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

11 In the Matter of the Accusation Against:

Case No. 6011

12 **ERIC STAFFORD JOHNSON**  
13 **38144 Blackranch Rd.**  
**Oakhurst, California 93644**

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

14 **Pharmacist License No. RPH 38375**

15 Respondent.

16  
17 Complainant alleges:

18 **PARTIES**

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

21 2. On or about March 22, 1984, the Board of Pharmacy issued Pharmacist License  
22 Number RPH 38375 to Eric Stafford Johnson ("Respondent"). The Pharmacist License was in full  
23 force and effect at all times relevant to the charges brought herein and will expire on September  
24 30, 2017, unless renewed.

25 **JURISDICTION**

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

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4. Code section 4083 states, in pertinent part:

(a) An inspector may issue an order of correction to a licensee directing the licensee to comply with this chapter or regulations adopted pursuant to this chapter.

(f) Nothing in this section shall in any way limit the board's authority or ability to do any of the following:

(3) Institute disciplinary proceedings pursuant to Article 19 (commencing with Section 4300).

5. Code section 4300 states, in pertinent part:

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

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

(1) Suspending judgment.

(2) Placing him or her upon probation.

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

(4) Revoking his or her license.

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

6. Code section 4300.1 states:

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

**STATUTORY PROVISIONS**

7. Code section 4301 states, in pertinent part:

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

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

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

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

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

9 (o) Violating or attempting to violate, directly or indirectly, or assisting in or  
10 abetting the violation of or conspiring to violate any provision or term of this  
11 chapter or of the applicable federal and state laws and regulations governing  
12 pharmacy, including regulations established by the board or by any other state or  
13 federal regulatory agency.

14 8. Health and Safety Code section 11170 states, "No person shall prescribe, administer,  
15 or furnish a controlled substance for himself."

16 9. Health and Safety Code section 11171 states, "No person shall prescribe, administer,  
17 or furnish a controlled substance except under the conditions and in the manner provided by this  
18 division."

19 10. Health and Safety Code section 11173, subdivision (a) states:

20 No person shall obtain or attempt to obtain controlled substances, or procure or  
21 attempt to procure the administration of or prescription for controlled substances,  
22 (1) by fraud, deceit, misrepresentation, or subterfuge; or (2) by the concealment of  
23 a material fact.

#### 24 COST RECOVERY

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

#### 29 DRUG CLASSIFICATIONS

30 12. Lorazepam is a Schedule IV controlled substance as designated by Health and Safety  
31 Code section 11057(d)(16) and a dangerous drug pursuant to Code section 4022. Lorazepam is  
32 used to treat anxiety and is a mind-altering drug.

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1 THIRD CAUSE FOR DISCIPLINE

2 (Commission of Acts Involving Fraud or Deceit)

3 16. Respondent is subject to disciplinary action for unprofessional conduct under Code  
4 section 4301, subdivision (f), in that on or about and between May 1, 2015, and January 8, 2016,  
5 Respondent committed acts involving fraud or deceit when Respondent stole lorazepam and  
6 promethazine with codeine from his place of employment while he was working as a pharmacist.

7 FOURTH CAUSE FOR DISCIPLINE

8 (Violating Laws Governing Pharmacy)

9 17. Respondent is subject to disciplinary action for unprofessional conduct under Code  
10 section 4301, subdivision (o), in that Respondent violated terms or provisions of the Pharmacy  
11 Law, as set forth above in paragraphs 14 through 16, above.

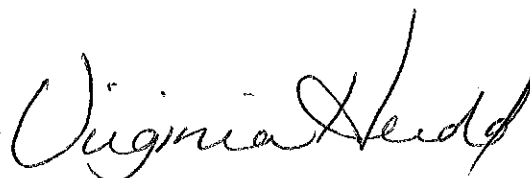
12 PRAYER

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

- 15 1. Revoking or suspending Pharmacist License Number RPH 38375, issued to Eric
- 16 Stafford Johnson;
- 17 2. Ordering Eric Stafford Johnson to pay the Board of Pharmacy the reasonable costs of
- 18 the investigation and enforcement of this case, pursuant to Business and Professions Code section
- 19 125.3; and,
- 20 3. Taking such other and further action as deemed necessary and proper.

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

1/27/17

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

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