type or circumstances of practice.

24 "(4) Continuing participation in a board-approved rehabilitation program.

25 "(5) Abstention from the use of alcohol or drugs.

26 "(6) Random fluid testing for alcohol or drugs.

27 "(7) Compliance with laws and regulations governing the practice of pharmacy.

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1           "(3) (A) Done any act that if done by a licentiate of the business or profession in question,  
2 would be grounds for suspension or revocation of license.

3           "(B) The board may deny a license pursuant to this subdivision only if the crime or act is  
4 substantially related to the qualifications, functions, or duties of the business or profession for  
5 which application is made.

6           "(b) Notwithstanding any other provision of this code, no person shall be denied a license  
7 solely on the basis that he or she has been convicted of a felony if he or she has obtained a  
8 certificate of rehabilitation under Chapter 3.5 (commencing with Section 4852.01) of Title 6 of  
9 Part 3 of the Penal Code or that he or she has been convicted of a misdemeanor if he or she has  
10 met all applicable requirements of the criteria of rehabilitation developed by the board to evaluate  
11 the rehabilitation of a person when considering the denial of a license under subdivision (a) of  
12 Section 482.

13           "(c) A board may deny a license regulated by this code on the ground that the applicant  
14 knowingly made a false statement of fact required to be revealed in the application for the  
15 license."

16           7.    Section 4301 of the Code states:

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

20           "...

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

24           "...

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

27           "...

28           "(p) Actions or conduct that would have warranted denial of a license.





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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 23354, issued to Dorothy A. Neely;
2. Ordering Dorothy A. Neely 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; and
3. Taking such other and further action as deemed necessary and proper.

DATED: \_\_\_\_\_

*6/16/14*

*Virginia Herold*

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

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