

1 KAMALA D. HARRIS
Attorney General of California
2 THOMAS RINALDI
Supervising Deputy Attorney General
3 GEOFFREY WARD
Deputy Attorney General
4 State Bar No. 246437
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2660
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against:

13 **MEGAN BRIGID HARWOOD**
2931 Delor Drive
14 Los Angeles, CA 90032

15 Pharmacist License No. RPH 60791

16 Respondent.
17

Case No. 5403

**FIRST AMENDED PETITION TO
18 REVOKE PROBATION**

18 Complainant alleges:

19 **PARTIES**

20 1. Complainant Virginia Herold brings this First Amended Petition to Revoke Probation
21 solely in her official capacity as the Executive Officer of the Board of Pharmacy, Department of
22 Consumer Affairs.

23 2. On or about March 7, 2008, the Board issued Pharmacist License Number RPH
24 60791 to Respondent Megan Brigid Harwood. The license was in effect at all times relevant to
25 the charges brought herein and will expire on July 31, 2017, unless renewed.

26 3. In a disciplinary action entitled, "*In the Matter of the Accusation Against Megan*
27 *Brigid Harwood*," Case No. 3526, the Board issued a decision effective November 23, 2011 in
28 which Respondent's Pharmacist License was revoked, but the revocation was stayed and

1 Respondent's Pharmacist License was placed on probation for a period of three years with certain
2 terms and conditions. Furthermore, Respondent's probation was tolled for a period of time and
3 was -- before the filing of the Accusation in this matter -- scheduled to end on February 22, 2015.
4 A copy of that decision is attached as Exhibit A and is incorporated by reference.

5 JURISDICTION

6 4. The filing of the underlying Accusation and Petition to Revoke Probation on February
7 18, 2015 further tolled Respondent's probation and granted the Board continuing jurisdiction:
8 condition 14 of her probation states that "[i]f a petition to revoke probation or an accusation is
9 filed against Respondent during probation, the Board shall have continuing jurisdiction and the
10 period of probation shall be automatically extended until the petition to revoke probation or
11 accusation is heard and decided."

12 5. This First Amended Petition to Revoke Probation is brought before the Board under
13 the authority of the following laws. All section references are to the Business and Professions
14 Code unless otherwise indicated.

15 6. In pertinent part, sections 118 and 4300.1 grant the Board jurisdiction to initiate and
16 proceed with discipline against a suspended or expired license during the period when the license
17 can be renewed or reinstated.

18 CONTROLLED SUBSTANCES OR DANGEROUS DRUGS

19 7. Adderall, a trade name for a combination drug containing amphetamine and
20 dextroamphetamine, is a Scheduled II controlled substance under Health and Safety Code section
21 11055, subdivision (d)(1). As a drug that may lawfully only be dispensed with a prescription,
22 Business and Professions Code section 4022 classifies it as a "dangerous drug[s]."

23 8. Amphetamine is a Scheduled II controlled substance under Health and Safety Code
24 section 11055, subdivision (d)(1), and is a "dangerous drug" under section 4022.

25 9. Buprenorphine is a Schedule V controlled substance under to Health and Safety Code
26 section 11058, subdivision (d), and is a "dangerous drug" under section 4022.

27 10. Hydrocodone is a Schedule II controlled substance pursuant to Health and Safety
28 Code section 11055, subdivision (b)(1)(I), and is a "dangerous drug" under section 4022.

1 11. Marijuana is a Schedule I controlled substance under Health and Safety Code section
2 11054, subs. (d)(13). It may be used medically when recommended by a physician as provided
3 in Health and Safety Code section 11362.5.

4 12. Norco, a brand name for a combination drug containing Hydrocodone and
5 Acetaminophen (APAP), is a Schedule III controlled substance pursuant to Health and Safety
6 Code section 11056, subdivision (e), and is a "dangerous drug" under section 4022.

7 13. Nordiazepam, a benzodiazepine, is a Schedule III controlled substance pursuant to
8 Health and Safety Code section 11056, subdivision (b)(2), and is a "dangerous drug" under
9 section 4022.

10 14. Oxazepam, a benzodiazepine, is a Schedule III controlled substance pursuant to
11 Health and Safety Code section 11056, subdivision (b)(2), and is a "dangerous drug" under
12 section 4022.

13 15. Suboxone, a brand name for a combination drug containing buprenorphine and
14 naloxone, is classified as a Schedule IV controlled substance pursuant to Health and Safety Code
15 section 11058, subdivision (d), and is a "dangerous drug" under section 4022.

16 16. Tramadol is a prescription medication, making it a "dangerous drug" under section
17 4022.

18 17. Temazepam is a Schedule IV controlled substance pursuant to Health and Safety
19 Code section 11057, subdivision (d)(29), and is a "dangerous drug" under section 4022.

20 **PETITION TO REVOKE PROBATION**

21 18. Grounds exist for revoking probation and imposing the order of revocation of
22 Respondent's Pharmacist License No. RPH 60791.

23 19. The Board issued a Decision and Order effective on November 23, 2011, in which
24 Respondent's Pharmacist License was placed on three years' probation.

25 20. Respondent's probation was tolled as provided in paragraphs 3 and 4 above, which
26 are realleged here.

27 21. Condition 14 of the Board's 2011 Decision and Order allows the Board to discipline
28 Respondent for violating her probation conditions:

1 **“Violation of Probation:**

2 If a Respondent has not complied with any term or condition of probation, the
3 Board shall have continuing jurisdiction over Respondent, and probation shall
4 automatically be extended, until all terms and conditions have been satisfied or the
5 Board has taken other action as deemed appropriate to treat the failure to comply as
6 a violation of probation, to terminate probation, and to impose the penalty that was
7 stayed.

8 If Respondent violates probation in any respect, the Board, after giving
9 Respondent notice and an opportunity to be heard, may revoke probation and carry
10 out the disciplinary order that was stayed. Notice and opportunity to be heard are not
11 required for those provisions stating that a violation thereof may lead to automatic
12 termination of the stay and/or revocation of the license. If a petition to revoke
13 probation or an Accusation is filed against Respondent during probation, the Board
14 shall have continuing jurisdiction and the period of probation shall be automatically
15 extended until the petition to revoke probation or Accusation is heard and decided.”

16 **FIRST CAUSE TO REVOKE PROBATION**

17 **(Failure to Notify Change in Name, Residence Address, Mailing Address or Employment)**

18 22. Respondent’s probation is subject to revocation because she failed to comply with
19 probation condition 12 by failing to notify the Board of a name change.

20 23. Complainant realleges paragraphs 3, 4, and 18 to 21.

21 24. At all times after the effective date of Respondent’s probation, Condition 12 stated:

22 **“Notification of a Change in Name, Residence Address, Mailing Address
23 or Employment:**

24 Respondent shall notify the Board in writing within ten (10) days of any
25 change of employment. Said notification shall include the reasons for leaving, the
26 address of the new employer, the name of the supervisor and owner, and the work
27 schedule if known. Respondent shall further notify the Board in writing within ten
28 (10) days of a change in name, residence address, mailing address, or phone
29 number.”

30 25. On April 4, 2014, Respondent was married in New York.

31 26. On Respondent’s New York Certificate of Marriage Registration, she listed her new
32 surname as Harwood-Gurnari. Her maiden surname was Harwood.

33 27. Respondent did not inform the Board of this name change.

34 28. On or about October 5, 2014, Respondent filled a prescription for Buprenorphine
35 prescribed under the name “Megan Guarnari.”

36 29. On or about January 20, 2015, Respondent sent an email to the Board stating that she
37 has not changed her name nor plans to legally change her name with the Board or on her license.

38 30. On or about January 29, 2015, Respondent provided the New York Certificate of
39 Marriage Registration.

1 **SECOND CAUSE TO REVOKE PROBATION**

2 **(Failure to Timely Provide Documentation of Alcohol and Drug Prescriptions)**

3 31. Respondent's probation is subject to revocation because she failed to comply with
4 probation condition 18 by repeatedly failing to timely provide documentation of medications she
5 was prescribed and used, resulting in multiple positive drug or alcohol tests and multiple
6 suspensions of her license.

7 32. Complainant realleges paragraphs 3, 4, 7 to 21, and 25 to 30.

8 33. At all times after the effective date of Respondent's probation, Condition 18 stated:

9 **"Abstain from Drugs and Alcohol Use:**

10 Respondent shall completely abstain from the possession or use of alcohol,
11 controlled substances, dangerous drugs and their associated paraphernalia except
12 when the drugs are lawfully prescribed by a licensed practitioner as part of a
13 documented medical treatment. Upon request of the Board or its designee,
14 Respondent shall provide documentation from the licensed practitioner that the
15 prescription for the drug was legitimately issued and is a necessary part of the
16 treatment of the Respondent. Failure to timely provide such documentation shall be
17 considered a violation of probation. Respondent shall ensure that she is not in the
18 same physical location as individuals who are using illicit substances even if
19 Respondent is not personally ingesting the drugs. Any possession or use of alcohol,
20 controlled substances, or their associated paraphernalia not supported by the
21 documentation timely provided, and/or any physical proximity to persons using
22 illicit substances, shall be considered a violation of probation."

23 34. On November 15, 2011, a week before Respondent's probation was to start, she
24 attended a conference with Board staff to review the terms and conditions of her probation.

25 35. That day, the Board's probation monitor sent Respondent a letter advising her that to
26 avoid potential problems on drug tests, she should immediately advise the Board of all
27 legitimately prescribed drugs, including providing a photocopy of new prescriptions and
28 documentation of the medical bases for the prescriptions. The letter also informed her that
positive tests for alcohol or any drugs not lawfully prescribed would result in an automatic
suspension.

36. In November and December 2011, Respondent provided the Board with prescriptions
for Hydrocodone / APAP and Adderall.

37. Respondent continued to use Hydrocodone / APAP and Adderall, but did not provide
the Board with updated prescriptions. On May 24, 2012, Board staff sent her a letter telling her

1 she had tested positive for Hydrocodone and Amphetamine on multiple drug screenings without a
2 current prescription on file.

3 38. On or about June 6, 2012, Respondent provided current prescriptions for
4 Hydrocodone-Acetaminophen and Adderall.

5 39. On July 1, 2013, Board staff sent Respondent another letter telling her she had not
6 been providing her updated prescription records to the Board. The letter reiterated that it was
7 Respondent's responsibility to submit documentation of prescriptions when refilled, stating
8 **"Additionally, for the future and while on probation with the board, please be sure to**
9 **submit documentation of any and all prescription refills and/or new medications in a timely**
10 **manner.** Be sure to provide legitimate documentation for those drugs to include the name,
11 strength, quantity, directions and the medical basis for the prescription." [emphasis in original.]

12 40. On January 31, 2014, the Board sent Respondent a Notice of Suspension due to a
13 positive drug screening for Tramadol. Respondent was again advised that her license was
14 suspended and she was directed to submit a written explanation for the positive drug test to the
15 board, as well as legible copies of any or all recent prescriptions within five days of the notice.

16 41. On or about February 1, 2014, the Board received an email from Respondent stating
17 that she had received a prescription for Tramadol on or about January 10, 2014 and that she did
18 not think she had to provide the prescription as it was not a controlled substance. Respondent
19 provided a copy of the Tramadol prescription.

20 42. On February 3, 2014, the Board sent Respondent a letter stating the suspension for the
21 positive drug test for Tramadol had been lifted and that Respondent was authorized to return to
22 work.

23 43. On February 24, 2014, the Board sent Respondent a second Notice of Suspension due
24 to a positive drug screening for Phosphatidyl Ethanol (alcohol). Respondent was again advised
25 that her license was suspended and she was directed to submit a written explanation for the
26 positive drug test to the board, as well as legible copies of any or all recent prescriptions within
27 five days of the notice.

28

1 44. On or about March 11, 2014, Respondent sent an email to the Board providing a copy
2 of a December 7, 2013 prescription for Iberogast and a picture of an Iberogast label. Iberogast is
3 a medication, a blend of herbs, that contains 31% alcohol, as stated on its label.

4 45. On March 12, 2014, the Board sent Respondent a letter stating the suspension for the
5 positive drug test for alcohol had been lifted and that Respondent was authorized to return to
6 work. The letter also stated "Additionally, it is highly recommended that you submit a copy(s) of
7 any and all prescriptions immediately upon receipt to avoid unnecessary suspension."

8 46. On July 10, 2014, the Board sent Respondent a third Notice of Suspension due to a
9 positive drug screening for marijuana. Respondent was again advised that her license was
10 suspended and she was directed to submit a written explanation for the positive drug test to the
11 board, as well as legible copies of any or all recent prescriptions within five days of the notice.

12 47. On or about July 11, 2014, Respondent emailed the Board with an explanation of her
13 marijuana usage and attached physician's written recommendation dated December 6, 2013.

14 48. On July 11, 2014, the Board responded to Respondent's email stating that the
15 authorization on file at the Board is for the compassionate use of marijuana dated October 15,
16 2010, and the suspension was lifted.

17 49. On January 7, 2015, the Board sent Respondent a fourth Notice of Suspension due to
18 a positive drug screening for buprenorphine. Respondent was again advised that her license was
19 suspended and she was directed to submit a written explanation for the positive drug test to the
20 board, as well as legible copies of any or all recent prescriptions within five days of the notice.

21 50. On or about January 8, 2015, Respondent supplied to the Board a prescription for
22 buprenorphine (Suboxone) under the name, Megan Guarnari, which was not her legal maiden
23 name or the name listed on her New York marriage certificate.

24 51. On or about January 12, 2015, Respondent finally provided an updated
25 comprehensive list of her medications and diagnoses via email. Respondent's list, however,
26 failed to include marijuana, which she regularly used.

27 52. On January 15, 2015, Respondent provided a prescription for buprenorphine. The
28 prescription was not from her usual physician.

1 **THIRD CAUSE TO REVOKE PROBATION**

2 **(False or Misleading Statements on Quarterly Reports)**

3 53. Respondent's probation is subject to revocation because in 2015 she made false or
4 misleading statements on her mandatory quarterly reports in 2015 regarding her hours worked at
5 two pharmacies.

6 54. At all times after the effective date of Respondent's probation, Condition 2 stated:

7 **2. Report to the Board**

8 Respondent shall report to the Board quarterly, on a schedule as directed by
9 the Board or its designee. The report shall be made either in person or in writing, as
10 directed. Among other requirements, Respondent shall state in each report under
11 penalty of perjury whether there has been compliance with all the terms and
12 conditions of probation. Failure to submit timely reports in a form as directed shall
13 be considered a violation of probation. Any period(s) of delinquency in submission
14 of reports as directed may be added to the total period of probation. Moreover, if
15 the final probation report is not made as directed, probation shall be automatically
16 extended until such time as the final report is made and accepted by the Board.

17 55. At all times after the effective date of Respondent's probation, Condition 13 stated:

18 **13. Tolling of Probation**

19 Except during periods of suspension, Respondent shall, at all times while on
20 probation, be employed as a pharmacist in California for a minimum of 40 hours
21 per calendar month. Any month during which this minimum is not met shall toll
22 the period of probation, i.e., the period of probation shall be extended by one month
23 for each month during which this minimum is not met. During any such period of
24 tolling of probation, Respondent must nonetheless comply with all terms and
25 conditions of probation.

26 Should Respondent, regardless of residency, for any reason (including
27 vacation) cease practicing as a pharmacist for a minimum of 40 hours per calendar
28 month in California, Respondent must notify the Board in writing within ten (10)
days of the cessation of practice, and must further notify the Board in writing within
ten (10) days of the resumption of practice. Any failure to provide such
notification(s) shall be considered a violation of probation.

It is a violation of probation for Respondent's probation to remain tolled
pursuant to the provisions of this condition for a total period, counting consecutive
and non-consecutive months, exceeding thirty-six (36) months.

"Cessation of practice" means any calendar month during which Respondent
is not practicing as a pharmacist for at least 40 hours, as defined by Business and
Professions Code section 4000 et seq. "Resumption of practice" means any
calendar month during which Respondent is practicing as a pharmacist for at least
40 hours as a pharmacist as defined by Business and Professions Code section 4000
et seq.

Respondent is required to practice as a pharmacist in a licensed pharmacy
setting that dispenses medication for a minimum of one year prior to the completion

1 of probation. After the first year of probation, the Board or its designee may
2 consider a modification of this requirement. If Respondent fails to comply with this
3 requirement or a subsequent modification thereto, such failure shall be considered a
4 violation of probation.

5 56. In 2015, Respondent submitted quarterly reports to the Board in April, July, and
6 September. Each report stated in relevant part:

7 "I am employed as a staff pharmacist at San Gabriel Medical Pharmacy in
8 West Covina and am per diem at Quality Specialty in Torrance. My typical work
9 hours at San Gabriel Medical Pharmacy are Monday & Friday from 1pm-7pm, but
10 hours vary. In addition, I work approx. 1 Saturday per month from 10am-2pm. I
11 work at Qualify Specialty pharmacy on a per-diem basis only."

12 57. When interviewed in October 2015, Respondent's supervisor at Quality Specialty
13 Pharmacy in Torrance stated that she did not work there in 2015.

14 58. Also in October 2015, a Board investigator obtained Respondent's employment
15 records from San Gabriel Medical Pharmacy. These showed that she worked there 15.75 hours in
16 January, 0 hours in February, 37.5 hours in March, 17.5 hours in April, 14 hours in May, 0 hours
17 in June, 33.45 hours in July, and 35.25 hours in August.

18 59. Had Respondent been working what she called her "typical work hours" she would
19 have been working roughly 52 hours per month, more than the 40 hours required by condition 13.
20 But she was not.

21 60. On October 23, 2015, the Board sent Respondent a letter saying that they were
22 extending her probation for, in part, failing to work 40 hours per month in January through June
23 2015 and August 2015.

24 61. Respondent's probation is subject to revocation under Conditions 2, 13, and 14
25 because her quarterly reports in April, July, and September 2015 all misrepresented her hours
26 worked at San Gabriel Medical Pharmacy and Quality Specialty Pharmacy and implied that she
27 had been in compliance with condition 13, when she had not been.

28 62. Complainant realleges paragraphs 3, 4, and 18 to 21.

///
///
///
///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

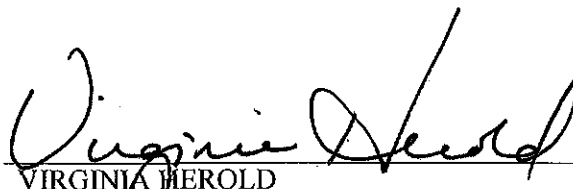
PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged in this First Amended Petition to Revoke Probation, and that following the hearing, the Board issue a decision:

1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3526 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 60791 issued to Megan Brigid Harwood;
2. Revoking or suspending Pharmacist License No. RPH 60791, issued to Megan Brigid Harwood; and
3. Taking such other and further action as deemed necessary and proper.

DATED: _____

1/27/16



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

LA2015500313
51697880_5.doc

1 KAMALA D. HARRIS
Attorney General of California
2 LINDA K. SCHNEIDER
Senior Assistant Attorney General
3 MARC D. GREENBAUM
Supervising Deputy Attorney General
4 State Bar No. 138213
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2579
6 Facsimile: (213) 897-2804
Attorneys for Complainant
7

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

11 In the Matter of the Accusation and Petition to
12 Revoke Probation Against,

Case No. 5403

13 **MEGAN BRIGID HARWOOD**
14 2931 Delor Drive
Los Angeles, CA 90032

**ACCUSATION AND
PETITION TO REVOKE PROBATION**

15 Pharmacist License No. RPH 60791

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

23 2. On or about March 7, 2008, the Board of Pharmacy issued Pharmacist License
24 Number RPH 60791 to Megan Brigid Harwood (Respondent). The Pharmacist License was in
25 effect at all times relevant to the charges brought herein and will expire on July 31, 2015, unless
26 renewed.

27 3. In a disciplinary action entitled "*In the Matter of Accusation Against Megan Brigid*
28 *Harwood*," Case No. 3526, the Board of Pharmacy, issued a decision, effective November 23,

1 2011, in which Respondent's Pharmacist License was revoked. However, the revocation was
2 stayed and Respondent's Pharmacist License was placed on probation for a period of three (3)
3 years with certain terms and conditions. Furthermore, Respondent's probation was tolled for a
4 period of time and is now scheduled to end on February 22, 2015. A copy of that decision is
5 attached as Exhibit A and is incorporated by reference.

6 **ACCUSATION - JURISDICTION**

7 4. This Accusation is brought before the Board under the authority of the following
8 laws. All section references are to the Business and Professions Code (Code) unless otherwise
9 indicated.

10 5. Section 4300 of the Code states, in pertinent part:

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

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

15 "(1) Suspending judgment.

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

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

18 "(4) Revoking his or her license.

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

21 (d) The board may initiate disciplinary proceedings to revoke or suspend any
22 probationary certificate of licensure for any violation of the terms and conditions of probation.
23 Upon satisfactory completion of probation, the board shall convert the probationary certificate to
24 a regular certificate, free of conditions. . . ."

25 6. Section 4300.1 of the Code states, in pertinent part:

26 "The expiration, cancellation, forfeiture, or suspension of a board-issued license by
27 operation of law or by order or decision of the board or a court of law, the placement of a license
28 on a retired status, or the voluntary surrender of a license by a licensee shall not deprive the board

1 of jurisdiction to commence or proceed with any investigation of, or action or disciplinary
2 proceeding against, the licensee or to render a decision suspending or revoking the license."

3 **STATUTES AND REGULATIONS**

4 7. Section 4301 of the Code states, in pertinent part:

5 The board shall take action against any holder of a license who is guilty of unprofessional
6 conduct or whose license has been procured by fraud or misrepresentation or issued by mistake.

7 Unprofessional conduct shall include, but is not limited to, any of the following:

8

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

12

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

18

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

21

22 (o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
23 violation of or conspiring to violate any provision or term of this chapter [Pharmacy Law] or of
24 the applicable federal and state laws and regulations governing pharmacy, including regulations
25 established by the board or by any other state or federal regulatory agency.

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

27 ///

28 ///

1 8. Health and Safety Code section 11550, subdivision (a), states, in pertinent part:
2 “No person shall use, or be under the influence of any controlled substance which is
3 (1) specified in subdivision (b), (c), or (e), or paragraph (1) of subdivision (f) of Section 11054,
4 specified in paragraph (14), (15), (21), (22), or (23) of subdivision (d) of Section 11054, specified
5 in subdivision (b) or (c) of Section 11055, or specified in paragraph (1) or (2) of subdivision (d)
6 or in paragraph (3) of subdivision (e) of Section 11055, or (2) a narcotic drug classified in
7 Schedule III, IV, or V, except when administered by or under the direction of a person licensed
8 by the state to dispense, prescribe, or administer controlled substances. . . .”

9 **CONTROLLED SUBSTANCE / DANGEROUS DRUG**

10 9. Adderall, a trade name for a combination drug containing amphetamine and
11 dextroamphetamine, is a Scheduled II controlled substance pursuant to Health and Safety Code
12 section 11055, subdivision (d)(1), and is a dangerous drug pursuant to section 4022 of the Code.

13 10. Amphetamine is a Scheduled II controlled substance as defined in Health and Safety
14 Code section 11055, subdivision (d)(1), and is a dangerous drug pursuant to section 4022 of the
15 Code.

16 11. Benzodiazepine is a Schedule IV controlled substance pursuant to Health and Safety
17 Code section 11057, subdivision (d), and is a dangerous drug pursuant to section 4022 of the
18 Code.

19 12. Buprenorphine is a Schedule V controlled substance pursuant to Health and Safety
20 Code section 11058, subdivision (d), and is a dangerous drug pursuant to section 4022 of the
21 Code.

22 13. Hydrocodone is a Schedule II controlled substance pursuant to Health and Safety
23 Code section 11055, subdivision (b)(1)(I), and is a dangerous drug pursuant to section 4022 of the
24 Code.

25 14. Marijuana, hashish and tetrahydrocannabinols (concentrated marijuana) are
26 hallucinogenic Schedule I controlled substances under State and federal law. (§11054, subds.
27 (d)(13) and (20); 21 U.S.C. § 812.) Marijuana is also a dangerous drug as defined in Business
28 and Professions Code section 4022. Possession of a controlled substance is illegal under federal

1 law (21 U.S.C. § 844), and the Pharmacy Law (Bus. & Prof. Code, § 4000 et seq.) prohibits a
2 person from possessing any controlled substance without a valid prescription. (Bus. & Prof.
3 Code, § 4060.) (*In the Matter of Accusation Against Daniel Mark Kaldas* (2013) Board of
4 Pharmacy, Department of Consumer Affairs, No. 4176, p. 7.)

5 15. Norco, a brand name for a combination drug containing Hydrocodone and
6 Acetaminophen (APAP), is a Schedule III controlled substance pursuant to Health and Safety
7 Code section 11056, subdivision (e), and is a dangerous drug pursuant to section 4022 of the
8 Code.

9 16. Nordiazepam, a benzodiazepine, is a Schedule III controlled substance pursuant to
10 Health and Safety Code section 11056, subdivision (b)(2), and is a dangerous drug pursuant to
11 section 4022 of the Code.

12 17. Oxazepam, a benzodiazepine, is a Schedule III controlled substance pursuant to
13 Health and Safety Code section 11056, subdivision (b)(2), and is a dangerous drug pursuant to
14 section 4022 of the Code.

15 18. Suboxone, a brand name for a combination drug containing buprenorphine and
16 naloxone, is classified as a Schedule IV controlled substance pursuant to Health and Safety Code
17 section 11058, subdivision (d), and is a dangerous drug pursuant to section 4022 of the Code.

18 19. Tramadol is a dangerous drug pursuant to section 4022 of the Code.

19 20. Temazepam is a Schedule IV controlled substance pursuant to Health and Safety
20 Code section 11057, subdivision (d)(29), and is a dangerous drug pursuant to section 4022 of the
21 Code.

22 **COST RECOVERY**

23 21. Section 125.3 of the Code provides, in pertinent part, that the Board may request the
24 administrative law judge to direct a licentiate found to have committed a violation or violations of
25 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
26 enforcement of the case, with failure of the licentiate to comply subjecting the license to not
27 being renewed or reinstated. If a case settles, recovery of investigation and enforcement costs
28 may be included in a stipulated settlement.

1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

3 22. Respondent is subject to disciplinary action under Code section 4301, subdivision (f),
4 on the grounds of unprofessional conduct, in that Respondent committed acts involving moral
5 turpitude, dishonesty, fraud, deceit, or corruption. On or about November 20, 2014, an
6 Alhambra Police Department officer responded to a petty theft report at Kohl's. Upon arriving at
7 Kohl's, the officer contacted a Kohl's loss prevention associate, and learned that Respondent had
8 concealed unpaid merchandises inside her bag and walked outside of the store. The loss
9 prevention associate had escorted Respondent to loss prevention office, but Respondent was upset
10 and tried to leave the office. Respondent was arrested for violating Penal Code section 484,
11 subdivision (a) [petty theft]. At the time of booking, Respondent listed her occupation as
12 "TECH," instead of pharmacist. *People of the State of California v. Megan Brigid Harwood*
13 (Muni. Ct., Alhambra Dist., L.A. County, No. 4AH05041) is pending for adjudication.

14 **SECOND CAUSE FOR DISCIPLINE**

15 **(Under the Influence of Controlled Substance / Dangerous Drugs)**

16 23. Respondent is subject to disciplinary action under sections 4300, subdivision (a), and
17 4301, subdivisions (h) and (j), on the grounds of unprofessional conduct, in conjunction with
18 Health and Safety Code section 11550, in that Respondent administered to himself controlled
19 substances, and/or dangerous drugs without valid prescriptions, as follows:

- 20 a. On or about May 9, 2012 and May 16, 2012, Respondent tested positive for
21 Amphetamine.
- 22 b. On or about July 10, 2014, Respondent tested positive for Marijuana.
- 23 c. On or about November 20, 2014, Respondent tested positive for Buprenorphine.

24 **THIRD CAUSE FOR DISCIPLINE**

25 **(Unprofessional Conduct / Violating Pharmacy Law)**

26 24. Respondent is subject to disciplinary action under Code sections 4301, subdivisions
27 (o) and (p), in that Respondent committed acts violating the Pharmacy Law and / or federal and
28 state laws that would have warranted denial of a license. Complainant refers to and by this

1 reference incorporates the allegations set forth above in paragraph 22, inclusive, as though set
2 forth fully.

3 **PETITION TO REVOKE PROBATION**

4 25. This Petition to Revoke Probation is brought before the Board under the authority of
5 the following laws. All section references are to the Business and Professions Code (Code)
6 unless otherwise indicated.

7 26. This Petition to Revoke Probation is brought before the Board under Probation Term
8 and Condition Number 14 of the Decision and Order of the Board in "*In the Matter of Accusation*
9 *Against Megan Brigid Harwood*," Case No. 3526. That term and condition states:

10 **“Violation of Probation:**

11 If a Respondent has not complied with any term or condition of probation, the
12 Board shall have continuing jurisdiction over Respondent, and probation shall
13 automatically be extended, until all terms and conditions have been satisfied or the
14 Board has taken other action as deemed appropriate to treat the failure to comply as
15 a violation of probation, to terminate probation, and to impose the penalty that was
16 stayed.

17 If Respondent violates probation in any respect, the Board, after giving
18 Respondent notice and an opportunity to be heard, may revoke probation and carry
19 out the disciplinary order that was stayed. Notice and opportunity to be heard are not
20 required for those provisions stating that a violation thereof may lead to automatic
21 termination of the stay and/or revocation of the license. If a petition to revoke
22 probation or an accusation is filed against Respondent during probation, the Board
23 shall have continuing jurisdiction and the period of probation shall be automatically
24 extended until the petition to revoke probation or accusation is heard and decided.

25 27. The Board issued a Decision and Order effective on November 23, 2011, in which
26 Respondent’s Pharmacist License was placed on probation for three (3) years with certain terms
27 and conditions. Furthermore, Respondent’s probation was tolled for a period of time and is now
28 scheduled to end on February 22, 2015.

29 **FIRST CAUSE TO REVOKE PROBATION**

30 **(Failure to Obey All Laws)**

31 28. At all times after the effective date of Respondent’s probation, Condition 1 stated:

32 **“Obey All Laws:**

33 Respondent shall obey all state and federal laws and regulations. Respondent
34 shall report any of the following occurrences to the Board, in writing, within
35 seventy-two (72) hours of such occurrence:

- 36 - an arrest or issuance of a criminal complaint for violation of any provision of
37 the Pharmacy Law, state and federal food and drug laws, or state and federal
38 controlled substances laws

- a plea of guilty or nolo contendere in any state or federal criminal proceeding to any criminal complaint, information or indictment
 - a conviction of any crime
 - discipline, citation, or other administrative action filed by any state or federal agency which involves Respondent's pharmacist license or which is related to the practice of pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging for any drug, device or controlled substance.
- Failure to timely report such occurrence shall be considered a violation of probation.”

29. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 1, referenced above. The facts and circumstances regarding this violation are as follows:

b. Respondent failed to obey all state laws and regulations on or about November 20, 2014. Complainant refers to, and by this reference incorporates, the allegations set forth above in paragraph 9, inclusive, as though set forth fully.

c. Respondent failed to submit, in writing, a full and detailed account of any and all violations of the law to the Board within seventy-two (72) hours of such occurrence.

SECOND CAUSE TO REVOKE PROBATION

(Failure to Pay Reimbursement of Board costs)

30. At all times after the effective date of Respondent's probation, Condition 8 stated:

“Reimbursement of Board Costs:

As a condition precedent to successful completion of probation, Respondent shall pay to the Board its costs of investigation and prosecution in the amount of \$5,400. Respondent shall make said payments as follows: Beginning within thirty days of the effective date of this Decision and Order, Respondent shall make thirty-six consecutive monthly payments to the Board in the amount of \$150.00. “

31. Respondent's probation is subject to revocation because she failed to comply with Probation Condition 8, referenced above. The facts and circumstances regarding this violation are as follows:

a. On or about September 12, 2012, the Board sent Respondent a letter informing her of her failure to submit payments in June and August, 2012, in the amount of \$300 no later than September 26, 2012.

b. On or about September 26, 2012, Respondent failed to submit her payments to the Board.

1 **THIRD CAUSE TO REVOKE PROBATION**

2 **(Failure to Pay Probation Monitoring Costs)**

3 32. At all times after the effective date of Respondent’s probation, Condition 9 stated:
4 **“Probation Monitoring Costs:**

5 Respondent shall pay any costs associated with probation monitoring as
6 determined by the Board each and every year of probation. Such costs shall be
7 payable to the Board on a schedule as directed by the Board or its designee. Failure
8 to pay such costs by the deadline(s) as directed shall be considered a violation of
9 probation.”

10 33. Respondent’s probation is subject to revocation because she failed to comply with
11 Probation Condition 9, referenced above. The facts and circumstances regarding this violation
12 are as follows:

13 a. On or about December 5, 2014, the Board sent Respondent a letter informing her that
14 the probation monitoring costs for the period of November 23, 2013 through November 22, 2014
15 amounted to \$102. Respondent was directed to submit a payment for the monitoring costs within
16 15 days of the date of the letter.

17 b. On or about January 7, 2015, the Board sent Respondent a non-compliance letter for
18 failure to pay monitoring costs within 15 days as directed. Respondent was again directed to pay
19 monitoring costs within 15 days. The Board received the payment for monitoring costs on or
20 about January 13, 2015.

21 **FOURTH CAUSE TO REVOKE PROBATION**

22 **(Failure to Notify Change in Name, Residence Address, Mailing Address or Employment)**

23 34. At all times after the effective date of Respondent’s probation, Condition 12 stated:

24 **“Notification of a Change in Name, Residence Address, Mailing Address
25 or Employment:**

26 Respondent shall notify the Board in writing within ten (10) days of any
27 change of employment. Said notification shall include the reasons for leaving, the
28 address of the new employer, the name of the supervisor and owner, and the work
schedule if known. Respondent shall further notify the Board in writing within ten (10) days of a change in name, residence address, mailing address, or phone number.”

35. Respondent’s probation is subject to revocation because she failed to comply with
Probation Condition 12, referenced above. The facts and circumstances regarding this violation
are as follows:

///

1 a. Respondent did not inform the Board that she changed her name due to marriage
2 during her probationary term.

3 b. On or about October 5, 2014, Respondent filled a prescription for Buprenorphine
4 prescribed under the name “Megan Gurnari.”

5 c. On or about January 20, 2015, Respondent sent an email to the Board stating that she
6 has not changed her name no plans to legally change her name with the Board or on her license.

7 d. On or about January 29, 2015, Respondent provided a marriage certificate from her
8 marriage in the state of New York on or about April 4, 2014, which lists her new surname as
9 Harwood-Gurnari.

10 **FIFTH CAUSE TO REVOKE PROBATION**

11 **(Failure to be Employed as a Pharmacist)**

12 36. At all times after the effective date of Respondent’s probation, Condition 13 stated:

13 **“Tolling of Probation:**

14 Except during periods of suspension, Respondent shall, at all times while on
15 probation, be employed as a pharmacist in California for a minimum of 40 hours per
16 calendar month. Any month during which this minimum is not met shall toll the
17 period of probation, i.e., the period of probation shall be extended by one month for
each month during which this minimum is not met. During any such period of
tolling of probation, Respondent must nonetheless comply with all terms and
conditions of probation.”

18 37. Respondent’s probation is subject to revocation because she failed to comply with
19 Probation Condition 13, referenced above, in that on or about September 12, 2012, the Board sent
20 Respondent a letter stating that the Board’s records indicate Respondent’s last date of
21 employment with CVS #1573 was February 17, 2012. Respondent’s probation was tolled from
22 March through April, 2012. Due to a period of unemployment, her probation had been tolled and
23 her new anticipated probation end date had been extended from November 22, 2014 to February
24 22, 2015.

25 **SIXTH CAUSE TO REVOKE PROBATION**

26 **(Failure to Abstain from Drugs and Alcohol Use)**

27 38. At all times after the effective date of Respondent’s probation, Condition 18 stated:

28 **“Abstain from Drugs and Alcohol Use:**

1 Respondent shall completely abstain from the possession or use of alcohol,
2 controlled substances, dangerous drugs and their associated paraphernalia except
3 when the drugs are lawfully prescribed by a licensed practitioner as part of a
4 documented medical treatment. Upon request of the Board or its designee,
5 Respondent shall provide documentation from the licensed practitioner that the
6 prescription for the drug was legitimately issued and is a necessary part of the
7 treatment of the Respondent. Failure to timely provide such documentation shall be
8 considered a violation of probation. Respondent shall ensure that she is not in the
9 same physical location as individuals who are using illicit substances even if
10 Respondent is not personally ingesting the drugs. Any possession or use of alcohol,
11 controlled substances, or their associated paraphernalia not supported by the
12 documentation timely provided, and/or any physical proximity to persons using
13 illicit substances, shall be considered a violation of probation.”

14 39. Respondent’s probation is subject to revocation because she failed to comply with
15 Probation Condition 18, referenced above. The facts and circumstances regarding this violation
16 are as follows:

17 a. On or about May 24, 2012, the Board sent Respondent a letter stating that she had
18 tested positive for Hydrocodone and Amphetamine on multiple drug screenings, however, the
19 prescriptions for these controlled substances on file with the Board were outdated as she had
20 only provided prescriptions written on November 22, 2011 and December 2, 2011. The
21 prescriptions prescribed within the last six months for Hydrocodone /APAP and Adderall were
22 requested to be sent within 10 days.

23 b. On or about June 6, 2012, Respondent provided current prescriptions for
24 Hydrocodone-Acetaminophen (Norco) and Adderall.

25 c. On or about July 1, 2013, the Board sent Respondent a non-compliance letter stating
26 that she had not been providing her updated prescription records to the Board and that if the
27 Board did not have the current prescription on file for a drug detected in a drug screen, her
28 license was subject to suspension.

29 d. On January 31, 2014, the Board sent Respondent a Notice of Suspension due to a
30 positive drug screening for Tramadol. Respondent was again advised that her license was
31 suspended and she was directed to submit a written explanation for the positive drug test to the
32 board, as well as legible copies of any or all recent prescriptions within five days of the notice

33 e. On or about February 1, 2014, the Board received an email from Respondent stating
34 that she had received a prescription for Tramadol on or about January 10, 2014 and that she did

1 not think she had to provide the prescription as it was not a controlled substance. Respondent
2 provided a copy of the prescription for Tramadol.

3 f. On or about February 3, the Board sent Respondent a letter stating the suspension for
4 the positive drug test for Tramadol had been lifted and that Respondent was authorized to return
5 to work.

6 g. On or about February 24, 2014, the Board sent Respondent a second Notice of
7 Suspension due to a positive drug screening for Phosphatidyl Ethanol (alcohol). Respondent was
8 again advised that her license was suspended and she was directed to submit a written explanation
9 for the positive drug test to the board, as well as legible copies of any or all recent prescriptions
10 within five days of the notice

11 h. On or about February 26, 2014, Respondent disputed the positive results for alcohol
12 and stated her belief that the positive drug screen must be a case of mistaken identity.

13 i. On or about March 4, 2014, after a further lab test was conducted for the positive
14 drug screen for alcohol, the test result concluded that the positive alcohol test was at a level that
15 have the chronic ingestion of Iberogast as one of the possible causes of the result. Iberogast is a
16 medication, a blend of herbs, that contains alcohol.

17 h. On or about March 11, 2014, Respondent send an email to the Board providing a
18 copy of a prescription for Iberogast.

19 i. On or about March 12, 2014, the Board sent Respondent a letter stating the
20 suspension for the positive drug test for Tramadol had been lifted and that Respondent was
21 authorized to return to work.

22 k. On or about July 10, 2014, the Board sent Respondent a third Notice of Suspension
23 due to a positive drug screening for Marijuana. Respondent was again advised that her license
24 was suspended and she was directed to submit a written explanation for the positive drug test to
25 the board, as well as legible copies of any or all recent prescriptions within five days of the
26 notice.

27 l. On or about July 11, 2014, Respondent emailed the Board with an explanation of her
28 Marijuana usage and attached an authorization dated December 6, 2013.

1 ///

2 m. On or about July 11, 2014, the Board responded to Respondent's email stating that
3 the authorization on file at the Board is for the compassionate use of marijuana dated October 15,
4 2010, and the suspension was lifted.

5 n. On or about November 24, 2014, the Board received positive drug test result for
6 Respondent for Amphetamine, Nordiazepam, Oxazepam, Marijuana Metabolite, Temazepam, and
7 Buprenorphine.

8 o. On or about January 7, 2015, a supervising inspector from the Board further reviewed
9 Respondent's medications and confirmed that the prescriptions listed by Respondent did not
10 account for the positive result for buprenorphine. Also, a doctor at FirstLab further confirmed
11 that the previously provided prescriptions would not account for a positive result for
12 buprenorphine.

13 p. On or about January 7, 2015, the Board sent Respondent a fourth Notice of
14 Suspension due to a positive drug screening for buprenorphine. Respondent was again advised
15 that her license was suspended and she was directed to submit a written explanation for the
16 positive drug test to the board, as well as legible copies of any or all recent prescriptions within
17 five days of the notice.

18 q. On or about January 8, 2015, Respondent supplied to the Board a prescription for
19 buprenorphine (Suboxone) under the name, Megan Guarnari, which is not her legal name.

20 r. On or about January 12, 2015, Respondent provided an updated comprehensive list of
21 her medications and diagnoses via email, however, Respondent failed to list Marijuana, for which
22 she regularly tests positive.

23 s. On or about January 15, 2015, Respondent provided to the Board a further
24 explanation of her use of buprenorphine.

25 Complainant refers to and by this reference incorporates the allegations set forth above in
26 paragraph 23, subparagraphs a through c, inclusive, as though set forth fully.

27 ///

28 ///

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

///

r. On or about January 12, 2015, Respondent provided an updated comprehensive list of her medications and diagnoses via email, however, Respondent failed to list Marijuana, for which she regularly tests positive.

s. On or about January 15, 2015, Respondent provided to the Board a further explanation of her use of buprenorphine.

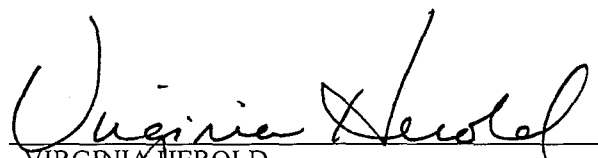
Complainant refers to and by this reference incorporates the allegations set forth above in paragraph 23, subparagraphs a through c, inclusive, as though set forth fully.

PRAYER

WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged in this Accusation and Petition to Revoke Probation, and that following the hearing, the Board issue a decision:

- 1. Revoking the probation that was granted by the Board of Pharmacy in Case No. 3526 and imposing the disciplinary order that was stayed thereby revoking Pharmacist License No. RPH 60791 issued to Megan Brigid Harwood;
- 2. Revoking or suspending Pharmacist License No. RPH 60791, issued to Megan Brigid Harwood;
- 3. Ordering Megan Brigid Harwood to pay the Board the reasonable costs of the investigation and enforcement of this case, pursuant to section 125.3 of the Code; and
- 4. Taking such other and further action as deemed necessary and proper.

DATED: 2/18/15


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

LA2015500313
51697880_3.doc

Exhibit A

**Decision and Order
Board of Pharmacy Case No. 3526**

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

In the Matter of the Accusation Against:

Case No. 3526

MEGAN BRIGID HARWOOD

1215 S. Citrus Avenue
Los Angeles, CA 90019

Pharmacist License No. RPH 60791

Respondent.

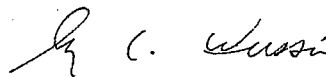
DECISION AND ORDER

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board of Pharmacy, Department of Consumer Affairs, as its Decision in this matter.

This decision shall become effective on November 23, 2011.

It is so ORDERED on October 24, 2011.

BOARD OF PHARMACY
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA



By

STANLEY C. WEISSER
Board President

1 KAMALA D. HARRIS
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 RANDY M. MAILMAN
Deputy Attorney General
4 State Bar No. 246134
300 So. Spring Street, Suite 1702
5 Los Angeles, CA 90013
Telephone: (213) 897-2442
6 Facsimile: (213) 897-2804
Attorneys for Complainant

7
8 **BEFORE THE**
BOARD OF PHARMACY
9 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA

10 In the Matter of the Accusation Against:

Case No. 3526

11 **MEGAN BRIGID HARWOOD**
12 **1215 S. Citrus Avenue**
13 **Los Angeles, CA 90019**
Pharmacist License No. RPH 60791

OAH No. L-2011030351
STIPULATED SETTLEMENT AND
DISCIPLINARY ORDER

14 Respondents.

15
16 In the interest of a prompt and speedy settlement of this matter, consistent with the public
17 interest and the responsibility of the Board of Pharmacy of the Department of Consumer Affairs,
18 the parties hereby agree to the following Stipulated Settlement and Disciplinary Order which will
19 be submitted to the Board for approval and adoption as the final disposition of the Accusation
20 solely with respect to Megan Brigid Harwood..

21 **PARTIES**

22 1. Virginia Herold ("Complainant") is the Executive Officer of the Board of Pharmacy.
23 She brought this action solely in her official capacity and is represented in this matter by Kamala
24 D. Harris, Attorney General of the State of California, by Randy M. Mailman, Deputy Attorney
25 General.

26 2. Megan Brigid Harwood ("Respondent") is represented in this proceeding by attorney
27 Samuel Spital, whose address is: 8880 Rio San Diego Drive, Ste 800, San Diego, CA 92108-
28 1642.

1 **1. Obey All Laws**

2 Respondent shall obey all state and federal laws and regulations.

3 Respondent shall report any of the following occurrences to the Board, in writing, within
4 seventy-two (72) hours of such occurrence:

- 5 • an arrest or issuance of a criminal complaint for violation of any provision of the
6 Pharmacy Law, state and federal food and drug laws, or state and federal controlled
7 substances laws
- 8 • a plea of guilty or nolo contendere in any state or federal criminal proceeding to any
9 criminal complaint, information or indictment
- 10 • a conviction of any crime
- 11 • discipline, citation, or other administrative action filed by any state or federal agency
12 which involves Respondent's pharmacist license or which is related to the practice of
13 pharmacy or the manufacturing, obtaining, handling, distributing, billing, or charging
14 for any drug, device or controlled substance.

15 Failure to timely report such occurrence shall be considered a violation of probation.

16 **2. Report to the Board**

17 Respondent shall report to the Board quarterly, on a schedule as directed by the Board or its
18 designee. The report shall be made either in person or in writing, as directed. Among other
19 requirements, Respondent shall state in each report under penalty of perjury whether there has
20 been compliance with all the terms and conditions of probation. Failure to submit timely reports
21 in a form as directed shall be considered a violation of probation. Any period(s) of delinquency
22 in submission of reports as directed may be added to the total period of probation. Moreover, if
23 the final probation report is not made as directed, probation shall be automatically extended until
24 such time as the final report is made and accepted by the Board.

25 **3. Interview with the Board**

26 Upon receipt of reasonable prior notice, Respondent shall appear in person for interviews
27 with the Board or its designee, at such intervals and locations as are determined by the Board or
28 its designee. Failure to appear for any scheduled interview without prior notification to Board

1 staff, or failure to appear for two (2) or more scheduled interviews with the Board or its designee
2 during the period of probation, shall be considered a violation of probation.

3 **4. Cooperate with Board Staff**

4 Respondent shall cooperate with the Board's inspection program and with the Board's
5 monitoring and investigation of Respondent's compliance with the terms and conditions of her
6 probation. Failure to cooperate shall be considered a violation of probation.

7 **5. Continuing Education**

8 Respondent shall provide evidence of efforts to maintain skill and knowledge as a
9 pharmacist as directed by the Board or its designee.

10 **6. Notice to Employers**

11 During the period of probation, Respondent shall notify all present and prospective
12 employers of the decision in case number 3526 and the terms, conditions and restrictions imposed
13 on Respondent by the decision, as follows:

14 Within thirty (30) days of the effective date of this decision, and within fifteen (15) days of
15 Respondent undertaking any new employment, Respondent shall cause her direct supervisor,
16 pharmacist-in-charge (including each new pharmacist-in-charge employed during Respondent's
17 tenure of employment) and owner to report to the Board in writing acknowledging that the listed
18 individual(s) has/have read the decision in case number 3526, and terms and conditions imposed
19 thereby. It shall be Respondent's responsibility to ensure that her employer(s) and/or
20 supervisor(s) submit timely acknowledgment(s) to the Board.

21 If Respondent works for or is employed by or through a pharmacy employment service,
22 Respondent must notify her direct supervisor, pharmacist-in-charge, and owner at every entity
23 licensed by the Board of the terms and conditions of the decision in case number 3526 in advance
24 of the Respondent commencing work at each licensed entity. A record of this notification must
25 be provided to the Board upon request.

26 Furthermore, within thirty (30) days of the effective date of this decision, and within fifteen
27 (15) days of Respondent undertaking any new employment by or through a pharmacy
28 employment service, Respondent shall cause her direct supervisor with the pharmacy

1 employment service to report to the Board in writing acknowledging that she has read the
2 decision in case number 3526 and the terms and conditions imposed thereby. It shall be
3 Respondent's responsibility to ensure that her employer(s) and/or supervisor(s) submit timely
4 acknowledgment(s) to the Board.

5 Failure to timely notify present or prospective employer(s) or to cause that/those
6 employer(s) to submit timely acknowledgments to the Board shall be considered a violation of
7 probation.

8 "Employment" within the meaning of this provision shall include any full-time,
9 part-time, temporary, relief or pharmacy management service as a pharmacist or any
10 position for which a pharmacist license is a requirement or criterion for employment,
11 whether the Respondent is an employee, independent contractor or volunteer.

12 **7. No Supervision of Interns, Serving as Pharmacist-in-Charge (PIC), Serving as**
13 **Designated Representative-in-Charge, or Serving as a Consultant**

14 During the period of probation, Respondent shall not supervise any intern pharmacist, be
15 the pharmacist-in-charge or designated representative-in-charge of any entity licensed by the
16 Board nor serve as a consultant unless otherwise specified in this order. Assumption of any such
17 unauthorized supervision responsibilities shall be considered a violation of probation.

18 **8. Reimbursement of Board Costs**

19 As a condition precedent to successful completion of probation, Respondent shall pay to the
20 Board its costs of investigation and prosecution in the amount of \$5,400. Respondent shall make
21 said payments as follows: Beginning within thirty days of the effective date of this Decision and
22 Order, Respondent shall make thirty-six consecutive monthly payments to the Board in the
23 amount of \$150.00.

24 There shall be no deviation from this schedule absent prior written approval by the Board or
25 its designee. Failure to pay costs by the deadline(s) as directed shall be considered a violation of
26 probation.

27 The filing of bankruptcy by Respondent shall not relieve Respondent of her responsibility
28 to reimburse the Board its costs of investigation and prosecution.

1 **9. Probation Monitoring Costs**

2 Respondent shall pay any costs associated with probation monitoring as determined by the
3 Board each and every year of probation. Such costs shall be payable to the Board on a schedule
4 as directed by the Board or its designee. Failure to pay such costs by the deadline(s) as directed
5 shall be considered a violation of probation.

6 **10. Status of License**

7 Respondent shall, at all times while on probation, maintain an active, current license with
8 the Board, including any period during which suspension or probation is tolled. Failure to
9 maintain an active, current license shall be considered a violation of probation.

10 If Respondent's license expires or is cancelled by operation of law or otherwise at any time
11 during the period of probation, including any extensions thereof due to tolling or otherwise, upon
12 renewal or reapplication Respondent's license shall be subject to all terms and conditions of this
13 probation not previously satisfied.

14 **11. License Surrender While on Probation/Suspension**

15 Following the effective date of this decision, should Respondent cease practice due to
16 retirement or health, or be otherwise unable to satisfy the terms and conditions of probation,
17 Respondent may tender her license to the Board for surrender. The Board or its designee shall
18 have the discretion whether to grant the request for surrender or take any other action it deems
19 appropriate and reasonable. Upon formal acceptance of the surrender of the license, Respondent
20 will no longer be subject to the terms and conditions of probation. This surrender constitutes a
21 record of discipline and shall become a part of the Respondent's license history with the Board.

22 Upon acceptance of the surrender, Respondent shall relinquish her pocket and wall license
23 to the Board within ten (10) days of notification by the Board that the surrender is accepted.
24 Respondent may not reapply for any license from the Board for three (3) years from the effective
25 date of the surrender. Respondent shall meet all requirements applicable to the license sought as
26 of the date the application for that license is submitted to the Board, including any outstanding
27 costs.

28

1 **12. Notification of a Change in Name, Residence Address, Mailing Address or**
2 **Employment**

3 Respondent shall notify the Board in writing within ten (10) days of any change of
4 employment. Said notification shall include the reasons for leaving, the address of the new
5 employer, the name of the supervisor and owner, and the work schedule if known. Respondent
6 shall further notify the Board in writing within ten (10) days of a change in name, residence
7 address, mailing address, or phone number.

8 Failure to timely notify the Board of any change in employer(s), name(s), address(es), or
9 phone number(s) shall be considered a violation of probation.

10 **13. Tolling of Probation**

11 Except during periods of suspension, Respondent shall, at all times while on probation, be
12 employed as a pharmacist in California for a minimum of 40 hours per calendar month. Any
13 month during which this minimum is not met shall toll the period of probation, i.e., the period of
14 probation shall be extended by one month for each month during which this minimum is not met.
15 During any such period of tolling of probation, Respondent must nonetheless comply with all
16 terms and conditions of probation.

17 Should Respondent, regardless of residency, for any reason (including vacation) cease
18 practicing as a pharmacist for a minimum of 40 hours per calendar month in California,
19 Respondent must notify the Board in writing within ten (10) days of the cessation of practice, and
20 must further notify the Board in writing within ten (10) days of the resumption of practice. Any
21 failure to provide such notification(s) shall be considered a violation of probation.

22 It is a violation of probation for Respondent's probation to remain tolled pursuant to the
23 provisions of this condition for a total period, counting consecutive and non-consecutive months,
24 exceeding thirty-six (36) months.

25 "Cessation of practice" means any calendar month during which Respondent is
26 not practicing as a pharmacist for at least 40 hours, as defined by Business and
27 Professions Code section 4000 et seq. "Resumption of practice" means any calendar
28

1 month during which Respondent is practicing as a pharmacist for at least 40 hours as
2 a pharmacist as defined by Business and Professions Code section 4000 et seq.

3 Respondent is required to practice as a pharmacist in a licensed pharmacy setting that
4 dispenses medication for a minimum of one year prior to the completion of probation. After the
5 first year of probation, the Board or its designee may consider a modification of this requirement.
6 If Respondent fails to comply with this requirement or a subsequent modification thereto, such
7 failure shall be considered a violation of probation.

8 **14. Violation of Probation**

9 If a Respondent has not complied with any term or condition of probation, the Board shall
10 have continuing jurisdiction over Respondent, and probation shall automatically be extended,
11 until all terms and conditions have been satisfied or the Board has taken other action as deemed
12 appropriate to treat the failure to comply as a violation of probation, to terminate probation, and
13 to impose the penalty that was stayed.

14 If Respondent violates probation in any respect, the Board, after giving Respondent notice
15 and an opportunity to be heard, may revoke probation and carry out the disciplinary order that
16 was stayed. Notice and opportunity to be heard are not required for those provisions stating that a
17 violation thereof may lead to automatic termination of the stay and/or revocation of the license. If
18 a petition to revoke probation or an accusation is filed against Respondent during probation, the
19 Board shall have continuing jurisdiction and the period of probation shall be automatically
20 extended until the petition to revoke probation or accusation is heard and decided.

21 **15. Completion of Probation**

22 Upon written notice by the Board or its designee indicating successful completion of
23 probation, Respondent's license will be fully restored.

24 **16. Random Drug Screening**

25 Respondent, at her own expense, shall participate in random testing, including but not
26 limited to biological fluid testing (urine, blood), breathalyzer, hair follicle testing, or other drug
27 screening program as directed by the Board or its designee. Respondent may be required to
28 participate in testing for the entire probation period and the frequency of testing will be

1 determined by the Board or its designee. At all times, Respondent shall fully cooperate with the
2 Board or its designee, and shall, when directed, submit to such tests and samples for the detection
3 of alcohol, narcotics, hypnotics, dangerous drugs or other controlled substances as the Board or
4 its designee may direct. Failure to timely submit to testing as directed shall be considered a
5 violation of probation. Upon request of the Board or its designee, Respondent shall provide
6 documentation from a licensed practitioner that the prescription for a detected drug was
7 legitimately issued and is a necessary part of the treatment of the Respondent. Failure to timely
8 provide such documentation shall be considered a violation of probation. Any confirmed positive
9 test for alcohol or for any drug not lawfully prescribed by a licensed practitioner as part of a
10 documented medical treatment shall be considered a violation of probation and shall result in the
11 automatic suspension of practice of pharmacy by Respondent. Respondent may not resume the
12 practice of pharmacy until notified by the Board in writing.

13 During suspension, Respondent shall not enter any pharmacy area or any portion of the
14 licensed premises of a wholesaler, veterinary food-animal drug retailer or any other distributor of
15 drugs which is licensed by the Board, or any manufacturer, or where dangerous drugs and devices
16 or controlled substances are maintained. Respondent shall not practice pharmacy nor do any act
17 involving drug selection, selection of stock, manufacturing, compounding, dispensing or patient
18 consultation; nor shall Respondent manage, administer, or be a consultant to any licensee of the
19 Board, or have access to or control the ordering, manufacturing or dispensing of dangerous drugs
20 and controlled substances. Respondent shall not resume practice until notified by the Board.

21 During suspension Respondent shall not engage in any activity that requires the
22 professional judgment of a pharmacist. Respondent shall not direct or control any aspect of the
23 practice of pharmacy. Respondent shall not perform the duties of a pharmacy technician or a
24 designated representative for any entity licensed by the Board.

25 Subject to the above restrictions, Respondent may continue to own or hold an interest in
26 any licensed premises in which she holds an interest at the time this decision becomes effective
27 unless otherwise specified in this order.

28 Failure to comply with this suspension shall be considered a violation of probation.

1 **17. Pharmacists Recovery Program (PRP)**

2 In the event that any of Respondent's biological samples confirm positive for any drug not
3 lawfully prescribed by a licensed practitioner as part of a documented medical treatment,
4 Respondent shall within thirty (30) days of the confirmed positive test, contact the Pharmacists
5 Recovery Program (PRP) for evaluation, and shall immediately thereafter enroll, successfully
6 participate in, and complete the treatment contract and any subsequent addendums as
7 recommended and provided by the PRP and as approved by the board or its designee. The costs
8 for PRP participation shall be borne by the respondent.

9 If respondent is currently enrolled in the PRP, said participation is now mandatory and as of
10 the effective date of this decision is no longer considered a self-referral under Business and
11 Professions Code section 4362(c)(2). Respondent shall successfully participate in and complete
12 his or her current contract and any subsequent addendums with the PRP.

13 Failure to timely contact or enroll in the PRP, or successfully participate in and complete
14 the treatment contract and/or any addendums, shall be considered a violation of probation.

15 Probation shall be automatically extended until respondent successfully completes the PRP.
16 Any person terminated from the PRP program shall be automatically suspended by the board.
17 Respondent may not resume the practice of pharmacy until notified by the board in writing.

18 Respondent shall pay administrative fees as invoiced by the PRP or its designee. Fees not
19 timely paid to the PRP shall constitute a violation for probation. The board will collect unpaid
20 administrative fees as part of the annual probation monitoring costs if not submitted to the PRP.

21 **18. Abstain from Drugs and Alcohol Use**

22 Respondent shall completely abstain from the possession or use of alcohol, controlled
23 substances, dangerous drugs and their associated paraphernalia except when the drugs are
24 lawfully prescribed by a licensed practitioner as part of a documented medical treatment. Upon
25 request of the Board or its designee, Respondent shall provide documentation from the licensed
26 practitioner that the prescription for the drug was legitimately issued and is a necessary part of the
27 treatment of the Respondent. Failure to timely provide such documentation shall be considered a
28 violation of probation. Respondent shall ensure that she is not in the same physical location as

1 individuals who are using illicit substances even if Respondent is not personally ingesting the
2 drugs. Any possession or use of alcohol, controlled substances, or their associated paraphernalia
3 not supported by the documentation timely provided, and/or any physical proximity to persons
4 using illicit substances, shall be considered a violation of probation.

5 **19. Community Services Program**

6 Within sixty (60) days of the effective date of this decision, Respondent shall submit to the
7 Board or its designee, for prior approval, a community service program in which Respondent
8 shall provide free health-care related services on a regular basis to a community or charitable
9 facility or agency for at least 100 hours during the first year of probation. Within thirty (30) days
10 of Board approval thereof, Respondent shall submit documentation to the Board demonstrating
11 commencement of the community service program. A record of this notification must be
12 provided to the Board upon request. Respondent shall report on progress with the community
13 service program in the quarterly reports. Failure to timely submit, commence, or comply with the
14 program shall be considered a violation of probation.

15 **20. Ethics Course**

16 Within sixty (60) calendar days of the effective date of this decision, Respondent shall
17 enroll in a course in ethics, at Respondent's expense, approved in advance by the Board or its
18 designee. Failure to initiate the course during the first year of probation, and complete it within
19 the second year of probation, is a violation of probation.

20 Respondent shall submit a certificate of completion to the Board or its designee within five
21 days after completing the course.

22 ///

23 ///

24 ///

25 ///

26 ///


27 ///

28

1 **ACCEPTANCE**

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully
3 discussed it with my attorney, Samuel Spital. I understand the stipulation and the effect it will
4 have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order
5 voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the
6 Board of Pharmacy.

7
8 DATED: 8/7/2011


9 MEGAN BRIGID HARWOOD
Respondent

10 I have read and fully discussed with Respondent Megan Brigid Harwood the terms and
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.
12 I approve its form and content.

13 DATED: 8/7/11


14 Samuel Spital
Attorney for Respondent

15
16 **ENDORSEMENT**

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully
18 submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

19 DATED: _____

20 Respectfully submitted,
21 KAMALA D. HARRIS
Attorney General of California
22 KAREN B. CHAPPELLE
Supervising Deputy Attorney General

23
24
25 RANDY M. MAILMAN
Deputy Attorney General
26 Attorneys for Complainant

27 LA2009804721
28 60660238.doc

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

ACCEPTANCE

I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Samuel Spital. I understand the stipulation and the effect it will have on my Pharmacist License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Board of Pharmacy.

DATED: _____
MEGAN BRIGID HARWOOD
Respondent

I have read and fully discussed with Respondent Megan Brigid Harwood the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: _____
Samuel Spital
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board of Pharmacy of the Department of Consumer Affairs.

DATED: August 8, 2011

Respectfully submitted,
KAMALA D. HARRIS
Attorney General of California
KAREN B. CHAPPELLE
Supervising Deputy Attorney General



RANDY M. MAILMAN
Deputy Attorney General
Attorneys for Complainant

LA2009604721
60660238.doc

Exhibit A

Accusation No. 3526

1 EDMUND G. BROWN JR.
Attorney General of California
2 KAREN B. CHAPPELLE
Supervising Deputy Attorney General
3 State Bar No. 141267
300 So. Spring Street, Suite 1702
4 Los Angeles, CA 90013
Telephone: (213) 897-8944
5 Facsimile: (213) 897-2804

6 *Attorneys for Complainant*

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

11 In the Matter of the Accusation Against:

Case No. 3526

12 **MEGAN BRIGID HARWOOD**
13 **1215 S. Citrus Avenue**
14 **Los Angeles, CA 90019**

A C C U S A T I O N

15 **Pharmacist License No. RPH 60791**

16 Respondent.

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 March 7, 2008, the Board of Pharmacy (Board) issued Pharmacist
22 License No. RPH 60791 to Megan Brigid Harwood (Respondents). The Pharmacist License was
23 in full force and effect at all times relevant to the charges brought herein and will expire on July
24 31, 2011, unless renewed.

25 **JURISDICTION**

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

28 ///

STATUTORY PROVISIONS

1
2 4. Section 118, subdivision (b) provides, in pertinent part, that the expiration of a license
3 shall not deprive the Board jurisdiction to proceed with a disciplinary action during the period
4 within which the license may be renewed, restored, reissued or reinstated.

5 5. Section 492 states:

6 “Notwithstanding any other provision of law, successful completion of any diversion
7 program under the Penal Code, or successful completion of an alcohol and drug problem
8 assessment program under Article 5 (commencing with section 23249.50) of Chapter 12 of
9 Division 11 of the Vehicle Code, shall not prohibit any agency established under Division 2
10 ([Healing Arts] commencing with Section 500) of this code, or any initiative act referred to in that
11 division, from taking disciplinary action against a licensee or from denying a license for
12 professional misconduct, notwithstanding that evidence of that misconduct may be recorded in a
13 record pertaining to an arrest.

14 “This section shall not be construed to apply to any drug diversion program operated by any
15 agency established under Division 2 (commencing with Section 500) of this code, or any
16 initiative act referred to in that division.”

17 6. Section 4060 states:

18 “No person shall possess any controlled substance, except that furnished to a person upon
19 the prescription of a physician, dentist, podiatrist, optometrist, veterinarian, or naturopathic doctor
20 pursuant to Section 3640.7, or furnished pursuant to a drug order issued by a certified
21 nurse-midwife pursuant to Section 2746.51, a nurse practitioner pursuant to Section 2836.1, or a
22 physician assistant pursuant to Section 3502.1, or naturopathic doctor pursuant to Section 3640.5,
23 or a pharmacist pursuant to either subparagraph (D) of paragraph (4) of, or clause (iv) of
24 subparagraph (A) of paragraph (5) of, subdivision (a) of Section 4052. This section shall not
25 apply to the possession of any controlled substance by a manufacturer, wholesaler, pharmacy,
26 pharmacist, physician, podiatrist, dentist, optometrist, veterinarian, naturopathic doctor, certified
27 nurse-midwife, nurse practitioner, or physician assistant, when in stock in containers correctly
28 labeled with the name and address of the supplier or producer.

1 “Nothing in this section authorizes a certified nurse-midwife, a nurse practitioner, a
2 physician assistant, or a naturopathic doctor, to order his or her own stock of dangerous drugs and
3 devices.”

4 7. Section 4300 provides, in pertinent part, that every license issued by the Board is
5 subject to discipline, including suspension or revocation.

6 8. Section 4301 states, in pertinent part:

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

10

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

14

15 “(j) The violation of any of the statutes of this state, or any other state, or of the United
16 States regulating controlled substances and dangerous drugs.

17

18 “(o) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
19 violation of or conspiring to violate any provision or term of this chapter or of the applicable
20 federal and state laws and regulations governing pharmacy, including regulations established by
21 the board or by any other state or federal regulatory agency.”

22 **CONTROLLED SUBSTANCES**

23 9. “Ambien” a generic name for zolpidem tartrate, a nonbarbiturate hypnotic, is a
24 Schedule IV controlled substance as designated by Health and safety Code section 11057,
25 subdivision (d)(32), and is categorized as a dangerous drug pursuant to Business and Professions
26 Code section 4022.

27 10. “Amphetamine” is a Schedule II controlled substance as defined in Health and Safety
28 Code section 11055(d)(1) and is categorized as a dangerous drug pursuant to Business and

1 Professions Code section 4022.

2 11. "Benzodiazepine" is a dangerous drug according to Business and Professions Code
3 section 4022. It is a Schedule IV controlled substance as defined in Health and safety Code
4 section 11057(d).

5 12. "Buprenorphine" and all products containing buprenorphine are controlled in
6 Schedule III of the Controlled Substances Act.

7 13. "Lunesta" a trade name for eszopiclone a S-isomer of zopiclone, is a Schedule IV
8 controlled substance as designated by Health and Safety Code section 11057, subdivision (d), and
9 is categorized as a dangerous drug pursuant to Business and Professions Code section 4022.

10 14. "Phenvermine" a stimulant, is classified as a Schedule IV controlled substance
11 pursuant to the Health and Safety Code section 11057, subdivision (f)(4), and is a dangerous drug
12 within the meaning of Business and Professions Code section 4022.

13 15. "Ultram" a brand name for tramadol, an effective pain reliever (analgesic) and is
14 categorized as a dangerous drug pursuant to section 4022 of the Code.

15 16. "Valium" a trade name for the chemical substance diazepam, a benzodiazepam
16 derivative, is a Schedule IV controlled substance as designated by Health and Safety Code section
17 11057(d)(9) and is categorized as a dangerous drug pursuant to Business and Professions Code
18 section 4022.

19 17. "Vicoprofen" is the brand name for a fixed combination of hydrocodone, a narcotic
20 and controlled substance, and ibuprofen, an anti-inflammatory and analgesic, a Schedule III
21 controlled narcotic substance pursuant to Health and Safety Code section 11056(b)(4) and a
22 dangerous drug pursuant to Business and Professions Code section 4022(c).

23 COST RECOVERY

24 18. Section 125.3 states, in pertinent part, that the Board may request the administrative
25 law judge to direct a licentiate found to have committed a violation or violations of the licensing
26 act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the
27 case.

28 FIRST CAUSE FOR DISCIPLINE

1 **(Possession of Controlled Substances)**

2 19. Respondent is subject to disciplinary action under section 4301, subdivisions (j)
3 and/or (o), in that on or about February 8, 2009, Respondent was found to be in possession of
4 controlled substances and dangerous drugs in violation of code section 4060 without valid
5 prescriptions as follows:

6 a. On or about February 8, 2009, while at the Peace Arch Port of Entry (U.S./Canada
7 border), The Customs Border Protection Officer found Respondent in possession of a large
8 suitcase containing controlled substances, 1 Adderalol, a derivative of Amphetamine, 6
9 Suboxone, a derivative of Buprenorphine, 1 Vicoprofen, 6 Lunesta, 13 Ambien, 1 Valium, 2 1/2
10 Halcion, a derivative of Benzodiazepine, 1 1/2 Adipex-D, a derivative of Phentermine, Ultram,
11 and 4 Valtrex, 1 Inderal, 1 Celecoxib, 1 Clariten, and 2 Azithromycin, classified as dangerous
12 drugs.

13 b. On or about November 19, 2009, after Respondent filed a "*Statement on Plea of*
14 *Guilty*" with the Court, Respondent was convicted of one misdemeanor count of violating Revised
15 Code of Washington section 69.50.412 [use of drug paraphernalia], in the criminal proceeding
16 entitled *The People of the State of Washington v. Megan Brigid Harwood* (Super. Ct. Whatcom
17 County, 2009, No. 09-1-00176-9). The Court placed Respondent on Deferred Entry of Judgment
18 for 24 months.

19 **SECOND CAUSE FOR DISCIPLINE**

20 **(Acts Involving Moral Turpitude, Dishonesty, Fraud, Deceit, or Corruption)**

21 20. Respondent is subject to disciplinary action under section 4301, subdivisions (f), in
22 that Respondent committed acts involving moral turpitude, dishonesty, fraud, deceit, or
23 corruption. Complainant refers to, and by this reference incorporates, the allegations set forth
24 above in paragraph 12, subparagraphs (a) and (b), as though set forth fully.

25 **PRAYER**

26 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
27 and that following the hearing, the Board issue a decision:

28 1. Revoking or suspending Pharmacist License No. RPH 60791, issued to Megan Brigid

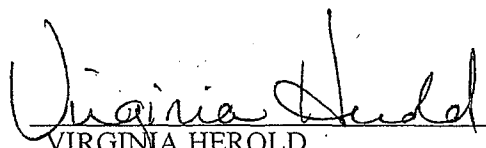
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Harwood;

2. Ordering Megan Brigid Harwood to pay the Board 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: 11/3/10


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

LA2009604721
60560940.doc