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

12 In the Matter of the Accusation Against:

Case No. 5939

13 **IVY JAYNE BECK**
2354 2nd Avenue
14 San Diego, CA 92101

A C C U S A T I O N

15 **Pharmacist License No. RPH 63804**

16 Respondent.

17
18 Complainant alleges:

19 **PARTIES**

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

22 2. On or about April 5, 2010, the Board issued Pharmacist License Number RPH 63804
23 to Ivy Jayne Beck (Respondent). The Pharmacist License was in full force and effect at all times
24 relevant to the charges brought herein and will expire on September 30, 2017, unless renewed.

25 **JURISDICTION**

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

1 4. Section 4300, subdivision (a) of the Code states: "Every license issued may be
2 suspended or revoked."

3 5. Section 4300.1 of the Code states:

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

8 STATUTORY PROVISIONS

9 6. Section 4301 of the Code provides, in pertinent part:

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

13 ...

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

17 COSTS

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

25 FACTUAL ALLEGATIONS

26 8. On or about October 7, 2015, Respondent contacted the pharmacist-in-charge of the
27 San Diego pharmacy where she was employed, and reported that she was not feeling well. Instead
28 of contacting her scheduler to find a replacement, Respondent reported to work at approximately

1 12:30 p.m. A staff pharmacist alerted the pharmacist-in-charge that Respondent did not appear fit
2 for duty (disheveled appearance, glossy eyes, mumbled speech, and the odor of alcohol on her
3 breath). The store manager confirmed that Respondent was impaired, and he immediately
4 removed her from the pharmacy after less than 10 minutes on the job. Respondent subsequently
5 admitted that she had consumed wine prior to going to work, and that she reported for work
6 knowing she was incapacitated.

7 **CAUSE FOR DISCIPLINE**

8 **(Dangerous Use of Alcohol)**

9 9. Respondent has subjected her registration to discipline under section 4301, subdivision
10 (h) of the Code for unprofessional conduct in that on or about October 7, 2015, she consumed
11 alcoholic beverages to the extent that she was impaired, and was unable to conduct her pharmacist
12 duties with safety, as described in paragraph 8, above.

13 **DISCIPLINARY CONSIDERATIONS**

14 10. To determine the degree of discipline, if any, to be imposed on Respondent,
15 Complainant alleges that on or about January 11, 2017, Citation Number CI-2006-73552 was
16 issued to Respondent pursuant to Code sections 4314 and 4301, subdivision (o) and California
17 Code of Regulations, title 16, section 1775 for a violation of Code section 4169, subdivision (a)(4)
18 (purchase, trade, sell, or transfer dangerous drugs or dangerous devices after or beyond use date
19 on the label). Citation Number CI-2006-73552 was issued to Respondent based upon on the facts
20 that on or about January 2, 2015, Respondent, while working at CVS 9141 located at 3151
21 University in San Diego, California, verified the filling of prescription RX 14875094 KS for 12.375
22 gm of Crinone 8 percent gel. The prescription was filled and subsequently dispensed with single-
23 use prefilled applicators of Crinone 8 percent gel which expired in or around October of 2014,
24 November of 2014, and of December 2014. Respondent was ordered to pay an administrative fine
25 in the amount of \$1,500.00 by February 10, 2017.

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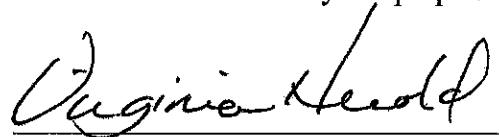
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PRAYER

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 63804, issued to Ivy Jayne Beck;
2. Ordering Ivy Jayne Beck 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: 7/1/17



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

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